



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB1168

Introduced 1/9/2025, by Rep. Terra Costa Howard

SYNOPSIS AS INTRODUCED:

225 ILCS 10/2.09

Amends the Child Care Act of 1969. Provides that the definition of "day care center" does not include special activities programs that are conducted by civic, charitable, and governmental organizations on an organized basis (instead of special activities programs that are conducted on an organized and periodic basis). Adds programs offered by arboretums, nature centers, and botanic gardens to the special activities programs that are excluded from the definition of "day care center".

LRB104 05848 AAS 15879 b

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 Section 2.09 as follows:

6 (225 ILCS 10/2.09)

7 (Text of Section before amendment by P.A. 103-594)

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, except as provided for in Section 5.12, for (1) more than
11 8 children in a family home, or (2) more than 3 children in a
12 facility other than a family home, including senior citizen
13 buildings.

14 The term does not include:

15 (a) programs operated by (i) public or private
16 elementary school systems or secondary level school units
17 or institutions of higher learning that serve children who
18 shall have attained the age of 3 years or (ii) private
19 entities on the grounds of public or private elementary or
20 secondary schools and that serve children who have
21 attained the age of 3 years, except that this exception
22 applies only to the facility and not to the private
23 entities' personnel operating the program;

1 (b) programs or that portion of the program which
2 serves children who shall have attained the age of 3 years
3 and which are recognized by the State Board of Education;

4 (c) educational program or programs serving children
5 who shall have attained the age of 3 years and which are
6 operated by a school which is registered with the State
7 Board of Education and which is recognized or accredited
8 by a recognized national or multistate educational
9 organization or association which regularly recognizes or
10 accredits schools;

11 (d) programs which exclusively serve or that portion
12 of the program which serves children with disabilities who
13 shall have attained the age of 3 years but are less than 21
14 years of age and which are registered and approved as
15 meeting standards of the State Board of Education and
16 applicable fire marshal standards;

17 (e) facilities operated in connection with a shopping
18 center or service, religious services, or other similar
19 facility, where transient children are cared for
20 temporarily while parents or custodians of the children
21 are occupied on the premises and readily available;

22 (f) any type of day care center that is conducted on
23 federal government premises;

24 (g) special activities programs, including athletics,
25 recreation, crafts instruction, and similar activities
26 conducted on an organized ~~and periodic~~ basis by civic,

1 charitable and governmental organizations, including, but
2 not limited to, programs offered by park districts
3 organized under the Park District Code to children who
4 shall have attained the age of 3 years old if the program
5 meets no more than 3.5 continuous hours at a time or less
6 and no more than 25 hours during any week, and the park
7 district conducts background investigations on employees
8 of the program pursuant to Section 8-23 of the Park
9 District Code, and programs offered by arboretums, nature
10 centers, and botanic gardens;

11 (h) part day child care facilities, as defined in
12 Section 2.10 of this Act;

13 (i) programs or that portion of the program which:

14 (1) serves children who shall have attained the
15 age of 3 years;

16 (2) is operated by churches or religious
17 institutions as described in Section 501(c)(3) of the
18 federal Internal Revenue Code;

19 (3) receives no governmental aid;

20 (4) is operated as a component of a religious,
21 nonprofit elementary school;

22 (5) operates primarily to provide religious
23 education; and

24 (6) meets appropriate State or local health and
25 fire safety standards; or

26 (j) programs or portions of programs that:

1 (1) serve only school-age children and youth
2 (defined as full-time kindergarten children, as
3 defined in 89 Ill. Adm. Code 407.45, or older);

4 (2) are organized to promote childhood learning,
5 child and youth development, educational or
6 recreational activities, or character-building;

7 (3) operate primarily during out-of-school time or
8 at times when school is not normally in session;

9 (4) comply with the standards of the Illinois
10 Department of Public Health (77 Ill. Adm. Code 750) or
11 the local health department, the Illinois State Fire
12 Marshal (41 Ill. Adm. Code 100), and the following
13 additional health and safety requirements: procedures
14 for employee and volunteer emergency preparedness and
15 practice drills; procedures to ensure that first aid
16 kits are maintained and ready to use; the placement of
17 a minimum level of liability insurance as determined
18 by the Department; procedures for the availability of
19 a working telephone that is onsite and accessible at
20 all times; procedures to ensure that emergency phone
21 numbers are posted onsite; and a restriction on
22 handgun or weapon possession onsite, except if
23 possessed by a peace officer;

24 (5) perform and maintain authorization and results
25 of criminal history checks through the Illinois State
26 Police and FBI and checks of the Illinois Sex Offender

1 Registry, the National Sex Offender Registry, and
2 Child Abuse and Neglect Tracking System for employees
3 and volunteers who work directly with children;

4 (6) make hiring decisions in accordance with the
5 prohibitions against barrier crimes as specified in
6 Section 4.2 of this Act or in Section 21B-80 of the
7 School Code;

8 (7) provide parents with written disclosure that
9 the operations of the program are not regulated by
10 licensing requirements; and

11 (8) obtain and maintain records showing the first
12 and last name and date of birth of the child, name,
13 address, and telephone number of each parent,
14 emergency contact information, and written
15 authorization for medical care.

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

22 Programs or portions of programs under item (j) that do
23 not receive State or federal funds must comply with staff
24 qualification and training standards established by rule by
25 the Department of Human Services. The Department of Human
26 Services shall set such standards after review of Afterschool

1 for Children and Teens Now (ACT Now) evidence-based quality
2 standards developed for school-age out-of-school time
3 programs, feedback from the school-age out-of-school time
4 program professionals, and review of out-of-school time
5 professional development frameworks and quality tools.

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

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

14 (Source: P.A. 103-153, eff. 6-30-23; 103-952, eff. 1-1-25.)

15 (Text of Section after amendment by P.A. 103-594)

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4 (Source: P.A. 103-153, eff. 6-30-23; 103-594, eff. 7-1-26;
5 103-952, eff. 1-1-25; revised 11-26-24.)