

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 2.09 and 3 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. The term does not include  
12 (a) programs operated by (i) public or private elementary  
13 school systems or secondary level school units or institutions  
14 of higher learning that serve children who shall have attained  
15 the age of 3 years or (ii) private entities on the grounds of  
16 public or private elementary or secondary schools and that  
17 serve children who have attained the age of 3 years, except  
18 that this exception applies only to the facility and not to the  
19 private entities' personnel operating the program; (b)  
20 programs or that portion of the program which serves children  
21 who shall have attained the age of 3 years and which are  
22 recognized by the State Board of Education; (c) educational  
23 program or programs serving children who shall have attained

1 the age of 3 years and which are operated by a school which is  
2 registered with the State Board of Education and which is  
3 recognized or accredited by a recognized national or multistate  
4 educational organization or association which regularly  
5 recognizes or accredits schools; (d) programs which  
6 exclusively serve or that portion of the program which serves  
7 children with disabilities who shall have attained the age of 3  
8 years but are less than 21 years of age and which are  
9 registered and approved as meeting standards of the State Board  
10 of Education and applicable fire marshal standards; (e)  
11 facilities operated in connection with a shopping center or  
12 service, religious services, or other similar facility, where  
13 transient children are cared for temporarily while parents or  
14 custodians of the children are occupied on the premises and  
15 readily available; (f) any type of day care center that is  
16 conducted on federal government premises; (g) special  
17 activities programs, including athletics, crafts instruction  
18 and similar activities conducted on an organized and periodic  
19 basis by civic, charitable and governmental organizations; (h)  
20 part day child care facilities, as defined in Section 2.10 of  
21 this Act; ~~or~~ (i) programs or that portion of the program which  
22 (1) serves children who shall have attained the age of 3 years,  
23 (2) is operated by churches or religious institutions as  
24 described in Section 501 (c) (3) of the federal Internal  
25 Revenue Code, (3) receives no governmental aid, (4) is operated  
26 as a component of a religious, nonprofit elementary school, (5)

1 operates primarily to provide religious education, and (6)  
2 meets appropriate State or local health and fire safety  
3 standards; or (j) programs or portions of programs that: (1)  
4 serve only school-age children and youth (defined as full-time  
5 kindergarten children, as defined in 89 Ill. Adm. Code 407.45,  
6 or older), (2) are organized to promote childhood learning,  
7 child and youth development, educational or recreational  
8 activities, or character-building, (3) operate primarily  
9 during out-of-school time or at times when school is not  
10 normally in session, (4) comply with the standards of the  
11 Illinois Department of Public Health (77 Ill. Adm. Code 750) or  
12 the local health department, the Illinois State Fire Marshal  
13 (41 Ill. Adm. Code 100), and the following additional health  
14 and safety requirements: procedures for employee and volunteer  
15 emergency preparedness and practice drills; procedures to  
16 ensure that first aid kits are maintained and ready to use; the  
17 placement of a minimum level of liability insurance as  
18 determined by the Department; procedures for the availability  
19 of a working telephone that is onsite and accessible at all  
20 times; procedures to ensure that emergency phone numbers are  
21 posted onsite; and a restriction on handgun or weapon  
22 possession onsite, except if possessed by a peace officer, (5)  
23 perform and maintain authorization and results of criminal  
24 history checks through the Illinois State Police and FBI and  
25 checks of the Illinois Sex Offender Registry, the National Sex  
26 Offender Registry, and Child Abuse and Neglect Tracking System

1 for employees and volunteers who work directly with children,  
2 (6) make hiring decisions in accordance with the prohibitions  
3 against barrier crimes as specified in Section 4.2 of this Act  
4 or in Section 21B-80 of the School Code, (7) provide parents  
5 with written disclosure that the operations of the program are  
6 not regulated by licensing requirements, and (8) obtain and  
7 maintain records showing the first and last name and date of  
8 birth of the child, name, address, and telephone number of each  
9 parent, emergency contact information, and written  
10 authorization for medical care.

11 Programs or portions of programs requesting Child Care  
12 Assistance Program (CCAP) funding and otherwise meeting the  
13 requirements under (j) shall request exemption from the  
14 Department and be determined exempt prior to receiving funding  
15 and must annually meet the eligibility requirements and be  
16 appropriate for payment under the CCAP.

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

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

5       For purposes of (a), (b), (c), (d) and (i) of this Section,  
6       "children who shall have attained the age of 3 years" shall  
7       mean children who are 3 years of age, but less than 4 years of  
8       age, at the time of enrollment in the program.

9       (Source: P.A. 99-143, eff. 7-27-15.)

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

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

22       (b) No part day child care facility as described in Section  
23       2.10 may operate without written notification to the Department  
24       or without complying with Section 7.1. Notification shall  
25       include a notarized statement by the facility that the facility

1 complies with state or local health standards and state fire  
2 safety standards, and shall be filed with the department every  
3 2 years.

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

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

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

22 (Source: P.A. 88-670, eff. 12-2-94; 89-507, eff. 7-1-97.)

23 Section 99. Effective date. This Act takes effect upon  
24 becoming law.