

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 ARTICLE 1. GENERAL PROVISIONS

5 Section 1-1. Short title. This Act may be cited as the
6 Department of Early Childhood Act.

7 Section 1-5. Findings. The General Assembly finds that:

8 (1) There are over 875,000 children under the age of 5 in
9 Illinois, nearly half of whom are under the age of 3. At birth,
10 a baby's brain is 25% the size of an adult's brain. Yet, an
11 infant's brain has roughly 86 billion neurons, almost all the
12 neurons the human brain will ever have.

13 (2) From 3 to 15 months, neuron connections form at a rate
14 of 40,000 per second. By age 3, synaptic connections have
15 grown to 100 trillion. Ages 3 to 5 are critical years to build
16 executive function skills like focusing attention, remembering
17 instructions, and demonstrating self-control. Without these
18 skills, children are not fully equipped to learn when they
19 enter kindergarten. By age 5, 90% of brain development is
20 complete.

21 (3) Prenatal programs improve the regular care of birthing
22 parents, reduce the risk of infant low birth weight and

1 mortality, and increase regular child wellness visits,
2 screenings, and immunizations.

3 (4) Early childhood education and care not only improve
4 school readiness and literacy, but also improve cognitive
5 development for future success in life, school, and the
6 workforce.

7 (5) Research shows that for every dollar invested in
8 high-quality early childhood education and care, society gains
9 over \$7 in economic returns in the long-term.

10 (6) Supporting children means supporting their parents and
11 families. The early childhood education and care industry is
12 the workforce behind all other workforces. High-quality child
13 care enables parents and families to consistently work and
14 earn an income to support their children. Research also shows
15 that early childhood education and care programs can reduce
16 parental stress and improve family well-being.

17 (7) Investing in early childhood education and care is in
18 the interest of all residents and will make Illinois the best
19 state in the nation to raise young children.

20 Section 1-10. Purpose. It is the purpose of this Act to
21 provide for the creation of the Department of Early Childhood
22 and to transfer to it certain rights, powers, duties, and
23 functions currently exercised by various agencies of State
24 Government. The Department of Early Childhood shall be the
25 lead State agency for administering and providing early

1 childhood education and care programs and services to children
2 and families. This Act centralizes home-visiting services,
3 early intervention services, preschool services, child care
4 services, licensing for day care centers, day care homes, and
5 group day care homes, and other early childhood education and
6 care programs and administrative functions historically
7 managed by the Illinois State Board of Education, the Illinois
8 Department of Human Services, and the Illinois Department of
9 Children and Family Services. Centralizing early childhood
10 functions into a single State agency is intended to simplify
11 the process for parents and caregivers to identify and enroll
12 children in early childhood services, to create new,
13 equity-driven statewide systems, to streamline administrative
14 functions for providers, and to improve kindergarten readiness
15 for children.

16 Section 1-11. Rights; privileges; protections.
17 Notwithstanding any provision of law to the contrary, any
18 rights, privileges, or protections afforded to students in
19 early childhood education and care programs, including
20 undocumented students, under the School Code or any other
21 provision of law shall not terminate upon the effective date
22 of this Act.

23 Section 1-15. Definitions. As used in this Act, unless the
24 context otherwise requires:

1 "Department" means the Department of Early Childhood.

2 "Secretary" means the Secretary of Early Childhood.

3 "Transferring agency" means the Department of Human
4 Services, Department of Children and Family Services, and the
5 State Board of Education.

6 Section 1-20. Department; Secretary; organization.

7 (a) The Department of Early Childhood is created and shall
8 begin operation on July 1, 2024.

9 (b) The head officer of the Department is the Secretary.
10 The Secretary shall be appointed by the Governor, with the
11 advice and consent of the Senate. The initial term of the
12 Secretary shall run from the date of appointment until January
13 18, 2027, and until a successor has been appointed and
14 qualified. Thereafter, the Secretary's term shall be as
15 provided in Section 5-610 of the Civil Administrative Code of
16 Illinois. The Department may employ or retain other persons to
17 assist in the discharge of its functions, subject to the
18 Personnel Code.

19 (c) The Governor may, with the advice and consent of the
20 Senate, appoint an appropriate number of persons to serve as
21 Assistant Secretaries to head the major programmatic divisions
22 of the Department. Assistant Secretaries shall not be subject
23 to the Personnel Code.

24 (d) The Secretary shall create divisions and
25 administrative units within the Department and shall assign

1 functions, powers, duties, and personnel as may now or in the
2 future be required by State or federal law. The Secretary may
3 create other divisions and administrative units and may assign
4 other functions, powers, duties, and personnel as may be
5 necessary or desirable to carry out the functions and
6 responsibilities vested by law in the Department.

7 Section 1-30. General powers and duties.

8 (a) The Department shall exercise the rights, powers,
9 duties, and functions provided by law, including, but not
10 limited to, the rights, powers, duties, and functions
11 transferred to the Department.

12 (b) The Department may employ personnel (in accordance
13 with the Personnel Code and any applicable collective
14 bargaining agreements), provide facilities, contract for goods
15 and services, and adopt rules as necessary to carry out its
16 functions and purposes, all in accordance with applicable
17 State and federal law.

18 The Department may establish such subdivisions of the
19 Department as shall be desirable and assign to the various
20 subdivisions the responsibilities and duties placed upon the
21 Department by the Laws of the State of Illinois.

22 The Department shall adopt, as necessary, rules for the
23 execution of its powers. The provisions of the Illinois
24 Administrative Procedure Act are hereby expressly adopted and
25 shall apply to all administrative rules and procedures of the

1 Department under this Act, except that Section 5-35 of the
2 Illinois Administrative Procedure Act relating to procedures
3 for rulemaking does not apply to the adoption of any rule
4 required by federal law in connection with which the
5 Department is precluded by law from exercising any discretion.

6 (c) Procurements necessary for the Department of Early
7 Childhood to implement this Act are subject to the Illinois
8 Procurement Code, except as otherwise provided in paragraph
9 (25) of subsection (b) of Section 1-10 of that Code. The
10 Department of Early Childhood is subject to the Business
11 Enterprise for Minorities, Women, and Persons with
12 Disabilities Act.

13 Section 1-35. Advisory body. By July 1, 2026, the
14 Department shall create or designate an advisory body to
15 counsel the Department on an ongoing basis, ensuring the
16 Department functions with transparency, operates with a
17 commitment to centering racial equity and to meaningful
18 inclusion of parent, early childhood service provider, and
19 other public stakeholder engagement, feedback, and counsel,
20 including the creation of committees or working groups, and
21 devotes appropriate attention to data collection and timely
22 public reporting. This advisory body's membership shall
23 include representation from both public and private
24 organizations, and its membership shall reflect the regional,
25 racial, socioeconomic, and cultural diversity of the State to

1 ensure representation of the needs of all Illinois children
2 and families.

3 ARTICLE 10. POWERS AND DUTIES RELATING TO EARLY INTERVENTION
4 SERVICES

5 Section 10-5. Transition planning. Beginning July 1, 2024,
6 the Department of Early Childhood and the Department of Human
7 Services shall collaborate and plan for the transition of
8 administrative responsibilities as prescribed in the Early
9 Intervention Services System Act.

10 Section 10-10. Legislative findings and policy.

11 (a) The General Assembly finds that there is an urgent and
12 substantial need to:

13 (1) enhance the development of all eligible infants
14 and toddlers in the State of Illinois in order to minimize
15 developmental delay and maximize individual potential for
16 adult independence;

17 (2) enhance the capacity of families to meet the
18 special needs of eligible infants and toddlers including
19 the purchase of services when necessary;

20 (3) reduce educational costs by minimizing the need
21 for special education and related services when eligible
22 infants and toddlers reach school age;

23 (4) enhance the independence, productivity and

1 integration with age-appropriate peers of eligible
2 children and their families;

3 (5) reduce social services costs and minimize the need
4 for institutionalization; and

5 (6) prevent secondary impairments and disabilities by
6 improving the health of infants and toddlers, thereby
7 reducing health costs for the families and the State.

8 (b) The General Assembly therefore intends that the
9 policy of this State shall be to:

10 (1) affirm the importance of the family in all areas
11 of the child's development and reinforce the role of the
12 family as a participant in the decision-making processes
13 regarding their child;

14 (2) provide assistance and support to eligible infants
15 and toddlers and their families to address the individual
16 concerns and decisions of each family;

17 (3) develop and implement, on a statewide basis,
18 locally based comprehensive, coordinated,
19 interdisciplinary, interagency early intervention
20 services for all eligible infants and toddlers;

21 (4) enhance the local communities' capacity to provide
22 an array of quality early intervention services;

23 (5) identify and coordinate all available resources
24 for early intervention within the State including those
25 from federal, State, local and private sources;

26 (6) provide financial and technical assistance to

1 local communities for the purposes of coordinating early
2 intervention services in local communities and enhancing
3 the communities' capacity to provide individualized early
4 intervention services to all eligible infants and toddlers
5 in their homes or in community environments; and

6 (7) affirm that eligible infants and toddlers have a
7 right to receive early intervention services to the
8 maximum extent appropriate, in natural environments in
9 which infants and toddlers without disabilities would
10 participate.

11 (c) The General Assembly further finds that early
12 intervention services are cost-effective and effectively serve
13 the developmental needs of eligible infants and toddlers and
14 their families. Therefore, the purpose of this Act is to
15 provide a comprehensive, coordinated, interagency,
16 interdisciplinary early intervention services system for
17 eligible infants and toddlers and their families by enhancing
18 the capacity to provide quality early intervention services,
19 expanding and improving existing services, and facilitating
20 coordination of payments for early intervention services from
21 various public and private sources.

22 Section 10-15. Definitions. As used in this Act:

23 (a) "Eligible infants and toddlers" means infants and
24 toddlers under 36 months of age with any of the following
25 conditions:

1 (1) Developmental delays.

2 (2) A physical or mental condition which typically
3 results in developmental delay.

4 (3) Being at risk of having substantial developmental
5 delays based on informed clinical opinion.

6 (4) Either (A) having entered the program under any of
7 the circumstances listed in paragraphs (1) through (3) of
8 this subsection but no longer meeting the current
9 eligibility criteria under those paragraphs, and
10 continuing to have any measurable delay, or (B) not having
11 attained a level of development in each area, including
12 (i) cognitive, (ii) physical (including vision and
13 hearing), (iii) language, speech, and communication, (iv)
14 social or emotional, or (v) adaptive, that is at least at
15 the mean of the child's age equivalent peers; and, in
16 addition to either item (A) or item (B), (C) having been
17 determined by the multidisciplinary individualized family
18 service plan team to require the continuation of early
19 intervention services in order to support continuing
20 developmental progress, pursuant to the child's needs and
21 provided in an appropriate developmental manner. The type,
22 frequency, and intensity of services shall differ from the
23 initial individualized family services plan because of the
24 child's developmental progress, and may consist of only
25 service coordination, evaluation, and assessments.

26 "Eligible infants and toddlers" includes any child under

1 the age of 3 who is the subject of a substantiated case of
2 child abuse or neglect as defined in the federal Child Abuse
3 Prevention and Treatment Act.

4 (b) "Developmental delay" means a delay in one or more of
5 the following areas of childhood development as measured by
6 appropriate diagnostic instruments and standard procedures:
7 cognitive; physical, including vision and hearing; language,
8 speech and communication; social or emotional; or adaptive.
9 The term means a delay of 30% or more below the mean in
10 function in one or more of those areas.

11 (c) "Physical or mental condition which typically results
12 in developmental delay" means:

13 (1) a diagnosed medical disorder or exposure to a
14 toxic substance bearing a relatively well known expectancy
15 for developmental outcomes within varying ranges of
16 developmental disabilities; or

17 (2) a history of prenatal, perinatal, neonatal or
18 early developmental events suggestive of biological
19 insults to the developing central nervous system and which
20 either singly or collectively increase the probability of
21 developing a disability or delay based on a medical
22 history.

23 (d) "Informed clinical opinion" means both clinical
24 observations and parental participation to determine
25 eligibility by a consensus of a multidisciplinary team of 2 or
26 more members based on their professional experience and

1 expertise.

2 (e) "Early intervention services" means services which:

3 (1) are designed to meet the developmental needs of
4 each child eligible under this Act and the needs of his or
5 her family;

6 (2) are selected in collaboration with the child's
7 family;

8 (3) are provided under public supervision;

9 (4) are provided at no cost except where a schedule of
10 sliding scale fees or other system of payments by families
11 has been adopted in accordance with State and federal law;

12 (5) are designed to meet an infant's or toddler's
13 developmental needs in any of the following areas:

14 (A) physical development, including vision and
15 hearing,

16 (B) cognitive development,

17 (C) communication development,

18 (D) social or emotional development, or

19 (E) adaptive development;

20 (6) meet the standards of the State, including the
21 requirements of this Act;

22 (7) include one or more of the following:

23 (A) family training,

24 (B) social work services, including counseling,
25 and home visits,

26 (C) special instruction,

- 1 (D) speech, language pathology and audiology,
2 (E) occupational therapy,
3 (F) physical therapy,
4 (G) psychological services,
5 (H) service coordination services,
6 (I) medical services only for diagnostic or
7 evaluation purposes,
8 (J) early identification, screening, and
9 assessment services,
10 (K) health services specified by the lead agency
11 as necessary to enable the infant or toddler to
12 benefit from the other early intervention services,
13 (L) vision services,
14 (M) transportation,
15 (N) assistive technology devices and services,
16 (O) nursing services,
17 (P) nutrition services, and
18 (Q) sign language and cued language services;

19 (8) are provided by qualified personnel, including but
20 not limited to:

21 (A) child development specialists or special
22 educators, including teachers of children with hearing
23 impairments (including deafness) and teachers of
24 children with vision impairments (including
25 blindness),

26 (B) speech and language pathologists and

1 audiologists,
2 (C) occupational therapists,
3 (D) physical therapists,
4 (E) social workers,
5 (F) nurses,
6 (G) dietitian nutritionists,
7 (H) vision specialists, including ophthalmologists
8 and optometrists,
9 (I) psychologists, and
10 (J) physicians;

11 (9) are provided in conformity with an Individualized
12 Family Service Plan;

13 (10) are provided throughout the year; and

14 (11) are provided in natural environments, to the
15 maximum extent appropriate, which may include the home and
16 community settings, unless justification is provided
17 consistent with federal regulations adopted under Sections
18 1431 through 1444 of Title 20 of the United States Code.

19 (f) "Individualized Family Service Plan" or "Plan" means a
20 written plan for providing early intervention services to a
21 child eligible under this Act and the child's family, as set
22 forth in Section 10-65.

23 (g) "Local interagency agreement" means an agreement
24 entered into by local community and State and regional
25 agencies receiving early intervention funds directly from the
26 State and made in accordance with State interagency agreements

1 providing for the delivery of early intervention services
2 within a local community area.

3 (h) "Council" means the Illinois Interagency Council on
4 Early Intervention established under Section 10-30.

5 (i) "Lead agency" means the State agency responsible for
6 administering this Act and receiving and disbursing public
7 funds received in accordance with State and federal law and
8 rules.

9 (i-5) "Central billing office" means the central billing
10 office created by the lead agency under Section 10-75.

11 (j) "Child find" means a service which identifies eligible
12 infants and toddlers.

13 (k) "Regional intake entity" means the lead agency's
14 designated entity responsible for implementation of the Early
15 Intervention Services System within its designated geographic
16 area.

17 (l) "Early intervention provider" means an individual who
18 is qualified, as defined by the lead agency, to provide one or
19 more types of early intervention services, and who has
20 enrolled as a provider in the early intervention program.

21 (m) "Fully credentialed early intervention provider" means
22 an individual who has met the standards in the State
23 applicable to the relevant profession, and has met such other
24 qualifications as the lead agency has determined are suitable
25 for personnel providing early intervention services, including
26 pediatric experience, education, and continuing education. The

1 lead agency shall establish these qualifications by rule filed
2 no later than 180 days after the effective date of this Act.

3 (n) "Telehealth" has the meaning given to that term in
4 Section 5 of the Telehealth Act.

5 (o) "Department" means Department of Early Childhood
6 unless otherwise specified.

7 Section 10-25. Services delivered by telehealth. An early
8 intervention provider may deliver via telehealth any type of
9 early intervention service outlined in subsection (e) of
10 Section 10-15 to the extent of the early intervention
11 provider's scope of practice as established in the provider's
12 respective licensing Act consistent with the standards of care
13 for in-person services. This Section shall not be construed to
14 alter the scope of practice of any early intervention provider
15 or authorize the delivery of early intervention services in a
16 setting or in a manner not otherwise authorized by the laws of
17 this State.

18 Section 10-30. Illinois Interagency Council on Early
19 Intervention.

20 (a) There is established the Illinois Interagency Council
21 on Early Intervention. The Council shall be composed of at
22 least 20 but not more than 30 members. The members of the
23 Council and the designated chairperson of the Council shall be
24 appointed by the Governor. The Council member representing the

1 lead agency may not serve as chairperson of the Council. On and
2 after July 1, 2026, the Council shall be composed of the
3 following members:

4 (1) The Secretary of Early Childhood (or the Secretary's
5 designee) and 2 additional representatives of the Department
6 of Early Childhood designated by the Secretary, plus the
7 Directors (or their designees) of the following State agencies
8 involved in the provision of or payment for early intervention
9 services to eligible infants and toddlers and their families:

10 (A) Department of Insurance; and

11 (B) Department of Healthcare and Family Services.

12 (2) Other members as follows:

13 (A) At least 20% of the members of the Council shall be
14 parents, including minority parents, of infants or
15 toddlers with disabilities or children with disabilities
16 aged 12 or younger, with knowledge of, or experience with,
17 programs for infants and toddlers with disabilities. At
18 least one such member shall be a parent of an infant or
19 toddler with a disability or a child with a disability
20 aged 6 or younger;

21 (B) At least 20% of the members of the Council shall be
22 public or private providers of early intervention
23 services;

24 (C) One member shall be a representative of the
25 General Assembly;

26 (D) One member shall be involved in the preparation of

1 professional personnel to serve infants and toddlers
2 similar to those eligible for services under this Act;

3 (E) Two members shall be from advocacy organizations
4 with expertise in improving health, development, and
5 educational outcomes for infants and toddlers with
6 disabilities;

7 (F) One member shall be a Child and Family Connections
8 manager from a rural district;

9 (G) One member shall be a Child and Family Connections
10 manager from an urban district;

11 (H) One member shall be the co-chair of the Illinois
12 Early Learning Council (or their designee); and

13 (I) Members representing the following agencies or
14 entities: the Department of Human Services; the State
15 Board of Education; the Department of Public Health; the
16 Department of Children and Family Services; the University
17 of Illinois Division of Specialized Care for Children; the
18 Illinois Council on Developmental Disabilities; Head Start
19 or Early Head Start; and the Department of Human Services'
20 Division of Mental Health. A member may represent one or
21 more of the listed agencies or entities.

22 The Council shall meet at least quarterly and in such
23 places as it deems necessary. The Council shall be a
24 continuation of the Council that was created under Section 4
25 of the Early Intervention Services System Act and that is
26 repealed on July 1, 2026 by Section 20.1 of the Early

1 Intervention Services System Act. Members serving on June 30,
2 2026 who have served more than 2 consecutive terms shall
3 continue to serve on the Council on and after July 1, 2026.
4 Once appointed, members shall continue to serve until their
5 successors are appointed. Successors appointed under paragraph
6 (2) shall serve 3-year terms. No member shall be appointed to
7 serve more than 2 consecutive terms.

8 Council members shall serve without compensation but shall
9 be reimbursed for reasonable costs incurred in the performance
10 of their duties, including costs related to child care, and
11 parents may be paid a stipend in accordance with applicable
12 requirements.

13 The Council shall prepare and approve a budget using funds
14 appropriated for the purpose to hire staff, and obtain the
15 services of such professional, technical, and clerical
16 personnel as may be necessary to carry out its functions under
17 this Act. This funding support and staff shall be directed by
18 the lead agency.

19 (b) The Council shall:

20 (1) advise and assist the lead agency in the
21 performance of its responsibilities including but not
22 limited to the identification of sources of fiscal and
23 other support services for early intervention programs,
24 and the promotion of interagency agreements which assign
25 financial responsibility to the appropriate agencies;

26 (2) advise and assist the lead agency in the

1 preparation of applications and amendments to
2 applications;

3 (3) review and advise on relevant rules and standards
4 proposed by the related State agencies;

5 (4) advise and assist the lead agency in the
6 development, implementation and evaluation of the
7 comprehensive early intervention services system;

8 (4.5) coordinate and collaborate with State
9 interagency early learning initiatives, as appropriate;
10 and

11 (5) prepare and submit an annual report to the
12 Governor and to the General Assembly on the status of
13 early intervention programs for eligible infants and
14 toddlers and their families in Illinois. The annual report
15 shall include (i) the estimated number of eligible infants
16 and toddlers in this State, (ii) the number of eligible
17 infants and toddlers who have received services under this
18 Act and the cost of providing those services, and (iii)
19 the estimated cost of providing services under this Act to
20 all eligible infants and toddlers in this State. The
21 report shall be posted by the lead agency on the early
22 intervention website as required under paragraph (f) of
23 Section 10-35 of this Act.

24 No member of the Council shall cast a vote on or
25 participate substantially in any matter which would provide a
26 direct financial benefit to that member or otherwise give the

1 appearance of a conflict of interest under State law. All
2 provisions and reporting requirements of the Illinois
3 Governmental Ethics Act shall apply to Council members.

4 Section 10-35. Lead agency. Through June 30, 2026, the
5 Department of Human Services is designated the lead agency and
6 shall provide leadership in establishing and implementing the
7 coordinated, comprehensive, interagency and interdisciplinary
8 system of early intervention services. On and after July 1,
9 2026, the Department of Early Childhood is designated the lead
10 agency and shall provide leadership in establishing and
11 implementing the coordinated, comprehensive, interagency and
12 interdisciplinary system of early intervention services. The
13 lead agency shall not have the sole responsibility for
14 providing these services. Each participating State agency
15 shall continue to coordinate those early intervention services
16 relating to health, social service and education provided
17 under this authority.

18 The lead agency is responsible for carrying out the
19 following:

20 (a) The general administration, supervision, and
21 monitoring of programs and activities receiving assistance
22 under Section 673 of the Individuals with Disabilities
23 Education Act (20 United States Code 1473).

24 (b) The identification and coordination of all
25 available resources within the State from federal, State,

1 local and private sources.

2 (c) The development of procedures to ensure that
3 services are provided to eligible infants and toddlers and
4 their families in a timely manner pending the resolution
5 of any disputes among public agencies or service
6 providers.

7 (d) The resolution of intra-agency and interagency
8 regulatory and procedural disputes.

9 (e) The development and implementation of formal
10 interagency agreements, and the entry into such
11 agreements, between the lead agency and (i) the Department
12 of Healthcare and Family Services, (ii) the University of
13 Illinois Division of Specialized Care for Children, and
14 (iii) other relevant State agencies that:

15 (1) define the financial responsibility of each
16 agency for paying for early intervention services
17 (consistent with existing State and federal law and
18 rules, including the requirement that early
19 intervention funds be used as the payor of last
20 resort), a hierarchical order of payment as among the
21 agencies for early intervention services that are
22 covered under or may be paid by programs in other
23 agencies, and procedures for direct billing,
24 collecting reimbursements for payments made, and
25 resolving service and payment disputes; and

26 (2) include all additional components necessary to

1 ensure meaningful cooperation and coordination. By
2 January 31, 2027, interagency agreements under this
3 paragraph (e) must be reviewed and revised to
4 implement the purposes of this Act.

5 (f) The maintenance of an early intervention website.
6 The lead agency shall post and keep posted on this website
7 the following: (i) the current annual report required
8 under subdivision (b) (5) of Section 10-30 of this Act, and
9 the annual reports of the prior 3 years, (ii) the most
10 recent Illinois application for funds prepared under
11 Section 637 of the Individuals with Disabilities Education
12 Act filed with the United States Department of Education,
13 (iii) proposed modifications of the application prepared
14 for public comment, (iv) notice of Council meetings,
15 Council agendas, and minutes of its proceedings for at
16 least the previous year, (v) proposed and final early
17 intervention rules, and (vi) all reports created for
18 dissemination to the public that are related to the early
19 intervention program, including reports prepared at the
20 request of the Council and the General Assembly. Each such
21 document shall be posted on the website within 3 working
22 days after the document's completion.

23 (g) Before adopting any new policy or procedure
24 (including any revisions to an existing policy or
25 procedure) needed to comply with Part C of the Individuals
26 with Disabilities Education Act, the lead agency must hold

1 public hearings on the new policy or procedure, provide
2 notice of the hearings at least 30 days before the
3 hearings are conducted to enable public participation, and
4 provide an opportunity for the general public, including
5 individuals with disabilities and parents of infants and
6 toddlers with disabilities, early intervention providers,
7 and members of the Council to comment for at least 30 days
8 on the new policy or procedure needed to comply with Part C
9 of the Individuals with Disabilities Education Act and
10 with 34 CFR Part 300 and Part 303.

11 Section 10-40. Local structure and interagency councils.
12 The lead agency, in conjunction with the Council and as
13 defined by administrative rule, shall define local service
14 areas and define the geographic boundaries of each so that all
15 areas of the State are included in a local service area but no
16 area of the State is included in more than one service area. In
17 each local service area, the lead agency shall designate a
18 regional entity responsible for the assessment of eligibility
19 and services and a local interagency council responsible for
20 coordination and design of child find and public awareness.
21 The regional entity shall be responsible for staffing the
22 local council, carrying out child find and public awareness
23 activities, and providing advocacy for eligible families
24 within the given geographic area. The regional entity is the
25 prime contractor responsible to the lead agency for

1 implementation of this Act.

2 The lead agency, in conjunction with the Council, shall
3 create local interagency councils. Members of each local
4 interagency council shall include, but not be limited to, the
5 following: parents; representatives from coordination and
6 advocacy service providers; local education agencies; other
7 local public and private service providers; representatives
8 from State agencies at the local level; and others deemed
9 necessary by the local council.

10 Local interagency councils shall:

11 (a) assist in the development of collaborative
12 agreements between local service providers, diagnostic and
13 other agencies providing additional services to the child
14 and family;

15 (b) assist in conducting local needs assessments and
16 planning efforts;

17 (c) identify and resolve local access issues;

18 (d) conduct collaborative child find activities;

19 (e) coordinate public awareness initiatives;

20 (f) coordinate local planning and evaluation;

21 (g) assist in the recruitment of specialty personnel;

22 (h) develop plans for facilitating transition and
23 integration of eligible children and families into the
24 community;

25 (i) facilitate conflict resolution at the local level;

26 and

1 (j) report annually to the Council.

2 Section 10-45. Essential components of the statewide
3 service system. As required by federal laws and regulations, a
4 statewide system of coordinated, comprehensive, interagency
5 and interdisciplinary programs shall be established and
6 maintained. The framework of the statewide system shall be
7 based on the components set forth in this Section. This
8 framework shall be used for planning, implementation,
9 coordination and evaluation of the statewide system of locally
10 based early intervention services.

11 The statewide system shall include, at a minimum:

12 (a) a definition of the term "developmentally
13 delayed", in accordance with the definition in Section
14 10-15, that will be used in Illinois in carrying out
15 programs under this Act;

16 (b) timetables for ensuring that appropriate early
17 intervention services, based on scientifically based
18 research, to the extent practicable, will be available to
19 all eligible infants and toddlers in this State after the
20 effective date of this Act;

21 (c) a timely, comprehensive, multidisciplinary
22 evaluation of each potentially eligible infant and toddler
23 in this State, unless the child meets the definition of
24 eligibility based upon his or her medical and other
25 records; for a child determined eligible, a

1 multidisciplinary assessment of the unique strengths and
2 needs of that infant or toddler and the identification of
3 services appropriate to meet those needs and a
4 family-directed assessment of the resources, priorities,
5 and concerns of the family and the identification of
6 supports and services necessary to enhance the family's
7 capacity to meet the developmental needs of that infant or
8 toddler;

9 (d) for each eligible infant and toddler, an
10 Individualized Family Service Plan, including service
11 coordination (case management) services;

12 (e) a comprehensive child find system, consistent with
13 Part B of the Individuals with Disabilities Education Act
14 (20 United States Code 1411 through 1420 and as set forth
15 in 34 CFR 300.115), which includes timelines and provides
16 for participation by primary referral sources;

17 (f) a public awareness program focusing on early
18 identification of eligible infants and toddlers;

19 (g) a central directory which includes public and
20 private early intervention services, resources, and
21 experts available in this State, professional and other
22 groups (including parent support groups and training and
23 information centers) that provide assistance to infants
24 and toddlers with disabilities who are eligible for early
25 intervention programs assisted under Part C of the
26 Individuals with Disabilities Education Act and their

1 families, and research and demonstration projects being
2 conducted in this State relating to infants and toddlers
3 with disabilities;

4 (h) a comprehensive system of personnel development;

5 (i) a policy pertaining to the contracting or making
6 of other arrangements with public and private service
7 providers to provide early intervention services in this
8 State, consistent with the provisions of this Act,
9 including the contents of the application used and the
10 conditions of the contract or other arrangements;

11 (j) a procedure for securing timely reimbursement of
12 funds;

13 (k) procedural safeguards with respect to programs
14 under this Act;

15 (l) policies and procedures relating to the
16 establishment and maintenance of standards to ensure that
17 personnel necessary to carry out this Act are
18 appropriately and adequately prepared and trained;

19 (m) a system of evaluation of, and compliance with,
20 program standards;

21 (n) a system for compiling data on the numbers of
22 eligible infants and toddlers and their families in this
23 State in need of appropriate early intervention services;
24 the numbers served; the types of services provided; and
25 other information required by the State or federal
26 government; and

1 (o) a single line of responsibility in a lead agency
2 designated by the Governor to carry out its
3 responsibilities as required by this Act.

4 In addition to these required components, linkages may be
5 established within a local community area among the prenatal
6 initiatives affording services to high risk pregnant women.
7 Additional linkages among at risk programs and local literacy
8 programs may also be established.

9 On and after July 1, 2026, the Department of Early
10 Childhood shall continue implementation of the 5-fiscal-year
11 implementation plan that was created by the Department of
12 Human Services with the concurrence of the Interagency Council
13 on Early Intervention. The plan shall list specific activities
14 to be accomplished each year, with cost estimates for each
15 activity. The lead agency shall, with the concurrence of the
16 Interagency Council, submit to the Governor's Office a report
17 on accomplishments of the previous year and a revised list of
18 activities for the remainder of the 5-fiscal-year plan, with
19 cost estimates for each. The Governor shall certify that
20 specific activities in the plan for the previous year have
21 been substantially completed before authorizing relevant State
22 or local agencies to implement activities listed in the
23 revised plan that depend substantially upon completion of one
24 or more of the earlier activities.

25 Section 10-50. Authority to adopt rules. The lead agency

1 shall adopt rules under this Act. These rules shall reflect
2 the intent of federal regulations adopted under Part C of the
3 Individuals with Disabilities Education Improvement Act of
4 2004 (Sections 1431 through 1444 of Title 20 of the United
5 States Code).

6 Section 10-55. Role of other State entities. The
7 Departments of Public Health, Early Childhood, Human Services,
8 Children and Family Services, and Healthcare and Family
9 Services; the University of Illinois Division of Specialized
10 Care for Children; the State Board of Education; and any other
11 State agency which directly or indirectly provides or
12 administers early intervention services shall adopt compatible
13 rules for the provision of services to eligible infants and
14 toddlers and their families by July 1, 2026.

15 These agencies shall enter into and maintain formal
16 interagency agreements to enable the State and local agencies
17 serving eligible children and their families to establish
18 working relationships that will increase the efficiency and
19 effectiveness of their early intervention services. The
20 agreements shall outline the administrative, program and
21 financial responsibilities of the relevant State agencies and
22 shall implement a coordinated service delivery system through
23 local interagency agreements.

24 There shall be created in the Office of the Governor an
25 Early Childhood Intervention Ombudsman to assist families and

1 local parties in ensuring that all State agencies serving
2 eligible families do so in a comprehensive and collaborative
3 manner. The Governor shall appoint the Ombudsman, which shall
4 be a continuation of the position that was created under
5 Section 9 of the Early Intervention Services System Act and
6 that is repealed on July 1, 2026 by Section 20.1 of the Early
7 Intervention Services System Act.

8 Section 10-60. Standards. The Council and the lead agency,
9 with assistance from parents and providers, shall develop and
10 promulgate policies and procedures relating to the
11 establishment and implementation of program and personnel
12 standards to ensure that services provided are consistent with
13 any State-approved or recognized certification, licensing,
14 registration, or other comparable requirements which apply to
15 the area of early intervention program service standards. Only
16 State-approved public or private early intervention service
17 providers shall be eligible to receive State and federal
18 funding for early intervention services. All early childhood
19 intervention staff shall hold the highest entry requirement
20 necessary for that position.

