



Sen. Mattie Hunter

Filed: 5/11/2011

09700HB1707sam001

LRB097 10514 CEL 55415 a

1 AMENDMENT TO HOUSE BILL 1707

2 AMENDMENT NO. _____. Amend House Bill 1707 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Child Care Act of 1969 is amended by
5 changing Section 7 as follows:

6 (225 ILCS 10/7) (from Ch. 23, par. 2217)

7 Sec. 7. (a) The Department must prescribe and publish
8 minimum standards for licensing that apply to the various types
9 of facilities for child care defined in this Act and that are
10 equally applicable to like institutions under the control of
11 the Department and to foster family homes used by and under the
12 direct supervision of the Department. The Department shall seek
13 the advice and assistance of persons representative of the
14 various types of child care facilities in establishing such
15 standards. The standards prescribed and published under this
16 Act take effect as provided in the Illinois Administrative

1 Procedure Act, and are restricted to regulations pertaining to
2 the following matters and to any rules and regulations required
3 or permitted by any other Section of this Act:

4 (1) The operation and conduct of the facility and
5 responsibility it assumes for child care;

6 (2) The character, suitability and qualifications of
7 the applicant and other persons directly responsible for
8 the care and welfare of children served. All child day care
9 center licensees and employees who are required to report
10 child abuse or neglect under the Abused and Neglected Child
11 Reporting Act shall be required to attend training on
12 recognizing child abuse and neglect, as prescribed by
13 Department rules;

14 (3) The general financial ability and competence of the
15 applicant to provide necessary care for children and to
16 maintain prescribed standards;

17 (4) The number of individuals or staff required to
18 insure adequate supervision and care of the children
19 received. The standards shall provide that each child care
20 institution, maternity center, day care center, group
21 home, day care home, and group day care home shall have on
22 its premises during its hours of operation at least one
23 staff member certified in first aid, in the Heimlich
24 maneuver and in cardiopulmonary resuscitation by the
25 American Red Cross or other organization approved by rule
26 of the Department. Child welfare agencies shall not be

1 subject to such a staffing requirement. The Department may
2 offer, or arrange for the offering, on a periodic basis in
3 each community in this State in cooperation with the
4 American Red Cross, the American Heart Association or other
5 appropriate organization, voluntary programs to train
6 operators of foster family homes and day care homes in
7 first aid and cardiopulmonary resuscitation;

8 (5) The appropriateness, safety, cleanliness and
9 general adequacy of the premises, including maintenance of
10 adequate fire prevention and health standards conforming
11 to State laws and municipal codes to provide for the
12 physical comfort, care and well-being of children
13 received;

14 (6) Provisions for food, clothing, educational
15 opportunities, program, equipment and individual supplies
16 to assure the healthy physical, mental and spiritual
17 development of children served;

18 (7) Provisions to safeguard the legal rights of
19 children served;

20 (8) Maintenance of records pertaining to the
21 admission, progress, health and discharge of children,
22 including, for day care centers and day care homes, records
23 indicating each child has been immunized as required by
24 State regulations. The Department shall require proof that
25 children enrolled in a facility have been immunized against
26 Haemophilus Influenzae B (HIB);

1 (9) Filing of reports with the Department;

2 (10) Discipline of children;

3 (11) Protection and fostering of the particular
4 religious faith of the children served;

5 (12) Provisions prohibiting firearms on day care
6 center premises except in the possession of peace officers;

7 (13) Provisions prohibiting handguns on day care home
8 premises except in the possession of peace officers or
9 other adults who must possess a handgun as a condition of
10 employment and who reside on the premises of a day care
11 home;

12 (14) Provisions requiring that any firearm permitted
13 on day care home premises, except handguns in the
14 possession of peace officers, shall be kept in a
15 disassembled state, without ammunition, in locked storage,
16 inaccessible to children and that ammunition permitted on
17 day care home premises shall be kept in locked storage
18 separate from that of disassembled firearms, inaccessible
19 to children;

20 (15) Provisions requiring notification of parents or
21 guardians enrolling children at a day care home of the
22 presence in the day care home of any firearms and
23 ammunition and of the arrangements for the separate, locked
24 storage of such firearms and ammunition.

