



Rep. Joyce Mason

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10400HB3439ham001

LRB104 08884 AAS 23786 a

1 AMENDMENT TO HOUSE BILL 3439

2 AMENDMENT NO. _____. Amend House Bill 3439 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 Sections 4.1 and 7.10 as follows:

6 (225 ILCS 10/4.1) (from Ch. 23, par. 2214.1)

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

8 Sec. 4.1. Criminal background investigations. The
9 Department shall require that each child care facility license
10 applicant as part of the application process, and each
11 employee and volunteer of a child care facility or
12 non-licensed service provider, as a condition of employment,
13 authorize an investigation to determine if such applicant,
14 employee, or volunteer has ever been charged with a crime and
15 if so, the disposition of those charges; this authorization
16 shall indicate the scope of the inquiry and the agencies which

1 may be contacted. An employee or volunteer of a day care
2 center, day care home, or group day care home shall authorize
3 an investigation every 5 years, as required under the Child
4 Care and Development Block Grant. Upon this authorization, the
5 Director shall request and receive information and assistance
6 from any federal, State or local governmental agency as part
7 of the authorized investigation. Each applicant, employee, or
8 volunteer of a child care facility or non-licensed service
9 provider shall submit the applicant's, employee's, or
10 volunteer's fingerprints to the Illinois State Police in the
11 form and manner prescribed by the Illinois State Police. These
12 fingerprints shall be checked against the fingerprint records
13 now and hereafter filed in the Illinois State Police and
14 Federal Bureau of Investigation criminal history records
15 databases. The Illinois State Police shall charge a fee for
16 conducting the criminal history records check, which shall be
17 deposited in the State Police Services Fund and shall not
18 exceed the actual cost of the records check. The Illinois
19 State Police shall provide information concerning any criminal
20 charges, and their disposition, now or hereafter filed,
21 against an applicant, employee, or volunteer of a child care
22 facility or non-licensed service provider upon request of the
23 Department of Children and Family Services when the request is
24 made in the form and manner required by the Illinois State
25 Police.

26 Information concerning convictions of a license applicant,

1 employee, or volunteer of a child care facility or
2 non-licensed service provider investigated under this Section,
3 including the source of the information and any conclusions or
4 recommendations derived from the information, shall be
5 provided, upon request, to such applicant, employee, or
6 volunteer of a child care facility or non-licensed service
7 provider prior to final action by the Department on the
8 application. State conviction information provided by the
9 Illinois State Police regarding employees, prospective
10 employees, or volunteers of non-licensed service providers and
11 child care facilities licensed under this Act shall be
12 provided to the operator of such facility, and, upon request,
13 to the employee, prospective employee, or volunteer of a child
14 care facility or non-licensed service provider. Any
15 information concerning criminal charges and the disposition of
16 such charges obtained by the Department shall be confidential
17 and may not be transmitted outside the Department, except as
18 required herein, and may not be transmitted to anyone within
19 the Department except as needed for the purpose of evaluating
20 an application or an employee or volunteer of a child care
21 facility or non-licensed service provider. Only information
22 and standards which bear a reasonable and rational relation to
23 the performance of a child care facility shall be used by the
24 Department or any licensee. Any employee of the Department of
25 Children and Family Services, Illinois State Police, or a
26 child care facility receiving confidential information under

1 this Section who gives or causes to be given any confidential
2 information concerning any criminal convictions of an
3 applicant, employee, or volunteer of a child care facility or
4 non-licensed service provider, shall be guilty of a Class A
5 misdemeanor unless release of such information is authorized
6 by this Section.

7 The Department of Children and Family Services or the
8 Department of Early Childhood shall allow day care centers,
9 day care homes, and group day care homes to ~~A child care~~
10 ~~facility may~~ hire, on a probationary basis, any employee or
11 volunteer ~~of a child care facility or non-licensed service~~
12 ~~provider~~ authorizing a criminal background investigation under
13 this Section after receiving a qualifying result from either:
14 ~~pending the result of such investigation.~~

15 (1) the Federal Bureau of Investigation fingerprint
16 criminal background check; or

17 (2) the Illinois State Police fingerprint criminal
18 background check and a criminal record check of the
19 criminal repository of each state in which the employee or
20 volunteer resided during the preceding 5 years.

