



Sen. Toi W. Hutchinson

Filed: 2/19/2015

09900SB0098sam001

LRB099 06164 KTG 30840 a

1 AMENDMENT TO SENATE BILL 98

2 AMENDMENT NO. _____. Amend Senate Bill 98 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Public Aid Code is amended by
5 changing Section 9A-11 as follows:

6 (305 ILCS 5/9A-11) (from Ch. 23, par. 9A-11)

7 Sec. 9A-11. Child Care.

8 (a) The General Assembly recognizes that families with
9 children need child care in order to work. Child care is
10 expensive and families with low incomes, including those who
11 are transitioning from welfare to work, often struggle to pay
12 the costs of day care. The General Assembly understands the
13 importance of helping low income working families become and
14 remain self-sufficient. The General Assembly also believes
15 that it is the responsibility of families to share in the costs
16 of child care. It is also the preference of the General

1 Assembly that all working poor families should be treated
2 equally, regardless of their welfare status.

3 (b) To the extent resources permit, the Illinois Department
4 shall provide child care services to parents or other relatives
5 as defined by rule who are working or participating in
6 employment or Department approved education or training
7 programs. At a minimum, the Illinois Department shall cover the
8 following categories of families:

9 (1) recipients of TANF under Article IV participating
10 in work and training activities as specified in the
11 personal plan for employment and self-sufficiency;

12 (2) families transitioning from TANF to work;

13 (3) families at risk of becoming recipients of TANF;

14 (4) families with special needs as defined by rule; and

15 (5) working families with very low incomes as defined
16 by rule.

17 The Department shall specify by rule the conditions of
18 eligibility, the application process, and the types, amounts,
19 and duration of services. Eligibility for child care benefits
20 and the amount of child care provided may vary based on family
21 size, income, and other factors as specified by rule.

22 In determining income eligibility for child care benefits,
23 the Department annually, at the beginning of each fiscal year,
24 shall establish, by rule, one income threshold for each family
25 size, in relation to percentage of State median income for a
26 family of that size, that factors in recent changes to the

1 State minimum wage rate to ensure otherwise qualified families
2 are not disqualified whenever the State minimum wage rate is
3 increased, and that makes families with incomes below the
4 specified threshold eligible for assistance and families with
5 incomes above the specified threshold ineligible for
6 assistance. Through and including fiscal year 2007, the
7 specified threshold must be no less than 50% of the
8 then-current State median income for each family size.
9 Beginning in fiscal year 2008, the specified threshold must be
10 no less than 185% of the then-current federal poverty level for
11 each family size.

12 In determining eligibility for assistance, the Department
13 shall not give preference to any category of recipients or give
14 preference to individuals based on their receipt of benefits
15 under this Code.

16 The Department shall allocate \$7,500,000 annually for a
17 test program for families who are income-eligible for child
18 care assistance, who are not recipients of TANF under Article
19 IV, and who need child care assistance to participate in
20 education and training activities. The Department shall
21 specify by rule the conditions of eligibility for this test
22 program.

23 Nothing in this Section shall be construed as conferring
24 entitlement status to eligible families.

25 The Illinois Department is authorized to lower income
26 eligibility ceilings, raise parent co-payments, create waiting

1 lists, or take such other actions during a fiscal year as are
2 necessary to ensure that child care benefits paid under this
3 Article do not exceed the amounts appropriated for those child
4 care benefits. These changes may be accomplished by emergency
5 rule under Section 5-45 of the Illinois Administrative
6 Procedure Act, except that the limitation on the number of
7 emergency rules that may be adopted in a 24-month period shall
8 not apply.

9 The Illinois Department may contract with other State
10 agencies or child care organizations for the administration of
11 child care services.

12 (c) Payment shall be made for child care that otherwise
13 meets the requirements of this Section and applicable standards
14 of State and local law and regulation, including any
15 requirements the Illinois Department promulgates by rule in
16 addition to the licensure requirements promulgated by the
17 Department of Children and Family Services and Fire Prevention
18 and Safety requirements promulgated by the Office of the State
19 Fire Marshal and is provided in any of the following:

20 (1) a child care center which is licensed or exempt
21 from licensure pursuant to Section 2.09 of the Child Care
22 Act of 1969;

23 (2) a licensed child care home or home exempt from
24 licensing;

25 (3) a licensed group child care home;

26 (4) other types of child care, including child care

1 provided by relatives or persons living in the same home as
2 the child, as determined by the Illinois Department by
3 rule.