21 To be a State-approved early intervention service
22 provider, an individual (i) shall not have served or
23 completed, within the preceding 5 years, a sentence for
24 conviction of any felony that the lead agency establishes by
25 rule and (ii) shall not have been indicated as a perpetrator of

1 child abuse or neglect, within the preceding 5 years, in an
2 investigation by Illinois (pursuant to the Abused and
3 Neglected Child Reporting Act) or another state. The Lead
4 Agency is authorized to receive criminal background checks for
5 such providers and persons applying to be such a provider and
6 to receive child abuse and neglect reports regarding indicated
7 perpetrators who are applying to provide or currently
8 authorized to provide early intervention services in Illinois.
9 Beginning January 1, 2004, every provider of State-approved
10 early intervention services and every applicant to provide
11 such services must authorize, in writing and in the form
12 required by the lead agency, a State and FBI criminal
13 background check, as requested by the Department, and check of
14 child abuse and neglect reports regarding the provider or
15 applicant as a condition of authorization to provide early
16 intervention services. The lead agency shall use the results
17 of the checks only to determine State approval of the early
18 intervention service provider and shall not re-release the
19 information except as necessary to accomplish that purpose.

20 Section 10-65. Individualized Family Service Plans.

21 (a) Each eligible infant or toddler and that infant's or
22 toddler's family shall receive:

23 (1) timely, comprehensive, multidisciplinary
24 assessment of the unique strengths and needs of each
25 eligible infant and toddler, and assessment of the

1 concerns and priorities of the families to appropriately
2 assist them in meeting their needs and identify supports
3 and services to meet those needs; and

4 (2) a written Individualized Family Service Plan
5 developed by a multidisciplinary team which includes the
6 parent or guardian. The individualized family service plan
7 shall be based on the multidisciplinary team's assessment
8 of the resources, priorities, and concerns of the family
9 and its identification of the supports and services
10 necessary to enhance the family's capacity to meet the
11 developmental needs of the infant or toddler, and shall
12 include the identification of services appropriate to meet
13 those needs, including the frequency, intensity, and
14 method of delivering services. During and as part of the
15 initial development of the individualized family services
16 plan, and any periodic reviews of the plan, the
17 multidisciplinary team may seek consultation from the lead
18 agency's designated experts, if any, to help determine
19 appropriate services and the frequency and intensity of
20 those services. All services in the individualized family
21 services plan must be justified by the multidisciplinary
22 assessment of the unique strengths and needs of the infant
23 or toddler and must be appropriate to meet those needs. At
24 the periodic reviews, the team shall determine whether
25 modification or revision of the outcomes or services is
26 necessary.

1 (b) The Individualized Family Service Plan shall be
2 evaluated once a year and the family shall be provided a review
3 of the Plan at 6-month intervals or more often where
4 appropriate based on infant or toddler and family needs. The
5 lead agency shall create a quality review process regarding
6 Individualized Family Service Plan development and changes
7 thereto, to monitor and help ensure that resources are being
8 used to provide appropriate early intervention services.

9 (c) The initial evaluation and initial assessment and
10 initial Plan meeting must be held within 45 days after the
11 initial contact with the early intervention services system.
12 The 45-day timeline does not apply for any period when the
13 child or parent is unavailable to complete the initial
14 evaluation, the initial assessments of the child and family,
15 or the initial Plan meeting, due to exceptional family
16 circumstances that are documented in the child's early
17 intervention records, or when the parent has not provided
18 consent for the initial evaluation or the initial assessment
19 of the child despite documented, repeated attempts to obtain
20 parental consent. As soon as exceptional family circumstances
21 no longer exist or parental consent has been obtained, the
22 initial evaluation, the initial assessment, and the initial
23 Plan meeting must be completed as soon as possible. With
24 parental consent, early intervention services may commence
25 before the completion of the comprehensive assessment and
26 development of the Plan. All early intervention services shall

1 be initiated as soon as possible but not later than 30 calendar
2 days after the consent of the parent or guardian has been
3 obtained for the individualized family service plan, in
4 accordance with rules adopted by the lead agency.

5 (d) Parents must be informed that early intervention
6 services shall be provided to each eligible infant and
7 toddler, to the maximum extent appropriate, in the natural
8 environment, which may include the home or other community
9 settings. Parents must also be informed of the availability of
10 early intervention services provided through telehealth
11 services. Parents shall make the final decision to accept or
12 decline early intervention services, including whether
13 accepted services are delivered in person or via telehealth
14 services. A decision to decline such services shall not be a
15 basis for administrative determination of parental fitness, or
16 other findings or sanctions against the parents. Parameters of
17 the Plan shall be set forth in rules.

18 (e) The regional intake offices shall explain to each
19 family, orally and in writing, all of the following:

20 (1) That the early intervention program will pay for
21 all early intervention services set forth in the
22 individualized family service plan that are not covered or
23 paid under the family's public or private insurance plan
24 or policy and not eligible for payment through any other
25 third party payor.

26 (2) That services will not be delayed due to any rules

1 or restrictions under the family's insurance plan or
2 policy.

3 (3) That the family may request, with appropriate
4 documentation supporting the request, a determination of
5 an exemption from private insurance use under Section
6 10-100.

7 (4) That responsibility for co-payments or
8 co-insurance under a family's private insurance plan or
9 policy will be transferred to the lead agency's central
10 billing office.

11 (5) That families will be responsible for payments of
12 family fees, which will be based on a sliding scale
13 according to the State's definition of ability to pay
14 which is comparing household size and income to the
15 sliding scale and considering out-of-pocket medical or
16 disaster expenses, and that these fees are payable to the
17 central billing office. Families who fail to provide
18 income information shall be charged the maximum amount on
19 the sliding scale.

20 (f) The individualized family service plan must state
21 whether the family has private insurance coverage and, if the
22 family has such coverage, must have attached to it a copy of
23 the family's insurance identification card or otherwise
24 include all of the following information:

25 (1) The name, address, and telephone number of the
26 insurance carrier.

1 (2) The contract number and policy number of the
2 insurance plan.

3 (3) The name, address, and social security number of
4 the primary insured.

5 (4) The beginning date of the insurance benefit year.

6 (g) A copy of the individualized family service plan must
7 be provided to each enrolled provider who is providing early
8 intervention services to the child who is the subject of that
9 plan.

10 (h) Children receiving services under this Act shall
11 receive a smooth and effective transition by their third
12 birthday consistent with federal regulations adopted pursuant
13 to Sections 1431 through 1444 of Title 20 of the United States
14 Code. Beginning January 1, 2022, children who receive early
15 intervention services prior to their third birthday and are
16 found eligible for an individualized education program under
17 the Individuals with Disabilities Education Act, 20 U.S.C.
18 1414(d)(1)(A), and under Section 14-8.02 of the School Code
19 and whose birthday falls between May 1 and August 31 may
20 continue to receive early intervention services until the
21 beginning of the school year following their third birthday in
22 order to minimize gaps in services, ensure better continuity
23 of care, and align practices for the enrollment of preschool
24 children with special needs to the enrollment practices of
25 typically developing preschool children.

1 Section 10-70. Procedural safeguards. The lead agency
2 shall adopt procedural safeguards that meet federal
3 requirements and ensure effective implementation of the
4 safeguards for families by each public agency involved in the
5 provision of early intervention services under this Act.

6 The procedural safeguards shall provide, at a minimum, the
7 following:

8 (a) The timely administrative resolution of State
9 complaints, due process hearings, and mediations as defined by
10 administrative rule.

11 (b) The right to confidentiality of personally
12 identifiable information.

13 (c) The opportunity for parents and a guardian to examine
14 and receive copies of records relating to evaluations and
15 assessments, screening, eligibility determinations, and the
16 development and implementation of the Individualized Family
17 Service Plan provision of early intervention services,
18 individual complaints involving the child, or any part of the
19 child's early intervention record.

20 (d) Procedures to protect the rights of the eligible
21 infant or toddler whenever the parents or guardians of the
22 child are not known or unavailable or the child is a youth in
23 care as defined in Section 4d of the Children and Family
24 Services Act, including the assignment of an individual (who
25 shall not be an employee of the State agency or local agency
26 providing services) to act as a surrogate for the parents or

1 guardian. The regional intake entity must make reasonable
2 efforts to ensure the assignment of a surrogate parent not
3 more than 30 days after a public agency determines that the
4 child needs a surrogate parent.

5 (e) Timely written prior notice to the parents or guardian
6 of the eligible infant or toddler whenever the State agency or
7 public or private service provider proposes to initiate or
8 change or refuses to initiate or change the identification,
9 evaluation, placement, or the provision of appropriate early
10 intervention services to the eligible infant or toddler.

11 (f) Written prior notice to fully inform the parents or
12 guardians, in their native language or mode of communication
13 used by the parent, unless clearly not feasible to do so, in a
14 comprehensible manner, of these procedural safeguards.

15 (g) During the pendency of any State complaint procedure,
16 due process hearing, or mediation involving a complaint,
17 unless the State agency and the parents or guardian otherwise
18 agree, the child shall continue to receive the appropriate
19 early intervention services currently being provided, or in
20 the case of an application for initial services, the child
21 shall receive the services not in dispute.

22 Section 10-75. Funding and fiscal responsibility.

23 (a) The lead agency and every other participating State
24 agency may receive and expend funds appropriated by the
25 General Assembly to implement the early intervention services

1 system as required by this Act.

2 (b) The lead agency and each participating State agency
3 shall identify and report on an annual basis to the Council the
4 State agency funds used for the provision of early
5 intervention services to eligible infants and toddlers.

6 (c) Funds provided under Section 633 of the Individuals
7 with Disabilities Education Act (20 United States Code 1433)
8 and State funds designated or appropriated for early
9 intervention services or programs may not be used to satisfy a
10 financial commitment for services which would have been paid
11 for from another public or private source but for the
12 enactment of this Act, except whenever considered necessary to
13 prevent delay in receiving appropriate early intervention
14 services by the eligible infant or toddler or family in a
15 timely manner. "Public or private source" includes public and
16 private insurance coverage.

17 Funds provided under Section 633 of the Individuals with
18 Disabilities Education Act and State funds designated or
19 appropriated for early intervention services or programs may
20 be used by the lead agency to pay the provider of services (A)
21 pending reimbursement from the appropriate State agency or (B)
22 if (i) the claim for payment is denied in whole or in part by a
23 public or private source, or would be denied under the written
24 terms of the public program or plan or private plan, or (ii)
25 use of private insurance for the service has been exempted
26 under Section 10-100. Payment under item (B)(i) may be made

1 based on a pre-determination telephone inquiry supported by
2 written documentation of the denial supplied thereafter by the
3 insurance carrier.

4 (d) Nothing in this Act shall be construed to permit the
5 State to reduce medical or other assistance available or to
6 alter eligibility under Title V and Title XIX of the Social
7 Security Act relating to the Maternal Child Health Program and
8 Medicaid for eligible infants and toddlers in this State.

9 (e) The lead agency shall create a central billing office
10 to receive and dispense all relevant State and federal
11 resources, as well as local government or independent
12 resources available, for early intervention services. This
13 office shall assure that maximum federal resources are
14 utilized and that providers receive funds with minimal
15 duplications or interagency reporting and with consolidated
16 audit procedures.

17 (f) The lead agency shall, by rule, create a system of
18 payments by families, including a schedule of fees. No fees,
19 however, may be charged for implementing child find,
20 evaluation and assessment, service coordination,
21 administrative and coordination activities related to the
22 development, review, and evaluation of Individualized Family
23 Service Plans, or the implementation of procedural safeguards
24 and other administrative components of the statewide early
25 intervention system.

26 The system of payments, called family fees, shall be

1 structured on a sliding scale based on the family's ability to
2 pay. The family's coverage or lack of coverage under a public
3 or private insurance plan or policy shall not be a factor in
4 determining the amount of the family fees.

5 Each family's fee obligation shall be established
6 annually, and shall be paid by families to the central billing
7 office in installments. At the written request of the family,
8 the fee obligation shall be adjusted prospectively at any
9 point during the year upon proof of a change in family income
10 or family size. The inability of the parents of an eligible
11 child to pay family fees due to catastrophic circumstances or
12 extraordinary expenses shall not result in the denial of
13 services to the child or the child's family. A family must
14 document its extraordinary expenses or other catastrophic
15 circumstances by showing one of the following: (i)
16 out-of-pocket medical expenses in excess of 15% of gross
17 income; (ii) a fire, flood, or other disaster causing a direct
18 out-of-pocket loss in excess of 15% of gross income; or (iii)
19 other catastrophic circumstances causing out-of-pocket losses
20 in excess of 15% of gross income. The family must present proof
21 of loss to its service coordinator, who shall document it, and
22 the lead agency shall determine whether the fees shall be
23 reduced, forgiven, or suspended within 10 business days after
24 the family's request.

25 (g) To ensure that early intervention funds are used as
26 the payor of last resort for early intervention services, the

1 lead agency shall determine at the point of early intervention
2 intake, and again at any periodic review of eligibility
3 thereafter or upon a change in family circumstances, whether
4 the family is eligible for or enrolled in any program for which
5 payment is made directly or through public or private
6 insurance for any or all of the early intervention services
7 made available under this Act. The lead agency shall establish
8 procedures to ensure that payments are made either directly
9 from these public and private sources instead of from State or
10 federal early intervention funds, or as reimbursement for
11 payments previously made from State or federal early
12 intervention funds.

13 Section 10-80. Other programs.

14 (a) When an application or a review of eligibility for
15 early intervention services is made, and at any eligibility
16 redetermination thereafter, the family shall be asked if it is
17 currently enrolled in any federally funded, Department of
18 Healthcare and Family Services administered, medical programs,
19 or the Title V program administered by the University of
20 Illinois Division of Specialized Care for Children. If the
21 family is enrolled in any of these programs, that information
22 shall be put on the individualized family service plan and
23 entered into the computerized case management system, and
24 shall require that the individualized family services plan of
25 a child who has been found eligible for services through the

1 Division of Specialized Care for Children state that the child
2 is enrolled in that program. For those programs in which the
3 family is not enrolled, a preliminary eligibility screen shall
4 be conducted simultaneously for (i) medical assistance
5 (Medicaid) under Article V of the Illinois Public Aid Code,
6 (ii) children's health insurance program (any federally
7 funded, Department of Healthcare and Family Services
8 administered, medical programs) benefits under the Children's
9 Health Insurance Program Act, and (iii) Title V maternal and
10 child health services provided through the Division of
11 Specialized Care for Children of the University of Illinois.

12 (b) For purposes of determining family fees under
13 subsection (f) of Section 10-75 and determining eligibility
14 for the other programs and services specified in items (i)
15 through (iii) of subsection (a), the lead agency shall develop
16 and use, with the cooperation of the Department of Healthcare
17 and Family Services and the Division of Specialized Care for
18 Children of the University of Illinois, a screening device
19 that provides sufficient information for the early
20 intervention regional intake entities or other agencies to
21 establish eligibility for those other programs and shall, in
22 cooperation with the Illinois Department of Healthcare and
23 Family Services and the Division of Specialized Care for
24 Children, train the regional intake entities on using the
25 screening device.

26 (c) When a child is determined eligible for and enrolled

1 in the early intervention program and has been found to at
2 least meet the threshold income eligibility requirements for
3 any federally funded, Department of Healthcare and Family
4 Services administered, medical programs, the regional intake
5 entity shall complete an application for any federally funded,
6 Department of Healthcare and Family Services administered,
7 medical programs with the family and forward it to the
8 Department of Healthcare and Family Services for a
9 determination of eligibility. A parent shall not be required
10 to enroll in any federally funded, Department of Healthcare
11 and Family Services administered, medical programs as a
12 condition of receiving services provided pursuant to Part C of
13 the Individuals with Disabilities Education Act.

14 (d) With the cooperation of the Department of Healthcare
15 and Family Services, the lead agency shall establish
16 procedures that ensure the timely and maximum allowable
17 recovery of payments for all early intervention services and
18 allowable administrative costs under Article V of the Illinois
19 Public Aid Code and the Children's Health Insurance Program
20 Act and shall include those procedures in the interagency
21 agreement required under subsection (e) of Section 10-35 of
22 Article 10 of this Act.

23 (e) For purposes of making referrals for final
24 determinations of eligibility for any federally funded,
25 Department of Healthcare and Family Services administered,
26 medical programs benefits under the Children's Health

1 Insurance Program Act and for medical assistance under Article
2 V of the Illinois Public Aid Code, the lead agency shall
3 require each early intervention regional intake entity to
4 enroll as an application agent in order for the entity to
5 complete any federally funded, Department of Healthcare and
6 Family Services administered, medical programs application as
7 authorized under Section 22 of the Children's Health Insurance
8 Program Act.

9 (f) For purposes of early intervention services that may
10 be provided by the Division of Specialized Care for Children
11 of the University of Illinois (DSCC), the lead agency shall
12 establish procedures whereby the early intervention regional
13 intake entities may determine whether children enrolled in the
14 early intervention program may also be eligible for those
15 services, and shall develop, (i) the interagency agreement
16 required under subsection (e) of Section 10-35 of this Act,
17 establishing that early intervention funds are to be used as
18 the payor of last resort when services required under an
19 individualized family services plan may be provided to an
20 eligible child through the DSCC, and (ii) training guidelines
21 for the regional intake entities and providers that explain
22 eligibility and billing procedures for services through DSCC.

23 (g) The lead agency shall require that an individual
24 applying for or renewing enrollment as a provider of services
25 in the early intervention program state whether or not he or
26 she is also enrolled as a DSCC provider. This information

1 shall be noted next to the name of the provider on the
2 computerized roster of Illinois early intervention providers,
3 and regional intake entities shall make every effort to refer
4 families eligible for DSCC services to these providers.

5 Section 10-85. Private health insurance; assignment. The
6 lead agency shall determine, at the point of new applications
7 for early intervention services, and for all children enrolled
8 in the early intervention program, at the regional intake
9 offices, whether the child is insured under a private health
10 insurance plan or policy.

11 Section 10-90. Billing of insurance carrier.

12 (a) Subject to the restrictions against private insurance
13 use on the basis of material risk of loss of coverage, as
14 determined under Section 10-100, each enrolled provider who is
15 providing a family with early intervention services shall bill
16 the child's insurance carrier for each unit of early
17 intervention service for which coverage may be available. The
18 lead agency may exempt from the requirement of this paragraph
19 any early intervention service that it has deemed not to be
20 covered by insurance plans. When the service is not exempted,
21 providers who receive a denial of payment on the basis that the
22 service is not covered under any circumstance under the plan
23 are not required to bill that carrier for that service again
24 until the following insurance benefit year. That explanation

1 of benefits denying the claim, once submitted to the central
2 billing office, shall be sufficient to meet the requirements
3 of this paragraph as to subsequent services billed under the
4 same billing code provided to that child during that insurance
5 benefit year. Any time limit on a provider's filing of a claim
6 for payment with the central billing office that is imposed
7 through a policy, procedure, or rule of the lead agency shall
8 be suspended until the provider receives an explanation of
9 benefits or other final determination of the claim it files
10 with the child's insurance carrier.

11 (b) In all instances when an insurance carrier has been
12 billed for early intervention services, whether paid in full,
13 paid in part, or denied by the carrier, the provider must
14 provide the central billing office, within 90 days after
15 receipt, with a copy of the explanation of benefits form and
16 other information in the manner prescribed by the lead agency.

17 (c) When the insurance carrier has denied the claim or
18 paid an amount for the early intervention service billed that
19 is less than the current State rate for early intervention
20 services, the provider shall submit the explanation of
21 benefits with a claim for payment, and the lead agency shall
22 pay the provider the difference between the sum actually paid
23 by the insurance carrier for each unit of service provided
24 under the individualized family service plan and the current
25 State rate for early intervention services. The State shall
26 also pay the family's co-payment or co-insurance under its

1 plan, but only to the extent that those payments plus the
2 balance of the claim do not exceed the current State rate for
3 early intervention services. The provider may under no
4 circumstances bill the family for the difference between its
5 charge for services and that which has been paid by the
6 insurance carrier or by the State.

7 Section 10-95. Families with insurance coverage.

8 (a) Families of children with insurance coverage, whether
9 public or private, shall incur no greater or less direct
10 out-of-pocket expenses for early intervention services than
11 families who are not insured.

12 (b) Managed care plans.

13 (1) Use of managed care network providers. When a
14 family's insurance coverage is through a managed care
15 arrangement with a network of providers that includes one
16 or more types of early intervention specialists who
17 provide the services set forth in the family's
18 individualized family service plan, the regional intake
19 entity shall require the family to use those network
20 providers, but only to the extent that:

21 (A) the network provider is immediately available
22 to receive the referral and to begin providing
23 services to the child;

24 (B) the network provider is enrolled as a provider
25 in the Illinois early intervention system and fully

1 credentialed under the current policy or rule of the
2 lead agency;

3 (C) the network provider can provide the services
4 to the child in the manner required in the
5 individualized service plan;

6 (D) the family would not have to travel more than
7 an additional 15 miles or an additional 30 minutes to
8 the network provider than it would have to travel to a
9 non-network provider who is available to provide the
10 same service; and

11 (E) the family's managed care plan does not allow
12 for billing (even at a reduced rate or reduced
13 percentage of the claim) for early intervention
14 services provided by non-network providers.

15 (2) Transfers from non-network to network providers.
16 If a child has been receiving services from a non-network
17 provider and the regional intake entity determines, at the
18 time of enrollment in the early intervention program or at
19 any point thereafter, that the family is enrolled in a
20 managed care plan, the regional intake entity shall
21 require the family to transfer to a network provider
22 within 45 days after that determination, but within no
23 more than 60 days after the effective date of this Act, if:

24 (A) all the requirements of subdivision (b) (1) of
25 this Section have been met; and

26 (B) the child is less than 26 months of age.

1 (3) Waivers. The lead agency may fully or partially
2 waive the network enrollment requirements of subdivision
3 (b)(1) of this Section and the transfer requirements of
4 subdivision (b)(2) of this Section as to a particular
5 region, or narrower geographic area, if it finds that the
6 managed care plans in that area are not allowing further
7 enrollment of early intervention providers and it finds
8 that referrals or transfers to network providers could
9 cause an overall shortage of early intervention providers
10 in that region of the State or could cause delays in
11 families securing the early intervention services set
12 forth in individualized family services plans.

13 (4) The lead agency, in conjunction with any entities
14 with which it may have contracted for the training and
15 credentialing of providers, the local interagency council
16 for early intervention, the regional intake entity, and
17 the enrolled providers in each region who wish to
18 participate, shall cooperate in developing a matrix and
19 action plan that (A) identifies both (i) which early
20 intervention providers and which fully credentialed early
21 intervention providers are members of the managed care
22 plans that are used in the region by families with
23 children in the early intervention program, and (ii) which
24 early intervention services, with what restrictions, if
25 any, are covered under those plans, (B) identifies which
26 credentialed specialists are members of which managed care

1 plans in the region, and (C) identifies the various
2 managed care plans to early intervention providers,
3 encourages their enrollment in the area plans, and
4 provides them with information on how to enroll. These
5 matrices shall be complete no later than 7 months after
6 the effective date of this Act, and shall be provided to
7 the Early Intervention Legislative Advisory Committee at
8 that time. The lead agency shall work with networks that
9 may have closed enrollment to additional providers to
10 encourage their admission of early intervention providers,
11 and shall report to the Early Intervention Legislative
12 Advisory Committee on the initial results of these efforts
13 no later than February 1, 2002.

14 Section 10-100. Private insurance; exemption.

15 (a) The lead agency shall establish procedures for a
16 family whose child is eligible to receive early intervention
17 services to apply for an exemption restricting the use of its
18 private insurance plan or policy based on material risk of
19 loss of coverage as authorized under subsection (c) of this
20 Section.

21 (b) The lead agency shall make a final determination on a
22 request for an exemption within 10 business days after its
23 receipt of a written request for an exemption at the regional
24 intake entity. During those 10 days, no claims may be filed
25 against the insurance plan or policy. If the exemption is

1 granted, it shall be noted on the individualized family
2 service plan, and the family and the providers serving the
3 family shall be notified in writing of the exemption.

4 (c) An exemption may be granted on the basis of material
5 risk of loss of coverage only if the family submits
6 documentation with its request for an exemption that
7 establishes (i) that the insurance plan or policy covering the
8 child is an individually purchased plan or policy and has been
9 purchased by a head of a household that is not eligible for a
10 group medical insurance plan, (ii) that the policy or plan has
11 a lifetime cap that applies to one or more specific types of
12 early intervention services specified in the family's
13 individualized family service plan, and that coverage could be
14 exhausted during the period covered by the individualized
15 family service plan, or (iii) proof of another risk that the
16 lead agency, in its discretion, may have additionally
17 established and defined as a ground for exemption by rule.

18 (d) An exemption under this Section based on material risk
19 of loss of coverage may apply to all early intervention
20 services and all plans or policies insuring the child, may be
21 limited to one or more plans or policies, or may be limited to
22 one or more types of early intervention services in the
23 child's individualized family services plan.

24 Section 10-105. System of personnel development. The lead
25 agency shall provide training to early intervention providers

1 and may enter into contracts to meet this requirement in
2 accordance with Section 1-30(c) of this Act. This training
3 shall include, at minimum, the following types of instruction:

4 (a) Courses in birth-to-3 evaluation and treatment of
5 children with developmental disabilities and delays (1) that
6 are taught by fully credentialed early intervention providers
7 or educators with substantial experience in evaluation and
8 treatment of children from birth to age 3 with developmental
9 disabilities and delays, (2) that cover these topics within
10 each of the disciplines of audiology, occupational therapy,
11 physical therapy, speech and language pathology, and
12 developmental therapy, including the social-emotional domain
13 of development, (3) that are held no less than twice per year,
14 (4) that offer no fewer than 20 contact hours per year of
15 course work, (5) that are held in no fewer than 5 separate
16 locales throughout the State, and (6) that give enrollment
17 priority to early intervention providers who do not meet the
18 experience, education, or continuing education requirements
19 necessary to be fully credentialed early intervention
20 providers; and

21 (b) Courses held no less than twice per year for no fewer
22 than 4 hours each in no fewer than 5 separate locales
23 throughout the State each on the following topics:

24 (1) Practice and procedures of private insurance
25 billing.

26 (2) The role of the regional intake entities; service

1 coordination; program eligibility determinations; family
2 fees; any federally funded, Department of Healthcare and
3 Family Services administered, medical programs, and
4 Division of Specialized Care applications, referrals, and
5 coordination with Early Intervention; and procedural
6 safeguards.

7 (3) Introduction to the early intervention program,
8 including provider enrollment and credentialing, overview
9 of Early Intervention program policies and rules, and
10 billing requirements.

11 (4) Evaluation and assessment of birth-to-3 children;
12 individualized family service plan development,
13 monitoring, and review; best practices; service
14 guidelines; and quality assurance.

15 Section 10-110. Contracting. In accordance with Section
16 1-30(c) of this Act, the lead agency may enter into contracts
17 for some or all of its responsibilities under this Act,
18 including, but not limited to: credentialing and enrolling
19 providers; training under Section 10-105; maintaining a
20 central billing office; data collection and analysis;
21 establishing and maintaining a computerized case management
22 system accessible to local referral offices and providers;
23 creating and maintaining a system for provider credentialing
24 and enrollment; creating and maintaining the central directory
25 required under subsection (g) of Section 10-45 of this Act;

1 and program operations. Contracts with or grants to regional
2 intake entities must be made subject to public bid under a
3 request for proposals process.

4 Section 10-120. Early Intervention Services Revolving
5 Fund. The Early Intervention Services Revolving Fund, created
6 by Public Act 89-106, shall be held by the lead agency.

7 The Early Intervention Services Revolving Fund shall be
8 used to the extent determined necessary by the lead agency to
9 pay for early intervention services.

10 Local Accounts for such purposes may be established by the
11 lead agency.

12 Expenditures from the Early Intervention Services
13 Revolving Fund shall be made in accordance with applicable
14 program provisions and shall be limited to those purposes and
15 amounts specified under applicable program guidelines. Funding
16 of the Fund shall be from family fees, insurance company
17 payments, federal financial participation received as
18 reimbursement for expenditures from the Fund, and
19 appropriations made to the State agencies involved in the
20 payment for early intervention services under this Act.

21 Disbursements from the Early Intervention Services
22 Revolving Fund shall be made as determined by the lead agency
23 or its designee. Funds in the Early Intervention Services
24 Revolving Fund or the local accounts created under this
25 Section that are not immediately required for expenditure may

1 be invested in certificates of deposit or other interest
2 bearing accounts. Any interest earned shall be deposited in
3 the Early Intervention Services Revolving Fund.

4 ARTICLE 15. POWERS AND DUTIES RELATING TO HOME-VISITING AND
5 PRESCHOOL SERVICES

6 Section 15-5. Transition of administrative
7 responsibilities related to home-visiting services Beginning
8 July 1, 2024, the Department of Early Childhood and the
9 Department of Human Services shall collaborate and plan for
10 the transition of administrative responsibilities related to
11 home-visiting services as prescribed in Section 10-16 of the
12 Department of Human Services Act.

13 Section 15-10. Home visiting program.

14 (a) The General Assembly finds that research-informed home
15 visiting programs work to strengthen families' functioning and
16 support parents in caring for their children to ensure optimal
17 child development.

18 (b) Through June 30, 2026, the Department of Human
19 Services shall administer a home visiting program to support
20 communities in providing intensive home visiting programs to
21 pregnant persons and families with children from birth up to
22 elementary school enrollment. Services shall be offered on a
23 voluntary basis to families. In awarding grants under the

1 program, the Department of Human Services shall prioritize
2 populations or communities in need of such services, as
3 determined by the Department of Human Services, based on data
4 including, but not limited to, statewide home visiting needs
5 assessments. Eligibility under the program shall also take
6 into consideration requirements of the federal Maternal,
7 Infant, and Early Childhood Home Visiting Program and Head
8 Start and Early Head Start to ensure appropriate alignment.
9 The overall goals for these services are to:

10 (1) improve maternal and newborn health;

11 (2) prevent child abuse and neglect;

12 (3) promote children's development and readiness to
13 participate in school; and

14 (4) connect families to needed community resources
15 and supports.

16 (b-5) On and after July 1, 2026, the Department of Early
17 Childhood shall establish and administer a home visiting
18 program to support communities in providing intensive home
19 visiting programs to pregnant persons and families with
20 children from birth up to elementary school enrollment.

21 (c) Allowable uses of funding include:

22 (1) Grants to community-based organizations to
23 implement home visiting and family support services with
24 fidelity to research-informed home visiting program
25 models, as defined by the Department. Services may
26 include, but are not limited to:

1 (A) personal visits with a child and the child's
2 parent or caregiver at a periodicity aligned with the
3 model being implemented;

4 (B) opportunities for connections with other
5 parents and caregivers in their community and other
6 social and community supports;

7 (C) enhancements to research-informed home
8 visiting program models based on community needs
9 including doula services, and other program
10 innovations as approved by the Department; and

11 (D) referrals to other resources needed by
12 families.

13 (2) Infrastructure supports for grantees, including,
14 but not limited to, professional development for the
15 workforce, technical assistance and capacity-building,
16 data system and supports, infant and early childhood
17 mental health consultation, trauma-informed practices,
18 research, universal newborn screening, and coordinated
19 intake.

20 (d) Subject to appropriation, the Department administering
21 home-visiting programs subject to Section 15-10 (b) and
22 Section 15-10(b-5) shall award grants to community-based
23 agencies in accordance with this Section and any other rules
24 that may be adopted by the Department. Successful grantees
25 under this program shall comply with policies and procedures
26 on program, data, and expense reporting as developed by the

1 Department.

2 (e) Funds received under this Section shall supplement,
3 not supplant, other existing or new federal, State, or local
4 sources of funding for these services. Any new federal funding
5 received shall supplement and not supplant funding for this
6 program.

7 (f) The Department administering home-visiting programs
8 subject to Section 15-10 (b) and Section 15-10(b-5) shall
9 collaborate with relevant agencies to support the coordination
10 and alignment of home visiting services provided through other
11 State and federal funds, to the extent possible. The
12 Department administering home-visiting programs subject to
13 Section 15-10 (b) and Section 15-10(b-5) shall collaborate
14 with the State Board of Education, the Department of
15 Healthcare and Family Services, and Head Start and Early Head
16 Start in the implementation of these services to support
17 alignment with home visiting services provided through the
18 Early Childhood Block Grant and the State's Medical Assistance
19 Program, respectively, to the extent possible.

20 (g) An advisory committee shall advise the Department
21 administering home-visiting programs subject to Section
22 15-10(b) and Section 15-10(b-5) concerning the implementation
23 of the home visiting program. The advisory committee shall
24 make recommendations on policy and implementation. The
25 Department shall determine whether the advisory committee
26 shall be a newly created body or an existing body such as a

1 committee of the Illinois Early Learning Council. The advisory
2 committee shall consist of one or more representatives of the
3 Department, other members representing public and private
4 entities that serve and interact with the families served
5 under the home visiting program, with the input of families
6 engaged in home visiting or related services themselves.
7 Family input may be secured by engaging families as members of
8 this advisory committee or as a separate committee of family
9 representatives.

10 (h) The Department of Early Childhood may adopt any rules
11 necessary to implement this Section.

12 Section 15-15. Collaboration; planning. Beginning July 1,
13 2024, the Department of Early Childhood shall collaborate with
14 the Illinois State Board of Education on administration of the
15 early childhood programs established in Sections 1C-2, 2-3.71,
16 2-3.71a, and 2-3.89 of the School Code. The Department of
17 Early Childhood and the Illinois State Board of Education
18 shall plan for the transfer of administrative responsibilities
19 that will occur on and after July 1, 2026.

20 Section 15-20. Programs concerning services to at-risk
21 children and their families.

22 (a) On and after July 1, 2026, the Department of Early
23 Childhood may provide grants to eligible entities, as defined
24 by the Department, to establish programs which offer

1 coordinated services to at-risk infants and toddlers and their
2 families. Each program shall include a parent education
3 program relating to the development and nurturing of infants
4 and toddlers and case management services to coordinate
5 existing services available in the region served by the
6 program. These services shall be provided through the
7 implementation of an individual family service plan. Each
8 program will have a community involvement component to provide
9 coordination in the service system.

