



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB3676

Introduced 2/17/2023, by Rep. Harry Benton and Diane Blair-Sherlock

#### SYNOPSIS AS INTRODUCED:

225 ILCS 10/3	from Ch. 23, par. 2213
225 ILCS 10/6.5 new	
225 ILCS 10/7	from Ch. 23, par. 2217

Amends the Child Care Act of 1969. Provides that a qualified child care director must be present at the open or close of the facility. Provides that a qualified early childhood teacher who has been employed by the facility continuously for at least 24 months may otherwise be present for the first or last hour of the workday. Provides that a child care facility licensed under the Act may allow programs to staff classrooms with early childhood assistant qualified staff for up to 3 hours of the program day if it is documented in the facility's written staffing plan. Provides that an early childhood teacher must meet one of the following qualifications: (1) complete 60 semester hours from an accredited college or university with either 6 semester hours in early childhood education or complete the Gateways Early Childhood Education Credential Level 1 training; (2) complete 1,560 clock hours of child development experience and 30 semester hours from an accredited college or university with either 6 semester hours in early childhood education or Gateways Early Childhood Education Credential Level 1 training; (3) complete 2,080 clock hours of child development experience as a teacher assistant in a day care center, complete the Gateways Early Childhood Education Credential Level 1 training, and provide proof of enrollment from an accredited college or university until 30 semester hours are attained or proof of enrollment in an early childhood teacher credentialing program, either of which must be completed in no more than 5 years from the date of initial enrollment; or (4) complete a credentialing program approved by the Department of Children and Family Services in accordance with administrative rule. Makes a corresponding change.

LRB103 30454 AMQ 56887 b

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 3 and 7 and by adding Section 6.5 as follows:

6 (225 ILCS 10/3) (from Ch. 23, par. 2213)

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

18 (b) No part day child care facility as described in  
19 Section 2.10 may operate without written notification to the  
20 Department or without complying with Section 7.1. Notification  
21 shall include a notarized statement by the facility that the  
22 facility complies with State ~~state~~ or local health standards  
23 and State ~~state~~ fire safety standards, and shall be filed with

1 the department every 2 years.

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

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

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

20 (f) A qualified child care director, as defined in 89 Ill.  
21 Adm. Code 407.130, must be present at the open or close of the  
22 facility. A qualified early childhood teacher, as defined in  
23 89 Ill. Adm. Code 407.140, who has been employed by the  
24 facility continuously for at least 24 months may otherwise be  
25 present for the first or last hour of the workday.

26 (g) A child care facility licensed under this Act may

1 allow programs to staff classrooms with early childhood  
2 assistant qualified staff for up to 3 hours of the program day  
3 if it is documented in the facility's written staffing plan.

4 (Source: P.A. 99-699, eff. 7-29-16; 100-759, eff. 1-1-19.)

5 (225 ILCS 10/6.5 new)

6 Sec. 6.5. Qualifications for early childhood teachers. An  
7 early childhood teacher must meet one of the following  
8 qualifications:

9 (1) complete 60 semester hours from an accredited  
10 college or university with either 6 semester hours in  
11 early childhood education or complete the Gateways Early  
12 Childhood Education Credential Level 1 training;

13 (2) complete 1,560 clock hours of child development  
14 experience and 30 semester hours from an accredited  
15 college or university with either 6 semester hours in  
16 early childhood education or Gateways Early Childhood  
17 Education Credential Level 1 training;

18 (3) complete 2,080 clock hours of child development  
19 experience as a teacher assistant in a day care center,  
20 complete the Gateways Early Childhood Education Credential  
21 Level 1 training, and provide proof of enrollment from an  
22 accredited college or university until 30 semester hours  
23 are attained or proof of enrollment in an early childhood  
24 teacher credentialing program, either of which must be  
25 completed in no more than 5 years from the date of initial

1           enrollment; or  
2           (4) complete a credentialing program approved by the  
3           Department in accordance with 89 Ill. Adm. Code 407  
4           Appendix G.

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) In accordance with Section 6.5, the ~~The~~ character,  
23                 suitability and qualifications of the applicant and other  
24                 persons directly responsible for the care and welfare of  
25                 children served. All child day care center licensees and

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

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

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

25 (5) The appropriateness, safety, cleanliness, and  
26 general adequacy of the premises, including maintenance of

1 adequate fire prevention and health standards conforming  
2 to State laws and municipal codes to provide for the  
3 physical comfort, care, and well-being of children  
4 received;

5 (6) Provisions for food, clothing, educational  
6 opportunities, program, equipment, and individual supplies  
7 to assure the healthy physical, mental, and spiritual  
8 development of children served;

9 (7) Provisions to safeguard the legal rights of  
10 children served;

11 (8) Maintenance of records pertaining to the  
12 admission, progress, health, and discharge of children,  
13 including, for day care centers and day care homes,  
14 records indicating each child has been immunized as  
15 required by State regulations. The Department shall  
16 require proof that children enrolled in a facility have  
17 been immunized against Haemophilus Influenzae B (HIB);

18 (9) Filing of reports with the Department;

19 (10) Discipline of children;

20 (11) Protection and fostering of the particular  
21 religious faith of the children served;

22 (12) Provisions prohibiting firearms on day care  
23 center premises except in the possession of peace  
24 officers;

25 (13) Provisions prohibiting handguns on day care home  
26 premises except in the possession of peace officers or

1 other adults who must possess a handgun as a condition of  
2 employment and who reside on the premises of a day care  
3 home;

4 (14) Provisions requiring that any firearm permitted  
5 on day care home premises, except handguns in the  
6 possession of peace officers, shall be kept in a  
7 disassembled state, without ammunition, in locked storage,  
8 inaccessible to children and that ammunition permitted on  
9 day care home premises shall be kept in locked storage  
10 separate from that of disassembled firearms, inaccessible  
11 to children;