25 (b) If, in a facility for general child care, there are
26 children diagnosed as mentally ill, mentally retarded or

1 physically handicapped, who are determined to be in need of
2 special mental treatment or of nursing care, or both mental
3 treatment and nursing care, the Department shall seek the
4 advice and recommendation of the Department of Human Services,
5 the Department of Public Health, or both Departments regarding
6 the residential treatment and nursing care provided by the
7 institution.

8 (c) The Department shall investigate any person applying to
9 be licensed as a foster parent to determine whether there is
10 any evidence of current drug or alcohol abuse in the
11 prospective foster family. The Department shall not license a
12 person as a foster parent if drug or alcohol abuse has been
13 identified in the foster family or if a reasonable suspicion of
14 such abuse exists, except that the Department may grant a
15 foster parent license to an applicant identified with an
16 alcohol or drug problem if the applicant has successfully
17 participated in an alcohol or drug treatment program, self-help
18 group, or other suitable activities.

19 (d) The Department, in applying standards prescribed and
20 published, as herein provided, shall offer consultation
21 through employed staff or other qualified persons to assist
22 applicants and licensees in meeting and maintaining minimum
23 requirements for a license and to help them otherwise to
24 achieve programs of excellence related to the care of children
25 served. Such consultation shall include providing information
26 concerning education and training in early childhood

1 development to providers of day care home services. The
2 Department may provide or arrange for such education and
3 training for those providers who request such assistance.

4 (e) The Department shall distribute copies of licensing
5 standards to all licensees and applicants for a license. Each
6 licensee or holder of a permit shall distribute copies of the
7 appropriate licensing standards and any other information
8 required by the Department to child care facilities under its
9 supervision. Each licensee or holder of a permit shall maintain
10 appropriate documentation of the distribution of the
11 standards. Such documentation shall be part of the records of
12 the facility and subject to inspection by authorized
13 representatives of the Department.

14 (f) The Department shall prepare summaries of day care
15 licensing standards. Each licensee or holder of a permit for a
16 day care facility shall distribute a copy of the appropriate
17 summary and any other information required by the Department,
18 to the legal guardian of each child cared for in that facility
19 at the time when the child is enrolled or initially placed in
20 the facility. The licensee or holder of a permit for a day care
21 facility shall secure appropriate documentation of the
22 distribution of the summary and brochure. Such documentation
23 shall be a part of the records of the facility and subject to
24 inspection by an authorized representative of the Department.

25 (g) The Department shall distribute to each licensee and
26 holder of a permit copies of the licensing or permit standards

1 applicable to such person's facility. Each licensee or holder
2 of a permit shall make available by posting at all times in a
3 common or otherwise accessible area a complete and current set
4 of licensing standards in order that all employees of the
5 facility may have unrestricted access to such standards. All
6 employees of the facility shall have reviewed the standards and
7 any subsequent changes. Each licensee or holder of a permit
8 shall maintain appropriate documentation of the current review
9 of licensing standards by all employees. Such records shall be
10 part of the records of the facility and subject to inspection
11 by authorized representatives of the Department.

12 (h) Any standards involving physical examinations,
13 immunization, or medical treatment shall include appropriate
14 exemptions for children whose parents object thereto on the
15 grounds that they conflict with the tenets and practices of a
16 recognized church or religious organization, of which the
17 parent is an adherent or member, and for children who should
18 not be subjected to immunization for clinical reasons.

19 (i) The Department, in cooperation with the Department of
20 Public Health, shall work to increase immunization awareness
21 and participation among parents of children enrolled in day
22 care centers and day care homes by publishing on the
23 Department's website information about the benefits of ~~annual~~
24 immunization against vaccine preventable diseases, including
25 influenza and pertussis ~~for children 6 months of age to 5 years~~
26 ~~of age. The information for vaccine preventable diseases shall~~

1 include the incidence and severity of the diseases, the
2 availability of vaccines, and the importance of immunizing
3 children and persons who frequently have close contact with
4 children. The website content shall be reviewed annually in
5 collaboration with the Department of Public Health to reflect
6 the most current recommendations of the Advisory Committee on
7 Immunization Practices (ACIP). The Department shall work with
8 day care centers and day care homes licensed under this Act to
9 ensure that the information is annually distributed to parents
10 in August or September.

11 (Source: P.A. 96-391, eff. 8-13-09.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law."