10 (b) The Department shall administer the programs through
11 the grants to public school districts and other eligible
12 entities. These grants must be used to supplement, not
13 supplant, funds received from any other source. School
14 districts and other eligible entities receiving grants
15 pursuant to this Section shall conduct voluntary, intensive,
16 research-based, and comprehensive prevention services, as
17 defined by the Department, for expecting parents and families
18 with children from birth to age 3 who are at-risk of academic
19 failure. A public school district that receives a grant under
20 this Section may subcontract with other eligible entities.

21 (c) The Department shall report to the General Assembly by
22 July 1, 2028 and every 2 years thereafter, using the most
23 current data available, on the status of programs funded under
24 this Section, including without limitation characteristics of
25 participants, services delivered, program models used, unmet
26 needs, and results of the programs funded.

1 Section 15-25. Block grants.

2 (a) Through June 30, 2026, the State Board of Education
3 shall award block grants to school districts and other
4 entities pursuant to Section 1C-2 of the School Code.

5 (b) On and after July 1, 2026, the Department of Early
6 Childhood shall award to school districts and other entities
7 block grants as described in subsection (c). The Department of
8 Early Childhood may adopt rules necessary to implement this
9 Section. Block grants are subject to audit. Therefore, block
10 grant receipts and block grant expenditures shall be recorded
11 to the appropriate fund code.

12 (c) An Early Childhood Education Block Grant shall be
13 created by combining the following programs: Preschool
14 Education, Parental Training and Prevention Initiative. These
15 funds shall be distributed to school districts and other
16 entities on a competitive basis, except that the Department of
17 Early Childhood shall award to a school district having a
18 population exceeding 500,000 inhabitants 37% of the funds in
19 each fiscal year. Not less than 14% of the Early Childhood
20 Education Block Grant allocation of funds shall be used to
21 fund programs for children ages 0-3. Beginning in Fiscal Year
22 2016, at least 25% of any additional Early Childhood Education
23 Block Grant funding over and above the previous fiscal year's
24 allocation shall be used to fund programs for children ages
25 0-3. Once the percentage of Early Childhood Education Block

1 Grant funding allocated to programs for children ages 0-3
2 reaches 20% of the overall Early Childhood Education Block
3 Grant allocation for a full fiscal year, thereafter in
4 subsequent fiscal years the percentage of Early Childhood
5 Education Block Grant funding allocated to programs for
6 children ages 0-3 each fiscal year shall remain at least 20% of
7 the overall Early Childhood Education Block Grant allocation.
8 However, if, in a given fiscal year, the amount appropriated
9 for the Early Childhood Education Block Grant is insufficient
10 to increase the percentage of the grant to fund programs for
11 children ages 0-3 without reducing the amount of the grant for
12 existing providers of preschool education programs, then the
13 percentage of the grant to fund programs for children ages 0-3
14 may be held steady instead of increased.

15 (d) A school district in a city having a population
16 exceeding 500,000 is not required to file any application or
17 other claim in order to receive the block grant to which it is
18 entitled under this Section. The Department of Early Childhood
19 shall make payments to the district of amounts due under the
20 district's block grant on a schedule determined by the
21 Department. A school district to which this Section applies
22 shall report to the Department of Early Childhood on its use of
23 the block grant in such form and detail as the Department may
24 specify. In addition, the report must include the following
25 description for the district, which must also be reported to
26 the General Assembly: block grant allocation and expenditures

1 by program; population and service levels by program; and
2 administrative expenditures by program. The Department shall
3 ensure that the reporting requirements for the district are
4 the same as for all other school districts in this State.
5 Beginning in Fiscal Year 2018, at least 25% of any additional
6 Preschool Education, Parental Training, and Prevention
7 Initiative program funding over and above the previous fiscal
8 year's allocation shall be used to fund programs for children
9 ages 0-3. Beginning in Fiscal Year 2018, funding for Preschool
10 Education, Parental Training, and Prevention Initiative
11 programs above the allocation for these programs in Fiscal
12 Year 2017 must be used solely as a supplement for these
13 programs and may not supplant funds received from other
14 sources.

15 (e) Reports. School districts and other entities that
16 receive an Early Childhood Education Block Grant shall report
17 to the Department of Early Childhood on its use of the block
18 grant in such form and detail as the Department may specify. In
19 addition, the report must include the following description
20 for the district and other entities that receive an Early
21 Childhood Block Grant, which must also be reported to the
22 General Assembly: block grant allocation and expenditures by
23 program; population and service levels by program; and
24 administrative expenditures by program.

25 Section 15-30. Grants for preschool educational programs.

1 (a) Preschool program.

2 (1) Through June 30, 2026, The State Board of
3 Education shall implement and administer a grant program
4 to conduct voluntary preschool educational programs for
5 children ages 3 to 5, which include a parent education
6 component, pursuant to Section 2-3.71 of the School Code.

7 (2) On and after July 1, 2026, the Department of Early
8 Childhood shall implement and administer a grant program
9 for school districts and other eligible entities, as
10 defined by the Department, to conduct voluntary preschool
11 educational programs for children ages 3 to 5 which
12 include a parent education component. A public school
13 district which receives grants under this subsection may
14 subcontract with other entities that are eligible to
15 conduct a preschool educational program. These grants must
16 be used to supplement, not supplant, funds received from
17 any other source.

18 (3) Except as otherwise provided under this subsection
19 (a), any teacher of preschool children in the program
20 authorized by this subsection shall hold a Professional
21 Educator License with an early childhood education
22 endorsement.

23 (3.5) Beginning with the 2018-2019 school year and
24 until the 2028-2029 school year, an individual may teach
25 preschool children in an early childhood program under
26 this Section if he or she holds a Professional Educator

1 License with an early childhood education endorsement or
2 with short-term approval for early childhood education or
3 he or she pursues a Professional Educator License and
4 holds any of the following:

5 (A) An ECE Credential Level of 5 awarded by the
6 Department of Human Services under the Gateways to
7 Opportunity Program developed under Section 10-70 of
8 the Department of Human Services Act.

9 (B) An Educator License with Stipulations with a
10 transitional bilingual educator endorsement and he or
11 she has (i) passed an early childhood education
12 content test or (ii) completed no less than 9 semester
13 hours of postsecondary coursework in the area of early
14 childhood education.

15 (4) Through June 30, 2026, the State Board of
16 Education shall provide the primary source of funding
17 through appropriations for the program. On and after July
18 1, 2026, the Department of Early Childhood shall provide
19 the primary source of funding through appropriations for
20 the program. Such funds shall be distributed to achieve a
21 goal of "Preschool for All Children" for the benefit of
22 all children whose families choose to participate in the
23 program. Based on available appropriations, newly funded
24 programs shall be selected through a process giving first
25 priority to qualified programs serving primarily at-risk
26 children and second priority to qualified programs serving

1 primarily children with a family income of less than 4
2 times the poverty guidelines updated periodically in the
3 Federal Register by the U.S. Department of Health and
4 Human Services under the authority of 42 U.S.C. 9902(2).
5 For purposes of this paragraph (4), at-risk children are
6 those who because of their home and community environment
7 are subject to such language, cultural, economic and like
8 disadvantages to cause them to have been determined as a
9 result of screening procedures to be at risk of academic
10 failure. Through June 30, 2026, such screening procedures
11 shall be based on criteria established by the State Board
12 of Education. On and after July 1, 2026, such screening
13 procedures shall be based on criteria established by the
14 Department of Early Childhood. Except as otherwise
15 provided in this paragraph (4), grantees under the program
16 must enter into a memorandum of understanding with the
17 appropriate local Head Start agency. This memorandum must
18 be entered into no later than 3 months after the award of a
19 grantee's grant under the program and must address
20 collaboration between the grantee's program and the local
21 Head Start agency on certain issues, which shall include
22 without limitation the following:

23 (A) educational activities, curricular objectives,
24 and instruction;

25 (B) public information dissemination and access to
26 programs for families contacting programs;

- 1 (C) service areas;
- 2 (D) selection priorities for eligible children to
3 be served by programs;
- 4 (E) maximizing the impact of federal and State
5 funding to benefit young children;
- 6 (F) staff training, including opportunities for
7 joint staff training;
- 8 (G) technical assistance;
- 9 (H) communication and parent outreach for smooth
10 transitions to kindergarten;
- 11 (I) provision and use of facilities,
12 transportation, and other program elements;
- 13 (J) facilitating each program's fulfillment of its
14 statutory and regulatory requirements;
- 15 (K) improving local planning and collaboration;
16 and
- 17 (L) providing comprehensive services for the
18 neediest Illinois children and families. Through June
19 30, 2026, if the appropriate local Head Start agency
20 is unable or unwilling to enter into a memorandum of
21 understanding as required under this paragraph (4),
22 the memorandum of understanding requirement shall not
23 apply and the grantee under the program must notify
24 the State Board of Education in writing of the Head
25 Start agency's inability or unwillingness. Through
26 June 30, 2026, the State Board of Education shall

1 compile all such written notices and make them
2 available to the public. On and after July 1, 2026, if
3 the appropriate local Head Start agency is unable or
4 unwilling to enter into a memorandum of understanding
5 as required under this paragraph (4), the memorandum
6 of understanding requirement shall not apply and the
7 grantee under the program must notify the Department
8 of Early Childhood in writing of the Head Start
9 agency's inability or unwillingness. The Department of
10 Early Childhood shall compile all such written notices
11 and make them available to the public.

12 (5) Through June 30, 2026, the State Board of
13 Education shall develop and provide evaluation tools,
14 including tests, that school districts and other eligible
15 entities may use to evaluate children for school readiness
16 prior to age 5. The State Board of Education shall require
17 school districts and other eligible entities to obtain
18 consent from the parents or guardians of children before
19 any evaluations are conducted. The State Board of
20 Education shall encourage local school districts and other
21 eligible entities to evaluate the population of preschool
22 children in their communities and provide preschool
23 programs, pursuant to this subsection, where appropriate.

24 (5.1) On and after July 1, 2026, the Department of
25 Early Childhood shall develop and provide evaluation
26 tools, including tests, that school districts and other

1 eligible entities may use to evaluate children for school
2 readiness prior to age 5. The Department of Early
3 Childhood shall require school districts and other
4 eligible entities to obtain consent from the parents or
5 guardians of children before any evaluations are
6 conducted. The Department of Early Childhood shall
7 encourage local school districts and other eligible
8 entities to evaluate the population of preschool children
9 in their communities and provide preschool programs,
10 pursuant to this subsection, where appropriate.

11 (6) Through June 30, 2026, the State Board of
12 Education shall report to the General Assembly by November
13 1, 2018 and every 2 years thereafter on the results and
14 progress of students who were enrolled in preschool
15 educational programs, including an assessment of which
16 programs have been most successful in promoting academic
17 excellence and alleviating academic failure. Through June
18 30, 2026, the State Board of Education shall assess the
19 academic progress of all students who have been enrolled
20 in preschool educational programs. Through Fiscal Year
21 2026, on or before November 1 of each fiscal year in which
22 the General Assembly provides funding for new programs
23 under paragraph (4) of this Section, the State Board of
24 Education shall report to the General Assembly on what
25 percentage of new funding was provided to programs serving
26 primarily at-risk children, what percentage of new funding

1 was provided to programs serving primarily children with a
2 family income of less than 4 times the federal poverty
3 level, and what percentage of new funding was provided to
4 other programs.

5 (6.1) On and after July 1, 2026, the Department of
6 Early Childhood shall report to the General Assembly by
7 November 1, 2026 and every 2 years thereafter on the
8 results and progress of students who were enrolled in
9 preschool educational programs, including an assessment of
10 which programs have been most successful in promoting
11 academic excellence and alleviating academic failure. On
12 and after July 1, 2026, the Department of Early Childhood
13 shall assess the academic progress of all students who
14 have been enrolled in preschool educational programs.
15 Beginning in Fiscal Year 2027, on or before November 1 of
16 each fiscal year in which the General Assembly provides
17 funding for new programs under paragraph (4) of this
18 Section, the Department of Early Childhood shall report to
19 the General Assembly on what percentage of new funding was
20 provided to programs serving primarily at-risk children,
21 what percentage of new funding was provided to programs
22 serving primarily children with a family income of less
23 than 4 times the federal poverty level, and what
24 percentage of new funding was provided to other programs.

25 (7) Due to evidence that expulsion practices in the
26 preschool years are linked to poor child outcomes and are

1 employed inconsistently across racial and gender groups,
2 early childhood programs receiving State funds under this
3 subsection (a) shall prohibit expulsions. Planned
4 transitions to settings that are able to better meet a
5 child's needs are not considered expulsion under this
6 paragraph (7).

7 (A) When persistent and serious challenging
8 behaviors emerge, the early childhood program shall
9 document steps taken to ensure that the child can
10 participate safely in the program; including
11 observations of initial and ongoing challenging
12 behaviors, strategies for remediation and intervention
13 plans to address the behaviors, and communication with
14 the parent or legal guardian, including participation
15 of the parent or legal guardian in planning and
16 decision-making.

17 (B) The early childhood program shall, with
18 parental or legal guardian consent as required, use a
19 range of community resources, if available and deemed
20 necessary, including, but not limited to,
21 developmental screenings, referrals to programs and
22 services administered by a local educational agency or
23 early intervention agency under Parts B and C of the
24 federal Individual with Disabilities Education Act,
25 and consultation with infant and early childhood
26 mental health consultants and the child's health care

1 provider. The program shall document attempts to
2 engage these resources, including parent or legal
3 guardian participation and consent attempted and
4 obtained. Communication with the parent or legal
5 guardian shall take place in a culturally and
6 linguistically competent manner.

7 (C) If there is documented evidence that all
8 available interventions and supports recommended by a
9 qualified professional have been exhausted and the
10 program determines in its professional judgment that
11 transitioning a child to another program is necessary
12 for the well-being of the child or his or her peers and
13 staff, with parent or legal guardian permission, both
14 the current and pending programs shall create a
15 transition plan designed to ensure continuity of
16 services and the comprehensive development of the
17 child. Communication with families shall occur in a
18 culturally and linguistically competent manner.

19 (D) Nothing in this paragraph (7) shall preclude a
20 parent's or legal guardian's right to voluntarily
21 withdraw his or her child from an early childhood
22 program. Early childhood programs shall request and
23 keep on file, when received, a written statement from
24 the parent or legal guardian stating the reason for
25 his or her decision to withdraw his or her child.

26 (E) In the case of the determination of a serious

1 safety threat to a child or others or in the case of
2 behaviors listed in subsection (d) of Section 10-22.6
3 of the School Code, the temporary removal of a child
4 from attendance in group settings may be used.
5 Temporary removal of a child from attendance in a
6 group setting shall trigger the process detailed in
7 subparagraphs (A), (B), and (C) of this paragraph (7),
8 with the child placed back in a group setting as
9 quickly as possible.

10 (F) Early childhood programs may use and the
11 Department of Early Childhood, State Board of
12 Education, the Department of Human Services, and the
13 Department of Children and Family Services shall
14 recommend training, technical support, and
15 professional development resources to improve the
16 ability of teachers, administrators, program
17 directors, and other staff to promote social-emotional
18 development and behavioral health, to address
19 challenging behaviors, and to understand trauma and
20 trauma-informed care, cultural competence, family
21 engagement with diverse populations, the impact of
22 implicit bias on adult behavior, and the use of
23 reflective practice techniques. Support shall include
24 the availability of resources to contract with infant
25 and early childhood mental health consultants.

26 (G) Through June 30, 2026, early childhood

1 programs shall annually report to the State Board of
2 Education, and, beginning in Fiscal Year 2020, the
3 State Board of Education shall make available on a
4 biennial basis, in an existing report, all of the
5 following data for children from birth to age 5 who are
6 served by the program:

7 (i) Total number served over the course of the
8 program year and the total number of children who
9 left the program during the program year.

10 (ii) Number of planned transitions to another
11 program due to children's behavior, by children's
12 race, gender, disability, language, class/group
13 size, teacher-child ratio, and length of program
14 day.

15 (iii) Number of temporary removals of a child
16 from attendance in group settings due to a serious
17 safety threat under subparagraph (E) of this
18 paragraph (7), by children's race, gender,
19 disability, language, class/group size,
20 teacher-child ratio, and length of program day.

21 (iv) Hours of infant and early childhood
22 mental health consultant contact with program
23 leaders, staff, and families over the program
24 year.

25 (G-5) On and after July 1, 2026, early childhood
26 programs shall annually report to the Department of

1 Early Childhood, and beginning in Fiscal Year 2028,
2 the Department of Early Childhood shall make available
3 on a biennial basis, in a report, all of the following
4 data for children from birth to age 5 who are served by
5 the program:

6 (i) Total number served over the course of the
7 program year and the total number of children who
8 left the program during the program year.

9 (ii) Number of planned transitions to another
10 program due to children's behavior, by children's
11 race, gender, disability, language, class/group
12 size, teacher-child ratio, and length of program
13 day.

14 (iii) Number of temporary removals of a child
15 from attendance in group settings due to a serious
16 safety threat under subparagraph (E) of this
17 paragraph (7), by children's race, gender,
18 disability, language, class/group size,
19 teacher-child ratio, and length of program day.

20 (iv) Hours of infant and early childhood
21 mental health consultant contact with program
22 leaders, staff, and families over the program
23 year.

24 (H) Changes to services for children with an
25 individualized education program or individual family
26 service plan shall be construed in a manner consistent

1 with the federal Individuals with Disabilities
2 Education Act.

3 The Department of Early Childhood, in consultation
4 with the Department of Children and Family Services, shall
5 adopt rules to administer this paragraph (7).

6 (b) Notwithstanding any other provisions of this Section,
7 grantees may serve children ages 0 to 12 of essential workers
8 if the Governor has declared a disaster due to a public health
9 emergency pursuant to Section 7 of the Illinois Emergency
10 Management Agency Act. The Department of Early Childhood may
11 adopt rules to administer this subsection.

12 Section 15-35. Chronic absenteeism in preschool children.

13 (a) In this Section, "chronic absence" means absences that
14 total 10% or more of school days of the most recent academic
15 school year, including absences with and without valid cause,
16 as defined in Section 26-2a of the School Code.

17 (b) The General Assembly makes all of the following
18 findings:

19 (1) The early years are an extremely important period
20 in a child's learning and development.

21 (2) Missed learning opportunities in the early years
22 make it difficult for a child to enter kindergarten ready
23 for success.

24 (3) Attendance patterns in the early years serve as
25 predictors of chronic absenteeism and reduced educational

1 outcomes in later school years. Therefore, it is crucial
2 that the implications of chronic absence be understood and
3 reviewed regularly under the Preschool for All Program and
4 Preschool for All Expansion Program under Section 15-30 of
5 this Act.

6 (c) The Preschool for All Program and Preschool for All
7 Expansion Program under Section 15-30 of this Act shall
8 collect and review its chronic absence data and determine what
9 support and resources are needed to positively engage
10 chronically absent students and their families to encourage
11 the habit of daily attendance and promote success.

12 (d) The Preschool for All Program and Preschool for All
13 Expansion Program under Section 15-30 of this Act are
14 encouraged to do all of the following:

15 (1) Provide support to students who are at risk of
16 reaching or exceeding chronic absence levels.

17 (2) Make resources available to families, such as
18 those available through the State Board of Education's
19 Family Engagement Framework, to support and encourage
20 families to ensure their children's daily program
21 attendance.

22 (3) Include information about chronic absenteeism as
23 part of their preschool to kindergarten transition
24 resources.

25 (e) On or before July 1, 2020, and annually thereafter
26 through June 30, 2026, the Preschool for All Program and

1 Preschool for All Expansion Program shall report all data
2 collected under subsection (c) of this Section to the State
3 Board of Education, which shall make the report publicly
4 available via the Illinois Early Childhood Asset Map Internet
5 website and the Preschool for All Program or Preschool for All
6 Expansion Program triennial report.

7 (e-5) On and after July 1, 2026, the Preschool for All
8 Program and Preschool for All Expansion Program shall report
9 all data collected under subsection (c) to the Department of
10 Early Childhood, which shall review the chronic absence data
11 to determine what support and resources are needed to
12 positively engage chronically absent students and their
13 families to encourage the habit of daily attendance and
14 promote success. The Department shall also report all data
15 collected under this subsection and make a report publicly
16 available via the Illinois Early Childhood Asset Map Internet
17 website and the Preschool for All Program or Preschool for All
18 Expansion Program triennial report.

19 Section 15-40. Restrictions on prekindergarten
20 assessments.

21 (a) In this Section:

22 "Diagnostic and screening purposes" means for the purpose
23 of determining if individual students need remedial
24 instruction or to determine eligibility for special education,
25 early intervention, bilingual education, dyslexia services, or

1 other related educational services. Any assessment used to
2 determine eligibility for special education or related
3 services must be consistent with Section 614 of the federal
4 Individuals with Disabilities Education Act. "Diagnostic and
5 screening purposes" includes the identification and evaluation
6 of students with disabilities. "Diagnostic and screening
7 purposes" does not include any assessment in which student
8 scores are used to rate or rank a classroom, program, teacher,
9 school, school district, or jurisdiction.

10 "Standardized assessment" means an assessment that
11 requires all student test takers to answer the same questions,
12 or a selection of questions from a common bank of questions, in
13 the same manner or substantially the same questions in the
14 same manner. "Standardized assessment" does not include an
15 observational assessment tool used to satisfy the requirements
16 of Section 2-3.64a-10 of the School Code.

17 (b) Consistent with Section 2-3.64a-15 of the School Code,
18 the Department of Early Childhood may not develop, purchase,
19 or require a school district to administer, develop, or
20 purchase a standardized assessment for students enrolled or
21 preparing to enroll in prekindergarten, other than for
22 diagnostic and screening purposes.

23 (c) Consistent with Section 2-3.64a-15 of the School Code,
24 the Department of Early Childhood may not provide funding for
25 any standardized assessment of students enrolled or preparing
26 to enroll in prekindergarten, other than for diagnostic and

1 screening purposes.

2 (d) Nothing in this Section shall be construed to limit
3 the ability of a classroom teacher or school district to
4 develop, purchase, administer, or score an assessment for an
5 individual classroom, grade level, or group of grade levels in
6 any subject area in prekindergarten.

7 (e) Nothing in this Section limits procedures used by a
8 school or school district for child find under 34 CFR
9 300.111(c) or evaluation under 34 CFR 300.304.

10 (f) Nothing in this Section restricts the use of an annual
11 assessment of English proficiency of all English learners to
12 comply with Section 1111(b)(2)(G) of the federal Elementary
13 and Secondary Education Act of 1965.

14 Section 15-45. Grants for early childhood parental
15 training programs. On and after July 1, 2026, the Department
16 of Early Childhood shall implement and administer a grant
17 program consisting of grants to public school districts and
18 other eligible entities, as defined by the Department, to
19 conduct early childhood parental training programs for the
20 parents of children in the period of life from birth to
21 prekindergarten. A public school district that receives grants
22 under this Section may contract with other eligible entities
23 to conduct an early childhood parental training program. These
24 grants must be used to supplement, not supplant, funds
25 received from any other source. A school board or other

1 eligible entity shall employ appropriately qualified personnel
2 for its early childhood parental training program, including
3 but not limited to certified teachers, counselors,
4 psychiatrists, psychologists and social workers.

5 (a) As used in this Section, "parental training" means and
6 includes instruction in the following:

7 (1) Child growth and development, including prenatal
8 development.

9 (2) Childbirth and child care.

10 (3) Family structure, function and management.

11 (4) Prenatal and postnatal care for mothers and
12 infants.

13 (5) Prevention of child abuse.

14 (6) The physical, mental, emotional, social, economic
15 and psychological aspects of interpersonal and family
16 relationships.

17 (7) Parenting skill development.

18 The programs shall include activities that require
19 substantial participation and interaction between parent and
20 child.

21 (b) The Department shall annually award funds through a
22 grant approval process established by the Department,
23 providing that an annual appropriation is made for this
24 purpose from State, federal or private funds. Nothing in this
25 Section shall preclude school districts from applying for or
26 accepting private funds to establish and implement programs.

1 (c) The Department shall assist those districts and other
2 eligible entities offering early childhood parental training
3 programs, upon request, in developing instructional materials,
4 training teachers and staff, and establishing appropriate time
5 allotments for each of the areas included in such instruction.

6 (d) School districts and other eligible entities may offer
7 early childhood parental training courses during that period
8 of the day which is not part of the regular school day.
9 Residents of the community may enroll in such courses. The
10 school board or other eligible entity may establish fees and
11 collect such charges as may be necessary for attendance at
12 such courses in an amount not to exceed the per capita cost of
13 the operation thereof, except that the board or other eligible
14 entity may waive all or part of such charges if it determines
15 that the parent is indigent or that the educational needs of
16 the parent require his or her attendance at such courses.

17 (e) Parents who participate in early childhood parental
18 training programs under this Section may be eligible for
19 reasonable reimbursement of any incidental transportation and
20 child care expenses from the school district receiving funds
21 pursuant to this Section.

22 (f) Districts and other eligible entities receiving grants
23 pursuant to this Section shall coordinate programs created
24 under this Section with other preschool educational programs,
25 including "at-risk" preschool programs, special and vocational
26 education, and related services provided by other governmental

1 agencies and not-for-profit agencies.

2 (g) Early childhood programs under this Section are
3 subject to the requirements under paragraph (7) of subsection
4 (a) of Section 15-30 of this Act.

5 Section 15-50. Early childhood construction grants.

6 (a) The Capital Development Board is authorized to make
7 grants to public school districts and not-for-profit entities
8 for early childhood construction projects, except that in
9 Fiscal Year 2024 those grants may be made only to public school
10 districts. These grants shall be paid out of moneys
11 appropriated for that purpose from the School Construction
12 Fund, the Build Illinois Bond Fund, or the Rebuild Illinois
13 Projects Fund. No grants may be awarded to entities providing
14 services within private residences. A public school district
15 or other eligible entity must provide local matching funds in
16 the following manner:

17 (1) A public school district assigned to Tier 1 under
18 Section 18-8.15 of the School Code or any other eligible
19 entity in an area encompassed by that district must
20 provide local matching funds in an amount equal to 3% of
21 the grant awarded under this Section.

22 (2) A public school district assigned to Tier 2 under
23 Section 18-8.15 of the School Code or any other eligible
24 entity in an area encompassed by that district must
25 provide local matching funds in an amount equal to 7.5% of

1 the grant awarded under this Section.

2 (3) A public school district assigned to Tier 3 under
3 Section 18-8.15 of the School Code or any other eligible
4 entity in an area encompassed by that district must
5 provide local matching funds in an amount equal to 8.75%
6 of the grant awarded under this Section.

7 (4) A public school district assigned to Tier 4 under
8 Section 18-8.15 of the School Code or any other eligible
9 entity in an area encompassed by that district must
10 provide local matching funds in an amount equal to 10% of
11 the grant awarded under this Section.

12 A public school district or other eligible entity has no
13 entitlement to a grant under this Section.

14 (b) The Capital Development Board shall adopt rules to
15 implement this Section. These rules need not be the same as the
16 rules for school construction project grants or school
17 maintenance project grants. The rules may specify:

18 (1) the manner of applying for grants;

19 (2) project eligibility requirements;

20 (3) restrictions on the use of grant moneys;

21 (4) the manner in which school districts and other
22 eligible entities must account for the use of grant
23 moneys;

24 (5) requirements that new or improved facilities be
25 used for early childhood and other related programs for a
26 period of at least 10 years; and

1 (6) any other provision that the Capital Development
2 Board determines to be necessary or useful for the
3 administration of this Section.

4 (b-5) When grants are made to non-profit corporations for
5 the acquisition or construction of new facilities, the Capital
6 Development Board or any State agency it so designates shall
7 hold title to or place a lien on the facility for a period of
8 10 years after the date of the grant award, after which title
9 to the facility shall be transferred to the non-profit
10 corporation or the lien shall be removed, provided that the
11 non-profit corporation has complied with the terms of its
12 grant agreement. When grants are made to non-profit
13 corporations for the purpose of renovation or rehabilitation,
14 if the non-profit corporation does not comply with item (5) of
15 subsection (b) of this Section, the Capital Development Board
16 or any State agency it so designates shall recover the grant
17 pursuant to the procedures outlined in the Illinois Grant
18 Funds Recovery Act.

19 (c) On and after July 1, 2026, the Capital Development
20 Board, in consultation with the Department of Early Childhood,
21 shall establish standards for the determination of priority
22 needs concerning early childhood projects based on projects
23 located in communities in the State with the greatest
24 underserved population of young children, utilizing Census
25 data and other reliable local early childhood service data.

26 (d) In each school year in which early childhood

1 construction project grants are awarded, 20% of the total
2 amount awarded shall be awarded to a school district with a
3 population of more than 500,000, provided that the school
4 district complies with the requirements of this Section and
5 the rules adopted under this Section.

6 Section 15-55. Infant/early childhood mental health
7 consultations.

8 (a) Findings; policies.

9 (1) The General Assembly finds that social and
10 emotional development is a core, developmental domain in
11 young children and is codified in the Illinois Early
12 Learning Standards.

13 (2) Fostering social and emotional development in,
14 early childhood means both providing the supportive
15 settings and interactions to maximize healthy social and
16 emotional development for all children, as well as
17 providing communities, programs, and providers with
18 systems of tiered supports with training to respond to
19 more significant social and emotional challenges or where
20 experiences of trauma may be more prevalent.

21 (3) Early care and education programs and providers,
22 across a range of settings, have an important role to play
23 in supporting young children and families, especially
24 those who face greater challenges, such as trauma
25 exposure, social isolation, pervasive poverty, and toxic

1 stress. If programs, teaching staff, caregivers, and
2 providers are not provided with the support, services, and
3 training needed to accomplish these goals, it can lead to
4 children and families being asked to leave programs,
5 particularly without connection to more appropriate
6 services, thereby creating a disruption in learning and
7 social-emotional development. Investments in reflective
8 supervision, professional development specific to
9 diversity, equity, and inclusion practice, culturally
10 responsive training, implicit bias training, and how
11 trauma experienced during the early years can manifest in
12 challenging behaviors will create systems for serving
13 children that are informed in developmentally appropriate
14 and responsive supports.

15 (4) Studies have shown that the expulsion of infants,
16 toddlers, and young children in early care and education
17 settings is occurring at alarmingly high rates, more than
18 3 times that of students in K-12; further, expulsion
19 occurs more frequently for Black children and Latinx
20 children and more frequently for boys than for girls, with
21 Black boys being most frequently expelled; there is
22 evidence to show that the expulsion of Black girls is
23 occurring with increasing frequency.

24 (5) Illinois took its first steps toward addressing
25 this disparity through Public Act 100-105 to prohibit
26 expulsion due to child behavior in early care and

1 education settings, but further work is needed to
2 implement this law, including strengthening provider
3 understanding of a successful transition and beginning to
4 identify strategies to reduce "soft expulsions" and to
5 ensure more young children and their teachers, providers,
6 and caregivers, in a range of early care and education
7 settings, can benefit from services, such as Infant/Early
8 Childhood Mental Health Consultations (I/ECMHC) and
9 positive behavior interventions and supports such as the
10 Pyramid Model.

11 (6) I/ECMHC is a critical component needed to align
12 social-emotional well-being with the public health model
13 of promotion, prevention, and intervention across early
14 care and education systems.

15 (b) The General Assembly encourages that all of the
16 following actions be taken by:

17 (1) the State to increase the availability of
18 Infant/Early Childhood Mental Health Consultations
19 (I/ECMHC) through increased funding in early childhood
20 programs and sustainable funding for coordination of
21 I/ECMHC and other social and emotional support at the
22 State level;

23 (2) the Department of Early Childhood, the Department
24 of Human Services, the Illinois State Board of Education,
25 and other relevant agencies to develop and promote
26 provider-accessible and parent-accessible materials,

1 including native language, on the role and value of
2 I/ECMHC, including targeted promotion in underserved
3 communities, and promote the use of existing I/ECMHCs, the
4 I/ECMHC consultant database, or other existing services;

5 (3) the State to increase funding to promote and
6 provide training and implementation support for systems of
7 tiered support, such as the Pyramid Model, across early
8 childhood settings and urge the Department of Early
9 Childhood, the Department of Human Services, the Illinois
10 State Board of Education, and other relevant State
11 agencies to coordinate efforts and develop strategies to
12 provide outreach to and support providers in underserved
13 communities and communities with fewer programmatic
14 resources; and

15 (4) State agencies to provide the data required by
16 Public Act 100-105, even if the data is incomplete at the
17 time due to data system challenges.

18 ARTICLE 20. POWERS AND DUTIES RELATING TO CHILD CARE AND DAY
19 CARE LICENSING

20 Section 20-5. Transition. Beginning July 1, 2024, the
21 Department of Early Childhood and the Department of Human
22 Services shall collaborate and plan for the transition of
23 child care services for children established in Section 5.15
24 of the Children and Family Services Act.

1 Section 20-10. Child care.

2 (a) The General Assembly recognizes that families with
3 children need child care in order to work. Child care is
4 expensive and families with limited access to economic
5 resources, including those who are transitioning from welfare
6 to work, often struggle to pay the costs of day care. The
7 General Assembly understands the importance of helping working
8 families with limited access to economic resources become and
9 remain self-sufficient. The General Assembly also believes
10 that it is the responsibility of families to share in the costs
11 of child care. It is also the preference of the General
12 Assembly that all working families with limited access to
13 economic resources should be treated equally, regardless of
14 their welfare status.

