

# HB3566



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3566

Introduced 2/17/2023, by Rep. Joyce Mason

### SYNOPSIS AS INTRODUCED:

225 ILCS 10/7

from Ch. 23, par. 2217

Amends the Child Care Act of 1969. Provides that the minimum standards for child care licensing include regulations to allow for staffing flexibility of qualified early childhood assistants to enable the early childhood assistants to supervise a classroom outside of the core developmental hours of the day, which shall not exceed more than 3 consecutive hours.

LRB103 29862 AMQ 56271 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 7 as follows:

6 (225 ILCS 10/7) (from Ch. 23, par. 2217)

7 Sec. 7. (a) The Department must prescribe and publish  
8 minimum standards for licensing that apply to the various  
9 types of facilities for child care defined in this Act and that  
10 are equally applicable to like institutions under the control  
11 of the Department and to foster family homes used by and under  
12 the direct supervision of the Department. The Department shall  
13 seek the advice and assistance of persons representative of  
14 the various types of child care facilities in establishing  
15 such standards. The standards prescribed and published under  
16 this Act take effect as provided in the Illinois  
17 Administrative Procedure Act, and are restricted to  
18 regulations pertaining to the following matters and to any  
19 rules and regulations required or permitted by any other  
20 Section of this Act:

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

23 (2) The character, suitability and qualifications of

1 the applicant and other persons directly responsible for  
2 the care and welfare of children served. All child day  
3 care center licensees and employees who are required to  
4 report child abuse or neglect under the Abused and  
5 Neglected Child Reporting Act shall be required to attend  
6 training on recognizing child abuse and neglect, as  
7 prescribed by Department rules;

8 (3) The general financial ability and competence of  
9 the applicant to provide necessary care for children and  
10 to maintain prescribed standards;

11 (4) The number of individuals or staff required to  
12 insure adequate supervision and care of the children  
13 received. The standards shall provide that each child care  
14 institution, maternity center, day care center, group  
15 home, day care home, and group day care home shall have on  
16 its premises during its hours of operation at least one  
17 staff member certified in first aid, in the Heimlich  
18 maneuver and in cardiopulmonary resuscitation by the  
19 American Red Cross or other organization approved by rule  
20 of the Department. Child welfare agencies shall not be  
21 subject to such a staffing requirement. The Department may  
22 offer, or arrange for the offering, on a periodic basis in  
23 each community in this State in cooperation with the  
24 American Red Cross, the American Heart Association or  
25 other appropriate organization, voluntary programs to  
26 train operators of foster family homes and day care homes

1 in first aid and cardiopulmonary resuscitation;

2 (4.5) Provisions to allow for staffing flexibility of  
3 qualified early childhood assistants to enable the early  
4 childhood assistants to supervise a classroom outside of  
5 the core developmental hours of the day, which shall not  
6 exceed more than 3 consecutive hours;

7 (5) The appropriateness, safety, cleanliness, and  
8 general adequacy of the premises, including maintenance of  
9 adequate fire prevention and health standards conforming  
10 to State laws and municipal codes to provide for the  
11 physical comfort, care, and well-being of children  
12 received;

13 (6) Provisions for food, clothing, educational  
14 opportunities, program, equipment and individual supplies  
15 to assure the healthy physical, mental, and spiritual  
16 development of children served;

17 (7) Provisions to safeguard the legal rights of  
18 children served;

19 (8) Maintenance of records pertaining to the  
20 admission, progress, health, and discharge of children,  
21 including, for day care centers and day care homes,  
22 records indicating each child has been immunized as  
23 required by State regulations. The Department shall  
24 require proof that children enrolled in a facility have  
25 been immunized against Haemophilus Influenzae B (HIB);

26 (9) Filing of reports with the Department;

1 (10) Discipline of children;

2 (11) Protection and fostering of the particular  
3 religious faith of the children served;

4 (12) Provisions prohibiting firearms on day care  
5 center premises except in the possession of peace  
6 officers;

7 (13) Provisions prohibiting handguns on day care home  
8 premises except in the possession of peace officers or  
9 other adults who must possess a handgun as a condition of  
10 employment and who reside on the premises of a day care  
11 home;

12 (14) Provisions requiring that any firearm permitted  
13 on day care home premises, except handguns in the  
14 possession of peace officers, shall be kept in a  
15 disassembled state, without ammunition, in locked storage,  
16 inaccessible to children and that ammunition permitted on  
17 day care home premises shall be kept in locked storage  
18 separate from that of disassembled firearms, inaccessible  
19 to children;

20 (15) Provisions requiring notification of parents or  
21 guardians enrolling children at a day care home of the  
22 presence in the day care home of any firearms and  
23 ammunition and of the arrangements for the separate,  
24 locked storage of such firearms and ammunition;

25 (16) Provisions requiring all licensed child care  
26 facility employees who care for newborns and infants to

1 complete training every 3 years on the nature of sudden  
2 unexpected infant death (SUID), sudden infant death  
3 syndrome (SIDS), and the safe sleep recommendations of the  
4 American Academy of Pediatrics; and

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

10 By July 1, 2022, all licensed day care home providers,  
11 licensed group day care home providers, and licensed day care  
12 center directors and classroom staff shall participate in at  
13 least one training that includes the topics of early childhood  
14 social emotional learning, infant and early childhood mental  
15 health, early childhood trauma, or adverse childhood  
16 experiences. Current licensed providers, directors, and  
17 classroom staff shall complete training by July 1, 2022 and  
18 shall participate in training that includes the above topics  
19 at least once every 3 years.

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

1 or both Departments regarding the residential treatment and  
2 nursing care provided by the institution.

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

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

1 training for those providers who request such assistance.

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

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

23 (g) The Department shall distribute to each licensee and  
24 holder of a permit copies of the licensing or permit standards  
25 applicable to such person's facility. Each licensee or holder  
26 of a permit shall make available by posting at all times in a



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

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

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

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

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

16 (Source: P.A. 102-4, eff. 4-27-21.)