



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4490

Introduced 2/4/2020, by Rep. Anthony DeLuca

SYNOPSIS AS INTRODUCED:

225 ILCS 10/3	from Ch. 23, par. 2213
225 ILCS 10/6.5 new	
225 ILCS 10/7	from Ch. 23, par. 2217

Amends the Child Care Act of 1969. Requires specified personnel of a child care facility to be present at the open or close of the facility. Provides that early childhood teachers shall meet specified qualifications. Provides that the Department of Children and Family Services shall adopt rules on the qualifications of persons directly responsible for the care and welfare of children served in accordance with the qualifications for early childhood teachers. Effective immediately.

LRB101 16816 SPS 66214 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 Sections 3 and 7 and by adding Section 6.5 as follows:

6 (225 ILCS 10/3) (from Ch. 23, par. 2213)

7 Sec. 3. (a) No person, group of persons or corporation may
8 operate or conduct any facility for child care, as defined in
9 this Act, without a license or permit issued by the Department
10 or without being approved by the Department as meeting the
11 standards established for such licensing, with the exception of
12 facilities for whom standards are established by the Department
13 of Corrections under Section 3-15-2 of the Unified Code of
14 Corrections and with the exception of facilities defined in
15 Section 2.10 of this Act, and with the exception of programs or
16 facilities licensed by the Department of Human Services under
17 the Substance Use Disorder Act.

18 (b) No part day child care facility as described in Section
19 2.10 may operate without written notification to the Department
20 or without complying with Section 7.1. Notification shall
21 include a notarized statement by the facility that the facility
22 complies with state or local health standards and state fire
23 safety standards, and shall be filed with the department every

1 2 years.

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

5 (d) Any facility or agency which is exempt from licensing
6 may apply for licensing if licensing is required for some
7 government benefit.

8 (e) A provider of day care described in items (a) through
9 (j) of Section 2.09 of this Act is exempt from licensure. The
10 Department shall provide written verification of exemption and
11 description of compliance with standards for the health,
12 safety, and development of the children who receive the
13 services upon submission by the provider of, in addition to any
14 other documentation required by the Department, a notarized
15 statement that the facility complies with: (1) the standards of
16 the Department of Public Health or local health department, (2)
17 the fire safety standards of the State Fire Marshal, and (3) if
18 operated in a public school building, the health and safety
19 standards of the State Board of Education.

20 (f) A qualified child care director, as defined in 89 Ill.
21 Adm. Code 407.130, must be present at the open or close of the
22 facility. A qualified early childhood teacher, as defined in 89
23 Ill. Adm. Code 407.140, who has been employed by the facility
24 continuously for at least 24 months may otherwise be present
25 for the first or last hour of the workday.

26 (Source: P.A. 99-699, eff. 7-29-16; 100-759, eff. 1-1-19.)

1 (225 ILCS 10/6.5 new)

2 Sec. 6.5. Qualifications for early childhood teachers. An
3 early childhood teacher must meet one of the following
4 qualifications:

5 (1) complete 60 semester hours from an accredited
6 college or university and complete the Gateways ECE (Early
7 Childhood Education) Credential Level 1 training;

8 (2) complete 1,560 clock hours of child development
9 experience, 30 semester hours from an accredited college or
10 university, and the Gateways ECE (Early Childhood
11 Education) Credential Level 1 training;

12 (3) complete 2,080 clock hours of child development
13 experience as a teacher assistant in a day care center,
14 complete the Gateways ECE (Early Childhood Education)
15 Credential Level 1 training, and provide proof of
16 enrollment from an accredited college or university until
17 30 semester hours are attained or proof of enrollment in an
18 early childhood teacher credentialing program until the
19 credential is attained; or

20 (4) complete a credentialing program approved by the
21 Department in accordance with 89 Ill. Adm. Code
22 407.Appendix G.

