



Rep. Terra Costa Howard

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10400HB1168ham001

LRB104 05848 AAS 24581 a

1 AMENDMENT TO HOUSE BILL 1168

2 AMENDMENT NO. _____. Amend House Bill 1168 by replacing
3 everything after the enacting clause with the following:

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

1 or institutions of higher learning that serve children who
2 shall have attained the age of 3 years or (ii) private
3 entities on the grounds of public or private elementary or
4 secondary schools and that serve children who have
5 attained the age of 3 years, except that this exception
6 applies only to the facility and not to the private
7 entities' personnel operating the program;

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

11 (c) educational program or programs serving children
12 who shall have attained the age of 3 years and which are
13 operated by a school which is registered with the State
14 Board of Education and which is recognized or accredited
15 by a recognized national or multistate educational
16 organization or association which regularly recognizes or
17 accredits schools;

18 (d) programs which exclusively serve or that portion
19 of the program which serves children with disabilities who
20 shall have attained the age of 3 years but are less than 21
21 years of age and which are registered and approved as
22 meeting standards of the State Board of Education and
23 applicable fire marshal standards;

24 (e) facilities operated in connection with a shopping
25 center or service, religious services, or other similar
26 facility, where transient children are cared for

1 temporarily while parents or custodians of the children
2 are occupied on the premises and readily available;

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

5 (g) special activities programs, including athletics,
6 recreation, crafts instruction, and similar activities
7 conducted on a ~~an organized and~~ periodic basis by civic,
8 charitable, or ~~and~~ governmental organizations, including,
9 but not limited to, programs offered by arboretums or park
10 districts organized under the Park District Code to
11 children who shall have attained the age of 3 years old if
12 the program meets no more than 3.5 continuous hours at a
13 time or less and no more than 25 hours during any week, and
14 the park district conducts background investigations on
15 employees of the program pursuant to Section 8-23 of the
16 Park District Code or the arboretum conducts background
17 investigations on employees of the program pursuant to
18 this Act;

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

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

22 (1) serves children who shall have attained the
23 age of 3 years;

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

1 (3) receives no governmental aid;

2 (4) is operated as a component of a religious,
3 nonprofit elementary school;

4 (5) operates primarily to provide religious
5 education; and

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

8 (j) programs or portions of programs that:

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

12 (2) are organized to promote childhood learning,
13 child and youth development, educational or
14 recreational activities, or character-building;

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

17 (4) comply with the standards of the Illinois
18 Department of Public Health (77 Ill. Adm. Code 750) or
19 the local health department, the Illinois State Fire
20 Marshal (41 Ill. Adm. Code 100), and the following
21 additional health and safety requirements: procedures
22 for employee and volunteer emergency preparedness and
23 practice drills; procedures to ensure that first aid
24 kits are maintained and ready to use; the placement of
25 a minimum level of liability insurance as determined
26 by the Department; procedures for the availability of

1 a working telephone that is onsite and accessible at
2 all times; procedures to ensure that emergency phone
3 numbers are posted onsite; and a restriction on
4 handgun or weapon possession onsite, except if
5 possessed by a peace officer;

6 (5) perform and maintain authorization and results
7 of criminal history checks through the Illinois State
8 Police and FBI and checks of the Illinois Sex Offender
9 Registry, the National Sex Offender Registry, and
10 Child Abuse and Neglect Tracking System for employees
11 and volunteers who work directly with children;

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

16 (7) provide parents with written disclosure that
17 the operations of the program are not regulated by
18 licensing requirements; and

19 (8) obtain and maintain records showing the first
20 and last name and date of birth of the child, name,
21 address, and telephone number of each parent,
22 emergency contact information, and written
23 authorization for medical care.

24 Programs or portions of programs requesting Child Care
25 Assistance Program (CCAP) funding and otherwise meeting the
26 requirements under item (j) shall request exemption from the

1 Department and be determined exempt prior to receiving funding
2 and must annually meet the eligibility requirements and be
3 appropriate for payment under the CCAP.

4 Programs or portions of programs under item (j) that do
5 not receive State or federal funds must comply with staff
6 qualification and training standards established by rule by
7 the Department of Human Services. The Department of Human
8 Services shall set such standards after review of Afterschool
9 for Children and Teens Now (ACT Now) evidence-based quality
10 standards developed for school-age out-of-school time
11 programs, feedback from the school-age out-of-school time
12 program professionals, and review of out-of-school time
13 professional development frameworks and quality tools.

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

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

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

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

24 Sec. 2.09. "Day care center" means any child care facility
25 which regularly provides day care for less than 24 hours per

1 day, except as provided for in Section 5.12, for (1) more than
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15 Police and FBI and checks of the Illinois Sex Offender
16 Registry, the National Sex Offender Registry, and
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12 years of age, at the time of enrollment in the program.

13 (Source: P.A. 103-153, eff. 6-30-23; 103-594, eff. 7-1-26;
14 103-952, eff. 1-1-25; revised 11-26-24.)

15 Section 95. No acceleration or delay. Where this Act makes
16 changes in a statute that is represented in this Act by text
17 that is not yet or no longer in effect (for example, a Section
18 represented by multiple versions), the use of that text does
19 not accelerate or delay the taking effect of (i) the changes
20 made by this Act or (ii) provisions derived from any other
21 Public Act."