



Sen. Dave Syverson

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1 AMENDMENT TO SENATE BILL 2321

2 AMENDMENT NO. _____. Amend Senate Bill 2321, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

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

7 (225 ILCS 10/2.09) (from Ch. 23, par. 2212.09)

8 Sec. 2.09. "Day care center" means any child care facility
9 which regularly provides day care for less than 24 hours per
10 day for (1) more than 8 children in a family home, or (2) more
11 than 3 children in a facility other than a family home,
12 including senior citizen buildings. The term does not include
13 (a) programs operated by (i) public or private elementary
14 school systems or secondary level school units or institutions
15 of higher learning that serve children who shall have attained
16 the age of 3 years or (ii) private entities on the grounds of

1 public or private elementary or secondary schools and that
2 serve children who have attained the age of 3 years, except
3 that this exception applies only to the facility and not to the
4 private entities' personnel operating the program; (b)
5 programs or that portion of the program which serves children
6 who shall have attained the age of 3 years and which are
7 recognized by the State Board of Education; (c) educational
8 program or programs serving children who shall have attained
9 the age of 3 years and which are operated by a school which is
10 registered with the State Board of Education and which is
11 recognized or accredited by a recognized national or multistate
12 educational organization or association which regularly
13 recognizes or accredits schools; (d) programs which
14 exclusively serve or that portion of the program which serves
15 children with disabilities who shall have attained the age of 3
16 years but are less than 21 years of age and which are
17 registered and approved as meeting standards of the State Board
18 of Education and applicable fire marshal standards; (e)
19 facilities operated in connection with a shopping center or
20 service, religious services, or other similar facility, where
21 transient children are cared for temporarily while parents or
22 custodians of the children are occupied on the premises and
23 readily available; (f) any type of day care center that is
24 conducted on federal government premises; (g) special
25 activities programs, including athletics, crafts instruction
26 and similar activities conducted on an organized and periodic

1 basis by civic, charitable and governmental organizations; (h)
2 part day child care facilities, as defined in Section 2.10 of
3 this Act; ~~or~~ (i) programs or that portion of the program which
4 (1) serves children who shall have attained the age of 3 years,
5 (2) is operated by churches or religious institutions as
6 described in Section 501 (c) (3) of the federal Internal
7 Revenue Code, (3) receives no governmental aid, (4) is operated
8 as a component of a religious, nonprofit elementary school, (5)
9 operates primarily to provide religious education, and (6)
10 meets appropriate State or local health and fire safety
11 standards; or (j) programs or portions of programs that: (1)
12 serve only school-age children and youth (defined as full-time
13 kindergarten children, as defined in 89 Ill. Adm. Code 407.45,
14 or older), (2) are organized to promote childhood learning,
15 child and youth development, educational or recreational
16 activities, or character-building, (3) operate primarily
17 during out-of-school time or at times when school is not
18 normally in session, (4) comply with the standards of the
19 Illinois Department of Public Health (77 Ill. Adm. Code 750) or
20 the local health department, the Illinois State Fire Marshal
21 (41 Ill. Adm. Code 100), and the following additional health
22 and safety requirements: procedures for employee and volunteer
23 emergency preparedness and practice drills; procedures to
24 ensure that first aid kits are maintained and ready to use; the
25 placement of a minimum level of liability insurance as
26 determined by the Department; procedures for the availability

1 of a working telephone that is onsite and accessible at all
2 times; procedures to ensure that emergency phone numbers are
3 posted onsite; and a restriction on handgun or weapon
4 possession onsite, except if possessed by a peace officer, (5)
5 perform and maintain authorization and results of criminal
6 history checks through the Illinois State Police and FBI and
7 checks of the Illinois Sex Offender Registry, the National Sex
8 Offender Registry, and Child Abuse and Neglect Tracking System
9 for employees and volunteers who work directly with children,
10 (6) make hiring decisions in accordance with the prohibitions
11 against barrier crimes as specified in Section 4.2 of this Act
12 or in Section 21B-80 of the School Code, (7) provide parents
13 with written disclosure that the operations of the program are
14 not regulated by licensing requirements, and (8) obtain and
15 maintain records showing the first and last name and date of
16 birth of the child, name, address, and telephone number of each
17 parent, emergency contact information, and written
18 authorization for medical care.

19 Programs or portions of programs requesting Child Care
20 Assistance Program (CCAP) funding and otherwise meeting the
21 requirements under (j) shall request exemption from the
22 Department and be determined exempt prior to receiving funding
23 and must annually meet the eligibility requirements and be
24 appropriate for payment under the CCAP.

25 Programs or portions of programs under (j) that do not
26 receive State or federal funds must comply with staff

1 qualification and training standards established by rule by the
2 Department of Human Services. The Department of Human Services
3 shall set such standards after review of Afterschool for
4 Children and Teens Now (ACT Now) evidence-based quality
5 standards developed for school-age out-of-school time
6 programs, feedback from the school-age out-of-school time
7 program professionals, and review of out-of-school time
8 professional development frameworks and quality tools.

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

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

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

18 (225 ILCS 10/3) (from Ch. 23, par. 2213)

19 Sec. 3. (a) No person, group of persons or corporation may
20 operate or conduct any facility for child care, as defined in
21 this Act, without a license or permit issued by the Department
22 or without being approved by the Department as meeting the
23 standards established for such licensing, with the exception of
24 facilities for whom standards are established by the Department
25 of Corrections under Section 3-15-2 of the Unified Code of

1 Corrections and with the exception of facilities defined in
2 Section 2.10 of this Act, and with the exception of programs or
3 facilities licensed by the Department of Human Services under
4 the Alcoholism and Other Drug Abuse and Dependency Act.

5 (b) No part day child care facility as described in Section
6 2.10 may operate without written notification to the Department
7 or without complying with Section 7.1. Notification shall
8 include a notarized statement by the facility that the facility
9 complies with state or local health standards and state fire
10 safety standards, and shall be filed with the department every
11 2 years.

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

15 (d) Any facility or agency which is exempt from licensing
16 may apply for licensing if licensing is required for some
17 government benefit.

18 (e) A provider of day care described in items (a) through
19 (j) of Section 2.09 of this Act is exempt from licensure. The
20 Department shall provide written verification of exemption and
21 description of compliance with standards for the health,
22 safety, and development of the children who receive the
23 services upon submission by the provider of, in addition to any
24 other documentation required by the Department, a notarized
25 statement that the facility complies with: (1) the standards of
26 the Department of Public Health or local health department, (2)

1 the fire safety standards of the State Fire Marshal, and (3) if
2 operated in a public school building, the health and safety
3 standards of the State Board of Education.

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

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.".