

HB5401



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5401

by Rep. Jehan Gordon-Booth

SYNOPSIS AS INTRODUCED:

225 ILCS 10/2.09

from Ch. 23, par. 2212.09

Amends the Child Care Act of 1969. Provides that "day care center" does not include certain programs or portions of programs that serve children who shall have attained the age of 2 years (rather than 3 years). Makes conforming changes.

LRB101 18314 SPS 67760 b

A BILL FOR

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) (from Ch. 23, par. 2212.09)

7 Sec. 2.09. "Day care center" means any child care facility
8 which regularly provides day care for less than 24 hours per
9 day for (1) more than 8 children in a family home, or (2) more
10 than 3 children in a facility other than a family home,
11 including senior citizen buildings.

12 The term does not include:

13 (a) programs operated by (i) public or private
14 elementary school systems or secondary level school units
15 or institutions of higher learning that serve children who
16 shall have attained the age of 2 ~~3~~ years or (ii) private
17 entities on the grounds of public or private elementary or
18 secondary schools and that serve children who have attained
19 the age of 2 ~~3~~ years, except that this exception applies
20 only to the facility and not to the private entities'
21 personnel operating the program;

22 (b) programs or that portion of the program which
23 serves children who shall have attained the age of 2 ~~3~~

1 years and which are recognized by the State Board of
2 Education;

3 (c) educational program or programs serving children
4 who shall have attained the age of 2 ~~3~~ years and which are
5 operated by a school which is registered with the State
6 Board of Education and which is recognized or accredited by
7 a recognized national or multistate educational
8 organization or association which regularly recognizes or
9 accredits schools;

10 (d) programs which exclusively serve or that portion of
11 the program which serves children with disabilities who
12 shall have attained the age of 2 ~~3~~ years but are less than
13 21 years of age and which are registered and approved as
14 meeting standards of the State Board of Education and
15 applicable fire marshal standards;

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

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

23 (g) special activities programs, including athletics,
24 crafts instruction, and similar activities conducted on an
25 organized and periodic basis by civic, charitable and
26 governmental organizations;

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

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

4 (1) serves children who shall have attained the age
5 of 2 3 years;

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

9 (3) receives no governmental aid;

10 (4) is operated as a component of a religious,
11 nonprofit elementary school;

12 (5) operates primarily to provide religious
13 education; and

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

16 (j) programs or portions of programs that:

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

20 (2) are organized to promote childhood learning,
21 child and youth development, educational or
22 recreational activities, or character-building;

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

25 (4) comply with the standards of the Illinois
26 Department of Public Health (77 Ill. Adm. Code 750) or

1 the local health department, the Illinois State Fire
2 Marshal (41 Ill. Adm. Code 100), and the following
3 additional health and safety requirements: procedures
4 for employee and volunteer emergency preparedness and
5 practice drills; procedures to ensure that first aid
6 kits are maintained and ready to use; the placement of
7 a minimum level of liability insurance as determined by
8 the Department; procedures for the availability of a
9 working telephone that is onsite and accessible at all
10 times; procedures to ensure that emergency phone
11 numbers are posted onsite; and a restriction on handgun
12 or weapon possession onsite, except if possessed by a
13 peace officer;

14 (5) perform and maintain authorization and results
15 of criminal history checks through the Illinois State
16 Police and FBI and checks of the Illinois Sex Offender
17 Registry, the National Sex Offender Registry, and
18 Child Abuse and Neglect Tracking System for employees
19 and volunteers who work directly with children;

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

24 (7) provide parents with written disclosure that
25 the operations of the program are not regulated by
26 licensing requirements; and

1 (8) obtain and maintain records showing the first
2 and last name and date of birth of the child, name,
3 address, and telephone number of each parent,
4 emergency contact information, and written
5 authorization for medical care.

6 Programs or portions of programs requesting Child Care
7 Assistance Program (CCAP) funding and otherwise meeting the
8 requirements under item (j) shall request exemption from the
9 Department and be determined exempt prior to receiving funding
10 and must annually meet the eligibility requirements and be
11 appropriate for payment under the CCAP.

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

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

26 For purposes of items (a), (b), (c), (d), and (i) of this

1 Section, "children who shall have attained the age of 2 ~~3~~
2 years" shall mean children who are 3 years of age, but less
3 than 4 years of age, at the time of enrollment in the program.
4 (Source: P.A. 99-143, eff. 7-27-15; 99-699, eff. 7-29-16;
5 100-201, eff. 8-18-17.)