

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 recreation, crafts instruction, and similar activities  
24 conducted on an organized and periodic basis by civic,  
25 charitable and governmental organizations, including, but  
26 not limited to, programs offered by park districts

1       organized under the Park District Code to children who  
2       shall have attained the age of 3 years old if the program  
3       meets no more than 3.5 continuous hours at a time or less  
4       and no more than 25 hours during any week, and the park  
5       district conducts background investigations on employees  
6       of the program pursuant to Section 8-23 of the Park  
7       District Code;

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

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

11               (1) serves children who shall have attained the  
12       age of 3 years;

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

16               (3) receives no governmental aid;

17               (4) is operated as a component of a religious,  
18       nonprofit elementary school;

19               (5) operates primarily to provide religious  
20       education; and

21               (6) meets appropriate State or local health and  
22       fire safety standards; or

23          (j) programs or portions of programs that:

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

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

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

6           (4) comply with the standards of the Illinois  
7           Department of Public Health (77 Ill. Adm. Code 750) or  
8           the local health department, the Illinois State Fire  
9           Marshal (41 Ill. Adm. Code 100), and the following  
10          additional health and safety requirements: procedures  
11          for employee and volunteer emergency preparedness and  
12          practice drills; procedures to ensure that first aid  
13          kits are maintained and ready to use; the placement of  
14          a minimum level of liability insurance as determined  
15          by the Department; procedures for the availability of  
16          a working telephone that is onsite and accessible at  
17          all times; procedures to ensure that emergency phone  
18          numbers are posted onsite; and a restriction on  
19          handgun or weapon possession onsite, except if  
20          possessed by a peace officer;

21          (5) perform and maintain authorization and results  
22          of criminal history checks through the Illinois State  
23          Police and FBI and checks of the Illinois Sex Offender  
24          Registry, the National Sex Offender Registry, and  
25          Child Abuse and Neglect Tracking System for employees  
26          and volunteers who work directly with children;

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

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

8           (8) obtain and maintain records showing the first  
9 and last name and date of birth of the child, name,  
10 address, and telephone number of each parent,  
11 emergency contact information, and written  
12 authorization for medical care.

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

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

1 program professionals, and review of out-of-school time  
2 professional development frameworks and quality tools.

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

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

11 (Source: P.A. 99-143, eff. 7-27-15; 99-699, eff. 7-29-16;  
12 100-201, eff. 8-18-17.)

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law.