4 (c-5) Solely for the purposes of coverage under the
5 Illinois Public Labor Relations Act, child and day care home
6 providers, including licensed and license exempt,
7 participating in the Department's child care assistance
8 program shall be considered to be public employees and the
9 State of Illinois shall be considered to be their employer as
10 of the effective date of this amendatory Act of the 94th
11 General Assembly, but not before. The State shall engage in
12 collective bargaining with an exclusive representative of
13 child and day care home providers participating in the child
14 care assistance program concerning their terms and conditions
15 of employment that are within the State's control. Nothing in
16 this subsection shall be understood to limit the right of
17 families receiving services defined in this Section to select
18 child and day care home providers or supervise them within the
19 limits of this Section. The State shall not be considered to be
20 the employer of child and day care home providers for any
21 purposes not specifically provided in this amendatory Act of
22 the 94th General Assembly, including but not limited to,
23 purposes of vicarious liability in tort and purposes of
24 statutory retirement or health insurance benefits. Child and
25 day care home providers shall not be covered by the State
26 Employees Group Insurance Act of 1971.

1 In according child and day care home providers and their
2 selected representative rights under the Illinois Public Labor
3 Relations Act, the State intends that the State action
4 exemption to application of federal and State antitrust laws be
5 fully available to the extent that their activities are
6 authorized by this amendatory Act of the 94th General Assembly.

7 (d) The Illinois Department shall establish, by rule, a
8 co-payment scale that provides for cost sharing by families
9 that receive child care services, including parents whose only
10 income is from assistance under this Code. The co-payment shall
11 be based on family income and family size and may be based on
12 other factors as appropriate. Co-payments may be waived for
13 families whose incomes are at or below the federal poverty
14 level. The Illinois Department shall also factor in recent
15 changes to the State minimum wage rate to ensure otherwise
16 qualified families are not disqualified whenever the State
17 minimum wage rate is increased.

18 (d-5) The Illinois Department, in consultation with its
19 Child Care and Development Advisory Council, shall develop a
20 plan to revise the child care assistance program's co-payment
21 scale. The plan shall be completed no later than February 1,
22 2008, and shall include:

23 (1) findings as to the percentage of income that the
24 average American family spends on child care and the
25 relative amounts that low-income families and the average
26 American family spend on other necessities of life;

1 (2) recommendations for revising the child care
2 co-payment scale to assure that families receiving child
3 care services from the Department are paying no more than
4 they can reasonably afford;

5 (3) recommendations for revising the child care
6 co-payment scale to provide at-risk children with complete
7 access to Preschool for All and Head Start; and

8 (4) recommendations for changes in child care program
9 policies that affect the affordability of child care.

10 (e) (Blank).

11 (f) The Department shall annually recalculate rates and
12 reimbursements paid to providers or vendors that do business
13 with or are under contract with the Department. When
14 recalculating rate and reimbursement methodologies, the
15 Department shall account for (i) mandated increases in the
16 State minimum wage rate and (ii) any increased payroll taxes
17 required of providers or vendors contracting with the
18 Department. The Department must fully fund recalculated rate
19 and reimbursement methodologies.

20 (f) The Illinois Department shall, by rule, set rates to be
21 paid for the various types of child care. Child care may be
22 provided through one of the following methods:

23 (1) arranging the child care through eligible
24 providers by use of purchase of service contracts or
25 vouchers;

26 (2) arranging with other agencies and community

1 volunteer groups for non-reimbursed child care;

2 (3) (blank); or

3 (4) adopting such other arrangements as the Department
4 determines appropriate.

5 (f-5) (Blank).

6 (g) Families eligible for assistance under this Section
7 shall be given the following options:

8 (1) receiving a child care certificate issued by the
9 Department or a subcontractor of the Department that may be
10 used by the parents as payment for child care and
11 development services only; or

12 (2) if space is available, enrolling the child with a
13 child care provider that has a purchase of service contract
14 with the Department or a subcontractor of the Department
15 for the provision of child care and development services.
16 The Department may identify particular priority
17 populations for whom they may request special
18 consideration by a provider with purchase of service
19 contracts, provided that the providers shall be permitted
20 to maintain a balance of clients in terms of household
21 incomes and families and children with special needs, as
22 defined by rule.

23 (Source: P.A. 97-422, eff. 8-16-11.)".