21 Pending full clearance of all background check
22 requirements, the prospective employee or volunteer must be
23 supervised at all times by an individual who received a
24 qualifying result on all background check components.
25 Employees and volunteers of a day care center, day care home,
26 or group day care home ~~child care facility or non-licensed~~

1 ~~service provider~~ shall be notified prior to hiring that such
2 employment may be terminated on the basis of criminal
3 background information obtained by the facility.

4 (Source: P.A. 102-538, eff. 8-20-21; 103-22, eff. 8-8-23.)

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

6 Sec. 4.1. Criminal background investigations. The
7 Department of Children and Family Services or the Department
8 of Early Childhood shall require that each child care facility
9 license applicant under the agencies' respective authority as
10 part of the application process, and each employee and
11 volunteer of a child care facility or non-licensed service
12 provider, as a condition of employment, authorize an
13 investigation to determine if such applicant, employee, or
14 volunteer has ever been charged with a crime and if so, the
15 disposition of those charges; this authorization shall
16 indicate the scope of the inquiry and the agencies which may be
17 contacted. An employee or volunteer of a day care center, day
18 care home, or group day care home shall authorize an
19 investigation every 5 years, as required under the Child Care
20 and Development Block Grant. Upon this authorization, the
21 Director shall request and receive information and assistance
22 from any federal, State or local governmental agency as part
23 of the authorized investigation. Each applicant, employee, or
24 volunteer of a child care facility or non-licensed service
25 provider shall submit the applicant's, employee's, or

1 volunteer's fingerprints to the Illinois State Police in the
2 form and manner prescribed by the Illinois State Police. These
3 fingerprints shall be checked against the fingerprint records
4 now and hereafter filed in the Illinois State Police and
5 Federal Bureau of Investigation criminal history records
6 databases. The Illinois State Police shall charge a fee for
7 conducting the criminal history records check, which shall be
8 deposited in the State Police Services Fund and shall not
9 exceed the actual cost of the records check. The Illinois
10 State Police shall provide information concerning any criminal
11 charges, and their disposition, now or hereafter filed,
12 against an applicant, employee, or volunteer of a child care
13 facility or non-licensed service provider upon request of the
14 Department of Children and Family Services or the Department
15 of Early Childhood when the request is made in the form and
16 manner required by the Illinois State Police.

17 Information concerning convictions of a license applicant,
18 employee, or volunteer of a child care facility or
19 non-licensed service provider investigated under this Section,
20 including the source of the information and any conclusions or
21 recommendations derived from the information, shall be
22 provided, upon request, to such applicant, employee, or
23 volunteer of a child care facility or non-licensed service
24 provider prior to final action by the Department of Children
25 and Family Services or the Department of Early Childhood under
26 the agencies' respective authority on the application. State

1 conviction information provided by the Illinois State Police
2 regarding employees, prospective employees, or volunteers of
3 non-licensed service providers and child care facilities
4 licensed under this Act shall be provided to the operator of
5 such facility, and, upon request, to the employee, prospective
6 employee, or volunteer of a child care facility or
7 non-licensed service provider. Any information concerning
8 criminal charges and the disposition of such charges obtained
9 by the Department of Children and Family Services or the
10 Department of Early Childhood shall be confidential and may
11 not be transmitted outside the Department of Children and
12 Family Services or the Department of Early Childhood, except
13 as required herein, and may not be transmitted to anyone
14 within the Department of Children and Family Services or the
15 Department of Early Childhood except as needed for the purpose
16 of evaluating an application or an employee or volunteer of a
17 child care facility or non-licensed service provider. Only
18 information and standards which bear a reasonable and rational
19 relation to the performance of a child care facility shall be
20 used by the Department of Children and Family Services or the
21 Department of Early Childhood or any licensee. Any employee of
22 the Department of Children and Family Services, Department of
23 Early Childhood, Illinois State Police, or a child care
24 facility receiving confidential information under this Section
25 who gives or causes to be given any confidential information
26 concerning any criminal convictions of an applicant, employee,

1 or volunteer of a child care facility or non-licensed service
2 provider, shall be guilty of a Class A misdemeanor unless
3 release of such information is authorized by this Section.

