

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 a ~~an organized and~~ periodic basis by civic,

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

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

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

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

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

20 (3) receives no governmental aid;

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

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

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

1 (j) programs or portions of programs that:

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

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

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

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

25 (5) perform and maintain authorization and results  
26 of criminal history checks through the Illinois State

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

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

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

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

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

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

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

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

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

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

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

17 Sec. 2.09. "Day care center" means any child care facility  
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6 (Source: P.A. 103-153, eff. 6-30-23; 103-594, eff. 7-1-26;  
7 103-952, eff. 1-1-25; revised 11-26-24.)

8 Section 95. No acceleration or delay. Where this Act makes  
9 changes in a statute that is represented in this Act by text  
10 that is not yet or no longer in effect (for example, a Section  
11 represented by multiple versions), the use of that text does  
12 not accelerate or delay the taking effect of (i) the changes  
13 made by this Act or (ii) provisions derived from any other  
14 Public Act.