

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Child Care Act of 1969 is amended by
5 changing Sections 2.09 and 3 as follows:

6 (225 ILCS 10/2.09) (from Ch. 23, par. 2212.09)

7 Sec. 2.09. "Day care center" means any child care facility
8 which regularly provides day care for less than 24 hours per
9 day for (1) more than 8 children in a family home, or (2) more
10 than 3 children in a facility other than a family home,
11 including senior citizen buildings. The term does not include
12 (a) programs operated by (i) public or private elementary
13 school systems or secondary level school units or institutions
14 of higher learning that serve children who shall have attained
15 the age of 3 years or (ii) private entities on the grounds of
16 public or private elementary or secondary schools and that
17 serve children who have attained the age of 3 years, except
18 that this exception applies only to the facility and not to the
19 private entities' personnel operating the program; (b)
20 programs or that portion of the program which serves children
21 who shall have attained the age of 3 years and which are
22 recognized by the State Board of Education; (c) educational
23 program or programs serving children who shall have attained

1 the age of 3 years and which are operated by a school which is
2 registered with the State Board of Education and which is
3 recognized or accredited by a recognized national or multistate
4 educational organization or association which regularly
5 recognizes or accredits schools; (d) programs which
6 exclusively serve or that portion of the program which serves
7 children with disabilities who shall have attained the age of 3
8 years but are less than 21 years of age and which are
9 registered and approved as meeting standards of the State Board
10 of Education and applicable fire marshal standards; (e)
11 facilities operated in connection with a shopping center or
12 service, religious services, or other similar facility, where
13 transient children are cared for temporarily while parents or
14 custodians of the children are occupied on the premises and
15 readily available; (f) any type of day care center that is
16 conducted on federal government premises; (g) special
17 activities programs, including athletics, crafts instruction
18 and similar activities conducted on an organized and periodic
19 basis by civic, charitable and governmental organizations; (h)
20 part day child care facilities, as defined in Section 2.10 of
21 this Act; ~~or~~ (i) programs or that portion of the program which
22 (1) serves children who shall have attained the age of 3 years,
23 (2) is operated by churches or religious institutions as
24 described in Section 501 (c) (3) of the federal Internal
25 Revenue Code, (3) receives no governmental aid, (4) is operated
26 as a component of a religious, nonprofit elementary school, (5)

1 operates primarily to provide religious education, and (6)
2 meets appropriate State or local health and fire safety
3 standards; or (j) programs or portions of programs that: (1)
4 serve only school-age children and youth (defined as full-time
5 kindergarten children, as defined in 89 Ill. Adm. Code 407.45,
6 or older), (2) are organized to promote childhood learning,
7 child and youth development, educational or recreational
8 activities, or character-building, (3) operate primarily
9 during out-of-school time or at times when school is not
10 normally in session, (4) comply with the standards of the
11 Illinois Department of Public Health (77 Ill. Adm. Code 750) or
12 the local health department, the Illinois State Fire Marshal
13 (41 Ill. Adm. Code 100), and the following additional health
14 and safety requirements: procedures for employee and volunteer
15 emergency preparedness and practice drills; procedures to
16 ensure that first aid kits are maintained and ready to use; the
17 placement of a minimum level of liability insurance as
18 determined by the Department; procedures for the availability
19 of a working telephone that is onsite and accessible at all
20 times; procedures to ensure that emergency phone numbers are
21 posted onsite; and a restriction on handgun or weapon
22 possession onsite, except if possessed by a peace officer, (5)
23 perform and maintain authorization and results of criminal
24 history checks through the Illinois State Police and FBI and
25 checks of the Illinois Sex Offender Registry, the National Sex
26 Offender Registry, and Child Abuse and Neglect Tracking System

1 for employees and volunteers who work directly with children,
2 (6) make hiring decisions in accordance with the prohibitions
3 against barrier crimes as specified in Section 4.2 of this Act
4 or in Section 21B-80 of the School Code, (7) provide parents
5 with written disclosure that the operations of the program are
6 not regulated by licensing requirements, and (8) obtain and
7 maintain records showing the first and last name and date of
8 birth of the child, name, address, and telephone number of each
9 parent, emergency contact information, and written
10 authorization for medical care.

11 Programs or portions of programs requesting Child Care
12 Assistance Program (CCAP) funding and otherwise meeting the
13 requirements under (j) shall request exemption from the
14 Department and be determined exempt prior to receiving funding
15 and must annually meet the eligibility requirements and be
16 appropriate for payment under the CCAP.

17 Programs or portions of programs under (j) that do not
18 receive State or federal funds must comply with staff
19 qualification and training standards established by rule by the
20 Department of Human Services. The Department of Human Services
21 shall set such standards after review of Afterschool for
22 Children and Teens Now (ACT Now) evidence-based quality
23 standards developed for school-age out-of-school time
24 programs, feedback from the school-age out-of-school time
25 program professionals, and review of out-of-school time
26 professional development frameworks and quality tools.

1 Out-of-school time programs for school-age youth that
2 receive State or federal funds must comply with only those
3 staff qualifications and training standards set for the program
4 by the State or federal entity issuing the funds.

5 For purposes of (a), (b), (c), (d) and (i) of this Section,
6 "children who shall have attained the age of 3 years" shall
7 mean children who are 3 years of age, but less than 4 years of
8 age, at the time of enrollment in the program.

9 (Source: P.A. 99-143, eff. 7-27-15.)

10 (225 ILCS 10/3) (from Ch. 23, par. 2213)

11 Sec. 3. (a) No person, group of persons or corporation may
12 operate or conduct any facility for child care, as defined in
13 this Act, without a license or permit issued by the Department
14 or without being approved by the Department as meeting the
15 standards established for such licensing, with the exception of
16 facilities for whom standards are established by the Department
17 of Corrections under Section 3-15-2 of the Unified Code of
18 Corrections and with the exception of facilities defined in
19 Section 2.10 of this Act, and with the exception of programs or
20 facilities licensed by the Department of Human Services under
21 the Alcoholism and Other Drug Abuse and Dependency Act.

22 (b) No part day child care facility as described in Section
23 2.10 may operate without written notification to the Department
24 or without complying with Section 7.1. Notification shall
25 include a notarized statement by the facility that the facility

1 complies with state or local health standards and state fire
2 safety standards, and shall be filed with the department every
3 2 years.

4 (c) The Director of the Department shall establish policies
5 and coordinate activities relating to child care licensing,
6 licensing of day care homes and day care centers.

7 (d) Any facility or agency which is exempt from licensing
8 may apply for licensing if licensing is required for some
9 government benefit.

10 (e) A provider of day care described in items (a) through
11 (j) of Section 2.09 of this Act is exempt from licensure. The
12 Department shall provide written verification of exemption and
13 description of compliance with standards for the health,
14 safety, and development of the children who receive the
15 services upon submission by the provider of, in addition to any
16 other documentation required by the Department, a notarized
17 statement that the facility complies with: (1) the standards of
18 the Department of Public Health or local health department, (2)
19 the fire safety standards of the State Fire Marshal, and (3) if
20 operated in a public school building, the health and safety
21 standards of the State Board of Education.

22 (Source: P.A. 88-670, eff. 12-2-94; 89-507, eff. 7-1-97.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.