



Sen. Cristina H. Pacione-Zayas

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10300HB3566sam003

LRB103 29862 SPS 62173 a

1 AMENDMENT TO HOUSE BILL 3566

2 AMENDMENT NO. _____. Amend House Bill 3566, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Administrative Procedure Act is
6 amended by adding Section 5-45.35 as follows:

7 (5 ILCS 100/5-45.35 new)

8 Sec. 5-45.35. Emergency rulemaking; Department of Children
9 and Family Services. To provide for the expeditious and timely
10 implementation of this amendatory Act of the 103rd General
11 Assembly, emergency rules implementing this amendatory Act of
12 the 103rd General Assembly may be adopted in accordance with
13 Section 5-45 by the Department of Children and Family
14 Services. The adoption of emergency rules authorized by
15 Section 5-45 and this Section is deemed to be necessary for the
16 public interest, safety, and welfare.

1 This Section is repealed one year after the effective date
2 of this amendatory Act of the 103rd General Assembly.

3 Section 10. The Child Care Act of 1969 is amended by
4 changing Section 7 as follows:

5 (225 ILCS 10/7) (from Ch. 23, par. 2217)

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

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

22 (2) The character, suitability and qualifications of
23 the applicant and other persons directly responsible for
24 the care and welfare of children served. All child day

1 care center licensees and employees who are required to
2 report child abuse or neglect under the Abused and
3 Neglected Child Reporting Act shall be required to attend
4 training on recognizing child abuse and neglect, as
5 prescribed by Department rules;

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

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

26 (4.5) Provisions to allow for staffing flexibility of

1 qualified early childhood assistants to enable the early
2 childhood assistants to supervise a classroom outside of
3 the core developmental hours of the day, which shall not
4 exceed more than 3 hours in a single day and shall be
5 documented in the program's Enhanced Staffing Plan. The
6 Department shall adopt emergency rules to implement the
7 changes made by this amendatory Act of the 103rd General
8 Assembly;

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

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

19 (7) Provisions to safeguard the legal rights of
20 children served;

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

1 been immunized against Haemophilus Influenzae B (HIB);

2 (9) Filing of reports with the Department;

3 (10) Discipline of children;

4 (11) Protection and fostering of the particular
5 religious faith of the children served;

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

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

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

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

1 (16) Provisions requiring all licensed child care
2 facility employees who care for newborns and infants to
3 complete training every 3 years on the nature of sudden
4 unexpected infant death (SUID), sudden infant death
5 syndrome (SIDS), and the safe sleep recommendations of the
6 American Academy of Pediatrics; and

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

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

22 (b) If, in a facility for general child care, there are
23 children diagnosed as mentally ill or children diagnosed as
24 having an intellectual or physical disability, who are
25 determined to be in need of special mental treatment or of
26 nursing care, or both mental treatment and nursing care, the

1 Department shall seek the advice and recommendation of the
2 Department of Human Services, the Department of Public Health,
3 or both Departments regarding the residential treatment and
4 nursing care provided by the institution.

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

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

1 development to providers of day care home services. The
2 Department may provide or arrange for such education and
3 training for those providers who request such assistance.

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

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

25 (g) The Department shall distribute to each licensee and
26 holder of a permit copies of the licensing or permit standards

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

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

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

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

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

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

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.".