23 (225 ILCS 10/7) (from Ch. 23, par. 2217)

24 Sec. 7. (a) The Department must prescribe and publish

1 minimum standards for licensing that apply to the various types
2 of facilities for child care defined in this Act and that are
3 equally applicable to like institutions under the control of
4 the Department and to foster family homes used by and under the
5 direct supervision of the Department. The Department shall seek
6 the advice and assistance of persons representative of the
7 various types of child care facilities in establishing such
8 standards. The standards prescribed and published under this
9 Act take effect as provided in the Illinois Administrative
10 Procedure Act, and are restricted to regulations pertaining to
11 the following matters and to any rules and regulations required
12 or permitted by any other Section of this Act:

13 (1) The operation and conduct of the facility and
14 responsibility it assumes for child care;

15 (2) In accordance with Section 6.5, the ~~The~~ character,
16 suitability and qualifications of the applicant and other
17 persons directly responsible for the care and welfare of
18 children served. All child day care center licensees and
19 employees who are required to report child abuse or neglect
20 under the Abused and Neglected Child Reporting Act shall be
21 required to attend training on recognizing child abuse and
22 neglect, as prescribed by Department rules;

23 (3) The general financial ability and competence of the
24 applicant to provide necessary care for children and to
25 maintain prescribed standards;

26 (4) The number of individuals or staff required to

1 insure adequate supervision and care of the children
2 received. The standards shall provide that each child care
3 institution, maternity center, day care center, group
4 home, day care home, and group day care home shall have on
5 its premises during its hours of operation at least one
6 staff member certified in first aid, in the Heimlich
7 maneuver and in cardiopulmonary resuscitation by the
8 American Red Cross or other organization approved by rule
9 of the Department. Child welfare agencies shall not be
10 subject to such a staffing requirement. The Department may
11 offer, or arrange for the offering, on a periodic basis in
12 each community in this State in cooperation with the
13 American Red Cross, the American Heart Association or other
14 appropriate organization, voluntary programs to train
15 operators of foster family homes and day care homes in
16 first aid and cardiopulmonary resuscitation;

17 (5) The appropriateness, safety, cleanliness, and
18 general adequacy of the premises, including maintenance of
19 adequate fire prevention and health standards conforming
20 to State laws and municipal codes to provide for the
21 physical comfort, care, and well-being of children
22 received;

23 (6) Provisions for food, clothing, educational
24 opportunities, program, equipment and individual supplies
25 to assure the healthy physical, mental, and spiritual
26 development of children served;

1 (7) Provisions to safeguard the legal rights of
2 children served;

3 (8) Maintenance of records pertaining to the
4 admission, progress, health, and discharge of children,
5 including, for day care centers and day care homes, records
6 indicating each child has been immunized as required by
7 State regulations. The Department shall require proof that
8 children enrolled in a facility have been immunized against
9 Haemophilus Influenzae B (HIB);

10 (9) Filing of reports with the Department;

11 (10) Discipline of children;

12 (11) Protection and fostering of the particular
13 religious faith of the children served;

14 (12) Provisions prohibiting firearms on day care
15 center premises except in the possession of peace officers;

16 (13) Provisions prohibiting handguns on day care home
17 premises except in the possession of peace officers or
18 other adults who must possess a handgun as a condition of
19 employment and who reside on the premises of a day care
20 home;

21 (14) Provisions requiring that any firearm permitted
22 on day care home premises, except handguns in the
23 possession of peace officers, shall be kept in a
24 disassembled state, without ammunition, in locked storage,
25 inaccessible to children and that ammunition permitted on
26 day care home premises shall be kept in locked storage

1 separate from that of disassembled firearms, inaccessible
2 to children;

3 (15) Provisions requiring notification of parents or
4 guardians enrolling children at a day care home of the
5 presence in the day care home of any firearms and
6 ammunition and of the arrangements for the separate, locked
7 storage of such firearms and ammunition;

8 (16) Provisions requiring all licensed child care
9 facility employees who care for newborns and infants to
10 complete training every 3 years on the nature of sudden
11 unexpected infant death (SUID), sudden infant death
12 syndrome (SIDS), and the safe sleep recommendations of the
13 American Academy of Pediatrics; and

14 (17) With respect to foster family homes, provisions
15 requiring the Department to review quality of care concerns
16 and to consider those concerns in determining whether a
17 foster family home is qualified to care for children.

18 (b) If, in a facility for general child care, there are
19 children diagnosed as mentally ill or children diagnosed as
20 having an intellectual or physical disability, who are
21 determined to be in need of special mental treatment or of
22 nursing care, or both mental treatment and nursing care, the
23 Department shall seek the advice and recommendation of the
24 Department of Human Services, the Department of Public Health,
25 or both Departments regarding the residential treatment and
26 nursing care provided by the institution.