4 The Department of Children and Family Services or the
5 Department of Early Childhood shall allow day care centers,
6 day care homes, and group day care homes to ~~A child care~~
7 ~~facility may~~ hire, on a probationary basis, any employee or
8 volunteer ~~of a child care facility or non-licensed service~~
9 ~~provider~~ authorizing a criminal background investigation under
10 this Section after receiving a qualifying result from either:
11 ~~pending the result of such investigation.~~

12 (1) the Federal Bureau of Investigation fingerprint
13 criminal background check; or

14 (2) the Illinois State Police fingerprint criminal
15 background check and a criminal record check of the
16 criminal repository of each state in which the employee or
17 volunteer resided during the preceding 5 years.

18 Pending full clearance of all background check
19 requirements, the prospective employee or volunteer must be
20 supervised at all times by an individual who received a
21 qualifying result on all background check components.

22 Employees and volunteers of a day care center, day care home,
23 or group day care home ~~child care facility or non-licensed~~
24 ~~service provider~~ shall be notified prior to hiring that such
25 employment may be terminated on the basis of criminal
26 background information obtained by the facility.

1 (Source: P.A. 102-538, eff. 8-20-21; 103-22, eff. 8-8-23;
2 103-594, eff. 7-1-26.)

3 (225 ILCS 10/7.10)

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

5 Sec. 7.10. Licensing orientation program and progress
6 report.

7 (a) For the purposes of this Section, "child day care
8 licensing" or "day care licensing" means licensing of day care
9 centers, day care homes, and group day care homes.

10 (a-5) In addition to current day care ~~daycare~~ training and
11 subject to appropriations, the Department or any State agency
12 that assumes day care center licensing responsibilities shall
13 host licensing orientation programs to help educate potential
14 day care center, day care home, and group day care home
15 providers about the child day care licensing process. The
16 programs shall be made available in person and virtually. The
17 Department or its successor shall offer to host licensing
18 orientation programs at least twice annually in each
19 Representative District in the State. Additionally, if one or
20 more persons request that a program be offered in a language
21 other than English, then the Department or its successor must
22 accommodate the request.

23 (b) No later than September 30th of each year, the
24 Department shall provide the General Assembly with a
25 comprehensive report on its progress in meeting performance

1 measures and goals related to child day care licensing.

2 (c) The report shall include:

3 (1) details on the funding for child day care
4 licensing, including:

5 (A) the total number of full-time employees
6 working on child day care licensing;

7 (B) the names of all sources of revenue used to
8 support child day care licensing;

9 (C) the amount of expenditures that is claimed
10 against federal funding sources;

11 (D) the identity of federal funding sources; and

12 (E) how funds are appropriated, including
13 appropriations for line staff, support staff,
14 supervisory staff, and training and other expenses and
15 the funding history of such licensing since fiscal
16 year 2010;

17 (2) current staffing qualifications of day care
18 licensing representatives and day care licensing
19 supervisors in comparison with staffing qualifications
20 specified in the job description;

21 (3) data history for fiscal year 2010 to the current
22 fiscal year on day care licensing representative caseloads
23 and staffing levels in all areas of the State;

24 (4) per the DCFS Child Day Care Licensing Advisory
25 Council's work plan, quarterly data on the following
26 measures:

1 (A) the number and percentage of new applications
2 disposed of within 90 days;

3 (B) the percentage of licenses renewed on time;

4 (C) the percentage of day care centers receiving
5 timely annual monitoring visits;

6 (D) the percentage of day care homes receiving
7 timely annual monitoring visits;

8 (E) the percentage of group day care homes
9 receiving timely annual monitoring visits;

