

HB3187



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3187

Introduced 2/19/2021, 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.

LRB102 13396 SPS 18740 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 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
19 attained the age of 3 years, except that this exception
20 applies only to the facility and not to the private
21 entities' personnel operating the program;

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

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

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

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

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

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

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

26 (h) part day child care facilities, as defined in

1 Section 2.10 of this Act;

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

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

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

8 (3) receives no governmental aid;

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

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

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

15 (j) programs or portions of programs that:

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

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

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

24 (4) comply with the standards of the Illinois
25 Department of Public Health (77 Ill. Adm. Code 750) or
26 the local health department, the Illinois State Fire

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

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

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

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

26 (8) obtain and maintain records showing the first

1 and last name and date of birth of the child, name,
2 address, and telephone number of each parent,
3 emergency contact information, and written
4 authorization for medical care.

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

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

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

25 For purposes of items (a), (b), (c), and (d), ~~and (i)~~ of
26 this Section, "children who shall have attained the age of 3

1 years" shall mean children who are 3 years of age, but less
2 than 4 years of age, at the time of enrollment in the program.
3 For the purpose of item (i) of this Section, "children who
4 shall have attained the age of 2 years" shall mean children who
5 are 2 years of age, but less than 4 years of age, at the time
6 of enrollment in the program.

7 (Source: P.A. 99-143, eff. 7-27-15; 99-699, eff. 7-29-16;
8 100-201, eff. 8-18-17.)