15 (b) On and after July 1, 2026, to the extent resources
16 permit, the Illinois Department of Early Childhood shall
17 provide child care services to parents or other relatives as
18 defined by rule who are working or participating in employment
19 or Department approved education or training programs as
20 prescribed in Section 9A-11 of the Illinois Public Aid Code.

21 (c) Smart Start Child Care Program. Through June 30, 2026,
22 subject to appropriation, the Department of Human Services
23 shall establish and administer the Smart Start Child Care
24 Program. On and after July 1, 2026, the Department of Early
25 Childhood shall administer the Smart Start Child Care Program.

1 The Smart Start Child Care Program shall focus on creating
2 affordable child care, as well as increasing access to child
3 care, for Illinois residents and may include, but is not
4 limited to, providing funding to increase preschool
5 availability, providing funding for childcare workforce
6 compensation or capital investments, and expanding funding for
7 Early Childhood Access Consortium for Equity Scholarships. The
8 Department with authority to administer the Smart Start Child
9 Care Program shall establish program eligibility criteria,
10 participation conditions, payment levels, and other program
11 requirements by rule. The Department with authority to
12 administer the Smart Start Child Care Program may consult with
13 the Capital Development Board, the Department of Commerce and
14 Economic Opportunity, the State Board of Education, and the
15 Illinois Housing Development Authority, and other state
16 agencies as determined by the Department in the management and
17 disbursement of funds for capital-related projects. The
18 Capital Development Board, the Department of Commerce and
19 Economic Opportunity, the State Board of Education, and the
20 Illinois Housing Development Authority, and other state
21 agencies as determined by the Department shall act in a
22 consulting role only for the evaluation of applicants, scoring
23 of applicants, or administration of the grant program.

24 Section 20-15. Day care services.

25 (a) For the purpose of ensuring effective statewide

1 planning, development, and utilization of resources for the
2 day care of children, operated under various auspices, the
3 Department of Early Childhood is designated on and after July
4 1, 2026 to coordinate all day care activities for children of
5 the State and shall develop or continue, and shall update
6 every year, a State comprehensive day care plan for submission
7 to the Governor that identifies high-priority areas and
8 groups, relating them to available resources and identifying
9 the most effective approaches to the use of existing day care
10 services. The State comprehensive day care plan shall be made
11 available to the General Assembly following the Governor's
12 approval of the plan.

13 The plan shall include methods and procedures for the
14 development of additional day care resources for children to
15 meet the goal of reducing short-run and long-run dependency
16 and to provide necessary enrichment and stimulation to the
17 education of young children. Recommendations shall be made for
18 State policy on optimum use of private and public, local,
19 State and federal resources, including an estimate of the
20 resources needed for the licensing and regulation of day care
21 facilities.

22 A written report shall be submitted to the Governor and
23 the General Assembly annually on April 15. The report shall
24 include an evaluation of developments over the preceding
25 fiscal year, including cost-benefit analyses of various
26 arrangements. Beginning with the report in 1990 submitted by

1 the Department's predecessor agency and every 2 years
2 thereafter, the report shall also include the following:

3 (1) An assessment of the child care services, needs
4 and available resources throughout the State and an
5 assessment of the adequacy of existing child care
6 services, including, but not limited to, services assisted
7 under this Act and under any other program administered by
8 other State agencies.

9 (2) A survey of day care facilities to determine the
10 number of qualified caregivers, as defined by rule,
11 attracted to vacant positions and any problems encountered
12 by facilities in attracting and retaining capable
13 caregivers. The report shall include an assessment, based
14 on the survey, of improvements in employee benefits that
15 may attract capable caregivers.

16 (3) The average wages and salaries and fringe benefit
17 packages paid to caregivers throughout the State, computed
18 on a regional basis, compared to similarly qualified
19 employees in other but related fields.

20 (4) The qualifications of new caregivers hired at
21 licensed day care facilities during the previous 2-year
22 period.

23 (5) Recommendations for increasing caregiver wages and
24 salaries to ensure quality care for children.

25 (6) Evaluation of the fee structure and income
26 eligibility for child care subsidized by the State.

1 (b) The Department of Early Childhood shall establish
2 policies and procedures for developing and implementing
3 interagency agreements with other agencies of the State
4 providing child care services or reimbursement for such
5 services. The plans shall be annually reviewed and modified
6 for the purpose of addressing issues of applicability and
7 service system barriers.

8 (c) In cooperation with other State agencies, the
9 Department of Early Childhood shall develop and implement, or
10 shall continue, a resource and referral system for the State
11 of Illinois either within the Department or by contract with
12 local or regional agencies. Funding for implementation of this
13 system may be provided through Department appropriations or
14 other interagency funding arrangements. The resource and
15 referral system shall provide at least the following services:

16 (1) Assembling and maintaining a database on the
17 supply of child care services.

18 (2) Providing information and referrals for parents.

19 (3) Coordinating the development of new child care
20 resources.

21 (4) Providing technical assistance and training to
22 child care service providers.

23 (5) Recording and analyzing the demand for child care
24 services.

25 (d) The Department of Early Childhood shall conduct day
26 care planning activities with the following priorities:

1 (1) Development of voluntary day care resources
2 wherever possible, with the provision for grants-in-aid
3 only where demonstrated to be useful and necessary as
4 incentives or supports. The Department shall design a plan
5 to create more child care slots as well as goals and
6 timetables to improve quality and accessibility of child
7 care.

8 (2) Emphasis on service to children of recipients of
9 public assistance when such service will allow training or
10 employment of the parent toward achieving the goal of
11 independence.

12 (3) Care of children from families in stress and
13 crises whose members potentially may become, or are in
14 danger of becoming, non-productive and dependent.

15 (4) Expansion of family day care facilities wherever
16 possible.

17 (5) Location of centers in economically depressed
18 neighborhoods, preferably in multi-service centers with
19 cooperation of other agencies. The Department shall
20 coordinate the provision of grants, but only to the extent
21 funds are specifically appropriated for this purpose, to
22 encourage the creation and expansion of child care centers
23 in high need communities to be issued by the State,
24 business, and local governments.

25 (6) Use of existing facilities free of charge or for
26 reasonable rental whenever possible in lieu of

1 construction.

2 (7) Development of strategies for assuring a more
3 complete range of day care options, including provision of
4 day care services in homes, in schools, or in centers,
5 which will enable parents to complete a course of
6 education or obtain or maintain employment and the
7 creation of more child care options for swing shift,
8 evening, and weekend workers and for working women with
9 sick children. The Department shall encourage companies to
10 provide child care in their own offices or in the building
11 in which the corporation is located so that employees of
12 all the building's tenants can benefit from the facility.

13 (8) Development of strategies for subsidizing students
14 pursuing degrees in the child care field.

15 (9) Continuation and expansion of service programs
16 that assist teen parents to continue and complete their
17 education.

18 Emphasis shall be given to support services that will help
19 to ensure such parents' graduation from high school and to
20 services for participants in any programs of job training
21 conducted by the Department.

22 (e) The Department of Early Childhood shall actively
23 stimulate the development of public and private resources at
24 the local level. It shall also seek the fullest utilization of
25 federal funds directly or indirectly available to the
26 Department. Where appropriate, existing non-governmental

1 agencies or associations shall be involved in planning by the
2 Department.

3 Section 20-20. Day care facilities for the children of
4 migrant workers. On and after July 1, 2026, the Department of
5 Early Childhood shall operate day care facilities for the
6 children of migrant workers in areas of the State where they
7 are needed. The Department of Early Childhood may provide
8 these day care services by contracting with private centers if
9 practicable. "Migrant worker" means any person who moves
10 seasonally from one place to another, within or without the
11 State, for the purpose of employment in agricultural
12 activities.

13 Section 20-25. Licensing day care facilities.

14 (a) Beginning July 1, 2024, the Department of Early
15 Childhood and the Department of Children and Family Services
16 shall collaborate and plan for the transition of
17 administrative responsibilities related to licensing day care
18 centers, day care homes, and group day care homes as
19 prescribed throughout the Child Care Act of 1969.

20 (b) Beginning July 1, 2026, the Department of Early
21 Childhood shall manage all facets of licensing for day care
22 centers, day care homes, and group day care homes as
23 prescribed throughout the Child Care Act of 1969.

1 Section 20-30. Off-Hours Child Care Program.

2 (a) Legislative intent. The General Assembly finds that:

3 (1) Finding child care can be a challenge for
4 firefighters, paramedics, police officers, nurses, and
5 other third shift workers across the State who often work
6 non-typical work hours. This can impact home life, school,
7 bedtime routines, job safety, and the mental health of
8 some of our most critical front line workers and their
9 families.

10 (2) There is a need for increased options for
11 off-hours child care in the State.

12 (3) Illinois has a vested interest in ensuring that
13 our first responders and working families can provide
14 their children with appropriate care during off hours to
15 improve the morale of existing first responders and to
16 improve recruitment into the future.

17 (b) As used in this Section, "first responders" means
18 emergency medical services personnel as defined in the
19 Emergency Medical Services (EMS) Systems Act, firefighters,
20 law enforcement officers, and, as determined by the Department
21 of Early Childhood on and after July 1, 2026, any other workers
22 who, on account of their work schedule, need child care
23 outside of the hours when licensed child care facilities
24 typically operate.

25 (c) Beginning July 1, 2026, the Department of Early
26 Childhood shall administer the Off-Hours Child Care Program to

1 help first responders and other workers identify and access
2 off-hours, night, or sleep time child care, subject to
3 appropriation. Services funded under the program must address
4 the child care needs of first responders. Funding provided
5 under the program may also be used to cover any capital and
6 operating expenses related to the provision of off-hours,
7 night, or sleep time child care for first responders. Funding
8 awarded under this Section shall be funded through
9 appropriations from the Off-Hours Child Care Program Fund
10 created under Public Act 102-912. The Department of Early
11 Childhood may adopt any rules necessary to implement the
12 program.

13 Section 20-35. Great START program.

14 (a) Through June 30, 2026, the Department of Human
15 Services shall, subject to a specific appropriation for this
16 purpose, operate a Great START (Strategy To Attract and Retain
17 Teachers) program. The goal of the program is to improve
18 children's developmental and educational outcomes in child
19 care by encouraging increased professional preparation by
20 staff and staff retention. The Great START program shall
21 coordinate with the TEACH professional development program.

22 The program shall provide wage supplements and may include
23 other incentives to licensed child care center personnel,
24 including early childhood teachers, school-age workers, early
25 childhood assistants, school-age assistants, and directors, as

1 such positions are defined by administrative rule of the
2 Department of Children and Family Services. The program shall
3 provide wage supplements and may include other incentives to
4 licensed family day care home personnel and licensed group day
5 care home personnel, including caregivers and assistants as
6 such positions are defined by administrative rule of the
7 Department of Children and Family Services. Individuals will
8 receive supplements commensurate with their qualifications.

9 (b) On and after July 1, 2026, the Department of Early
10 Childhood shall, subject to a specific appropriation for this
11 purpose, operate a Great START program. The goal of the
12 program is to improve children's developmental and educational
13 outcomes in child care by encouraging increased professional
14 preparation by staff and staff retention. The Great START
15 program shall coordinate with the TEACH professional
16 development program.

17 The program shall provide wage supplements and may include
18 other incentives to licensed child care center personnel,
19 including early childhood teachers, school-age workers, early
20 childhood assistants, school-age assistants, and directors, as
21 such positions are defined by administrative rule by the
22 Department pursuant to subsections (a) and this subsection.

23 (c) The Department, pursuant to subsections (a) and (b),
24 shall, by rule, define the scope and operation of the program,
25 including a wage supplement scale. The scale shall pay
26 increasing amounts for higher levels of educational attainment

1 beyond minimum qualifications and shall recognize longevity of
2 employment. Subject to the availability of sufficient
3 appropriation, the wage supplements shall be paid to child
4 care personnel in the form of bonuses at 6-month intervals.
5 Six months of continuous service with a single employer is
6 required to be eligible to receive a wage supplement bonus.
7 Wage supplements shall be paid directly to individual day care
8 personnel, not to their employers. Eligible individuals must
9 provide to the Department or its agent all information and
10 documentation, including but not limited to college
11 transcripts, to demonstrate their qualifications for a
12 particular wage supplement level.

13 If appropriations permit, the Department may include
14 one-time signing bonuses or other incentives to help providers
15 attract staff, provided that the signing bonuses are less than
16 the supplement staff would have received if they had remained
17 employed with another day care center or family day care home.

18 If appropriations permit, the Department may include
19 one-time longevity bonuses or other incentives to recognize
20 staff who have remained with a single employer.

21 Section 20-40. Programs to train low-income older persons
22 to be child care workers. On and after July 1, 2026, the
23 Department of Early Childhood may, in conjunction with
24 colleges or universities in this State, establish programs to
25 train low-income older persons to be child care workers. The

1 Department shall prescribe, by rule:

2 (a) age and income qualifications for persons to be
3 trained under such programs; and

4 (b) standards for such programs to ensure that such
5 programs train participants to be skilled workers for the
6 child care industry.

7 Section 20-45. Home child care demonstration project;
8 conversion and renovation grants; Department of Early
9 Childhood.

10 (a) The General Assembly finds that the demand for quality
11 child care far outweighs the number of safe, quality spaces
12 for our children. The purpose of this Section is to increase
13 the number of child care providers by:

14 (1) developing a demonstration project to train
15 individuals to become home child care providers who are
16 able to establish and operate their own child care
17 facility; and

18 (2) providing grants to convert and renovate existing
19 facilities.

20 (b) On and after July 1, 2026, the Department of Early
21 Childhood may from appropriations from the Child Care
22 Development Block Grant establish a demonstration project to
23 train individuals to become home child care providers who are
24 able to establish and operate their own home-based child care
25 facilities. On and after July 1, 2026, the Department of Early

1 Childhood is authorized to use funds for this purpose from the
2 child care and development funds deposited into the DHS
3 Special Purposes Trust Fund as described in Section 12-10 of
4 the Illinois Public Aid Code or deposited into the Employment
5 and Training Fund as described in Section 12-10.3 of the
6 Illinois Public Aid Code. As an economic development program,
7 the project's focus is to foster individual self-sufficiency
8 through an entrepreneurial approach by the creation of new
9 jobs and opening of new small home-based child care
10 businesses. The demonstration project shall involve
11 coordination among State and county governments and the
12 private sector, including but not limited to: the community
13 college system, the Departments of Labor and Commerce and
14 Economic Opportunity, the State Board of Education, large and
15 small private businesses, non-profit programs, unions, and
16 child care providers in the State.

17 (c) On and after July 1, 2026, the Department of Early
18 Childhood may from appropriations from the Child Care
19 Development Block Grant provide grants to family child care
20 providers and center based programs to convert and renovate
21 existing facilities, to the extent permitted by federal law,
22 so additional family child care homes and child care centers
23 can be located in such facilities.

24 (1) Applications for grants shall be made to the
25 Department and shall contain information as the Department
26 shall require by rule. Every applicant shall provide

1 assurance to the Department that:

2 (A) the facility to be renovated or improved shall
3 be used as family child care home or child care center
4 for a continuous period of at least 5 years;

5 (B) any family child care home or child care
6 center program located in a renovated or improved
7 facility shall be licensed by the Department;

8 (C) the program shall comply with applicable
9 federal and State laws prohibiting discrimination
10 against any person on the basis of race, color,
11 national origin, religion, creed, or sex;

12 (D) the grant shall not be used for purposes of
13 entertainment or perquisites;

14 (E) the applicant shall comply with any other
15 requirement the Department may prescribe to ensure
16 adherence to applicable federal, State, and county
17 laws;

18 (F) all renovations and improvements undertaken
19 with funds received under this Section shall comply
20 with all applicable State and county statutes and
21 ordinances including applicable building codes and
22 structural requirements of the Department; and

23 (G) the applicant shall indemnify and save
24 harmless the State and its officers, agents, and
25 employees from and against any and all claims arising
26 out of or resulting from the renovation and

1 improvements made with funds provided by this Section,
2 and, upon request of the Department, the applicant
3 shall procure sufficient insurance to provide that
4 indemnification.

5 (2) To receive a grant under this Section to convert
6 an existing facility into a family child care home or
7 child care center facility, the applicant shall:

8 (A) agree to make available to the Department all
9 records it may have relating to the operation of any
10 family child care home and child care center facility,
11 and to allow State agencies to monitor its compliance
12 with the purpose of this Section;

13 (B) agree that, if the facility is to be altered or
14 improved, or is to be used by other groups, moneys
15 appropriated by this Section shall be used for
16 renovating or improving the facility only to the
17 proportionate extent that the floor space will be used
18 by the child care program; and

19 (C) establish, to the satisfaction of the
20 Department, that sufficient funds are available for
21 the effective use of the facility for the purpose for
22 which it is being renovated or improved.

23 (3) In selecting applicants for funding, the
24 Department shall make every effort to ensure that family
25 child care home or child care center facilities are
26 equitably distributed throughout the State according to

1 demographic need. The Department shall give priority
2 consideration to rural/Downstate areas of the State that
3 are currently experiencing a shortage of child care
4 services.

5 (4) In considering applications for grants to renovate
6 or improve an existing facility used for the operations of
7 a family child care home or child care center, the
8 Department shall give preference to applications to
9 renovate facilities most in need of repair to address
10 safety and habitability concerns. No grant shall be
11 disbursed unless an agreement is entered into between the
12 applicant and the State, by and through the Department.
13 The agreement shall include the assurances and conditions
14 required by this Section and any other terms which the
15 Department may require.

16 ARTICLE 80. TRANSITION PROVISIONS

17 Section 80-5. Transfer of functions. On and after July 1,
18 2026:

19 (a) The powers, duties, rights, and responsibilities
20 vested in the transferring agencies relating to early care and
21 education programs and services to children and families
22 transferred by this Act shall be vested in and shall be
23 exercised by the Department of Early Childhood.

24 (b) Personnel employed by the Department of Human Services

1 or the Department of Children and Family Services who are
2 engaged in the performance of functions transferred to the
3 Department or who are engaged in the administration of a law
4 the administration of which is transferred to the Department
5 shall be transferred to the Department of Early Childhood. The
6 status and rights of the employees and the State of Illinois or
7 its transferring agencies under the Personnel Code, the
8 Illinois Public Labor Relations Act, and applicable collective
9 bargaining agreements, or under any pension, retirement, or
10 annuity plan, shall not be affected by this Act.

11 (c) All books, records, papers, documents, property (real
12 and personal), contracts, causes of action, and pending
13 business pertaining to the powers, duties, rights, and
14 responsibilities relating to functions transferred under this
15 Act to the Department of Early Childhood, including, but not
16 limited to, material in electronic or magnetic format and
17 necessary computer hardware and software, shall be transferred
18 to the Department.

19 (d) Whenever reports or notices are now required to be
20 made or given or papers or documents furnished or served by any
21 person in connection with any of the powers, duties, rights,
22 and responsibilities relating to functions transferred by this
23 Act, the same shall be made, given, furnished, or served in the
24 same manner to or upon the Department.

25 (e) This Act does not affect any act done, ratified, or
26 canceled or any right occurring or established or any action

1 or proceeding had or commenced in an administrative, civil, or
2 criminal cause by each transferring agency relating to
3 functions transferred by this Act before the transfer of
4 responsibilities; such actions or proceedings may be
5 prosecuted and continued by the Department.

6 Section 80-10. Rules and standards.

7 (a) The rules and standards of the Department's
8 predecessor agencies that are in effect on June 30, 2026 and
9 pertain to the rights, powers, duties, and functions
10 transferred to the Department under this Act shall become the
11 rules and standards of the Department of Early Childhood on
12 July 1, 2026 and shall continue in effect until amended or
13 repealed by the Department.

14 (b) Any rules pertaining to the rights, powers, duties,
15 and functions transferred to the Department under this Act
16 that have been proposed by a predecessor agency but have not
17 taken effect or been finally adopted by June 30, 2026 shall
18 become proposed rules of the Department of Early Childhood on
19 July 1, 2026, and any rulemaking procedures that have already
20 been completed by the predecessor agency for those proposed
21 rules need not be repeated.

22 (c) As soon as practical after July 1, 2026, the
23 Department of Early Childhood shall revise and clarify the
24 rules transferred to it under this Act to reflect the
25 reorganization of rights, powers, duties, and functions

1 effected by this Act using the procedures for recodification
2 of rules available under the Illinois Administrative Procedure
3 Act, except that existing Title, Part, and Section numbering
4 for the affected rules may be retained. The Department may
5 propose and adopt under the Illinois Administrative Procedure
6 Act such other rules as may be necessary to consolidate and
7 clarify the rules of the agencies reorganized by this Act.

8 Section 80-15. Savings provisions.

9 (a) The rights, powers, duties, and functions transferred
10 to the Department of Early Childhood by this Act shall be
11 vested in and exercised by the Department subject to the
12 provisions of this Act. An act done by the Department or an
13 officer, employee, or agent of the Department in the exercise
14 of the transferred rights, powers, duties, or functions shall
15 have the same legal effect as if done by the predecessor agency
16 or an officer, employee, or agent of the predecessor agency.

17 (b) The transfer of rights, powers, duties, and functions
18 to the Department of Early Childhood under this Act does not
19 invalidate any previous action taken by or in respect to any of
20 its predecessor agencies or their officers, employees, or
21 agents. References to those predecessor agencies or their
22 officers, employees or agents in any document, contract,
23 agreement, or law shall, in appropriate contexts, be deemed to
24 refer to the Department or its officers, employees, or agents.

25 (c) The transfer of rights, powers, duties, and functions

1 to the Department of Early Childhood under this Act does not
2 affect any person's rights, obligations, or duties, including
3 any civil or criminal penalties applicable thereto, arising
4 out of those transferred rights, powers, duties, and
5 functions.

6 (d) With respect to matters that pertain to a right,
7 power, duty, or function transferred to the Department of
8 Early Childhood under this Act:

9 (1) Beginning July 1, 2026, a report or notice that
10 was previously required to be made or given by any person
11 to a predecessor agency or any of its officers, employees,
12 or agents shall be made or given in the same manner to the
13 Department or its appropriate officer, employee, or agent.

14 (2) Beginning July 1, 2026, a document that was
15 previously required to be furnished or served by any
16 person to or upon a predecessor agency or any of its
17 officers, employees, or agents shall be furnished or
18 served in the same manner to or upon the Department or its
19 appropriate officer, employee, or agent.

20 (e) This Act does not affect any act done, ratified, or
21 canceled, any right occurring or established, or any action or
22 proceeding had or commenced in an administrative, civil, or
23 criminal cause before July 1, 2026. Any such action or
24 proceeding that pertains to a right, power, duty, or function
25 transferred to the Department of Early Childhood under this
26 Act and that is pending on that date may be prosecuted,

1 defended, or continued by the Department of Early Childhood.

2 ARTICLE 90. AMENDATORY PROVISIONS

3 Section 90-5. The Civil Administrative Code of Illinois is
4 amended by changing Sections 5-10, 5-15, and 5-20 and by
5 adding Section 5-336 as follows:

6 (20 ILCS 5/5-10) (was 20 ILCS 5/2.1)

7 Sec. 5-10. "Director". As used in the Civil Administrative
8 Code of Illinois, unless the context clearly indicates
9 otherwise, the word "director" means the several directors of
10 the departments of State government as designated in Section
11 5-20 of this Law and includes the Secretary of Early
12 Childhood, the Secretary of Financial and Professional
13 Regulation, the Secretary of Innovation and Technology, the
14 Secretary of Human Services, and the Secretary of
15 Transportation.

16 (Source: P.A. 100-611, eff. 7-20-18.)

17 (20 ILCS 5/5-15) (was 20 ILCS 5/3)

18 Sec. 5-15. Departments of State government. The
19 Departments of State government are created as follows:

20 The Department on Aging.

21 The Department of Agriculture.

22 The Department of Central Management Services.

1 The Department of Children and Family Services.
2 The Department of Commerce and Economic Opportunity.
3 The Department of Corrections.
4 The Department of Early Childhood.
5 The Department of Employment Security.
6 The Illinois Emergency Management Agency.
7 The Department of Financial and Professional Regulation.
8 The Department of Healthcare and Family Services.
9 The Department of Human Rights.
10 The Department of Human Services.
11 The Department of Innovation and Technology.
12 The Department of Insurance.
13 The Department of Juvenile Justice.
14 The Department of Labor.
15 The Department of the Lottery.
16 The Department of Natural Resources.
17 The Department of Public Health.
18 The Department of Revenue.
19 The Illinois State Police.
20 The Department of Transportation.
21 The Department of Veterans' Affairs.

22 (Source: P.A. 102-538, eff. 8-20-21.)

23 (20 ILCS 5/5-20) (was 20 ILCS 5/4)

24 Sec. 5-20. Heads of departments. Each department shall
25 have an officer as its head who shall be known as director or

1 secretary and who shall, subject to the provisions of the
2 Civil Administrative Code of Illinois, execute the powers and
3 discharge the duties vested by law in his or her respective
4 department.

5 The following officers are hereby created:

6 Director of Aging, for the Department on Aging.

7 Director of Agriculture, for the Department of
8 Agriculture.

9 Director of Central Management Services, for the
10 Department of Central Management Services.

11 Director of Children and Family Services, for the
12 Department of Children and Family Services.

13 Director of Commerce and Economic Opportunity, for the
14 Department of Commerce and Economic Opportunity.

15 Director of Corrections, for the Department of
16 Corrections.

17 Director of the Illinois Emergency Management Agency, for
18 the Illinois Emergency Management Agency.

19 Secretary of Early Childhood, for the Department of Early
20 Childhood.

21 Director of Employment Security, for the Department of
22 Employment Security.

23 Secretary of Financial and Professional Regulation, for
24 the Department of Financial and Professional Regulation.

25 Director of Healthcare and Family Services, for the
26 Department of Healthcare and Family Services.

1 Director of Human Rights, for the Department of Human
2 Rights.

3 Secretary of Human Services, for the Department of Human
4 Services.

5 Secretary of Innovation and Technology, for the Department
6 of Innovation and Technology.

7 Director of Insurance, for the Department of Insurance.

8 Director of Juvenile Justice, for the Department of
9 Juvenile Justice.

10 Director of Labor, for the Department of Labor.

11 Director of the Lottery, for the Department of the
12 Lottery.

13 Director of Natural Resources, for the Department of
14 Natural Resources.

15 Director of Public Health, for the Department of Public
16 Health.

17 Director of Revenue, for the Department of Revenue.

18 Director of the Illinois State Police, for the Illinois
19 State Police.

20 Secretary of Transportation, for the Department of
21 Transportation.

22 Director of Veterans' Affairs, for the Department of
23 Veterans' Affairs.

24 (Source: P.A. 102-538, eff. 8-20-21.)

25 (20 ILCS 5/5-336 new)

1 Sec. 5-336. In the Department of Early Childhood. For
2 terms beginning on or after July 1, 2024, the Secretary shall
3 receive an annual salary of \$214,988 or as set by the Governor,
4 whichever is higher. On July 1, 2025, and on each July 1
5 thereafter, the Secretary shall receive an increase in salary
6 based on the cost of living adjustment as authorized by Senate
7 Joint Resolution 192 of the 86th General Assembly.

8 Section 90-10. The Children and Family Services Act is
9 amended by changing Sections 5a, 5.15, 5.20, 22.1, 34.9, and
10 34.10 as follows:

11 (20 ILCS 505/5a) (from Ch. 23, par. 5005a)

12 Sec. 5a. Reimbursable services for which the Department of
13 Children and Family Services shall pay 100% of the reasonable
14 cost pursuant to a written contract negotiated between the
15 Department and the agency furnishing the services (which shall
16 include but not be limited to the determination of reasonable
17 cost, the services being purchased and the duration of the
18 agreement) include, but are not limited to:

19 SERVICE ACTIVITIES

20 Adjunctive Therapy;

21 Child Care Service, including day care;

22 Clinical Therapy;

23 Custodial Service;

1 Field Work Students;
2 Food Service;
3 Normal Education;
4 In-Service Training;
5 Intake or Evaluation, or both;
6 Medical Services;
7 Recreation;
8 Social Work or Counselling, or both;
9 Supportive Staff;
10 Volunteers.

11 OBJECT EXPENSES

12 Professional Fees and Contract Service Payments;
13 Supplies;
14 Telephone and Telegram;
15 Occupancy;
16 Local Transportation;
17 Equipment and Other Fixed Assets, including amortization
18 of same;
19 Miscellaneous.

20 ADMINISTRATIVE COSTS

21 Program Administration;
22 Supervision and Consultation;
23 Inspection and Monitoring for purposes of issuing
24 licenses;

1 Determination of Children who are eligible
2 for federal or other reimbursement;
3 Postage and Shipping;
4 Outside Printing, Artwork, etc.;
5 Subscriptions and Reference Publications;
6 Management and General Expense.

7 Reimbursement of administrative costs other than inspection
8 and monitoring for purposes of issuing licenses may not exceed
9 20% of the costs for other services.

10 The Department may offer services to any child or family
11 with respect to whom a report of suspected child abuse or
12 neglect has been called in to the hotline after completion of a
13 family assessment as provided under subsection (a-5) of
14 Section 7.4 of the Abused and Neglected Child Reporting Act
15 and the Department has determined that services are needed to
16 address the safety of the child and other family members and
17 the risk of subsequent maltreatment. Acceptance of such
18 services shall be voluntary.

19 All Object Expenses, Service Activities and Administrative
20 Costs are allowable.

21 If a survey instrument is used in the rate setting
22 process:

23 (a) with respect to any day care centers, it shall be
24 limited to those agencies which receive reimbursement from
25 the State;

26 (b) the cost survey instrument shall be promulgated by

1 rule;

2 (c) any requirements of the respondents shall be
3 promulgated by rule;

4 (d) all screens, limits or other tests of
5 reasonableness, allowability and reimbursability shall be
6 promulgated by rule;

7 (e) adjustments may be made by the Department to rates
8 when it determines that reported wage and salary levels
9 are insufficient to attract capable caregivers in
10 sufficient numbers.

11 The Department of Children and Family Services may pay
12 100% of the reasonable costs of research and valuation focused
13 exclusively on services to youth in care. Such research
14 projects must be approved, in advance, by the Director of the
15 Department.

16 In addition to reimbursements otherwise provided for in
17 this Section, the Department of Human Services, through June
18 30, 2026 and Department of Early Childhood beginning on and
19 after July 1, 2026, shall, in accordance with annual written
20 agreements, make advance quarterly disbursements to local
21 public agencies for child day care services with funds
22 appropriated from the Local Effort Day Care Fund.

23 Neither the Department of Children and Family Services nor
24 the Department of Human Services through June 30, 2026 and the
25 Department of Early Childhood beginning on and after July 1,
26 2026 shall pay or approve reimbursement for day care in a

1 facility which is operating without a valid license or permit,
2 except in the case of day care homes or day care centers which
3 are exempt from the licensing requirements of the Child Care
4 Act of 1969.

5 The rates paid to day care providers by the Department of
6 Children and Family Services shall match the rates paid to
7 child care providers by the Department of Human Services,
8 including base rates and any relevant rate enhancements
9 through June 30, 2026. On and after July 1, 2026, the
10 Department of Early Childhood shall pay day care providers,
11 who service the Department of Children and Family Services
12 under the child care assistance program, including base rates
13 and any relevant rate enhancements.

14 ~~In addition to reimbursements otherwise provided for in~~
15 ~~this Section, the Department of Human Services shall, in~~
16 ~~accordance with annual written agreements, make advance~~
17 ~~quarterly disbursements to local public agencies for child day~~
18 ~~care services with funds appropriated from the Local Effort~~
19 ~~Day Care Fund.~~

20 ~~Neither the Department of Children and Family Services nor~~
21 ~~the Department of Human Services shall pay or approve~~
22 ~~reimbursement for day care in a facility which is operating~~
23 ~~without a valid license or permit, except in the case of day~~
24 ~~care homes or day care centers which are exempt from the~~
25 ~~licensing requirements of the "Child Care Act of 1969".~~

26 ~~The rates paid to day care providers by the Department of~~

1 ~~Children and Family Services shall match the rates paid to~~
2 ~~child care providers by the Department of Human Services under~~
3 ~~the child care assistance program, including base rates and~~
4 ~~any relevant rate enhancements.~~

5 (Source: P.A. 102-926, eff. 7-1-23.)

6 (20 ILCS 505/5.15)

7 Sec. 5.15. Day care ~~Daycare~~; Department of Human Services.

8 (a) For the purpose of ensuring effective statewide
9 planning, development, and utilization of resources for the
10 day care of children, operated under various auspices, the
11 Department of Human Services is designated to coordinate all
12 day care activities for children of the State and shall
13 develop or continue, and shall update every year, a State
14 comprehensive day-care plan for submission to the Governor
15 that identifies high-priority areas and groups, relating them
16 to available resources and identifying the most effective
17 approaches to the use of existing day care services. The State
18 comprehensive day-care plan shall be made available to the
19 General Assembly following the Governor's approval of the
20 plan.

21 The plan shall include methods and procedures for the
22 development of additional day care resources for children to
23 meet the goal of reducing short-run and long-run dependency
24 and to provide necessary enrichment and stimulation to the
25 education of young children. Recommendations shall be made for

1 State policy on optimum use of private and public, local,
2 State and federal resources, including an estimate of the
3 resources needed for the licensing and regulation of day care
4 facilities.