10 (F) the percentage of provider requests for
11 supervisory review;

12 (G) the progress on adopting a key indicator
13 system;

14 (H) the percentage of complaints disposed of
15 within 30 days;

16 (I) the average number of days a day care center
17 applicant must wait to attend a licensing orientation;

18 (J) the number of licensing orientation sessions
19 available per region in the past year; and

20 (K) the number of Department trainings related to
21 licensing and child development available to providers
22 in the past year; and

23 (5) efforts to coordinate with the Department of Human
24 Services and the State Board of Education on professional
25 development, credentialing issues, and child developers,
26 including training registry, child developers, and Quality

1 Rating and Improvement Systems (QRIS).

2 (d) The Department shall work with the Governor's
3 appointed Early Learning Council on issues related to and
4 concerning child day care.

5 (Source: P.A. 103-805, eff. 1-1-25; revised 10-10-24.)

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

7 Sec. 7.10. Licensing orientation program and progress
8 report.

9 (a) For the purposes of this Section, "child day care
10 licensing" or "day care licensing" means licensing of day care
11 centers, day care homes, and group day care homes.

12 (a-5) In addition to current day care ~~daycare~~ training and
13 subject to appropriations, the Department or any State agency
14 that assumes day care center licensing responsibilities shall
15 host licensing orientation programs to help educate potential
16 day care center, day care home, and group day care home
17 providers about the child day care licensing process. The
18 programs shall be made available in person and virtually. The
19 Department or its successor shall offer to host licensing
20 orientation programs at least twice annually in each
21 Representative District in the State. Additionally, if one or
22 more persons request that a program be offered in a language
23 other than English, then the Department or its successor must
24 accommodate the request.

25 (b) No later than September 30th of each year, the

1 Department of Early Childhood shall provide the General
2 Assembly with a comprehensive report on its progress in
3 meeting performance measures and goals related to child day
4 care licensing.

5 (c) The report shall include:

6 (1) details on the funding for child day care
7 licensing, including:

8 (A) the total number of full-time employees
9 working on child day care licensing;

10 (B) the names of all sources of revenue used to
11 support child day care licensing;

12 (C) the amount of expenditures that is claimed
13 against federal funding sources;

14 (D) the identity of federal funding sources; and

15 (E) how funds are appropriated, including
16 appropriations for line staff, support staff,
17 supervisory staff, and training and other expenses and
18 the funding history of such licensing since fiscal
19 year 2010;

20 (2) current staffing qualifications of day care
21 licensing representatives and day care licensing
22 supervisors in comparison with staffing qualifications
23 specified in the job description;

24 (3) data history for fiscal year 2010 to the current
25 fiscal year on day care licensing representative caseloads
26 and staffing levels in all areas of the State;

1 (4) per the DCFS Child Day Care Licensing Advisory
2 Council's work plan, quarterly data on the following
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4 (A) the number and percentage of new applications
5 disposed of within 90 days;

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8 timely annual monitoring visits;

9 (D) the percentage of day care homes receiving
10 timely annual monitoring visits;

11 (E) the percentage of group day care homes
12 receiving timely annual monitoring visits;

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14 supervisory review;

15 (G) the progress on adopting a key indicator
16 system;

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18 within 30 days;

19 (I) the average number of days a day care center
20 applicant must wait to attend a licensing orientation;

21 (J) the number of licensing orientation sessions
22 available per region in the past year; and

23 (K) the number of Department of Early Childhood
24 trainings related to licensing and child development
25 available to providers in the past year; and

26 (5) efforts to coordinate with the Department of Human

1 Services and the State Board of Education on professional
2 development, credentialing issues, and child developers,
3 including training registry, child developers, and Quality
4 Rating and Improvement Systems (QRIS).

5 (d) The Department of Early Childhood shall work with the
6 Governor's appointed Early Learning Council on issues related
7 to and concerning child day care.

8 (Source: P.A. 103-594, eff. 7-1-26; 103-805, eff. 1-1-25;
9 revised 11-26-24.)

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