12 (15) Provisions requiring notification of parents or  
13 guardians enrolling children at a day care home of the  
14 presence in the day care home of any firearms and  
15 ammunition and of the arrangements for the separate,  
16 locked storage of such firearms and ammunition;

17 (16) Provisions requiring all licensed child care  
18 facility employees who care for newborns and infants to  
19 complete training every 3 years on the nature of sudden  
20 unexpected infant death (SUID), sudden infant death  
21 syndrome (SIDS), and the safe sleep recommendations of the  
22 American Academy of Pediatrics; and

23 (17) With respect to foster family homes, provisions  
24 requiring the Department to review quality of care  
25 concerns and to consider those concerns in determining  
26 whether a foster family home is qualified to care for



1 children.

2 By July 1, 2022, all licensed day care home providers,  
3 licensed group day care home providers, and licensed day care  
4 center directors and classroom staff shall participate in at  
5 least one training that includes the topics of early childhood  
6 social emotional learning, infant and early childhood mental  
7 health, early childhood trauma, or adverse childhood  
8 experiences. Current licensed providers, directors, and  
9 classroom staff shall complete training by July 1, 2022 and  
10 shall participate in training that includes the above topics  
11 at least once every 3 years.

12 (b) If, in a facility for general child care, there are  
13 children diagnosed as mentally ill or children diagnosed as  
14 having an intellectual or physical disability, who are  
15 determined to be in need of special mental treatment or of  
16 nursing care, or both mental treatment and nursing care, the  
17 Department shall seek the advice and recommendation of the  
18 Department of Human Services, the Department of Public Health,  
19 or both Departments regarding the residential treatment and  
20 nursing care provided by the institution.

21 (c) The Department shall investigate any person applying  
22 to be licensed as a foster parent to determine whether there is  
23 any evidence of current drug or alcohol abuse in the  
24 prospective foster family. The Department shall not license a  
25 person as a foster parent if drug or alcohol abuse has been  
26 identified in the foster family or if a reasonable suspicion

1 of such abuse exists, except that the Department may grant a  
2 foster parent license to an applicant identified with an  
3 alcohol or drug problem if the applicant has successfully  
4 participated in an alcohol or drug treatment program,  
5 self-help group, or other suitable activities and if the  
6 Department determines that the foster family home can provide  
7 a safe, appropriate environment and meet the physical and  
8 emotional needs of children.

9 (d) The Department, in applying standards prescribed and  
10 published, as herein provided, shall offer consultation  
11 through employed staff or other qualified persons to assist  
12 applicants and licensees in meeting and maintaining minimum  
13 requirements for a license and to help them otherwise to  
14 achieve programs of excellence related to the care of children  
15 served. Such consultation shall include providing information  
16 concerning education and training in early childhood  
17 development to providers of day care home services. The  
18 Department may provide or arrange for such education and  
19 training for those providers who request such assistance.

20 (e) The Department shall distribute copies of licensing  
21 standards to all licensees and applicants for a license. Each  
22 licensee or holder of a permit shall distribute copies of the  
23 appropriate licensing standards and any other information  
24 required by the Department to child care facilities under its  
25 supervision. Each licensee or holder of a permit shall  
26 maintain appropriate documentation of the distribution of the

1 standards. Such documentation shall be part of the records of  
2 the facility and subject to inspection by authorized  
3 representatives of the Department.

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

15 (g) The Department shall distribute to each licensee and  
16 holder of a permit copies of the licensing or permit standards  
17 applicable to such person's facility. Each licensee or holder  
18 of a permit shall make available by posting at all times in a  
19 common or otherwise accessible area a complete and current set  
20 of licensing standards in order that all employees of the  
21 facility may have unrestricted access to such standards. All  
22 employees of the facility shall have reviewed the standards  
23 and any subsequent changes. Each licensee or holder of a  
24 permit shall maintain appropriate documentation of the current  
25 review of licensing standards by all employees. Such records  
26 shall be part of the records of the facility and subject to

1 inspection by authorized representatives of the Department.

2 (h) Any standards involving physical examinations,  
3 immunization, or medical treatment shall include appropriate  
4 exemptions for children whose parents object thereto on the  
5 grounds that they conflict with the tenets and practices of a  
6 recognized church or religious organization, of which the  
7 parent is an adherent or member, and for children who should  
8 not be subjected to immunization for clinical reasons.

9 (i) The Department, in cooperation with the Department of  
10 Public Health, shall work to increase immunization awareness  
11 and participation among parents of children enrolled in day  
12 care centers and day care homes by publishing on the  
13 Department's website information about the benefits of  
14 immunization against vaccine preventable diseases, including  
15 influenza and pertussis. The information for vaccine  
16 preventable diseases shall include the incidence and severity  
17 of the diseases, the availability of vaccines, and the  
18 importance of immunizing children and persons who frequently  
19 have close contact with children. The website content shall be  
20 reviewed annually in collaboration with the Department of  
21 Public Health to reflect the most current recommendations of  
22 the Advisory Committee on Immunization Practices (ACIP). The  
23 Department shall work with day care centers and day care homes  
24 licensed under this Act to ensure that the information is  
25 annually distributed to parents in August or September.

26 (j) Any standard adopted by the Department that requires

1 an applicant for a license to operate a day care home to  
2 include a copy of a high school diploma or equivalent  
3 certificate with his or her application shall be deemed to be  
4 satisfied if the applicant includes a copy of a high school  
5 diploma or equivalent certificate or a copy of a degree from an  
6 accredited institution of higher education or vocational  
7 institution or equivalent certificate.

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