5 A written report shall be submitted to the Governor and
6 the General Assembly annually on April 15. The report shall
7 include an evaluation of developments over the preceding
8 fiscal year, including cost-benefit analyses of various
9 arrangements. Beginning with the report in 1990 submitted by
10 the Department's predecessor agency and every 2 years
11 thereafter, the report shall also include the following:

12 (1) An assessment of the child care services, needs
13 and available resources throughout the State and an
14 assessment of the adequacy of existing child care
15 services, including, but not limited to, services assisted
16 under this Act and under any other program administered by
17 other State agencies.

18 (2) A survey of day care facilities to determine the
19 number of qualified caregivers, as defined by rule,
20 attracted to vacant positions and any problems encountered
21 by facilities in attracting and retaining capable
22 caregivers. The report shall include an assessment, based
23 on the survey, of improvements in employee benefits that
24 may attract capable caregivers.

25 (3) The average wages and salaries and fringe benefit
26 packages paid to caregivers throughout the State, computed

1 on a regional basis, compared to similarly qualified
2 employees in other but related fields.

3 (4) The qualifications of new caregivers hired at
4 licensed day care facilities during the previous 2-year
5 period.

6 (5) Recommendations for increasing caregiver wages and
7 salaries to ensure quality care for children.

8 (6) Evaluation of the fee structure and income
9 eligibility for child care subsidized by the State.

10 The requirement for reporting to the General Assembly
11 shall be satisfied by filing copies of the report as required
12 by Section 3.1 of the General Assembly Organization Act, and
13 filing such additional copies with the State Government Report
14 Distribution Center for the General Assembly as is required
15 under paragraph (t) of Section 7 of the State Library Act.

16 (b) The Department of Human Services shall establish
17 policies and procedures for developing and implementing
18 interagency agreements with other agencies of the State
19 providing child care services or reimbursement for such
20 services. The plans shall be annually reviewed and modified
21 for the purpose of addressing issues of applicability and
22 service system barriers.

23 (c) In cooperation with other State agencies, the
24 Department of Human Services shall develop and implement, or
25 shall continue, a resource and referral system for the State
26 of Illinois either within the Department or by contract with

1 local or regional agencies. Funding for implementation of this
2 system may be provided through Department appropriations or
3 other inter-agency funding arrangements. The resource and
4 referral system shall provide at least the following services:

5 (1) Assembling and maintaining a data base on the
6 supply of child care services.

7 (2) Providing information and referrals for parents.

8 (3) Coordinating the development of new child care
9 resources.

10 (4) Providing technical assistance and training to
11 child care service providers.

12 (5) Recording and analyzing the demand for child care
13 services.

14 (d) The Department of Human Services shall conduct day
15 care planning activities with the following priorities:

16 (1) Development of voluntary day care resources
17 wherever possible, with the provision for grants-in-aid
18 only where demonstrated to be useful and necessary as
19 incentives or supports. By January 1, 2002, the Department
20 shall design a plan to create more child care slots as well
21 as goals and timetables to improve quality and
22 accessibility of child care.

23 (2) Emphasis on service to children of recipients of
24 public assistance when such service will allow training or
25 employment of the parent toward achieving the goal of
26 independence.

1 (3) (Blank).

2 (4) Care of children from families in stress and
3 crises whose members potentially may become, or are in
4 danger of becoming, non-productive and dependent.

5 (5) Expansion of family day care facilities wherever
6 possible.

7 (6) Location of centers in economically depressed
8 neighborhoods, preferably in multi-service centers with
9 cooperation of other agencies. The Department shall
10 coordinate the provision of grants, but only to the extent
11 funds are specifically appropriated for this purpose, to
12 encourage the creation and expansion of child care centers
13 in high need communities to be issued by the State,
14 business, and local governments.

15 (7) Use of existing facilities free of charge or for
16 reasonable rental whenever possible in lieu of
17 construction.

18 (8) Development of strategies for assuring a more
19 complete range of day care options, including provision of
20 day care services in homes, in schools, or in centers,
21 which will enable a parent or parents to complete a course
22 of education or obtain or maintain employment and the
23 creation of more child care options for swing shift,
24 evening, and weekend workers and for working women with
25 sick children. The Department shall encourage companies to
26 provide child care in their own offices or in the building

1 in which the corporation is located so that employees of
2 all the building's tenants can benefit from the facility.

3 (9) Development of strategies for subsidizing students
4 pursuing degrees in the child care field.

5 (10) Continuation and expansion of service programs
6 that assist teen parents to continue and complete their
7 education.

8 Emphasis shall be given to support services that will help
9 to ensure such parents' graduation from high school and to
10 services for participants in any programs of job training
11 conducted by the Department.

12 (e) The Department of Human Services shall actively
13 stimulate the development of public and private resources at
14 the local level. It shall also seek the fullest utilization of
15 federal funds directly or indirectly available to the
16 Department.

17 Where appropriate, existing non-governmental agencies or
18 associations shall be involved in planning by the Department.

19 (f) To better accommodate the child care needs of low
20 income working families, especially those who receive
21 Temporary Assistance for Needy Families (TANF) or who are
22 transitioning from TANF to work, or who are at risk of
23 depending on TANF in the absence of child care, the Department
24 shall complete a study using outcome-based assessment
25 measurements to analyze the various types of child care needs,
26 including but not limited to: child care homes; child care

1 facilities; before and after school care; and evening and
2 weekend care. Based upon the findings of the study, the
3 Department shall develop a plan by April 15, 1998, that
4 identifies the various types of child care needs within
5 various geographic locations. The plan shall include, but not
6 be limited to, the special needs of parents and guardians in
7 need of non-traditional child care services such as early
8 mornings, evenings, and weekends; the needs of very low income
9 families and children and how they might be better served; and
10 strategies to assist child care providers to meet the needs
11 and schedules of low income families.

12 (g) This Section is repealed on July 1, 2026.

13 (Source: P.A. 100-1148, eff. 12-10-18.)

14 (20 ILCS 505/5.20)

15 Sec. 5.20. Child care for former public aid recipients;
16 Department of Human Services. The Department of Human Services
17 may provide child care services to former recipients of
18 assistance under the Illinois Public Aid Code as authorized by
19 Section 9-6.3 of that Code. This Section is repealed on July 1,
20 2026.

21 (Source: P.A. 89-507, eff. 7-1-97.)

22 (20 ILCS 505/22.1) (from Ch. 23, par. 5022.1)

23 Sec. 22.1. Grants-in-aid for child care services;
24 Department of Human Services.

1 (a) Blank.

2 (b) Blank.

3 (c) The Department of Human Services shall establish and
4 operate day care facilities for the children of migrant
5 workers in areas of the State where they are needed. The
6 Department may provide these day care services by contracting
7 with private centers if practicable. "Migrant worker" means
8 any person who moves seasonally from one place to another,
9 within or without the State, for the purpose of employment in
10 agricultural activities. This Section is repealed on July 1,
11 2026.

12 (Source: P.A. 97-516, eff. 8-23-11.)

13 (20 ILCS 505/34.9) (from Ch. 23, par. 5034.9)

14 Sec. 34.9. The Department may, in conjunction with
15 colleges or universities in this State, establish programs to
16 train low-income older persons to be child care workers. The
17 Department shall prescribe, by rule:

18 (a) age and income qualifications for persons to be
19 trained under such programs; and

20 (b) standards for such programs to ensure that such
21 programs train participants to be skilled workers for the
22 child care industry.

23 This Section is repealed on July 1, 2026.

24 (Source: P.A. 86-889.)

1 (20 ILCS 505/34.10) (from Ch. 23, par. 5034.10)

2 Sec. 34.10. Home child care demonstration project;
3 conversion and renovation grants; Department of Human
4 Services.

5 (a) The legislature finds that the demand for quality
6 child care far outweighs the number of safe, quality spaces
7 for our children. The purpose of this Section is to increase
8 the number of child care providers by:

9 (1) developing a demonstration project to train
10 individuals to become home child care providers who are
11 able to establish and operate their own child care
12 facility; and

13 (2) providing grants to convert and renovate existing
14 facilities.

15 (b) The Department of Human Services may from
16 appropriations from the Child Care Development Block Grant
17 establish a demonstration project to train individuals to
18 become home child care providers who are able to establish and
19 operate their own home-based child care facilities. The
20 Department of Human Services is authorized to use funds for
21 this purpose from the child care and development funds
22 deposited into the DHS Special Purposes Trust Fund as
23 described in Section 12-10 of the Illinois Public Aid Code or
24 deposited into the Employment and Training Fund as described
25 in Section 12-10.3 of the Illinois Public Aid Code. As an
26 economic development program, the project's focus is to foster

1 individual self-sufficiency through an entrepreneurial
2 approach by the creation of new jobs and opening of new small
3 home-based child care businesses. The demonstration project
4 shall involve coordination among State and county governments
5 and the private sector, including but not limited to: the
6 community college system, the Departments of Labor and
7 Commerce and Economic Opportunity, the State Board of
8 Education, large and small private businesses, nonprofit
9 programs, unions, and child care providers in the State.

10 The Department shall submit:

11 (1) a progress report on the demonstration project to
12 the legislature by one year after January 1, 1992 (the
13 effective date of Public Act 87-332); and

14 (2) a final evaluation report on the demonstration
15 project, including findings and recommendations, to the
16 legislature by one year after the due date of the progress
17 report.

18 (c) The Department of Human Services may from
19 appropriations from the Child Care Development Block Grant
20 provide grants to family child care providers and center based
21 programs to convert and renovate existing facilities, to the
22 extent permitted by federal law, so additional family child
23 care homes and child care centers can be located in such
24 facilities.

25 (1) Applications for grants shall be made to the
26 Department and shall contain information as the Department

1 shall require by rule. Every applicant shall provide
2 assurance to the Department that:

3 (A) the facility to be renovated or improved shall
4 be used as family child care home or child care center
5 for a continuous period of at least 5 years;

6 (B) any family child care home or child care
7 center program located in a renovated or improved
8 facility shall be licensed by the Department;

9 (C) the program shall comply with applicable
10 federal and State laws prohibiting discrimination
11 against any person on the basis of race, color,
12 national origin, religion, creed, or sex;

13 (D) the grant shall not be used for purposes of
14 entertainment or perquisites;

15 (E) the applicant shall comply with any other
16 requirement the Department may prescribe to ensure
17 adherence to applicable federal, State, and county
18 laws;

19 (F) all renovations and improvements undertaken
20 with funds received under this Section shall comply
21 with all applicable State and county statutes and
22 ordinances including applicable building codes and
23 structural requirements of the Department; and

24 (G) the applicant shall indemnify and save
25 harmless the State and its officers, agents, and
26 employees from and against any and all claims arising

1 out of or resulting from the renovation and
2 improvements made with funds provided by this Section,
3 and, upon request of the Department, the applicant
4 shall procure sufficient insurance to provide that
5 indemnification.

6 (2) To receive a grant under this Section to convert
7 an existing facility into a family child care home or
8 child care center facility, the applicant shall:

9 (A) agree to make available to the Department of
10 Human Services all records it may have relating to the
11 operation of any family child care home and child care
12 center facility, and to allow State agencies to
13 monitor its compliance with the purpose of this
14 Section;

15 (B) agree that, if the facility is to be altered or
16 improved, or is to be used by other groups, moneys
17 appropriated by this Section shall be used for
18 renovating or improving the facility only to the
19 proportionate extent that the floor space will be used
20 by the child care program; and

21 (C) establish, to the satisfaction of the
22 Department, that sufficient funds are available for
23 the effective use of the facility for the purpose for
24 which it is being renovated or improved.

25 (3) In selecting applicants for funding, the
26 Department shall make every effort to ensure that family

1 child care home or child care center facilities are
2 equitably distributed throughout the State according to
3 demographic need. The Department shall give priority
4 consideration to rural/Downstate areas of the State that
5 are currently experiencing a shortage of child care
6 services.

7 (4) In considering applications for grants to renovate
8 or improve an existing facility used for the operations of
9 a family child care home or child care center, the
10 Department shall give preference to applications to
11 renovate facilities most in need of repair to address
12 safety and habitability concerns. No grant shall be
13 disbursed unless an agreement is entered into between the
14 applicant and the State, by and through the Department.
15 The agreement shall include the assurances and conditions
16 required by this Section and any other terms which the
17 Department may require.

18 (d) This Section is repealed on July 1, 2026.

19 (Source: P.A. 103-363, eff. 7-28-23.)

20 Section 90-15. The Department of Human Services Act is
21 amended by changing Sections 1-75, 10-16, and 10-22 as
22 follows:

23 (20 ILCS 1305/1-75)

24 Sec. 1-75. Off-Hours Child Care Program.

1 (a) Legislative intent. The General Assembly finds that:

2 (1) Finding child care can be a challenge for
3 firefighters, paramedics, police officers, nurses, and
4 other third shift workers across the State who often work
5 non-typical work hours. This can impact home life, school,
6 bedtime routines, job safety, and the mental health of
7 some of our most critical front line workers and their
8 families.

9 (2) There is a need for increased options for
10 off-hours child care in the State. A majority of the
11 State's child care facilities do not provide care outside
12 of normal work hours, with just 3,251 day care homes and
13 435 group day care homes that provide night care.

14 (3) Illinois has a vested interest in ensuring that
15 our first responders and working families can provide
16 their children with appropriate care during off hours to
17 improve the morale of existing first responders and to
18 improve recruitment into the future.

19 (b) As used in this Section, "first responders" means
20 emergency medical services personnel as defined in the
21 Emergency Medical Services (EMS) Systems Act, firefighters,
22 law enforcement officers, and, as determined by the
23 Department, any other workers who, on account of their work
24 schedule, need child care outside of the hours when licensed
25 child care facilities typically operate.

26 (c) Subject to appropriation, the Department of Human

1 Services shall establish and administer an Off-Hours Child
2 Care Program to help first responders and other workers
3 identify and access off-hours, night, or sleep time child
4 care. Services funded under the program must address the child
5 care needs of first responders. Funding provided under the
6 program may also be used to cover any capital and operating
7 expenses related to the provision of off-hours, night, or
8 sleep time child care for first responders. Funding awarded
9 under this Section shall be funded through appropriations from
10 the Off-Hours Child Care Program Fund created under subsection
11 (d). The Department shall implement the program by July 1,
12 2023. The Department may adopt any rules necessary to
13 implement the program.

14 (d) The Off-Hours Child Care Program Fund is created as a
15 special fund in the State treasury. The Fund shall consist of
16 any moneys appropriated to the Department of Human Services
17 for the Off-Hours Child Care Program. Moneys in the Fund shall
18 be expended for the Off-Hours Child Care Program and for no
19 other purpose. All interest earned on moneys in the Fund shall
20 be deposited into the Fund.

21 (e) This Section is repealed on July 1, 2026.

22 (Source: P.A. 102-912, eff. 5-27-22; 103-154, eff. 6-30-23.)

23 (20 ILCS 1305/10-16)

24 Sec. 10-16. Home visiting program.

25 (a) The General Assembly finds that research-informed home

1 visiting programs work to strengthen families' functioning and
2 support parents in caring for their children to ensure optimal
3 child development.

4 (b) The Department shall establish a home visiting program
5 to support communities in providing intensive home visiting
6 programs to pregnant persons and families with children from
7 birth up to elementary school enrollment. Services shall be
8 offered on a voluntary basis to families. In awarding grants
9 under the program, the Department shall prioritize populations
10 or communities in need of such services, as determined by the
11 Department, based on data including, but not limited to,
12 statewide home visiting needs assessments. Eligibility under
13 the program shall also take into consideration requirements of
14 the federal Maternal, Infant, and Early Childhood Home
15 Visiting Program and Head Start and Early Head Start to ensure
16 appropriate alignment. The overall goals for these services
17 are to:

- 18 (1) improve maternal and newborn health;
19 (2) prevent child abuse and neglect;
20 (3) promote children's development and readiness to
21 participate in school; and
22 (4) connect families to needed community resources and
23 supports.

24 (b) Allowable uses of funding include:

- 25 (1) Grants to community-based organizations to
26 implement home visiting and family support services with

1 fidelity to research-informed home visiting program
2 models, as defined by the Department. Services may
3 include, but are not limited to:

4 (A) personal visits with a child and the child's
5 parent or caregiver at a periodicity aligned with the
6 model being implemented;

7 (B) opportunities for connections with other
8 parents and caregivers in their community and other
9 social and community supports;

10 (C) enhancements to research-informed home
11 visiting program models based on community needs
12 including doula services, and other program
13 innovations as approved by the Department; and

14 (D) referrals to other resources needed by
15 families.

16 (2) Infrastructure supports for grantees, including,
17 but not limited to, professional development for the
18 workforce, technical assistance and capacity-building,
19 data system and supports, infant and early childhood
20 mental health consultation, trauma-informed practices,
21 research, universal newborn screening, and coordinated
22 intake.

23 (c) Subject to appropriation, the Department shall award
24 grants to community-based agencies in accordance with this
25 Section and any other rules that may be adopted by the
26 Department. Successful grantees under this program shall

1 comply with policies and procedures on program, data, and
2 expense reporting as developed by the Department.

3 (d) Funds received under this Section shall supplement,
4 not supplant, other existing or new federal, State, or local
5 sources of funding for these services. Any new federal funding
6 received shall supplement and not supplant funding for this
7 program.

8 (e) The Department shall collaborate with relevant
9 agencies to support the coordination and alignment of home
10 visiting services provided through other State and federal
11 funds, to the extent possible. The Department shall
12 collaborate with the State Board of Education, the Department
13 of Healthcare and Family Services, and Head Start and Early
14 Head Start in the implementation of these services to support
15 alignment with home visiting services provided through the
16 Early Childhood Block Grant and the State's Medical Assistance
17 Program, respectively, to the extent possible.

18 (f) An advisory committee shall advise the Department
19 concerning the implementation of the home visiting program.
20 The advisory committee shall make recommendations on policy
21 and implementation. The Department shall determine whether the
22 advisory committee shall be a newly created body or an
23 existing body such as a committee of the Illinois Early
24 Learning Council. The advisory committee shall consist of one
25 or more representatives of the Department, other members
26 representing public and private entities that serve and

1 interact with the families served under the home visiting
2 program, with the input of families engaged in home visiting
3 or related services themselves. Family input may be secured by
4 engaging families as members of this advisory committee or as
5 a separate committee of family representatives.

6 (g) The Department may adopt any rules necessary to
7 implement this Section.

8 (i) This Section is repealed on July 1, 2026.

9 (Source: P.A. 103-498, eff. 1-1-24.)

10 (20 ILCS 1305/10-22)

11 Sec. 10-22. Great START program.

12 (a) The Department of Human Services shall, subject to a
13 specific appropriation for this purpose, operate a Great START
14 (Strategy To Attract and Retain Teachers) program. The goal of
15 the program is to improve children's developmental and
16 educational outcomes in child care by encouraging increased
17 professional preparation by staff and staff retention. The
18 Great START program shall coordinate with the TEACH
19 professional development program.

20 The program shall provide wage supplements and may include
21 other incentives to licensed child care center personnel,
22 including early childhood teachers, school-age workers, early
23 childhood assistants, school-age assistants, and directors, as
24 such positions are defined by administrative rule of the
25 Department of Children and Family Services. The program shall

1 provide wage supplements and may include other incentives to
2 licensed family day care home personnel and licensed group day
3 care home personnel, including caregivers and assistants as
4 such positions are defined by administrative rule of the
5 Department of Children and Family Services. Individuals will
6 receive supplements commensurate with their qualifications.

7 (b) (Blank).

8 (c) The Department shall, by rule, define the scope and
9 operation of the program, including a wage supplement scale.
10 The scale shall pay increasing amounts for higher levels of
11 educational attainment beyond minimum qualifications and shall
12 recognize longevity of employment. Subject to the availability
13 of sufficient appropriation, the wage supplements shall be
14 paid to child care personnel in the form of bonuses at 6 month
15 intervals. Six months of continuous service with a single
16 employer is required to be eligible to receive a wage
17 supplement bonus. Wage supplements shall be paid directly to
18 individual day care personnel, not to their employers.
19 Eligible individuals must provide to the Department or its
20 agent all information and documentation, including but not
21 limited to college transcripts, to demonstrate their
22 qualifications for a particular wage supplement level.

23 If appropriations permit, the Department may include
24 one-time signing bonuses or other incentives to help providers
25 attract staff, provided that the signing bonuses are less than
26 the supplement staff would have received if they had remained

1 employed with another day care center or family day care home.

2 If appropriations permit, the Department may include
3 one-time longevity bonuses or other incentives to recognize
4 staff who have remained with a single employer.

5 (d) (Blank).

6 (e) This Section is repealed on July 1, 2026.

7 (Source: P.A. 93-711, eff. 7-12-04.)

8 Section 90-20. The Illinois Early Learning Council Act is
9 amended by changing Section 10 as follows:

10 (20 ILCS 3933/10)

11 Sec. 10. Membership. The Illinois Early Learning Council
12 shall include representation from both public and private
13 organizations, and its membership shall reflect regional,
14 racial, and cultural diversity to ensure representation of the
15 needs of all Illinois children. One member shall be appointed
16 by the President of the Senate, one member appointed by the
17 Minority Leader of the Senate, one member appointed by the
18 Speaker of the House of Representatives, one member appointed
19 by the Minority Leader of the House of Representatives, and
20 other members appointed by the Governor. The Governor's
21 appointments shall include without limitation the following:

22 (1) A leader of stature from the Governor's office, to
23 serve as co-chairperson of the Council.

24 (2) The chief administrators of the following State

1 agencies: Department of Early Childhood, State Board of
2 Education; Department of Human Services; Department of
3 Children and Family Services; Department of Public Health;
4 Department of Healthcare and Family Services; Board of
5 Higher Education; and Illinois Community College Board.

6 (3) Local government stakeholders and nongovernment
7 stakeholders with an interest in early childhood care and
8 education, including representation from the following
9 private-sector fields and constituencies: early childhood
10 education and development; child care; child advocacy;
11 parenting support; local community collaborations among
12 early care and education programs and services; maternal
13 and child health; children with special needs; business;
14 labor; and law enforcement. The Governor shall designate
15 one of the members who is a nongovernment stakeholder to
16 serve as co-chairperson.

17 In addition, the Governor shall request that the Region V
18 office of the U.S. Department of Health and Human Services'
19 Administration for Children and Families appoint a member to
20 the Council to represent federal children's programs and
21 services.

22 Members appointed by General Assembly members and members
23 appointed by the Governor who are local government or
24 nongovernment stakeholders shall serve 3-year terms, except
25 that of the initial appointments, half of these members, as
26 determined by lot, shall be appointed to 2-year terms so that

1 terms are staggered. Members shall serve on a voluntary,
2 unpaid basis.

3 (Source: P.A. 95-331, eff. 8-21-07.)

4 Section 90-25. The Illinois Procurement Code is amended by
5 changing Section 1-10 as follows:

6 (30 ILCS 500/1-10)

7 Sec. 1-10. Application.

8 (a) This Code applies only to procurements for which
9 bidders, offerors, potential contractors, or contractors were
10 first solicited on or after July 1, 1998. This Code shall not
11 be construed to affect or impair any contract, or any
12 provision of a contract, entered into based on a solicitation
13 prior to the implementation date of this Code as described in
14 Article 99, including, but not limited to, any covenant
15 entered into with respect to any revenue bonds or similar
16 instruments. All procurements for which contracts are
17 solicited between the effective date of Articles 50 and 99 and
18 July 1, 1998 shall be substantially in accordance with this
19 Code and its intent.

20 (b) This Code shall apply regardless of the source of the
21 funds with which the contracts are paid, including federal
22 assistance moneys. This Code shall not apply to:

23 (1) Contracts between the State and its political
24 subdivisions or other governments, or between State

1 governmental bodies, except as specifically provided in
2 this Code.

3 (2) Grants, except for the filing requirements of
4 Section 20-80.

5 (3) Purchase of care, except as provided in Section
6 5-30.6 of the Illinois Public Aid Code and this Section.

7 (4) Hiring of an individual as an employee and not as
8 an independent contractor, whether pursuant to an
9 employment code or policy or by contract directly with
10 that individual.

11 (5) Collective bargaining contracts.

12 (6) Purchase of real estate, except that notice of
13 this type of contract with a value of more than \$25,000
14 must be published in the Procurement Bulletin within 10
15 calendar days after the deed is recorded in the county of
16 jurisdiction. The notice shall identify the real estate
17 purchased, the names of all parties to the contract, the
18 value of the contract, and the effective date of the
19 contract.

20 (7) Contracts necessary to prepare for anticipated
21 litigation, enforcement actions, or investigations,
22 provided that the chief legal counsel to the Governor
23 shall give his or her prior approval when the procuring
24 agency is one subject to the jurisdiction of the Governor,
25 and provided that the chief legal counsel of any other
26 procuring entity subject to this Code shall give his or

1 her prior approval when the procuring entity is not one
2 subject to the jurisdiction of the Governor.

3 (8) (Blank).

4 (9) Procurement expenditures by the Illinois
5 Conservation Foundation when only private funds are used.

6 (10) (Blank).

7 (11) Public-private agreements entered into according
8 to the procurement requirements of Section 20 of the
9 Public-Private Partnerships for Transportation Act and
10 design-build agreements entered into according to the
11 procurement requirements of Section 25 of the
12 Public-Private Partnerships for Transportation Act.

13 (12) (A) Contracts for legal, financial, and other
14 professional and artistic services entered into by the
15 Illinois Finance Authority in which the State of Illinois
16 is not obligated. Such contracts shall be awarded through
17 a competitive process authorized by the members of the
18 Illinois Finance Authority and are subject to Sections
19 5-30, 20-160, 50-13, 50-20, 50-35, and 50-37 of this Code,
20 as well as the final approval by the members of the
21 Illinois Finance Authority of the terms of the contract.

22 (B) Contracts for legal and financial services entered
23 into by the Illinois Housing Development Authority in
24 connection with the issuance of bonds in which the State
25 of Illinois is not obligated. Such contracts shall be
26 awarded through a competitive process authorized by the

1 members of the Illinois Housing Development Authority and
2 are subject to Sections 5-30, 20-160, 50-13, 50-20, 50-35,
3 and 50-37 of this Code, as well as the final approval by
4 the members of the Illinois Housing Development Authority
5 of the terms of the contract.

6 (13) Contracts for services, commodities, and
7 equipment to support the delivery of timely forensic
8 science services in consultation with and subject to the
9 approval of the Chief Procurement Officer as provided in
10 subsection (d) of Section 5-4-3a of the Unified Code of
11 Corrections, except for the requirements of Sections
12 20-60, 20-65, 20-70, and 20-160 and Article 50 of this
13 Code; however, the Chief Procurement Officer may, in
14 writing with justification, waive any certification
15 required under Article 50 of this Code. For any contracts
16 for services which are currently provided by members of a
17 collective bargaining agreement, the applicable terms of
18 the collective bargaining agreement concerning
19 subcontracting shall be followed.

20 On and after January 1, 2019, this paragraph (13),
21 except for this sentence, is inoperative.

22 (14) Contracts for participation expenditures required
23 by a domestic or international trade show or exhibition of
24 an exhibitor, member, or sponsor.

25 (15) Contracts with a railroad or utility that
26 requires the State to reimburse the railroad or utilities

1 for the relocation of utilities for construction or other
2 public purpose. Contracts included within this paragraph
3 (15) shall include, but not be limited to, those
4 associated with: relocations, crossings, installations,
5 and maintenance. For the purposes of this paragraph (15),
6 "railroad" means any form of non-highway ground
7 transportation that runs on rails or electromagnetic
8 guideways and "utility" means: (1) public utilities as
9 defined in Section 3-105 of the Public Utilities Act, (2)
10 telecommunications carriers as defined in Section 13-202
11 of the Public Utilities Act, (3) electric cooperatives as
12 defined in Section 3.4 of the Electric Supplier Act, (4)
13 telephone or telecommunications cooperatives as defined in
14 Section 13-212 of the Public Utilities Act, (5) rural
15 water or waste water systems with 10,000 connections or
16 less, (6) a holder as defined in Section 21-201 of the
17 Public Utilities Act, and (7) municipalities owning or
18 operating utility systems consisting of public utilities
19 as that term is defined in Section 11-117-2 of the
20 Illinois Municipal Code.

21 (16) Procurement expenditures necessary for the
22 Department of Public Health to provide the delivery of
23 timely newborn screening services in accordance with the
24 Newborn Metabolic Screening Act.

25 (17) Procurement expenditures necessary for the
26 Department of Agriculture, the Department of Financial and

1 Professional Regulation, the Department of Human Services,
2 and the Department of Public Health to implement the
3 Compassionate Use of Medical Cannabis Program and Opioid
4 Alternative Pilot Program requirements and ensure access
5 to medical cannabis for patients with debilitating medical
6 conditions in accordance with the Compassionate Use of
7 Medical Cannabis Program Act.

8 (18) This Code does not apply to any procurements
9 necessary for the Department of Agriculture, the
10 Department of Financial and Professional Regulation, the
11 Department of Human Services, the Department of Commerce
12 and Economic Opportunity, and the Department of Public
13 Health to implement the Cannabis Regulation and Tax Act if
14 the applicable agency has made a good faith determination
15 that it is necessary and appropriate for the expenditure
16 to fall within this exemption and if the process is
17 conducted in a manner substantially in accordance with the
18 requirements of Sections 20-160, 25-60, 30-22, 50-5,
19 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35,
20 50-36, 50-37, 50-38, and 50-50 of this Code; however, for
21 Section 50-35, compliance applies only to contracts or
22 subcontracts over \$100,000. Notice of each contract
23 entered into under this paragraph (18) that is related to
24 the procurement of goods and services identified in
25 paragraph (1) through (9) of this subsection shall be
26 published in the Procurement Bulletin within 14 calendar

1 days after contract execution. The Chief Procurement
2 Officer shall prescribe the form and content of the
3 notice. Each agency shall provide the Chief Procurement
4 Officer, on a monthly basis, in the form and content
5 prescribed by the Chief Procurement Officer, a report of
6 contracts that are related to the procurement of goods and
7 services identified in this subsection. At a minimum, this
8 report shall include the name of the contractor, a
9 description of the supply or service provided, the total
10 amount of the contract, the term of the contract, and the
11 exception to this Code utilized. A copy of any or all of
12 these contracts shall be made available to the Chief
13 Procurement Officer immediately upon request. The Chief
14 Procurement Officer shall submit a report to the Governor
15 and General Assembly no later than November 1 of each year
16 that includes, at a minimum, an annual summary of the
17 monthly information reported to the Chief Procurement
18 Officer. This exemption becomes inoperative 5 years after
19 June 25, 2019 (the effective date of Public Act 101-27).

20 (19) Acquisition of modifications or adjustments,
21 limited to assistive technology devices and assistive
22 technology services, adaptive equipment, repairs, and
23 replacement parts to provide reasonable accommodations (i)
24 that enable a qualified applicant with a disability to
25 complete the job application process and be considered for
26 the position such qualified applicant desires, (ii) that

1 modify or adjust the work environment to enable a
2 qualified current employee with a disability to perform
3 the essential functions of the position held by that
4 employee, (iii) to enable a qualified current employee
5 with a disability to enjoy equal benefits and privileges
6 of employment as are enjoyed by other similarly situated
7 employees without disabilities, and (iv) that allow a
8 customer, client, claimant, or member of the public
9 seeking State services full use and enjoyment of and
10 access to its programs, services, or benefits.

11 For purposes of this paragraph (19):

12 "Assistive technology devices" means any item, piece
13 of equipment, or product system, whether acquired
14 commercially off the shelf, modified, or customized, that
15 is used to increase, maintain, or improve functional
16 capabilities of individuals with disabilities.

17 "Assistive technology services" means any service that
18 directly assists an individual with a disability in
19 selection, acquisition, or use of an assistive technology
20 device.

21 "Qualified" has the same meaning and use as provided
22 under the federal Americans with Disabilities Act when
23 describing an individual with a disability.

24 (20) Procurement expenditures necessary for the
25 Illinois Commerce Commission to hire third-party
26 facilitators pursuant to Sections 16-105.17 and 16-108.18

1 of the Public Utilities Act or an ombudsman pursuant to
2 Section 16-107.5 of the Public Utilities Act, a
3 facilitator pursuant to Section 16-105.17 of the Public
4 Utilities Act, or a grid auditor pursuant to Section
5 16-105.10 of the Public Utilities Act.

6 (21) Procurement expenditures for the purchase,
7 renewal, and expansion of software, software licenses, or
8 software maintenance agreements that support the efforts
9 of the Illinois State Police to enforce, regulate, and
10 administer the Firearm Owners Identification Card Act, the
11 Firearm Concealed Carry Act, the Firearms Restraining
12 Order Act, the Firearm Dealer License Certification Act,
13 the Law Enforcement Agencies Data System (LEADS), the
14 Uniform Crime Reporting Act, the Criminal Identification
15 Act, the Illinois Uniform Conviction Information Act, and
16 the Gun Trafficking Information Act, or establish or
17 maintain record management systems necessary to conduct
18 human trafficking investigations or gun trafficking or
19 other stolen firearm investigations. This paragraph (21)
20 applies to contracts entered into on or after January 10,
21 2023 (the effective date of Public Act 102-1116) and the
22 renewal of contracts that are in effect on January 10,
23 2023 (the effective date of Public Act 102-1116).