1 (c) The Department shall investigate any person applying to
2 be licensed as a foster parent to determine whether there is
3 any evidence of current drug or alcohol abuse in the
4 prospective foster family. The Department shall not license a
5 person as a foster parent if drug or alcohol abuse has been
6 identified in the foster family or if a reasonable suspicion of
7 such abuse exists, except that the Department may grant a
8 foster parent license to an applicant identified with an
9 alcohol or drug problem if the applicant has successfully
10 participated in an alcohol or drug treatment program, self-help
11 group, or other suitable activities and if the Department
12 determines that the foster family home can provide a safe,
13 appropriate environment and meet the physical and emotional
14 needs of children.

15 (d) The Department, in applying standards prescribed and
16 published, as herein provided, shall offer consultation
17 through employed staff or other qualified persons to assist
18 applicants and licensees in meeting and maintaining minimum
19 requirements for a license and to help them otherwise to
20 achieve programs of excellence related to the care of children
21 served. Such consultation shall include providing information
22 concerning education and training in early childhood
23 development to providers of day care home services. The
24 Department may provide or arrange for such education and
25 training for those providers who request such assistance.

26 (e) The Department shall distribute copies of licensing

1 standards to all licensees and applicants for a license. Each
2 licensee or holder of a permit shall distribute copies of the
3 appropriate licensing standards and any other information
4 required by the Department to child care facilities under its
5 supervision. Each licensee or holder of a permit shall maintain
6 appropriate documentation of the distribution of the
7 standards. Such documentation shall be part of the records of
8 the facility and subject to inspection by authorized
9 representatives of the Department.

10 (f) The Department shall prepare summaries of day care
11 licensing standards. Each licensee or holder of a permit for a
12 day care facility shall distribute a copy of the appropriate
13 summary and any other information required by the Department,
14 to the legal guardian of each child cared for in that facility
15 at the time when the child is enrolled or initially placed in
16 the facility. The licensee or holder of a permit for a day care
17 facility shall secure appropriate documentation of the
18 distribution of the summary and brochure. Such documentation
19 shall be a part of the records of the facility and subject to
20 inspection by an authorized representative of the Department.

21 (g) The Department shall distribute to each licensee and
22 holder of a permit copies of the licensing or permit standards
23 applicable to such person's facility. Each licensee or holder
24 of a permit shall make available by posting at all times in a
25 common or otherwise accessible area a complete and current set
26 of licensing standards in order that all employees of the

1 facility may have unrestricted access to such standards. All
2 employees of the facility shall have reviewed the standards and
3 any subsequent changes. Each licensee or holder of a permit
4 shall maintain appropriate documentation of the current review
5 of licensing standards by all employees. Such records shall be
6 part of the records of the facility and subject to inspection
7 by authorized representatives of the Department.

8 (h) Any standards involving physical examinations,
9 immunization, or medical treatment shall include appropriate
10 exemptions for children whose parents object thereto on the
11 grounds that they conflict with the tenets and practices of a
12 recognized church or religious organization, of which the
13 parent is an adherent or member, and for children who should
14 not be subjected to immunization for clinical reasons.

15 (i) The Department, in cooperation with the Department of
16 Public Health, shall work to increase immunization awareness
17 and participation among parents of children enrolled in day
18 care centers and day care homes by publishing on the
19 Department's website information about the benefits of
20 immunization against vaccine preventable diseases, including
21 influenza and pertussis. The information for vaccine
22 preventable diseases shall include the incidence and severity
23 of the diseases, the availability of vaccines, and the
24 importance of immunizing children and persons who frequently
25 have close contact with children. The website content shall be
26 reviewed annually in collaboration with the Department of

1 Public Health to reflect the most current recommendations of
2 the Advisory Committee on Immunization Practices (ACIP). The
3 Department shall work with day care centers and day care homes
4 licensed under this Act to ensure that the information is
5 annually distributed to parents in August or September.

6 (j) Any standard adopted by the Department that requires an
7 applicant for a license to operate a day care home to include a
8 copy of a high school diploma or equivalent certificate with
9 his or her application shall be deemed to be satisfied if the
10 applicant includes a copy of a high school diploma or
11 equivalent certificate or a copy of a degree from an accredited
12 institution of higher education or vocational institution or
13 equivalent certificate.

14 (Source: P.A. 99-143, eff. 7-27-15; 99-779, eff. 1-1-17;
15 100-201, eff. 8-18-17.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.