



Sen. Dave Syverson

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1 AMENDMENT TO SENATE BILL 2321

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2321, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Child Care Act of 1969 is amended by  
6 changing Sections 2.09 and 3 as follows:

7 (225 ILCS 10/2.09) (from Ch. 23, par. 2212.09)

8 Sec. 2.09. "Day care center" means any child care facility  
9 which regularly provides day care for less than 24 hours per  
10 day for (1) more than 8 children in a family home, or (2) more  
11 than 3 children in a facility other than a family home,  
12 including senior citizen buildings. The term does not include  
13 (a) programs operated by (i) public or private elementary  
14 school systems or secondary level school units or institutions  
15 of higher learning that serve children who shall have attained  
16 the age of 3 years or (ii) private entities on the grounds of

1 public or private elementary or secondary schools and that  
2 serve children who have attained the age of 3 years, except  
3 that this exception applies only to the facility and not to the  
4 private entities' personnel operating the program; (b)  
5 programs or that portion of the program which serves children  
6 who shall have attained the age of 3 years and which are  
7 recognized by the State Board of Education; (c) educational  
8 program or programs serving children who shall have attained  
9 the age of 3 years and which are operated by a school which is  
10 registered with the State Board of Education and which is  
11 recognized or accredited by a recognized national or multistate  
12 educational organization or association which regularly  
13 recognizes or accredits schools; (d) programs which  
14 exclusively serve or that portion of the program which serves  
15 children with disabilities who shall have attained the age of 3  
16 years but are less than 21 years of age and which are  
17 registered and approved as meeting standards of the State Board  
18 of Education and applicable fire marshal standards; (e)  
19 facilities operated in connection with a shopping center or  
20 service, religious services, or other similar facility, where  
21 transient children are cared for temporarily while parents or  
22 custodians of the children are occupied on the premises and  
23 readily available; (f) any type of day care center that is  
24 conducted on federal government premises; (g) special  
25 activities programs, including athletics, crafts instruction  
26 and similar activities conducted on an organized and periodic

1 basis by civic, charitable and governmental organizations; (h)  
2 part day child care facilities, as defined in Section 2.10 of  
3 this Act; ~~or~~ (i) programs or that portion of the program which  
4 (1) serves children who shall have attained the age of 3 years,  
5 (2) is operated by churches or religious institutions as  
6 described in Section 501 (c) (3) of the federal Internal  
7 Revenue Code, (3) receives no governmental aid, (4) is operated  
8 as a component of a religious, nonprofit elementary school, (5)  
9 operates primarily to provide religious education, and (6)  
10 meets appropriate State or local health and fire safety  
11 standards; or (j) programs or portions of programs that: (1)  
12 serve only school-age children and youth (defined as full-time  
13 kindergarten children, as defined in 89 Ill. Adm. Code 407.45,  
14 or older), (2) are organized to promote childhood learning,  
15 child and youth development, educational or recreational  
16 activities, or character-building, (3) operate primarily  
17 during out-of-school time or at times when school is not  
18 normally in session, (4) comply with the standards of the  
19 Illinois Department of Public Health (77 Ill. Adm. Code 750) or  
20 the local health department, the Illinois State Fire Marshal  
21 (41 Ill. Adm. Code 100), and the following additional health  
22 and safety requirements: procedures for employee and volunteer  
23 emergency preparedness and practice drills; procedures to  
24 ensure that first aid kits are maintained and ready to use; the  
25 placement of a minimum level of liability insurance as  
26 determined by the Department; procedures for the availability

1 of a working telephone that is onsite and accessible at all  
2 times; procedures to ensure that emergency phone numbers are  
3 posted onsite; and a restriction on handgun or weapon  
4 possession onsite, except if possessed by a peace officer, (5)  
5 perform and maintain authorization and results of criminal  
6 history checks through the Illinois State Police and FBI and  
7 checks of the Illinois Sex Offender Registry and Child Abuse  
8 and Neglect Tracking System for employees and volunteers who  
9 work directly with children, (6) make hiring decisions in  
10 accordance with the prohibitions against barrier crimes as  
11 specified in Section 4.2 of this Act or in Section 21B-80 of  
12 the School Code, (7) provide parents with written disclosure  
13 that the operations of the program are not regulated by  
14 licensing requirements, and (8) obtain and maintain records  
15 showing the first and last name and date of birth of the child,  
16 name, address, and telephone number of each parent, emergency  
17 contact information, and written authorization for medical  
18 care.

19 Programs or portions of programs requesting Child Care  
20 Assistance Program (CCAP) funding and otherwise exempt under  
21 (j) shall request exemption from the Department and be  
22 determined exempt prior to receiving funding and must annually  
23 meet the eligibility requirements and be appropriate for  
24 payment under the CCAP. Programs or portions of programs under  
25 the exemption in (j) must also comply with staff qualification  
26 and training standards established by rule by the Department of

1 Human Services. Such standards set by the Department of Human  
2 Services shall be developed after review of ACT Now  
3 evidence-based quality standards developed for school-aged  
4 out-of-school time programs, feedback from the school-aged  
5 out-of-school time program professionals, and review of  
6 afterschool professional development frameworks and quality  
7 tools. State and federally funded out-of-school time programs  
8 for school-aged youth must comply only with staff  
9 qualifications and training standards set for the program by  
10 the State or federal entity.

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

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

16 (225 ILCS 10/3) (from Ch. 23, par. 2213)

17 Sec. 3. (a) No person, group of persons or corporation may  
18 operate or conduct any facility for child care, as defined in  
19 this Act, without a license or permit issued by the Department  
20 or without being approved by the Department as meeting the  
21 standards established for such licensing, with the exception of  
22 facilities for whom standards are established by the Department  
23 of Corrections under Section 3-15-2 of the Unified Code of  
24 Corrections and with the exception of facilities defined in  
25 Section 2.10 of this Act, and with the exception of programs or

1 facilities licensed by the Department of Human Services under  
2 the Alcoholism and Other Drug Abuse and Dependency Act.

3 (b) No part day child care facility as described in Section  
4 2.10 may operate without written notification to the Department  
5 or without complying with Section 7.1. Notification shall  
6 include a notarized statement by the facility that the facility  
7 complies with state or local health standards and state fire  
8 safety standards, and shall be filed with the department every  
9 2 years.

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

13 (d) Any facility or agency which is exempt from licensing  
14 may apply for licensing if licensing is required for some  
15 government benefit.

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

1 standards of the State Board of Education.

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

3 Section 99. Effective date. This Act takes effect upon  
4 becoming law.".