24 (22) Contracts for project management services and
25 system integration services required for the completion of
26 the State's enterprise resource planning project. This

1 exemption becomes inoperative 5 years after June 7, 2023
2 (the effective date of the changes made to this Section by
3 Public Act 103-8). This paragraph (22) applies to
4 contracts entered into on or after June 7, 2023 (the
5 effective date of the changes made to this Section by
6 Public Act 103-8) and the renewal of contracts that are in
7 effect on June 7, 2023 (the effective date of the changes
8 made to this Section by Public Act 103-8).

9 (23) Procurements necessary for the Department of
10 Insurance to implement the Illinois Health Benefits
11 Exchange Law if the Department of Insurance has made a
12 good faith determination that it is necessary and
13 appropriate for the expenditure to fall within this
14 exemption. The procurement process shall be conducted in a
15 manner substantially in accordance with the requirements
16 of Sections 20-160 and 25-60 and Article 50 of this Code. A
17 copy of these contracts shall be made available to the
18 Chief Procurement Officer immediately upon request. This
19 paragraph is inoperative 5 years after June 27, 2023 (the
20 effective date of Public Act 103-103).

21 (24) ~~(22)~~ Contracts for public education programming,
22 noncommercial sustaining announcements, public service
23 announcements, and public awareness and education
24 messaging with the nonprofit trade associations of the
25 providers of those services that inform the public on
26 immediate and ongoing health and safety risks and hazards.

1 (25) Procurements necessary for the Department of
2 Early Childhood to implement the Department of Early
3 Childhood Act if the Department has made a good faith
4 determination that it is necessary and appropriate for the
5 expenditure to fall within this exemption. This exemption
6 shall only be used for products and services procured
7 solely for use by the Department of Early Childhood. The
8 procurements may include those necessary to design and
9 build integrated, operational systems of programs and
10 services. The procurements may include, but are not
11 limited to, those necessary to align and update program
12 standards, integrate funding systems, design and establish
13 data and reporting systems, align and update models for
14 technical assistance and professional development, design
15 systems to manage grants and ensure compliance, design and
16 implement management and operational structures, and
17 establish new means of engaging with families, educators,
18 providers, and stakeholders. The procurement processes
19 shall be conducted in a manner substantially in accordance
20 with the requirements of Article 50 (ethics) and Sections
21 5-5 (Procurement Policy Board), 5-7 (Commission on Equity
22 and Inclusion), 20-80 (contract files), 20-120
23 (subcontractors), 20-155 (paperwork), 20-160
24 (ethics/campaign contribution prohibitions), 25-60
25 (prevailing wage), and 25-90 (prohibited and authorized
26 cybersecurity) of this Code. Beginning January 1, 2025,

1 the Department of Early Childhood shall provide a
2 quarterly report to the General Assembly detailing a list
3 of expenditures and contracts for which the Department
4 uses this exemption. This paragraph is inoperative on and
5 after July 1, 2027.

6 Notwithstanding any other provision of law, for contracts
7 with an annual value of more than \$100,000 entered into on or
8 after October 1, 2017 under an exemption provided in any
9 paragraph of this subsection (b), except paragraph (1), (2),
10 or (5), each State agency shall post to the appropriate
11 procurement bulletin the name of the contractor, a description
12 of the supply or service provided, the total amount of the
13 contract, the term of the contract, and the exception to the
14 Code utilized. The chief procurement officer shall submit a
15 report to the Governor and General Assembly no later than
16 November 1 of each year that shall include, at a minimum, an
17 annual summary of the monthly information reported to the
18 chief procurement officer.

19 (c) This Code does not apply to the electric power
20 procurement process provided for under Section 1-75 of the
21 Illinois Power Agency Act and Section 16-111.5 of the Public
22 Utilities Act. This Code does not apply to the procurement of
23 technical and policy experts pursuant to Section 1-129 of the
24 Illinois Power Agency Act.

25 (d) Except for Section 20-160 and Article 50 of this Code,
26 and as expressly required by Section 9.1 of the Illinois

1 Lottery Law, the provisions of this Code do not apply to the
2 procurement process provided for under Section 9.1 of the
3 Illinois Lottery Law.

4 (e) This Code does not apply to the process used by the
5 Capital Development Board to retain a person or entity to
6 assist the Capital Development Board with its duties related
7 to the determination of costs of a clean coal SNG brownfield
8 facility, as defined by Section 1-10 of the Illinois Power
9 Agency Act, as required in subsection (h-3) of Section 9-220
10 of the Public Utilities Act, including calculating the range
11 of capital costs, the range of operating and maintenance
12 costs, or the sequestration costs or monitoring the
13 construction of clean coal SNG brownfield facility for the
14 full duration of construction.

15 (f) (Blank).

16 (g) (Blank).

17 (h) This Code does not apply to the process to procure or
18 contracts entered into in accordance with Sections 11-5.2 and
19 11-5.3 of the Illinois Public Aid Code.

20 (i) Each chief procurement officer may access records
21 necessary to review whether a contract, purchase, or other
22 expenditure is or is not subject to the provisions of this
23 Code, unless such records would be subject to attorney-client
24 privilege.

25 (j) This Code does not apply to the process used by the
26 Capital Development Board to retain an artist or work or works

1 of art as required in Section 14 of the Capital Development
2 Board Act.

3 (k) This Code does not apply to the process to procure
4 contracts, or contracts entered into, by the State Board of
5 Elections or the State Electoral Board for hearing officers
6 appointed pursuant to the Election Code.

7 (l) This Code does not apply to the processes used by the
8 Illinois Student Assistance Commission to procure supplies and
9 services paid for from the private funds of the Illinois
10 Prepaid Tuition Fund. As used in this subsection (l), "private
11 funds" means funds derived from deposits paid into the
12 Illinois Prepaid Tuition Trust Fund and the earnings thereon.

13 (m) This Code shall apply regardless of the source of
14 funds with which contracts are paid, including federal
15 assistance moneys. Except as specifically provided in this
16 Code, this Code shall not apply to procurement expenditures
17 necessary for the Department of Public Health to conduct the
18 Healthy Illinois Survey in accordance with Section 2310-431 of
19 the Department of Public Health Powers and Duties Law of the
20 Civil Administrative Code of Illinois.

21 (Source: P.A. 102-175, eff. 7-29-21; 102-483, eff. 1-1-22;
22 102-558, eff. 8-20-21; 102-600, eff. 8-27-21; 102-662, eff.
23 9-15-21; 102-721, eff. 1-1-23; 102-813, eff. 5-13-22;
24 102-1116, eff. 1-10-23; 103-8, eff. 6-7-23; 103-103, eff.
25 6-27-23; 103-570, eff. 1-1-24; 103-580, eff. 12-8-23; revised
26 1-2-24.)

1 Section 90-30. The School Code is amended by changing
2 Sections 1A-4, 1C-2, 1C-4, 1D-1, 2-3.47, 2-3.64a-10, 2-3.71,
3 2-3.71a, 2-3.79, 2-3.89, 10-22.6, 21B-50, 22-45, and 26-19 as
4 follows:

5 (105 ILCS 5/1A-4) (from Ch. 122, par. 1A-4)

6 Sec. 1A-4. Powers and duties of the Board.

7 A. (Blank).

8 B. The Board shall determine the qualifications of and
9 appoint a chief education officer, to be known as the State
10 Superintendent of Education, who may be proposed by the
11 Governor and who shall serve at the pleasure of the Board and
12 pursuant to a performance-based contract linked to statewide
13 student performance and academic improvement within Illinois
14 schools. Upon expiration or buyout of the contract of the
15 State Superintendent of Education in office on the effective
16 date of this amendatory Act of the 93rd General Assembly, a
17 State Superintendent of Education shall be appointed by a
18 State Board of Education that includes the 7 new Board members
19 who were appointed to fill seats of members whose terms were
20 terminated on the effective date of this amendatory Act of the
21 93rd General Assembly. Thereafter, a State Superintendent of
22 Education must, at a minimum, be appointed at the beginning of
23 each term of a Governor after that Governor has made
24 appointments to the Board. A performance-based contract issued

1 for the employment of a State Superintendent of Education
2 entered into on or after the effective date of this amendatory
3 Act of the 93rd General Assembly must expire no later than
4 February 1, 2007, and subsequent contracts must expire no
5 later than February 1 each 4 years thereafter. No contract
6 shall be extended or renewed beyond February 1, 2007 and
7 February 1 each 4 years thereafter, but a State Superintendent
8 of Education shall serve until his or her successor is
9 appointed. Each contract entered into on or before January 8,
10 2007 with a State Superintendent of Education must provide
11 that the State Board of Education may terminate the contract
12 for cause, and the State Board of Education shall not
13 thereafter be liable for further payments under the contract.
14 With regard to this amendatory Act of the 93rd General
15 Assembly, it is the intent of the General Assembly that,
16 beginning with the Governor who takes office on the second
17 Monday of January, 2007, a State Superintendent of Education
18 be appointed at the beginning of each term of a Governor after
19 that Governor has made appointments to the Board. The State
20 Superintendent of Education shall not serve as a member of the
21 State Board of Education. The Board shall set the compensation
22 of the State Superintendent of Education who shall serve as
23 the Board's chief executive officer. The Board shall also
24 establish the duties, powers and responsibilities of the State
25 Superintendent, which shall be included in the State
26 Superintendent's performance-based contract along with the

1 goals and indicators of student performance and academic
2 improvement used to measure the performance and effectiveness
3 of the State Superintendent. The State Board of Education may
4 delegate to the State Superintendent of Education the
5 authority to act on the Board's behalf, provided such
6 delegation is made pursuant to adopted board policy or the
7 powers delegated are ministerial in nature. The State Board
8 may not delegate authority under this Section to the State
9 Superintendent to (1) nonrecognize school districts, (2)
10 withhold State payments as a penalty, or (3) make final
11 decisions under the contested case provisions of the Illinois
12 Administrative Procedure Act unless otherwise provided by law.

13 C. The powers and duties of the State Board of Education
14 shall encompass all duties delegated to the Office of
15 Superintendent of Public Instruction on January 12, 1975,
16 except as the law providing for such powers and duties is
17 thereafter amended, and such other powers and duties as the
18 General Assembly shall designate. The Board shall be
19 responsible for the educational policies and guidelines for
20 public schools, pre-school through grade 12 and Vocational
21 Education in the State of Illinois. Beginning July 1, 2024,
22 educational policies and guidelines pertaining to pre-school
23 and the Prevention Initiative program shall be done in
24 consultation with the Department of Early Childhood. The Board
25 shall analyze the present and future aims, needs, and
26 requirements of education in the State of Illinois and

1 recommend to the General Assembly the powers which should be
2 exercised by the Board. The Board shall recommend the passage
3 and the legislation necessary to determine the appropriate
4 relationship between the Board and local boards of education
5 and the various State agencies and shall recommend desirable
6 modifications in the laws which affect schools.

7 D. Two members of the Board shall be appointed by the
8 chairperson to serve on a standing joint Education Committee,
9 2 others shall be appointed from the Board of Higher
10 Education, 2 others shall be appointed by the chairperson of
11 the Illinois Community College Board, and 2 others shall be
12 appointed by the chairperson of the Human Resource Investment
13 Council. The Committee shall be responsible for making
14 recommendations concerning the submission of any workforce
15 development plan or workforce training program required by
16 federal law or under any block grant authority. The Committee
17 will be responsible for developing policy on matters of mutual
18 concern to elementary, secondary and higher education such as
19 Occupational and Career Education, Teacher Preparation and
20 Licensure, Educational Finance, Articulation between
21 Elementary, Secondary and Higher Education and Research and
22 Planning. The joint Education Committee shall meet at least
23 quarterly and submit an annual report of its findings,
24 conclusions, and recommendations to the State Board of
25 Education, the Board of Higher Education, the Illinois
26 Community College Board, the Human Resource Investment

1 Council, the Governor, and the General Assembly. All meetings
2 of this Committee shall be official meetings for reimbursement
3 under this Act. On the effective date of this amendatory Act of
4 the 95th General Assembly, the Joint Education Committee is
5 abolished.

6 E. Five members of the Board shall constitute a quorum. A
7 majority vote of the members appointed, confirmed and serving
8 on the Board is required to approve any action, except that the
9 7 new Board members who were appointed to fill seats of members
10 whose terms were terminated on the effective date of this
11 amendatory act of the 93rd General Assembly may vote to
12 approve actions when appointed and serving.

13 F. Upon appointment of the 7 new Board members who were
14 appointed to fill seats of members whose terms were terminated
15 on the effective date of this amendatory Act of the 93rd
16 General Assembly, the Board shall review all of its current
17 rules in an effort to streamline procedures, improve
18 efficiency, and eliminate unnecessary forms and paperwork.

19 (Source: P.A. 102-894, eff. 5-20-22.)

20 (105 ILCS 5/1C-2)

21 Sec. 1C-2. Block grants.

22 (a) For fiscal year 1999, and each fiscal year thereafter
23 through fiscal year 2026, the State Board of Education shall
24 award to school districts block grants as described in
25 subsection (c). The State Board of Education may adopt rules

1 and regulations necessary to implement this Section. In
2 accordance with Section 2-3.32, all state block grants are
3 subject to an audit. Therefore, block grant receipts and block
4 grant expenditures shall be recorded to the appropriate fund
5 code.

6 (b) (Blank).

7 (c) An Early Childhood Education Block Grant shall be
8 created by combining the following programs: Preschool
9 Education, Parental Training and Prevention Initiative. These
10 funds shall be distributed to school districts and other
11 entities on a competitive basis, except that the State Board
12 of Education shall award to a school district having a
13 population exceeding 500,000 inhabitants 37% of the funds in
14 each fiscal year. Not less than 14% of the Early Childhood
15 Education Block Grant allocation of funds shall be used to
16 fund programs for children ages 0-3. Beginning in Fiscal Year
17 2016, at least 25% of any additional Early Childhood Education
18 Block Grant funding over and above the previous fiscal year's
19 allocation shall be used to fund programs for children ages
20 0-3. Once the percentage of Early Childhood Education Block
21 Grant funding allocated to programs for children ages 0-3
22 reaches 20% of the overall Early Childhood Education Block
23 Grant allocation for a full fiscal year, thereafter in
24 subsequent fiscal years the percentage of Early Childhood
25 Education Block Grant funding allocated to programs for
26 children ages 0-3 each fiscal year shall remain at least 20% of

1 the overall Early Childhood Education Block Grant allocation.
2 However, if, in a given fiscal year, the amount appropriated
3 for the Early Childhood Education Block Grant is insufficient
4 to increase the percentage of the grant to fund programs for
5 children ages 0-3 without reducing the amount of the grant for
6 existing providers of preschool education programs, then the
7 percentage of the grant to fund programs for children ages 0-3
8 may be held steady instead of increased.This subsection (c) is
9 inoperative on and after July 1, 2026.

10 (Source: P.A. 99-589, eff. 7-21-16; 100-465, eff. 8-31-17.)

11 (105 ILCS 5/1C-4)

12 Sec. 1C-4. Reports. A school district that receives an
13 Early Childhood Education Block Grant shall report to the
14 State Board of Education on its use of the block grant in such
15 form and detail as the State Board of Education may specify. In
16 addition, the report must include the following description
17 for the district, which must also be reported to the General
18 Assembly: block grant allocation and expenditures by program;
19 population and service levels by program; and administrative
20 expenditures by program. The State Board of Education shall
21 ensure that the reporting requirements for a district
22 organized under Article 34 of this Code are the same as for all
23 other school districts in this State.

24 This Section is repealed on July 1, 2026.

25 (Source: P.A. 99-30, eff. 7-10-15.)

1 (105 ILCS 5/1D-1)

2 (Text of Section from P.A. 100-55)

3 Sec. 1D-1. Block grant funding.

4 (a) For fiscal year 1996 and each fiscal year thereafter,
5 the State Board of Education shall award to a school district
6 having a population exceeding 500,000 inhabitants a general
7 education block grant and an educational services block grant,
8 determined as provided in this Section, in lieu of
9 distributing to the district separate State funding for the
10 programs described in subsections (b) and (c). The provisions
11 of this Section, however, do not apply to any federal funds
12 that the district is entitled to receive. In accordance with
13 Section 2-3.32, all block grants are subject to an audit.
14 Therefore, block grant receipts and block grant expenditures
15 shall be recorded to the appropriate fund code for the
16 designated block grant.

17 (b) The general education block grant shall include the
18 following programs: REI Initiative, Summer Bridges, ~~Preschool~~
19 ~~Education~~, K-6 Comprehensive Arts, School Improvement Support,
20 Urban Education, Scientific Literacy, Substance Abuse
21 Prevention, Second Language Planning, Staff Development,
22 Outcomes and Assessment, K-6 Reading Improvement, 7-12
23 Continued Reading Improvement, Truants' Optional Education,
24 Hispanic Programs, Agriculture Education, ~~Parental Training~~,
25 ~~Prevention Initiative~~, Report Cards, and Criminal Background

1 Investigations. The general education block grant shall also
2 include Preschool Education, Parental Training, and Prevention
3 Initiative through June 30, 2026. Notwithstanding any other
4 provision of law, all amounts paid under the general education
5 block grant from State appropriations to a school district in
6 a city having a population exceeding 500,000 inhabitants shall
7 be appropriated and expended by the board of that district for
8 any of the programs included in the block grant or any of the
9 board's lawful purposes. Beginning in Fiscal Year 2018, at
10 least 25% of any additional Preschool Education, Parental
11 Training, and Prevention Initiative program funding over and
12 above the previous fiscal year's allocation shall be used to
13 fund programs for children ages 0-3. Beginning in Fiscal Year
14 2018, funding for Preschool Education, Parental Training, and
15 Prevention Initiative programs above the allocation for these
16 programs in Fiscal Year 2017 must be used solely as a
17 supplement for these programs and may not supplant funds
18 received from other sources.

19 (b-5) Beginning in Fiscal Year 2027, the Department of
20 Early Childhood shall award a block grant for Preschool
21 Education, Parental Training, and Prevention Initiative to a
22 school district having a population exceeding 500,000
23 inhabitants. The grants are subject to audit. Therefore, block
24 grant receipts and block grant expenditures shall be recorded
25 to the appropriate fund code for the designated block grant.
26 Notwithstanding any other provision of law, all amounts paid

1 under the block grant from State appropriations to a school
2 district in a city having a population exceeding 500,000
3 inhabitants shall be appropriated and expended by the board of
4 that district for any of the programs included in the block
5 grant or any of the board's lawful purposes. The district is
6 not required to file any application or other claim in order to
7 receive the block grant to which it is entitled under this
8 Section. The Department of Early Childhood shall make payments
9 to the district of amounts due under the district's block
10 grant on a schedule determined by the Department. A school
11 district to which this Section applies shall report to the
12 Department of Early Childhood on its use of the block grant in
13 such form and detail as the Department may specify. In
14 addition, the report must include the following description
15 for the district, which must also be reported to the General
16 Assembly: block grant allocation and expenditures by program;
17 population and service levels by program; and administrative
18 expenditures by program. The Department shall ensure that the
19 reporting requirements for the district are the same as for
20 all other school districts in this State. Beginning in Fiscal
21 Year 2018, at least 25% of any additional Preschool Education,
22 Parental Training, and Prevention Initiative program funding
23 over and above the previous fiscal year's allocation shall be
24 used to fund programs for children ages 0-3. Beginning in
25 Fiscal Year 2018, funding for Preschool Education, Parental
26 Training, and Prevention Initiative programs above the

1 allocation for these programs in Fiscal Year 2017 must be used
2 solely as a supplement for these programs and may not supplant
3 funds received from other sources.

4 (c) The educational services block grant shall include the
5 following programs: Regular and Vocational Transportation,
6 State Lunch and Free Breakfast Program, Special Education
7 (Personnel, Transportation, Orphanage, Private Tuition),
8 funding for children requiring special education services,
9 Summer School, Educational Service Centers, and
10 Administrator's Academy. This subsection (c) does not relieve
11 the district of its obligation to provide the services
12 required under a program that is included within the
13 educational services block grant. It is the intention of the
14 General Assembly in enacting the provisions of this subsection
15 (c) to relieve the district of the administrative burdens that
16 impede efficiency and accompany single-program funding. The
17 General Assembly encourages the board to pursue mandate
18 waivers pursuant to Section 2-3.25g.

19 The funding program included in the educational services
20 block grant for funding for children requiring special
21 education services in each fiscal year shall be treated in
22 that fiscal year as a payment to the school district in respect
23 of services provided or costs incurred in the prior fiscal
24 year, calculated in each case as provided in this Section.
25 Nothing in this Section shall change the nature of payments
26 for any program that, apart from this Section, would be or,

1 prior to adoption or amendment of this Section, was on the
2 basis of a payment in a fiscal year in respect of services
3 provided or costs incurred in the prior fiscal year,
4 calculated in each case as provided in this Section.

5 (d) For fiscal year 1996 and each fiscal year thereafter,
6 the amount of the district's block grants shall be determined
7 as follows: (i) with respect to each program that is included
8 within each block grant, the district shall receive an amount
9 equal to the same percentage of the current fiscal year
10 appropriation made for that program as the percentage of the
11 appropriation received by the district from the 1995 fiscal
12 year appropriation made for that program, and (ii) the total
13 amount that is due the district under the block grant shall be
14 the aggregate of the amounts that the district is entitled to
15 receive for the fiscal year with respect to each program that
16 is included within the block grant that the State Board of
17 Education shall award the district under this Section for that
18 fiscal year. In the case of the Summer Bridges program, the
19 amount of the district's block grant shall be equal to 44% of
20 the amount of the current fiscal year appropriation made for
21 that program.

22 (e) The district is not required to file any application
23 or other claim in order to receive the block grants to which it
24 is entitled under this Section. The State Board of Education
25 shall make payments to the district of amounts due under the
26 district's block grants on a schedule determined by the State

1 Board of Education.

2 (f) A school district to which this Section applies shall
3 report to the State Board of Education on its use of the block
4 grants in such form and detail as the State Board of Education
5 may specify. In addition, the report must include the
6 following description for the district, which must also be
7 reported to the General Assembly: block grant allocation and
8 expenditures by program; population and service levels by
9 program; and administrative expenditures by program. The State
10 Board of Education shall ensure that the reporting
11 requirements for the district are the same as for all other
12 school districts in this State.

13 (g) This paragraph provides for the treatment of block
14 grants under Article 1C for purposes of calculating the amount
15 of block grants for a district under this Section. Those block
16 grants under Article 1C are, for this purpose, treated as
17 included in the amount of appropriation for the various
18 programs set forth in paragraph (b) above. The appropriation
19 in each current fiscal year for each block grant under Article
20 1C shall be treated for these purposes as appropriations for
21 the individual program included in that block grant. The
22 proportion of each block grant so allocated to each such
23 program included in it shall be the proportion which the
24 appropriation for that program was of all appropriations for
25 such purposes now in that block grant, in fiscal 1995.

26 Payments to the school district under this Section with

1 respect to each program for which payments to school districts
2 generally, as of the date of this amendatory Act of the 92nd
3 General Assembly, are on a reimbursement basis shall continue
4 to be made to the district on a reimbursement basis, pursuant
5 to the provisions of this Code governing those programs.

6 (h) Notwithstanding any other provision of law, any school
7 district receiving a block grant under this Section may
8 classify all or a portion of the funds that it receives in a
9 particular fiscal year from any block grant authorized under
10 this Code or from general State aid pursuant to Section
11 18-8.05 of this Code (other than supplemental general State
12 aid) as funds received in connection with any funding program
13 for which it is entitled to receive funds from the State in
14 that fiscal year (including, without limitation, any funding
15 program referred to in subsection (c) of this Section),
16 regardless of the source or timing of the receipt. The
17 district may not classify more funds as funds received in
18 connection with the funding program than the district is
19 entitled to receive in that fiscal year for that program. Any
20 classification by a district must be made by a resolution of
21 its board of education. The resolution must identify the
22 amount of any block grant or general State aid to be classified
23 under this subsection (h) and must specify the funding program
24 to which the funds are to be treated as received in connection
25 therewith. This resolution is controlling as to the
26 classification of funds referenced therein. A certified copy

1 of the resolution must be sent to the State Superintendent of
2 Education. The resolution shall still take effect even though
3 a copy of the resolution has not been sent to the State
4 Superintendent of Education in a timely manner. No
5 classification under this subsection (h) by a district shall
6 affect the total amount or timing of money the district is
7 entitled to receive under this Code. No classification under
8 this subsection (h) by a district shall in any way relieve the
9 district from or affect any requirements that otherwise would
10 apply with respect to the block grant as provided in this
11 Section, including any accounting of funds by source,
12 reporting expenditures by original source and purpose,
13 reporting requirements, or requirements of provision of
14 services.

15 (Source: P.A. 100-55, eff. 8-11-17.)

16 (Text of Section from P.A. 100-465)

17 Sec. 1D-1. Block grant funding.

18 (a) For fiscal year 1996 through fiscal year 2017, the
19 State Board of Education shall award to a school district
20 having a population exceeding 500,000 inhabitants a general
21 education block grant and an educational services block grant,
22 determined as provided in this Section, in lieu of
23 distributing to the district separate State funding for the
24 programs described in subsections (b) and (c). The provisions
25 of this Section, however, do not apply to any federal funds

1 that the district is entitled to receive. In accordance with
2 Section 2-3.32, all block grants are subject to an audit.
3 Therefore, block grant receipts and block grant expenditures
4 shall be recorded to the appropriate fund code for the
5 designated block grant.

6 (b) The general education block grant shall include the
7 following programs: REI Initiative, Summer Bridges, Preschool
8 At Risk, K-6 Comprehensive Arts, School Improvement Support,
9 Urban Education, Scientific Literacy, Substance Abuse
10 Prevention, Second Language Planning, Staff Development,
11 Outcomes and Assessment, K-6 Reading Improvement, 7-12
12 Continued Reading Improvement, Truants' Optional Education,
13 Hispanic Programs, Agriculture Education, ~~Parental Education,~~
14 ~~Prevention Initiative,~~ Report Cards, and Criminal Background
15 Investigations. The general education block grant shall also
16 include Preschool Education, Parental Training, and Prevention
17 Initiative through June 30, 2026. Notwithstanding any other
18 provision of law, all amounts paid under the general education
19 block grant from State appropriations to a school district in
20 a city having a population exceeding 500,000 inhabitants shall
21 be appropriated and expended by the board of that district for
22 any of the programs included in the block grant or any of the
23 board's lawful purposes.

24 (b-5) Beginning in Fiscal Year 2027, the Department of
25 Early Childhood shall award a block grant for Preschool
26 Education, Parental Training, and Prevention Initiative to a

1 school district having a population exceeding 500,000
2 inhabitants. The grants are subject to audit. Therefore, block
3 grant receipts and block grant expenditures shall be recorded
4 to the appropriate fund code for the designated block grant.
5 Notwithstanding any other provision of law, all amounts paid
6 under the block grant from State appropriations to a school
7 district in a city having a population exceeding 500,000
8 inhabitants shall be appropriated and expended by the board of
9 that district for any of the programs included in the block
10 grant or any of the board's lawful purposes. The district is
11 not required to file any application or other claim in order to
12 receive the block grant to which it is entitled under this
13 Section. The Department of Early Childhood shall make payments
14 to the district of amounts due under the district's block
15 grant on a schedule determined by the Department. A school
16 district to which this Section applies shall report to the
17 Department of Early Childhood on its use of the block grant in
18 such form and detail as the Department may specify. In
19 addition, the report must include the following description
20 for the district, which must also be reported to the General
21 Assembly: block grant allocation and expenditures by program;
22 population and service levels by program; and administrative
23 expenditures by program. The Department shall ensure that the
24 reporting requirements for the district are the same as for
25 all other school districts in this State. Beginning in Fiscal
26 Year 2018, at least 25% of any additional Preschool Education,

1 Parental Training, and Prevention Initiative program funding
2 over and above the previous fiscal year's allocation shall be
3 used to fund programs for children ages 0-3. Beginning in
4 Fiscal Year 2018, funding for Preschool Education, Parental
5 Training, and Prevention Initiative programs above the
6 allocation for these programs in Fiscal Year 2017 must be used
7 solely as a supplement for these programs and may not supplant
8 funds received from other sources. (b-10).

9 (c) The educational services block grant shall include the
10 following programs: Regular and Vocational Transportation,
11 State Lunch and Free Breakfast Program, Special Education
12 (Personnel, Transportation, Orphanage, Private Tuition),
13 funding for children requiring special education services,
14 Summer School, Educational Service Centers, and
15 Administrator's Academy. This subsection (c) does not relieve
16 the district of its obligation to provide the services
17 required under a program that is included within the
18 educational services block grant. It is the intention of the
19 General Assembly in enacting the provisions of this subsection
20 (c) to relieve the district of the administrative burdens that
21 impede efficiency and accompany single-program funding. The
22 General Assembly encourages the board to pursue mandate
23 waivers pursuant to Section 2-3.25g.

24 The funding program included in the educational services
25 block grant for funding for children requiring special
26 education services in each fiscal year shall be treated in

1 that fiscal year as a payment to the school district in respect
2 of services provided or costs incurred in the prior fiscal
3 year, calculated in each case as provided in this Section.
4 Nothing in this Section shall change the nature of payments
5 for any program that, apart from this Section, would be or,
6 prior to adoption or amendment of this Section, was on the
7 basis of a payment in a fiscal year in respect of services
8 provided or costs incurred in the prior fiscal year,
9 calculated in each case as provided in this Section.

10 (d) For fiscal year 1996 through fiscal year 2017, the
11 amount of the district's block grants shall be determined as
12 follows: (i) with respect to each program that is included
13 within each block grant, the district shall receive an amount
14 equal to the same percentage of the current fiscal year
15 appropriation made for that program as the percentage of the
16 appropriation received by the district from the 1995 fiscal
17 year appropriation made for that program, and (ii) the total
18 amount that is due the district under the block grant shall be
19 the aggregate of the amounts that the district is entitled to
20 receive for the fiscal year with respect to each program that
21 is included within the block grant that the State Board of
22 Education shall award the district under this Section for that
23 fiscal year. In the case of the Summer Bridges program, the
24 amount of the district's block grant shall be equal to 44% of
25 the amount of the current fiscal year appropriation made for
26 that program.

1 (e) The district is not required to file any application
2 or other claim in order to receive the block grants to which it
3 is entitled under this Section. The State Board of Education
4 shall make payments to the district of amounts due under the
5 district's block grants on a schedule determined by the State
6 Board of Education.

7 (f) A school district to which this Section applies shall
8 report to the State Board of Education on its use of the block
9 grants in such form and detail as the State Board of Education
10 may specify. In addition, the report must include the
11 following description for the district, which must also be
12 reported to the General Assembly: block grant allocation and
13 expenditures by program; population and service levels by
14 program; and administrative expenditures by program. The State
15 Board of Education shall ensure that the reporting
16 requirements for the district are the same as for all other
17 school districts in this State.

18 (g) Through fiscal year 2017, this paragraph provides for
19 the treatment of block grants under Article 1C for purposes of
20 calculating the amount of block grants for a district under
21 this Section. Those block grants under Article 1C are, for
22 this purpose, treated as included in the amount of
23 appropriation for the various programs set forth in paragraph
24 (b) above. The appropriation in each current fiscal year for
25 each block grant under Article 1C shall be treated for these
26 purposes as appropriations for the individual program included

1 in that block grant. The proportion of each block grant so
2 allocated to each such program included in it shall be the
3 proportion which the appropriation for that program was of all
4 appropriations for such purposes now in that block grant, in
5 fiscal 1995.

6 Payments to the school district under this Section with
7 respect to each program for which payments to school districts
8 generally, as of the date of this amendatory Act of the 92nd
9 General Assembly, are on a reimbursement basis shall continue
10 to be made to the district on a reimbursement basis, pursuant
11 to the provisions of this Code governing those programs.

12 (h) Notwithstanding any other provision of law, any school
13 district receiving a block grant under this Section may
14 classify all or a portion of the funds that it receives in a
15 particular fiscal year from any block grant authorized under
16 this Code or from general State aid pursuant to Section
17 18-8.05 of this Code (other than supplemental general State
18 aid) as funds received in connection with any funding program
19 for which it is entitled to receive funds from the State in
20 that fiscal year (including, without limitation, any funding
21 program referred to in subsection (c) of this Section),
22 regardless of the source or timing of the receipt. The
23 district may not classify more funds as funds received in
24 connection with the funding program than the district is
25 entitled to receive in that fiscal year for that program. Any
26 classification by a district must be made by a resolution of

1 its board of education. The resolution must identify the
2 amount of any block grant or general State aid to be classified
3 under this subsection (h) and must specify the funding program
4 to which the funds are to be treated as received in connection
5 therewith. This resolution is controlling as to the
6 classification of funds referenced therein. A certified copy
7 of the resolution must be sent to the State Superintendent of
8 Education. The resolution shall still take effect even though
9 a copy of the resolution has not been sent to the State
10 Superintendent of Education in a timely manner. No
11 classification under this subsection (h) by a district shall
12 affect the total amount or timing of money the district is
13 entitled to receive under this Code. No classification under
14 this subsection (h) by a district shall in any way relieve the
15 district from or affect any requirements that otherwise would
16 apply with respect to the block grant as provided in this
17 Section, including any accounting of funds by source,
18 reporting expenditures by original source and purpose,
19 reporting requirements, or requirements of provision of
20 services.

21 (Source: P.A. 100-465, eff. 8-31-17.)

22 (105 ILCS 5/2-3.47) (from Ch. 122, par. 2-3.47)

23 Sec. 2-3.47. The State Board of Education shall annually
24 submit a budget recommendation to the Governor and General
25 Assembly that contains recommendations for funding for

1 pre-school through grade 12 through Fiscal Year 2026. For
2 Fiscal Year 2027, and annually thereafter, the State Board of
3 Education shall submit a budget recommendation to the Governor
4 and General Assembly that contains recommendations for funding
5 for kindergarten through grade 12.

6 (Source: P.A. 98-739, eff. 7-16-14.)

7 (105 ILCS 5/2-3.64a-10)

8 Sec. 2-3.64a-10. Kindergarten assessment.

9 (a) For the purposes of this Section, "kindergarten"
10 includes both full-day and half-day kindergarten programs.

11 (b) Beginning no later than the 2021-2022 school year, the
12 State Board of Education shall annually assess all public
13 school students entering kindergarten using a common
14 assessment tool, unless the State Board determines that a
15 student is otherwise exempt. The common assessment tool must
16 assess multiple developmental domains, including literacy,
17 language, mathematics, and social and emotional development.
18 The assessment must be valid, reliable, and developmentally
19 appropriate to formatively assess a child's development and
20 readiness for kindergarten.

21 (c) Results from the assessment may be used by the school
22 to understand the child's development and readiness for
23 kindergarten, to tailor instruction, and to measure the
24 child's progress over time. Assessment results may also be
25 used to identify a need for the professional development of

1 teachers and early childhood educators and to inform
2 State-level and district-level policies and resource
3 allocation.

4 The school shall make the assessment results available to
5 the child's parent or guardian.

6 The assessment results may not be used (i) to prevent a
7 child from enrolling in kindergarten or (ii) as the sole
8 measure used in determining the grade promotion or retention
9 of a student.

10 (d) On an annual basis, the State Board shall report
11 publicly, at a minimum, data from the assessment for the State
12 overall and for each school district. The State Board's report
13 must disaggregate data by race and ethnicity, household
14 income, students who are English learners, and students who
15 have an individualized education program.

16 (e) The State Superintendent of Education shall appoint a
17 committee of no more than 22 ~~21~~ members, including the
18 Secretary of Early Childhood or the Secretary's designee,
19 parents, teachers, school administrators, assessment experts,
20 regional superintendents of schools, state policy advocates,
21 early childhood administrators, and other stakeholders, to
22 review, on an ongoing basis, the content and design of the
23 assessment, the collective results of the assessment as
24 measured against kindergarten-readiness standards, and other
25 issues involving the assessment as identified by the
26 committee.

1 The committee shall make periodic recommendations to the
2 State Superintendent of Education and the General Assembly
3 concerning the assessments.

4 (f) The State Board may adopt rules to implement and
5 administer this Section.

6 (Source: P.A. 101-654, eff. 3-8-21; 102-635, eff. 11-30-21
7 (See Section 10 of P.A. 102-671 for effective date of P.A.
8 102-209).)

9 (105 ILCS 5/2-3.71) (from Ch. 122, par. 2-3.71)
10 Sec. 2-3.71. Grants for preschool educational programs.

11 (a) Preschool program.

12 (1) Through June 30, 2026, the ~~The~~ State Board of
13 Education shall implement and administer a grant program
14 under the provisions of this subsection which shall
15 consist of grants to public school districts and other
16 eligible entities, as defined by the State Board of
17 Education, to conduct voluntary preschool educational
18 programs for children ages 3 to 5 which include a parent
19 education component. A public school district which
20 receives grants under this subsection may subcontract with
21 other entities that are eligible to conduct a preschool
22 educational program. These grants must be used to
23 supplement, not supplant, funds received from any other
24 source.

25 (1.5) On and after July 1, 2026, the Department of

1 Early Childhood shall implement and administer a grant
2 program for school districts and other eligible entities,
3 as defined by the Department, to conduct voluntary
4 preschool educational programs for children ages 3 to 5
5 which include a parent education component. A public
6 school district which receives grants under this
7 subsection may subcontract with other entities that are
8 eligible to conduct a preschool educational program. These
9 grants must be used to supplement, not supplant, funds
10 received from any other source.

11 (2) (Blank).

12 (3) Except as otherwise provided under this subsection
13 (a), any teacher of preschool children in the program
14 authorized by this subsection shall hold a Professional
15 Educator License with an early childhood education
16 endorsement.

17 (3.5) Beginning with the 2018-2019 school year and
18 until the 2028-2029 school year, an individual may teach
19 preschool children in an early childhood program under
20 this Section if he or she holds a Professional Educator
21 License with an early childhood education endorsement or
22 with short-term approval for early childhood education or
23 he or she pursues a Professional Educator License and
24 holds any of the following:

25 (A) An ECE Credential Level of 5 awarded by the
26 Department of Human Services under the Gateways to

1 Opportunity Program developed under Section 10-70 of
2 the Department of Human Services Act.

3 (B) An Educator License with Stipulations with a
4 transitional bilingual educator endorsement and he or
5 she has (i) passed an early childhood education
6 content test or (ii) completed no less than 9 semester
7 hours of postsecondary coursework in the area of early
8 childhood education.

9 (4) (Blank).

10 (4.5) Through June 30, 2026, the State Board of
11 Education shall provide the primary source of funding
12 through appropriations for the program. On and after July
13 1, 2026, the Department of Early Childhood shall provide
14 the primary source of funding through appropriations for
15 the program. ~~The State Board of Education shall provide~~
16 ~~the primary source of funding through appropriations for~~
17 ~~the program.~~ Such funds shall be distributed to achieve a
18 goal of "Preschool for All Children" for the benefit of
19 all children whose families choose to participate in the
20 program. Based on available appropriations, newly funded
21 programs shall be selected through a process giving first
22 priority to qualified programs serving primarily at-risk
23 children and second priority to qualified programs serving
24 primarily children with a family income of less than 4
25 times the poverty guidelines updated periodically in the
26 Federal Register by the U.S. Department of Health and

1 Human Services under the authority of 42 U.S.C. 9902(2).
2 For purposes of this paragraph (4.5), at-risk children are
3 those who because of their home and community environment
4 are subject to such language, cultural, economic and like
5 disadvantages to cause them to have been determined as a
6 result of screening procedures to be at risk of academic
7 failure. Through June 30, 2026, such screening procedures
8 shall be based on criteria established by the State Board
9 of Education. On and after July 1, 2026, such screening
10 procedures shall be based on criteria established by the
11 Department of Early Childhood. ~~Such screening procedures~~
12 ~~shall be based on criteria established by the State Board~~
13 ~~of Education.~~

14 Except as otherwise provided in this paragraph (4.5),
15 grantees under the program must enter into a memorandum of
16 understanding with the appropriate local Head Start
17 agency. This memorandum must be entered into no later than
18 3 months after the award of a grantee's grant under the
19 program, except that, in the case of the 2009-2010 program
20 year, the memorandum must be entered into no later than
21 the deadline set by the State Board of Education for
22 applications to participate in the program in fiscal year
23 2011, and must address collaboration between the grantee's
24 program and the local Head Start agency on certain issues,
25 which shall include without limitation the following:

26 (A) educational activities, curricular objectives,

1 and instruction;

2 (B) public information dissemination and access to
3 programs for families contacting programs;

4 (C) service areas;

5 (D) selection priorities for eligible children to
6 be served by programs;

7 (E) maximizing the impact of federal and State
8 funding to benefit young children;

9 (F) staff training, including opportunities for
10 joint staff training;

11 (G) technical assistance;

12 (H) communication and parent outreach for smooth
13 transitions to kindergarten;

14 (I) provision and use of facilities,
15 transportation, and other program elements;

16 (J) facilitating each program's fulfillment of its
17 statutory and regulatory requirements;

18 (K) improving local planning and collaboration;
19 and

20 (L) providing comprehensive services for the
21 neediest Illinois children and families.

22 Through June 30, 2026, if ~~if~~ the appropriate local Head
23 Start agency is unable or unwilling to enter into a
24 memorandum of understanding as required under this
25 paragraph (4.5), the memorandum of understanding
26 requirement shall not apply and the grantee under the

1 program must notify the State Board of Education in
2 writing of the Head Start agency's inability or
3 unwillingness. The State Board of Education shall compile
4 all such written notices and make them available to the
5 public. On and after July 1, 2026, if the appropriate
6 local Head Start agency is unable or unwilling to enter
7 into a memorandum of understanding as required under this
8 paragraph (4.5), the memorandum of understanding
9 requirement shall not apply and the grantee under the
10 program must notify the Department of Early Childhood in
11 writing of the Head Start agency's inability or
12 unwillingness. The Department of Early Childhood shall
13 compile all such written notices and make them available
14 to the public.

15 (5) Through June 30, 2026, the ~~The~~ State Board of
16 Education shall develop and provide evaluation tools,
17 including tests, that school districts and other eligible
18 entities may use to evaluate children for school readiness
19 prior to age 5. The State Board of Education shall require
20 school districts and other eligible entities to obtain
21 consent from the parents or guardians of children before
22 any evaluations are conducted. The State Board of
23 Education shall encourage local school districts and other
24 eligible entities to evaluate the population of preschool
25 children in their communities and provide preschool
26 programs, pursuant to this subsection, where appropriate.

1 (5.1) On and after July 1, 2026, the Department of
2 Early Childhood shall develop and provide evaluation
3 tools, including tests, that school districts and other
4 eligible entities may use to evaluate children for school
5 readiness prior to age 5. The Department of Early
6 Childhood shall require school districts and other
7 eligible entities to obtain consent from the parents or
8 guardians of children before any evaluations are
9 conducted. The Department of Early Childhood shall
10 encourage local school districts and other eligible
11 entities to evaluate the population of preschool children
12 in their communities and provide preschool programs,
13 pursuant to this subsection, where appropriate.

14 (6) Through June 30, 2026, the ~~The~~ State Board of
15 Education shall report to the General Assembly by November
16 1, 2018 and every 2 years thereafter on the results and
17 progress of students who were enrolled in preschool
18 educational programs, including an assessment of which
19 programs have been most successful in promoting academic
20 excellence and alleviating academic failure. Through June
21 30, 2026, the ~~The~~ State Board of Education shall assess
22 the academic progress of all students who have been
23 enrolled in preschool educational programs.

24 Through fiscal year 2026, on ~~on~~ or before November 1
25 of each fiscal year in which the General Assembly provides
26 funding for new programs under paragraph (4.5) of this

1 Section, the State Board of Education shall report to the
2 General Assembly on what percentage of new funding was
3 provided to programs serving primarily at-risk children,
4 what percentage of new funding was provided to programs
5 serving primarily children with a family income of less
6 than 4 times the federal poverty level, and what
7 percentage of new funding was provided to other programs.

8 (6.1) On and after July 1, 2026, the Department of
9 Early Childhood shall report to the General Assembly by
10 November 1, 2026 and every 2 years thereafter on the
11 results and progress of students who were enrolled in
12 preschool educational programs, including an assessment of
13 which programs have been most successful in promoting
14 academic excellence and alleviating academic failure. On
15 and after July 1, 2026, the Department of Early Childhood
16 shall assess the academic progress of all students who
17 have been enrolled in preschool educational programs.
18 Beginning in fiscal year 2027, on or before November 1 of
19 each fiscal year in which the General Assembly provides
20 funding for new programs under paragraph (4.5) of this
21 Section, the Department of Early Childhood shall report to
22 the General Assembly on what percentage of new funding was
23 provided to programs serving primarily at-risk children,
24 what percentage of new funding was provided to programs
25 serving primarily children with a family income of less
26 than 4 times the federal poverty level, and what

1 percentage of new funding was provided to other programs.

2 (7) Due to evidence that expulsion practices in the
3 preschool years are linked to poor child outcomes and are
4 employed inconsistently across racial and gender groups,
5 early childhood programs receiving State funds under this
6 subsection (a) shall prohibit expulsions. Planned
7 transitions to settings that are able to better meet a
8 child's needs are not considered expulsion under this
9 paragraph (7).

10 (A) When persistent and serious challenging
11 behaviors emerge, the early childhood program shall
12 document steps taken to ensure that the child can
13 participate safely in the program; including
14 observations of initial and ongoing challenging
15 behaviors, strategies for remediation and intervention
16 plans to address the behaviors, and communication with
17 the parent or legal guardian, including participation
18 of the parent or legal guardian in planning and
19 decision-making.

20 (B) The early childhood program shall, with
21 parental or legal guardian consent as required,
22 utilize a range of community resources, if available
23 and deemed necessary, including, but not limited to,
24 developmental screenings, referrals to programs and
25 services administered by a local educational agency or
26 early intervention agency under Parts B and C of the

1 federal Individual with Disabilities Education Act,
2 and consultation with infant and early childhood
3 mental health consultants and the child's health care
4 provider. The program shall document attempts to
5 engage these resources, including parent or legal
6 guardian participation and consent attempted and
7 obtained. Communication with the parent or legal
8 guardian shall take place in a culturally and
9 linguistically competent manner.

10 (C) If there is documented evidence that all
11 available interventions and supports recommended by a
12 qualified professional have been exhausted and the
13 program determines in its professional judgment that
14 transitioning a child to another program is necessary
15 for the well-being of the child or his or her peers and
16 staff, with parent or legal guardian permission, both
17 the current and pending programs shall create a
18 transition plan designed to ensure continuity of
19 services and the comprehensive development of the
20 child. Communication with families shall occur in a
21 culturally and linguistically competent manner.

22 (D) Nothing in this paragraph (7) shall preclude a
23 parent's or legal guardian's right to voluntarily
24 withdraw his or her child from an early childhood
25 program. Early childhood programs shall request and
26 keep on file, when received, a written statement from

1 the parent or legal guardian stating the reason for
2 his or her decision to withdraw his or her child.

3 (E) In the case of the determination of a serious
4 safety threat to a child or others or in the case of
5 behaviors listed in subsection (d) of Section 10-22.6
6 of this Code, the temporary removal of a child from
7 attendance in group settings may be used. Temporary
8 removal of a child from attendance in a group setting
9 shall trigger the process detailed in subparagraphs
10 (A), (B), and (C) of this paragraph (7), with the child
11 placed back in a group setting as quickly as possible.

12 (F) Early childhood programs may utilize and the
13 Department of Early Childhood, State Board of
14 Education, the Department of Human Services, and the
15 Department of Children and Family Services shall
16 recommend training, technical support, and
17 professional development resources to improve the
18 ability of teachers, administrators, program
19 directors, and other staff to promote social-emotional
20 development and behavioral health, to address
21 challenging behaviors, and to understand trauma and
22 trauma-informed care, cultural competence, family
23 engagement with diverse populations, the impact of
24 implicit bias on adult behavior, and the use of
25 reflective practice techniques. Support shall include
26 the availability of resources to contract with infant

1 and early childhood mental health consultants.

2 (G) Through June 30, 2026 ~~Beginning on July 1,~~
3 ~~2018,~~ early childhood programs shall annually report
4 to the State Board of Education, and, beginning in
5 fiscal year 2020, the State Board of Education shall
6 make available on a biennial basis, in an existing
7 report, all of the following data for children from
8 birth to age 5 who are served by the program:

9 (i) Total number served over the course of the
10 program year and the total number of children who
11 left the program during the program year.

12 (ii) Number of planned transitions to another
13 program due to children's behavior, by children's
14 race, gender, disability, language, class/group
15 size, teacher-child ratio, and length of program
16 day.

17 (iii) Number of temporary removals of a child
18 from attendance in group settings due to a serious
19 safety threat under subparagraph (E) of this
20 paragraph (7), by children's race, gender,
21 disability, language, class/group size,
22 teacher-child ratio, and length of program day.

23 (iv) Hours of infant and early childhood
24 mental health consultant contact with program
25 leaders, staff, and families over the program
26 year.

1 (G-5) On and after July 1, 2026, early childhood
2 programs shall annually report to the Department of
3 Early Childhood, and beginning in fiscal year 2028,
4 the Department of Early Childhood shall make available
5 on a biennial basis, in a report, all of the following
6 data for children from birth to age 5 who are served by
7 the program:

8 (i) Total number served over the course of the
9 program year and the total number of children who
10 left the program during the program year.

11 (ii) Number of planned transitions to another
12 program due to children's behavior, by children's
13 race, gender, disability, language, class/group
14 size, teacher-child ratio, and length of program
15 day.

16 (iii) Number of temporary removals of a child
17 from attendance in group settings due to a serious
18 safety threat under subparagraph (E) of this
19 paragraph (7), by children's race, gender,
20 disability, language, class/group size,
21 teacher-child ratio, and length of program day.

22 (iv) Hours of infant and early childhood
23 mental health consultant contact with program
24 leaders, staff, and families over the program
25 year.

26 (H) Changes to services for children with an

1 individualized education program or individual family
2 service plan shall be construed in a manner consistent
3 with the federal Individuals with Disabilities
4 Education Act.

5 The Department of Early Childhood ~~State Board of~~
6 ~~Education~~, in consultation with the ~~Governor's Office of~~
7 ~~Early Childhood Development and the~~ Department of Children
8 and Family Services, shall adopt rules to administer this
9 paragraph (7).

10 (b) (Blank).

11 (c) Notwithstanding any other provisions of this Section,
12 grantees may serve children ages 0 to 12 of essential workers
13 if the Governor has declared a disaster due to a public health
14 emergency pursuant to Section 7 of the Illinois Emergency
15 Management Agency Act. For the purposes of this subsection,
16 essential workers include those outlined in Executive Order
17 20-8 and school employees. The State Board of Education shall
18 adopt rules to administer this subsection.

19 (d) Paragraphs (a) (1), (a) (1.5), (a) (4.5), (a) (5),
20 (a) (5.1), (a) (6), (a) (6.1), and (a) (7) and subsection (c) of
21 this Section are inoperative on and after July 1, 2026.

22 (Source: P.A. 103-111, eff. 6-29-23.)

23 (105 ILCS 5/2-3.71a) (from Ch. 122, par. 2-3.71a)

24 Sec. 2-3.71a. Grants for early childhood parental training
25 programs. The State Board of Education shall implement and

1 administer a grant program consisting of grants to public
2 school districts and other eligible entities, as defined by
3 the State Board of Education, to conduct early childhood
4 parental training programs for the parents of children in the
5 period of life from birth to kindergarten. A public school
6 district that receives grants under this Section may contract
7 with other eligible entities to conduct an early childhood
8 parental training program. These grants must be used to
9 supplement, not supplant, funds received from any other
10 source. A school board or other eligible entity shall employ
11 appropriately qualified personnel for its early childhood
12 parental training program, including but not limited to
13 certified teachers, counselors, psychiatrists, psychologists
14 and social workers.

15 (a) As used in this Section, "parental training" means and
16 includes instruction in the following:

17 (1) Child growth and development, including prenatal
18 development.

19 (2) Childbirth and child care.

20 (3) Family structure, function and management.

21 (4) Prenatal and postnatal care for mothers and
22 infants.

23 (5) Prevention of child abuse.

24 (6) The physical, mental, emotional, social, economic
25 and psychological aspects of interpersonal and family
26 relationships.

1 (7) Parenting skill development.

2 The programs shall include activities that require
3 substantial participation and interaction between parent and
4 child.

5 (b) The Board shall annually award funds through a grant
6 approval process established by the State Board of Education,
7 providing that an annual appropriation is made for this
8 purpose from State, federal or private funds. Nothing in this
9 Section shall preclude school districts from applying for or
10 accepting private funds to establish and implement programs.

11 (c) The State Board of Education shall assist those
12 districts and other eligible entities offering early childhood
13 parental training programs, upon request, in developing
14 instructional materials, training teachers and staff, and
15 establishing appropriate time allotments for each of the areas
16 included in such instruction.

17 (d) School districts and other eligible entities may offer
18 early childhood parental training courses during that period
19 of the day which is not part of the regular school day.
20 Residents of the community may enroll in such courses. The
21 school board or other eligible entity may establish fees and
22 collect such charges as may be necessary for attendance at
23 such courses in an amount not to exceed the per capita cost of
24 the operation thereof, except that the board or other eligible
25 entity may waive all or part of such charges if it determines
26 that the parent is indigent or that the educational needs of

1 the parent require his or her attendance at such courses.

2 (e) Parents who participate in early childhood parental
3 training programs under this Section may be eligible for
4 reasonable reimbursement of any incidental transportation and
5 child care expenses from the school district receiving funds
6 pursuant to this Section.

7 (f) Districts and other eligible entities receiving grants
8 pursuant to this Section shall coordinate programs created
9 under this Section with other preschool educational programs,
10 including "at-risk" preschool programs, special and vocational
11 education, and related services provided by other governmental
12 agencies and not-for-profit agencies.

13 (g) The State Board of Education shall report to the
14 General Assembly by July 1, 1991, on the results of the
15 programs funded pursuant to this Section and whether a need
16 continues for such programs.

17 (h) After July 1, 2006, any parental training services
18 funded pursuant to this Section on the effective date of this
19 amendatory Act of the 94th General Assembly shall continue to
20 be funded pursuant to this Section, subject to appropriation
21 and the meeting of program standards. Any additional parental
22 training services must be funded, subject to appropriation,
23 through preschool education grants pursuant to subdivision (4)
24 of subsection (a) of Section 2-3.71 of this Code for families
25 with children ages 3 to 5 and through prevention initiative
26 grants pursuant to subsection (b) of Section 2-3.89 of this

1 Code for expecting families and those with children from birth
2 to 3 years of age.

3 (i) Early childhood programs under this Section are
4 subject to the requirements under paragraph (7) of subsection
5 (a) of Section 2-3.71 of this Code.

6 (j) This Section is repealed on July 1, 2026.

7 (Source: P.A. 100-105, eff. 1-1-18.)

8 (105 ILCS 5/2-3.79) (from Ch. 122, par. 2-3.79)

9 Sec. 2-3.79. Pilot programs and special education services
10 for preschool children with disabilities from birth to age 3.
11 The State Board of Education may enter into contracts with
12 public or not-for-profit private organizations or agencies to
13 establish model pilot programs which provide services to
14 children with disabilities from birth up to the age of 3 years.
15 Annual grants shall be awarded on a competitive basis pursuant
16 to established criteria provided that there is an annual
17 appropriation for this purpose. Public or not-for-profit
18 private organizations or agencies that are providing services
19 to children with disabilities up to the age of 3 years prior to
20 September 22, 1985 are eligible to receive grants awarded
21 pursuant to this Section.

22 Each pilot program shall include, but not be limited to: a
23 process for identification of infants with disabilities in the
24 region; community awareness of the project and the services
25 provided; an intervention system; methods to assess and

1 diagnose infants with disabilities; written individual
2 treatment programs that include parental involvement; an
3 interdisciplinary treatment approach to include other agencies
4 and not-for-profit organizations; and a written evaluation
5 submitted to the State Board of Education at the end of the
6 grant period.

7 An Interagency Coordination Council shall be established
8 consisting of a representative of the State Superintendent of
9 Education who shall serve as chairman, and one representative
10 from the following departments appointed by the respective
11 directors or secretary: Children and Family Services, Public
12 Health, Human Services, Public Aid, and the Division of
13 Specialized Care for Children of the University of Illinois.
14 The council shall recommend criteria to the State Board of
15 Education for the awarding of grants pursuant to this Section
16 and shall assist in coordinating the services provided by
17 agencies to the children with disabilities described in this
18 Section.

19 A report containing recommendations concerning all of the
20 pilot programs shall be submitted by the State Board of
21 Education to the General Assembly by January of 1989. The
22 report which shall analyze the results of the pilot programs
23 funded under this Section and make recommendations concerning
24 existing and proposed programs shall include, but not be
25 limited to: recommendations for staff licensure and
26 qualifications; the number of children and families eligible

1 for services statewide; the cost of serving the children and
2 their families; the types of services to be provided; and
3 designs for the most effective delivery systems of these
4 services.

5 This Section is repealed on July 1, 2026.

6 (Source: P.A. 89-397, eff. 8-20-95; 89-507, eff. 7-1-97.)

7 (105 ILCS 5/2-3.89) (from Ch. 122, par. 2-3.89)

8 Sec. 2-3.89. Programs concerning services to at-risk
9 children and their families.

10 (a) The State Board of Education may provide grants to
11 eligible entities, as defined by the State Board of Education,
12 to establish programs which offer coordinated services to
13 at-risk infants and toddlers and their families. Each program
14 shall include a parent education program relating to the
15 development and nurturing of infants and toddlers and case
16 management services to coordinate existing services available
17 in the region served by the program. These services shall be
18 provided through the implementation of an individual family
19 service plan. Each program will have a community involvement
20 component to provide coordination in the service system.

21 (b) The State Board of Education shall administer the
22 programs through the grants to public school districts and
23 other eligible entities. These grants must be used to
24 supplement, not supplant, funds received from any other
25 source. School districts and other eligible entities receiving

1 grants pursuant to this Section shall conduct voluntary,
2 intensive, research-based, and comprehensive prevention
3 services, as defined by the State Board of Education, for
4 expecting parents and families with children from birth to age
5 3 who are at-risk of academic failure. A public school
6 district that receives a grant under this Section may
7 subcontract with other eligible entities.

8 (c) The State Board of Education shall report to the
9 General Assembly by July 1, 2006 and every 2 years thereafter,
10 using the most current data available, on the status of
11 programs funded under this Section, including without
12 limitation characteristics of participants, services
13 delivered, program models used, unmet needs, and results of
14 the programs funded.

15 (d) This Section is repealed on July 1, 2026.

16 (Source: P.A. 96-734, eff. 8-25-09.)

17 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

18 (Text of Section before amendment by P.A. 102-466)

19 Sec. 10-22.6. Suspension or expulsion of pupils; school
20 searches.

21 (a) To expel pupils guilty of gross disobedience or
22 misconduct, including gross disobedience or misconduct
23 perpetuated by electronic means, pursuant to subsection (b-20)
24 of this Section, and no action shall lie against them for such
25 expulsion. Expulsion shall take place only after the parents

1 have been requested to appear at a meeting of the board, or
2 with a hearing officer appointed by it, to discuss their
3 child's behavior. Such request shall be made by registered or
4 certified mail and shall state the time, place and purpose of
5 the meeting. The board, or a hearing officer appointed by it,
6 at such meeting shall state the reasons for dismissal and the
7 date on which the expulsion is to become effective. If a
8 hearing officer is appointed by the board, he shall report to
9 the board a written summary of the evidence heard at the
10 meeting and the board may take such action thereon as it finds
11 appropriate. If the board acts to expel a pupil, the written
12 expulsion decision shall detail the specific reasons why
13 removing the pupil from the learning environment is in the
14 best interest of the school. The expulsion decision shall also
15 include a rationale as to the specific duration of the
16 expulsion. An expelled pupil may be immediately transferred to
17 an alternative program in the manner provided in Article 13A
18 or 13B of this Code. A pupil must not be denied transfer
19 because of the expulsion, except in cases in which such
20 transfer is deemed to cause a threat to the safety of students
21 or staff in the alternative program.

22 (b) To suspend or by policy to authorize the
23 superintendent of the district or the principal, assistant
24 principal, or dean of students of any school to suspend pupils
25 guilty of gross disobedience or misconduct, or to suspend
26 pupils guilty of gross disobedience or misconduct on the

1 school bus from riding the school bus, pursuant to subsections
2 (b-15) and (b-20) of this Section, and no action shall lie
3 against them for such suspension. The board may by policy
4 authorize the superintendent of the district or the principal,
5 assistant principal, or dean of students of any school to
6 suspend pupils guilty of such acts for a period not to exceed
7 10 school days. If a pupil is suspended due to gross
8 disobedience or misconduct on a school bus, the board may
9 suspend the pupil in excess of 10 school days for safety
10 reasons.

11 Any suspension shall be reported immediately to the
12 parents or guardian of a pupil along with a full statement of
13 the reasons for such suspension and a notice of their right to
14 a review. The school board must be given a summary of the
15 notice, including the reason for the suspension and the
16 suspension length. Upon request of the parents or guardian,
17 the school board or a hearing officer appointed by it shall
18 review such action of the superintendent or principal,
19 assistant principal, or dean of students. At such review, the
20 parents or guardian of the pupil may appear and discuss the
21 suspension with the board or its hearing officer. If a hearing
22 officer is appointed by the board, he shall report to the board
23 a written summary of the evidence heard at the meeting. After
24 its hearing or upon receipt of the written report of its
25 hearing officer, the board may take such action as it finds
26 appropriate. If a student is suspended pursuant to this

1 subsection (b), the board shall, in the written suspension
2 decision, detail the specific act of gross disobedience or
3 misconduct resulting in the decision to suspend. The
4 suspension decision shall also include a rationale as to the
5 specific duration of the suspension. A pupil who is suspended
6 in excess of 20 school days may be immediately transferred to
7 an alternative program in the manner provided in Article 13A
8 or 13B of this Code. A pupil must not be denied transfer
9 because of the suspension, except in cases in which such
10 transfer is deemed to cause a threat to the safety of students
11 or staff in the alternative program.

12 (b-5) Among the many possible disciplinary interventions
13 and consequences available to school officials, school
14 exclusions, such as out-of-school suspensions and expulsions,
15 are the most serious. School officials shall limit the number
16 and duration of expulsions and suspensions to the greatest
17 extent practicable, and it is recommended that they use them
18 only for legitimate educational purposes. To ensure that
19 students are not excluded from school unnecessarily, it is
20 recommended that school officials consider forms of
21 non-exclusionary discipline prior to using out-of-school
22 suspensions or expulsions.

23 (b-10) Unless otherwise required by federal law or this
24 Code, school boards may not institute zero-tolerance policies
25 by which school administrators are required to suspend or
26 expel students for particular behaviors.

1 (b-15) Out-of-school suspensions of 3 days or less may be
2 used only if the student's continuing presence in school would
3 pose a threat to school safety or a disruption to other
4 students' learning opportunities. For purposes of this
5 subsection (b-15), "threat to school safety or a disruption to
6 other students' learning opportunities" shall be determined on
7 a case-by-case basis by the school board or its designee.
8 School officials shall make all reasonable efforts to resolve
9 such threats, address such disruptions, and minimize the
10 length of suspensions to the greatest extent practicable.

11 (b-20) Unless otherwise required by this Code,
12 out-of-school suspensions of longer than 3 days, expulsions,
13 and disciplinary removals to alternative schools may be used
14 only if other appropriate and available behavioral and
15 disciplinary interventions have been exhausted and the
16 student's continuing presence in school would either (i) pose
17 a threat to the safety of other students, staff, or members of
18 the school community or (ii) substantially disrupt, impede, or
19 interfere with the operation of the school. For purposes of
20 this subsection (b-20), "threat to the safety of other
21 students, staff, or members of the school community" and
22 "substantially disrupt, impede, or interfere with the
23 operation of the school" shall be determined on a case-by-case
24 basis by school officials. For purposes of this subsection
25 (b-20), the determination of whether "appropriate and
26 available behavioral and disciplinary interventions have been

1 exhausted" shall be made by school officials. School officials
2 shall make all reasonable efforts to resolve such threats,
3 address such disruptions, and minimize the length of student
4 exclusions to the greatest extent practicable. Within the
5 suspension decision described in subsection (b) of this
6 Section or the expulsion decision described in subsection (a)
7 of this Section, it shall be documented whether other
8 interventions were attempted or whether it was determined that
9 there were no other appropriate and available interventions.

10 (b-25) Students who are suspended out-of-school for longer
11 than 4 school days shall be provided appropriate and available
12 support services during the period of their suspension. For
13 purposes of this subsection (b-25), "appropriate and available
14 support services" shall be determined by school authorities.
15 Within the suspension decision described in subsection (b) of
16 this Section, it shall be documented whether such services are
17 to be provided or whether it was determined that there are no
18 such appropriate and available services.

19 A school district may refer students who are expelled to
20 appropriate and available support services.

21 A school district shall create a policy to facilitate the
22 re-engagement of students who are suspended out-of-school,
23 expelled, or returning from an alternative school setting.

24 (b-30) A school district shall create a policy by which
25 suspended pupils, including those pupils suspended from the
26 school bus who do not have alternate transportation to school,

1 shall have the opportunity to make up work for equivalent
2 academic credit. It shall be the responsibility of a pupil's
3 parent or guardian to notify school officials that a pupil
4 suspended from the school bus does not have alternate
5 transportation to school.

6 (c) A school board must invite a representative from a
7 local mental health agency to consult with the board at the
8 meeting whenever there is evidence that mental illness may be
9 the cause of a student's expulsion or suspension.

10 (c-5) School districts shall make reasonable efforts to
11 provide ongoing professional development to teachers,
12 administrators, school board members, school resource
13 officers, and staff on the adverse consequences of school
14 exclusion and justice-system involvement, effective classroom
15 management strategies, culturally responsive discipline, the
16 appropriate and available supportive services for the
17 promotion of student attendance and engagement, and
18 developmentally appropriate disciplinary methods that promote
19 positive and healthy school climates.

20 (d) The board may expel a student for a definite period of
21 time not to exceed 2 calendar years, as determined on a
22 case-by-case basis. A student who is determined to have
23 brought one of the following objects to school, any
24 school-sponsored activity or event, or any activity or event
25 that bears a reasonable relationship to school shall be
26 expelled for a period of not less than one year:

1 (1) A firearm. For the purposes of this Section,
2 "firearm" means any gun, rifle, shotgun, weapon as defined
3 by Section 921 of Title 18 of the United States Code,
4 firearm as defined in Section 1.1 of the Firearm Owners
5 Identification Card Act, or firearm as defined in Section
6 24-1 of the Criminal Code of 2012. The expulsion period
7 under this subdivision (1) may be modified by the
8 superintendent, and the superintendent's determination may
9 be modified by the board on a case-by-case basis.

10 (2) A knife, brass knuckles or other knuckle weapon
11 regardless of its composition, a billy club, or any other
12 object if used or attempted to be used to cause bodily
13 harm, including "look alike" of any firearm as defined in
14 subdivision (1) of this subsection (d). The expulsion
15 requirement under this subdivision (2) may be modified by
16 the superintendent, and the superintendent's determination
17 may be modified by the board on a case-by-case basis.

18 Expulsion or suspension shall be construed in a manner
19 consistent with the federal Individuals with Disabilities
20 Education Act. A student who is subject to suspension or
21 expulsion as provided in this Section may be eligible for a
22 transfer to an alternative school program in accordance with
23 Article 13A of the School Code.

24 (d-5) The board may suspend or by regulation authorize the
25 superintendent of the district or the principal, assistant
26 principal, or dean of students of any school to suspend a

1 student for a period not to exceed 10 school days or may expel
2 a student for a definite period of time not to exceed 2
3 calendar years, as determined on a case-by-case basis, if (i)
4 that student has been determined to have made an explicit
5 threat on an Internet website against a school employee, a
6 student, or any school-related personnel, (ii) the Internet
7 website through which the threat was made is a site that was
8 accessible within the school at the time the threat was made or
9 was available to third parties who worked or studied within
10 the school grounds at the time the threat was made, and (iii)
11 the threat could be reasonably interpreted as threatening to
12 the safety and security of the threatened individual because
13 of his or her duties or employment status or status as a
14 student inside the school.

15 (e) To maintain order and security in the schools, school
16 authorities may inspect and search places and areas such as
17 lockers, desks, parking lots, and other school property and
18 equipment owned or controlled by the school, as well as
19 personal effects left in those places and areas by students,
20 without notice to or the consent of the student, and without a
21 search warrant. As a matter of public policy, the General
22 Assembly finds that students have no reasonable expectation of
23 privacy in these places and areas or in their personal effects
24 left in these places and areas. School authorities may request
25 the assistance of law enforcement officials for the purpose of
26 conducting inspections and searches of lockers, desks, parking

1 lots, and other school property and equipment owned or
2 controlled by the school for illegal drugs, weapons, or other
3 illegal or dangerous substances or materials, including
4 searches conducted through the use of specially trained dogs.
5 If a search conducted in accordance with this Section produces
6 evidence that the student has violated or is violating either
7 the law, local ordinance, or the school's policies or rules,
8 such evidence may be seized by school authorities, and
9 disciplinary action may be taken. School authorities may also
10 turn over such evidence to law enforcement authorities.

11 (f) Suspension or expulsion may include suspension or
12 expulsion from school and all school activities and a
13 prohibition from being present on school grounds.

14 (g) A school district may adopt a policy providing that if
15 a student is suspended or expelled for any reason from any
16 public or private school in this or any other state, the
17 student must complete the entire term of the suspension or
18 expulsion in an alternative school program under Article 13A
19 of this Code or an alternative learning opportunities program
20 under Article 13B of this Code before being admitted into the
21 school district if there is no threat to the safety of students
22 or staff in the alternative program.

23 (h) School officials shall not advise or encourage
24 students to drop out voluntarily due to behavioral or academic
25 difficulties.

26 (i) A student may not be issued a monetary fine or fee as a

1 disciplinary consequence, though this shall not preclude
2 requiring a student to provide restitution for lost, stolen,
3 or damaged property.

4 (j) Subsections (a) through (i) of this Section shall
5 apply to elementary and secondary schools, charter schools,
6 special charter districts, and school districts organized
7 under Article 34 of this Code.

8 (k) The expulsion of children enrolled in programs funded
9 under Section 1C-2 of this Code is subject to the requirements
10 under paragraph (7) of subsection (a) of Section 2-3.71 of
11 this Code.

12 (l) Beginning with the 2018-2019 school year, an in-school
13 suspension program provided by a school district for any
14 students in kindergarten through grade 12 may focus on
15 promoting non-violent conflict resolution and positive
16 interaction with other students and school personnel. A school
17 district may employ a school social worker or a licensed
18 mental health professional to oversee an in-school suspension
19 program in kindergarten through grade 12.

20 (Source: P.A. 101-81, eff. 7-12-19; 102-539, eff. 8-20-21;
21 102-813, eff. 5-13-22.)

22 (Text of Section after amendment by P.A. 102-466)

23 Sec. 10-22.6. Suspension or expulsion of pupils; school
24 searches.

25 (a) To expel pupils guilty of gross disobedience or

1 misconduct, including gross disobedience or misconduct
2 perpetrated by electronic means, pursuant to subsection (b-20)
3 of this Section, and no action shall lie against them for such
4 expulsion. Expulsion shall take place only after the parents
5 or guardians have been requested to appear at a meeting of the
6 board, or with a hearing officer appointed by it, to discuss
7 their child's behavior. Such request shall be made by
8 registered or certified mail and shall state the time, place
9 and purpose of the meeting. The board, or a hearing officer
10 appointed by it, at such meeting shall state the reasons for
11 dismissal and the date on which the expulsion is to become
12 effective. If a hearing officer is appointed by the board, he
13 shall report to the board a written summary of the evidence
14 heard at the meeting and the board may take such action thereon
15 as it finds appropriate. If the board acts to expel a pupil,
16 the written expulsion decision shall detail the specific
17 reasons why removing the pupil from the learning environment
18 is in the best interest of the school. The expulsion decision
19 shall also include a rationale as to the specific duration of
20 the expulsion. An expelled pupil may be immediately
21 transferred to an alternative program in the manner provided
22 in Article 13A or 13B of this Code. A pupil must not be denied
23 transfer because of the expulsion, except in cases in which
24 such transfer is deemed to cause a threat to the safety of
25 students or staff in the alternative program.

26 (b) To suspend or by policy to authorize the

1 superintendent of the district or the principal, assistant
2 principal, or dean of students of any school to suspend pupils
3 guilty of gross disobedience or misconduct, or to suspend
4 pupils guilty of gross disobedience or misconduct on the
5 school bus from riding the school bus, pursuant to subsections
6 (b-15) and (b-20) of this Section, and no action shall lie
7 against them for such suspension. The board may by policy
8 authorize the superintendent of the district or the principal,
9 assistant principal, or dean of students of any school to
10 suspend pupils guilty of such acts for a period not to exceed
11 10 school days. If a pupil is suspended due to gross
12 disobedience or misconduct on a school bus, the board may
13 suspend the pupil in excess of 10 school days for safety
14 reasons.

15 Any suspension shall be reported immediately to the
16 parents or guardians of a pupil along with a full statement of
17 the reasons for such suspension and a notice of their right to
18 a review. The school board must be given a summary of the
19 notice, including the reason for the suspension and the
20 suspension length. Upon request of the parents or guardians,
21 the school board or a hearing officer appointed by it shall
22 review such action of the superintendent or principal,
23 assistant principal, or dean of students. At such review, the
24 parents or guardians of the pupil may appear and discuss the
25 suspension with the board or its hearing officer. If a hearing
26 officer is appointed by the board, he shall report to the board

1 a written summary of the evidence heard at the meeting. After
2 its hearing or upon receipt of the written report of its
3 hearing officer, the board may take such action as it finds
4 appropriate. If a student is suspended pursuant to this
5 subsection (b), the board shall, in the written suspension
6 decision, detail the specific act of gross disobedience or
7 misconduct resulting in the decision to suspend. The
8 suspension decision shall also include a rationale as to the
9 specific duration of the suspension. A pupil who is suspended
10 in excess of 20 school days may be immediately transferred to
11 an alternative program in the manner provided in Article 13A
12 or 13B of this Code. A pupil must not be denied transfer
13 because of the suspension, except in cases in which such
14 transfer is deemed to cause a threat to the safety of students
15 or staff in the alternative program.

16 (b-5) Among the many possible disciplinary interventions
17 and consequences available to school officials, school
18 exclusions, such as out-of-school suspensions and expulsions,
19 are the most serious. School officials shall limit the number
20 and duration of expulsions and suspensions to the greatest
21 extent practicable, and it is recommended that they use them
22 only for legitimate educational purposes. To ensure that
23 students are not excluded from school unnecessarily, it is
24 recommended that school officials consider forms of
25 non-exclusionary discipline prior to using out-of-school
26 suspensions or expulsions.

1 (b-10) Unless otherwise required by federal law or this
2 Code, school boards may not institute zero-tolerance policies
3 by which school administrators are required to suspend or
4 expel students for particular behaviors.

5 (b-15) Out-of-school suspensions of 3 days or less may be
6 used only if the student's continuing presence in school would
7 pose a threat to school safety or a disruption to other
8 students' learning opportunities. For purposes of this
9 subsection (b-15), "threat to school safety or a disruption to
10 other students' learning opportunities" shall be determined on
11 a case-by-case basis by the school board or its designee.
12 School officials shall make all reasonable efforts to resolve
13 such threats, address such disruptions, and minimize the
14 length of suspensions to the greatest extent practicable.

15 (b-20) Unless otherwise required by this Code,
16 out-of-school suspensions of longer than 3 days, expulsions,
17 and disciplinary removals to alternative schools may be used
18 only if other appropriate and available behavioral and
19 disciplinary interventions have been exhausted and the
20 student's continuing presence in school would either (i) pose
21 a threat to the safety of other students, staff, or members of
22 the school community or (ii) substantially disrupt, impede, or
23 interfere with the operation of the school. For purposes of
24 this subsection (b-20), "threat to the safety of other
25 students, staff, or members of the school community" and
26 "substantially disrupt, impede, or interfere with the

1 operation of the school" shall be determined on a case-by-case
2 basis by school officials. For purposes of this subsection
3 (b-20), the determination of whether "appropriate and
4 available behavioral and disciplinary interventions have been
5 exhausted" shall be made by school officials. School officials
6 shall make all reasonable efforts to resolve such threats,
7 address such disruptions, and minimize the length of student
8 exclusions to the greatest extent practicable. Within the
9 suspension decision described in subsection (b) of this
10 Section or the expulsion decision described in subsection (a)
11 of this Section, it shall be documented whether other
12 interventions were attempted or whether it was determined that
13 there were no other appropriate and available interventions.

14 (b-25) Students who are suspended out-of-school for longer
15 than 4 school days shall be provided appropriate and available
16 support services during the period of their suspension. For
17 purposes of this subsection (b-25), "appropriate and available
18 support services" shall be determined by school authorities.
19 Within the suspension decision described in subsection (b) of
20 this Section, it shall be documented whether such services are
21 to be provided or whether it was determined that there are no
22 such appropriate and available services.

23 A school district may refer students who are expelled to
24 appropriate and available support services.

25 A school district shall create a policy to facilitate the
26 re-engagement of students who are suspended out-of-school,

1 expelled, or returning from an alternative school setting.

2 (b-30) A school district shall create a policy by which
3 suspended pupils, including those pupils suspended from the
4 school bus who do not have alternate transportation to school,
5 shall have the opportunity to make up work for equivalent
6 academic credit. It shall be the responsibility of a pupil's
7 parents or guardians to notify school officials that a pupil
8 suspended from the school bus does not have alternate
9 transportation to school.

10 (b-35) In all suspension review hearings conducted under
11 subsection (b) or expulsion hearings conducted under
12 subsection (a), a student may disclose any factor to be
13 considered in mitigation, including his or her status as a
14 parent, expectant parent, or victim of domestic or sexual
15 violence, as defined in Article 26A. A representative of the
16 parent's or guardian's choice, or of the student's choice if
17 emancipated, must be permitted to represent the student
18 throughout the proceedings and to address the school board or
19 its appointed hearing officer. With the approval of the
20 student's parent or guardian, or of the student if
21 emancipated, a support person must be permitted to accompany
22 the student to any disciplinary hearings or proceedings. The
23 representative or support person must comply with any rules of
24 the school district's hearing process. If the representative
25 or support person violates the rules or engages in behavior or
26 advocacy that harasses, abuses, or intimidates either party, a

1 witness, or anyone else in attendance at the hearing, the
2 representative or support person may be prohibited from
3 further participation in the hearing or proceeding. A
4 suspension or expulsion proceeding under this subsection
5 (b-35) must be conducted independently from any ongoing
6 criminal investigation or proceeding, and an absence of
7 pending or possible criminal charges, criminal investigations,
8 or proceedings may not be a factor in school disciplinary
9 decisions.

10 (b-40) During a suspension review hearing conducted under
11 subsection (b) or an expulsion hearing conducted under
12 subsection (a) that involves allegations of sexual violence by
13 the student who is subject to discipline, neither the student
14 nor his or her representative shall directly question nor have
15 direct contact with the alleged victim. The student who is
16 subject to discipline or his or her representative may, at the
17 discretion and direction of the school board or its appointed
18 hearing officer, suggest questions to be posed by the school
19 board or its appointed hearing officer to the alleged victim.

20 (c) A school board must invite a representative from a
21 local mental health agency to consult with the board at the
22 meeting whenever there is evidence that mental illness may be
23 the cause of a student's expulsion or suspension.

24 (c-5) School districts shall make reasonable efforts to
25 provide ongoing professional development to teachers,
26 administrators, school board members, school resource

1 officers, and staff on the adverse consequences of school
2 exclusion and justice-system involvement, effective classroom
3 management strategies, culturally responsive discipline, the
4 appropriate and available supportive services for the
5 promotion of student attendance and engagement, and
6 developmentally appropriate disciplinary methods that promote
7 positive and healthy school climates.

8 (d) The board may expel a student for a definite period of
9 time not to exceed 2 calendar years, as determined on a
10 case-by-case basis. A student who is determined to have
11 brought one of the following objects to school, any
12 school-sponsored activity or event, or any activity or event
13 that bears a reasonable relationship to school shall be
14 expelled for a period of not less than one year:

15 (1) A firearm. For the purposes of this Section,
16 "firearm" means any gun, rifle, shotgun, weapon as defined
17 by Section 921 of Title 18 of the United States Code,
18 firearm as defined in Section 1.1 of the Firearm Owners
19 Identification Card Act, or firearm as defined in Section
20 24-1 of the Criminal Code of 2012. The expulsion period
21 under this subdivision (1) may be modified by the
22 superintendent, and the superintendent's determination may
23 be modified by the board on a case-by-case basis.

24 (2) A knife, brass knuckles or other knuckle weapon
25 regardless of its composition, a billy club, or any other
26 object if used or attempted to be used to cause bodily

1 harm, including "look alike" of any firearm as defined in
2 subdivision (1) of this subsection (d). The expulsion
3 requirement under this subdivision (2) may be modified by
4 the superintendent, and the superintendent's determination
5 may be modified by the board on a case-by-case basis.

6 Expulsion or suspension shall be construed in a manner
7 consistent with the federal Individuals with Disabilities
8 Education Act. A student who is subject to suspension or
9 expulsion as provided in this Section may be eligible for a
10 transfer to an alternative school program in accordance with
11 Article 13A of the School Code.

12 (d-5) The board may suspend or by regulation authorize the
13 superintendent of the district or the principal, assistant
14 principal, or dean of students of any school to suspend a
15 student for a period not to exceed 10 school days or may expel
16 a student for a definite period of time not to exceed 2
17 calendar years, as determined on a case-by-case basis, if (i)
18 that student has been determined to have made an explicit
19 threat on an Internet website against a school employee, a
20 student, or any school-related personnel, (ii) the Internet
21 website through which the threat was made is a site that was
22 accessible within the school at the time the threat was made or
23 was available to third parties who worked or studied within
24 the school grounds at the time the threat was made, and (iii)
25 the threat could be reasonably interpreted as threatening to
26 the safety and security of the threatened individual because

1 of his or her duties or employment status or status as a
2 student inside the school.

3 (e) To maintain order and security in the schools, school
4 authorities may inspect and search places and areas such as
5 lockers, desks, parking lots, and other school property and
6 equipment owned or controlled by the school, as well as
7 personal effects left in those places and areas by students,
8 without notice to or the consent of the student, and without a
9 search warrant. As a matter of public policy, the General
10 Assembly finds that students have no reasonable expectation of
11 privacy in these places and areas or in their personal effects
12 left in these places and areas. School authorities may request
13 the assistance of law enforcement officials for the purpose of
14 conducting inspections and searches of lockers, desks, parking
15 lots, and other school property and equipment owned or
16 controlled by the school for illegal drugs, weapons, or other
17 illegal or dangerous substances or materials, including
18 searches conducted through the use of specially trained dogs.
19 If a search conducted in accordance with this Section produces
20 evidence that the student has violated or is violating either
21 the law, local ordinance, or the school's policies or rules,
22 such evidence may be seized by school authorities, and
23 disciplinary action may be taken. School authorities may also
24 turn over such evidence to law enforcement authorities.

25 (f) Suspension or expulsion may include suspension or
26 expulsion from school and all school activities and a

1 prohibition from being present on school grounds.

2 (g) A school district may adopt a policy providing that if
3 a student is suspended or expelled for any reason from any
4 public or private school in this or any other state, the
5 student must complete the entire term of the suspension or
6 expulsion in an alternative school program under Article 13A
7 of this Code or an alternative learning opportunities program
8 under Article 13B of this Code before being admitted into the
9 school district if there is no threat to the safety of students
10 or staff in the alternative program. A school district that
11 adopts a policy under this subsection (g) must include a
12 provision allowing for consideration of any mitigating
13 factors, including, but not limited to, a student's status as
14 a parent, expectant parent, or victim of domestic or sexual
15 violence, as defined in Article 26A.

16 (h) School officials shall not advise or encourage
17 students to drop out voluntarily due to behavioral or academic
18 difficulties.

19 (i) A student may not be issued a monetary fine or fee as a
20 disciplinary consequence, though this shall not preclude
21 requiring a student to provide restitution for lost, stolen,
22 or damaged property.

23 (j) Subsections (a) through (i) of this Section shall
24 apply to elementary and secondary schools, charter schools,
25 special charter districts, and school districts organized
26 under Article 34 of this Code.

1 (k) Through June 30, 2026, the ~~The~~ expulsion of children
2 enrolled in programs funded under Section 1C-2 of this Code is
3 subject to the requirements under paragraph (7) of subsection
4 (a) of Section 2-3.71 of this Code.

5 (k-5) On and after July 1, 2026, the expulsion of children
6 enrolled in programs funded under Section 15-25 of the
7 Department of Early Childhood Act is subject to the
8 requirements of paragraph (7) of subsection (a) of Section
9 15-30 of the Department of Early Childhood Act.

10 (l) Beginning with the 2018-2019 school year, an in-school
11 suspension program provided by a school district for any
12 students in kindergarten through grade 12 may focus on
13 promoting non-violent conflict resolution and positive
14 interaction with other students and school personnel. A school
15 district may employ a school social worker or a licensed
16 mental health professional to oversee an in-school suspension
17 program in kindergarten through grade 12.

18 (Source: P.A. 101-81, eff. 7-12-19; 102-466, eff. 7-1-25;
19 102-539, eff. 8-20-21; 102-813, eff. 5-13-22.)

20 (105 ILCS 5/21B-50)

21 Sec. 21B-50. Alternative Educator Licensure Program for
22 Teachers.

23 (a) There is established an alternative educator licensure
24 program, to be known as the Alternative Educator Licensure
25 Program for Teachers.

1 (b) The Alternative Educator Licensure Program for
2 Teachers may be offered by a recognized institution approved
3 to offer educator preparation programs by the State Board of
4 Education, in consultation with the State Educator Preparation
5 and Licensure Board.

6 The program shall be comprised of up to 3 phases:

7 (1) A course of study that at a minimum includes
8 instructional planning; instructional strategies,
9 including special education, reading, and English language
10 learning; classroom management; and the assessment of
11 students and use of data to drive instruction.

12 (2) A year of residency, which is a candidate's
13 assignment to a full-time teaching position or as a
14 co-teacher for one full school year. An individual must
15 hold an Educator License with Stipulations with an
16 alternative provisional educator endorsement in order to
17 enter the residency. In residency, the candidate must~~+~~ be
18 assigned an effective, fully licensed teacher by the
19 principal or principal equivalent to act as a mentor and
20 coach the candidate through residency, complete additional
21 program requirements that address required State and
22 national standards, pass the State Board's teacher
23 performance assessment, if required under Section 21B-30,
24 and be recommended by the principal or qualified
25 equivalent of a principal, as required under subsection
26 (d) of this Section, and the program coordinator to be

1 recommended for full licensure or to continue with a
2 second year of the residency.

3 (3) (Blank).

4 (4) A comprehensive assessment of the candidate's
5 teaching effectiveness, as evaluated by the principal or
6 qualified equivalent of a principal, as required under
7 subsection (d) of this Section, and the program
8 coordinator, at the end of either the first or the second
9 year of residency. If there is disagreement between the 2
10 evaluators about the candidate's teaching effectiveness at
11 the end of the first year of residency, a second year of
12 residency shall be required. If there is disagreement
13 between the 2 evaluators at the end of the second year of
14 residency, the candidate may complete one additional year
15 of residency teaching under a professional development
16 plan developed by the principal or qualified equivalent
17 and the preparation program. At the completion of the
18 third year, a candidate must have positive evaluations and
19 a recommendation for full licensure from both the
20 principal or qualified equivalent and the program
21 coordinator or no Professional Educator License shall be
22 issued.

23 Successful completion of the program shall be deemed to
24 satisfy any other practice or student teaching and content
25 matter requirements established by law.

26 (c) An alternative provisional educator endorsement on an

1 Educator License with Stipulations is valid for up to 2 years
2 of teaching in the public schools, including without
3 limitation a preschool educational program under Section
4 2-3.71 of this Code or Section 15-30 of the Department of Early
5 Childhood Act or charter school, or in a State-recognized
6 nonpublic school in which the chief administrator is required
7 to have the licensure necessary to be a principal in a public
8 school in this State and in which a majority of the teachers
9 are required to have the licensure necessary to be instructors
10 in a public school in this State, but may be renewed for a
11 third year if needed to complete the Alternative Educator
12 Licensure Program for Teachers. The endorsement shall be
13 issued only once to an individual who meets all of the
14 following requirements:

15 (1) Has graduated from a regionally accredited college
16 or university with a bachelor's degree or higher.

17 (2) (Blank).

18 (3) Has completed a major in the content area if
19 seeking a middle or secondary level endorsement or, if
20 seeking an early childhood, elementary, or special
21 education endorsement, has completed a major in the
22 content area of early childhood reading, English/language
23 arts, mathematics, or one of the sciences. If the
24 individual does not have a major in a content area for any
25 level of teaching, he or she must submit transcripts to
26 the State Board of Education to be reviewed for

1 equivalency.

2 (4) Has successfully completed phase (1) of subsection
3 (b) of this Section.

4 (5) Has passed a content area test required for the
5 specific endorsement for admission into the program, as
6 required under Section 21B-30 of this Code.

7 A candidate possessing the alternative provisional
8 educator endorsement may receive a salary, benefits, and any
9 other terms of employment offered to teachers in the school
10 who are members of an exclusive bargaining representative, if
11 any, but a school is not required to provide these benefits
12 during the years of residency if the candidate is serving only
13 as a co-teacher. If the candidate is serving as the teacher of
14 record, the candidate must receive a salary, benefits, and any
15 other terms of employment. Residency experiences must not be
16 counted towards tenure.

17 (d) The recognized institution offering the Alternative
18 Educator Licensure Program for Teachers must partner with a
19 school district, including without limitation a preschool
20 educational program under Section 2-3.71 of this Code or
21 Section 15-30 of the Department of Early Childhood Act or
22 charter school, or a State-recognized, nonpublic school in
23 this State in which the chief administrator is required to
24 have the licensure necessary to be a principal in a public
25 school in this State and in which a majority of the teachers
26 are required to have the licensure necessary to be instructors

1 in a public school in this State. A recognized institution
2 that partners with a public school district administering a
3 preschool educational program under Section 2-3.71 of this
4 Code or Section 15-30 of the Department of Early Childhood Act
5 must require a principal to recommend or evaluate candidates
6 in the program. A recognized institution that partners with an
7 eligible entity administering a preschool educational program
8 under Section 2-3.71 of this Code or Section 15-30 of the
9 Department of Early Childhood Act and that is not a public
10 school district must require a principal or qualified
11 equivalent of a principal to recommend or evaluate candidates
12 in the program. The program presented for approval by the
13 State Board of Education must demonstrate the supports that
14 are to be provided to assist the provisional teacher during
15 the one-year ~~1-year~~ or 2-year residency period and if the
16 residency period is to be less than 2 years in length,
17 assurances from the partner school districts to provide
18 intensive mentoring and supports through at least the end of
19 the second full year of teaching for educators who completed
20 the Alternative Educator ~~Educators~~ Licensure Program for
21 Teachers in less than 2 years. These supports must, at a
22 minimum, provide additional contact hours with mentors during
23 the first year of residency.

24 (e) Upon completion of phases under paragraphs (1), (2),
25 (4), and, if needed, (3) in subsection (b) of this Section and
26 all assessments required under Section 21B-30 of this Code, an

1 individual shall receive a Professional Educator License.

2 (f) The State Board of Education, in consultation with the
3 State Educator Preparation and Licensure Board, may adopt such
4 rules as may be necessary to establish and implement the
5 Alternative Educator Licensure Program for Teachers.

6 (Source: P.A. 103-111, eff. 6-29-23; 103-488, eff. 8-4-23;
7 revised 9-1-23.)

8 (105 ILCS 5/22-45)

9 Sec. 22-45. Illinois P-20 Council.

10 (a) The General Assembly finds that preparing Illinoisans
11 for success in school and the workplace requires a continuum
12 of quality education from preschool through graduate school.
13 This State needs a framework to guide education policy and
14 integrate education at every level. A statewide coordinating
15 council to study and make recommendations concerning education
16 at all levels can avoid fragmentation of policies, promote
17 improved teaching and learning, and continue to cultivate and
18 demonstrate strong accountability and efficiency. Establishing
19 an Illinois P-20 Council will develop a statewide agenda that
20 will move the State towards the common goals of improving
21 academic achievement, increasing college access and success,
22 improving use of existing data and measurements, developing
23 improved accountability, fostering innovative approaches to
24 education, promoting lifelong learning, easing the transition
25 to college, and reducing remediation. A pre-kindergarten

1 through grade 20 agenda will strengthen this State's economic
2 competitiveness by producing a highly-skilled workforce. In
3 addition, lifelong learning plans will enhance this State's
4 ability to leverage funding.

5 (b) There is created the Illinois P-20 Council. The
6 Illinois P-20 Council shall include all of the following
7 members:

8 (1) The Governor or his or her designee, to serve as
9 chairperson.

10 (2) Four members of the General Assembly, one
11 appointed by the Speaker of the House of Representatives,
12 one appointed by the Minority Leader of the House of
13 Representatives, one appointed by the President of the
14 Senate, and one appointed by the Minority Leader of the
15 Senate.

16 (3) Six at-large members appointed by the Governor as
17 follows, with 2 members being from the City of Chicago, 2
18 members being from Lake County, McHenry County, Kane
19 County, DuPage County, Will County, or that part of Cook
20 County outside of the City of Chicago, and 2 members being
21 from the remainder of the State:

22 (A) one representative of civic leaders;

23 (B) one representative of local government;

24 (C) one representative of trade unions;

25 (D) one representative of nonprofit organizations
26 or foundations;

1 (E) one representative of parents' organizations;

2 and

3 (F) one education research expert.

4 (4) Five members appointed by statewide business
5 organizations and business trade associations.

6 (5) Six members appointed by statewide professional
7 organizations and associations representing
8 pre-kindergarten through grade 20 teachers, community
9 college faculty, and public university faculty.

10 (6) Two members appointed by associations representing
11 local school administrators and school board members. One
12 of these members must be a special education
13 administrator.

14 (7) One member representing community colleges,
15 appointed by the Illinois Council of Community College
16 Presidents.

17 (8) One member representing 4-year independent
18 colleges and universities, appointed by a statewide
19 organization representing private institutions of higher
20 learning.

21 (9) One member representing public 4-year
22 universities, appointed jointly by the university
23 presidents and chancellors.

24 (10) Ex-officio members as follows:

25 (A) The State Superintendent of Education or his
26 or her designee.

1 (A-5) The Secretary of Early Childhood or the
2 Secretary's designee.

3 (B) The Executive Director of the Board of Higher
4 Education or his or her designee.

5 (C) The Executive Director of the Illinois
6 Community College Board or his or her designee.

7 (D) The Executive Director of the Illinois Student
8 Assistance Commission or his or her designee.

9 (E) The Co-chairpersons of the Illinois Workforce
10 Investment Board or their designee.

11 (F) The Director of Commerce and Economic
12 Opportunity or his or her designee.

13 (G) The Chairperson of the Illinois Early Learning
14 Council or his or her designee.

15 (H) The President of the Illinois Mathematics and
16 Science Academy or his or her designee.

17 (I) The president of an association representing
18 educators of adult learners or his or her designee.

19 Ex-officio members shall have no vote on the Illinois P-20
20 Council.

21 Appointed members shall serve for staggered terms expiring
22 on July 1 of the first, second, or third calendar year
23 following their appointments or until their successors are
24 appointed and have qualified. Staggered terms shall be
25 determined by lot at the organizing meeting of the Illinois
26 P-20 Council.

1 Vacancies shall be filled in the same manner as original
2 appointments, and any member so appointed shall serve during
3 the remainder of the term for which the vacancy occurred.

4 (c) The Illinois P-20 Council shall be funded through
5 State appropriations to support staff activities, research,
6 data-collection, and dissemination. The Illinois P-20 Council
7 shall be staffed by the Office of the Governor, in
8 coordination with relevant State agencies, boards, and
9 commissions. The Illinois Education Research Council shall
10 provide research and coordinate research collection activities
11 for the Illinois P-20 Council.

12 (d) The Illinois P-20 Council shall have all of the
13 following duties:

14 (1) To make recommendations to do all of the
15 following:

16 (A) Coordinate pre-kindergarten through grade 20
17 (graduate school) education in this State through
18 working at the intersections of educational systems to
19 promote collaborative infrastructure.

20 (B) Coordinate and leverage strategies, actions,
21 legislation, policies, and resources of all
22 stakeholders to support fundamental and lasting
23 improvement in this State's public schools, community
24 colleges, and universities.

25 (C) Better align the high school curriculum with
26 postsecondary expectations.

1 (D) Better align assessments across all levels of
2 education.

3 (E) Reduce the need for students entering
4 institutions of higher education to take remedial
5 courses.

6 (F) Smooth the transition from high school to
7 college.

8 (G) Improve high school and college graduation
9 rates.

10 (H) Improve the rigor and relevance of academic
11 standards for college and workforce readiness.

12 (I) Better align college and university teaching
13 programs with the needs of Illinois schools.

14 (2) To advise the Governor, the General Assembly, the
15 State's education and higher education agencies, and the
16 State's workforce and economic development boards and
17 agencies on policies related to lifelong learning for
18 Illinois students and families.

19 (3) To articulate a framework for systemic educational
20 improvement and innovation that will enable every student
21 to meet or exceed Illinois learning standards and be
22 well-prepared to succeed in the workforce and community.

23 (4) To provide an estimated fiscal impact for
24 implementation of all Council recommendations.

25 (5) To make recommendations for short-term and
26 long-term learning recovery actions for public school

1 students in this State in the wake of the COVID-19
2 pandemic. The Illinois P-20 Council shall submit a report
3 with its recommendations for a multi-year recovery plan by
4 December 31, 2021 to the Governor, the State Board of
5 Education, the Board of Higher Education, the Illinois
6 Community College Board, and the General Assembly that
7 addresses all of the following:

8 (A) Closing the digital divide for all students,
9 including access to devices, Internet connectivity,
10 and ensuring that educators have the necessary support
11 and training to provide high quality remote and
12 blended learning to students.

13 (B) Evaluating the academic growth and proficiency
14 of students in order to understand the impact of
15 school closures and remote and blended remote learning
16 conditions on student academic outcomes, including
17 disaggregating data by race, income, diverse learners,
18 and English learners, in ways that balance the need to
19 understand that impact with the need to support
20 student well-being and also take into consideration
21 the logistical constraints facing schools and
22 districts.

23 (C) Establishing a system for the collection and
24 review of student data at the State level, including
25 data about prekindergarten through higher education
26 student attendance, engagement and participation,

1 discipline, and social-emotional and mental health
2 inputs and outcomes, in order to better understand the
3 full impact of disrupted learning.

4 (D) Providing students with resources and programs
5 for academic support, such as enrichment
6 opportunities, tutoring corps, summer bridge programs,
7 youth leadership and development programs, youth and
8 community-led restorative and transformative justice
9 programs, and youth internship and apprenticeship
10 programs.

11 (E) Providing students with resources and support
12 to ensure access to social-emotional learning, mental
13 health services, and trauma responsive, restorative
14 justice and anti-racist practices in order to support
15 the growth of the whole child, such as investing in
16 community schools and providing comprehensive
17 year-round services and support for both students and
18 their families.

19 (F) Ensuring more time for students' academic,
20 social-emotional, and mental health needs by
21 considering such strategies as: (i) extending planning
22 time for teachers, (ii) extending the school day and
23 school year, and (iii) transitioning to year-round
24 schooling.

25 (G) Strengthening the transition from secondary
26 education to postsecondary education in the wake of

1 threats to alignment and affordability created by the
2 pandemic and related conditions.

3 (e) The chairperson of the Illinois P-20 Council may
4 authorize the creation of working groups focusing on areas of
5 interest to Illinois educational and workforce development,
6 including without limitation the following areas:

7 (1) Preparation, recruitment, and certification of
8 highly qualified teachers.

9 (2) Mentoring and induction of highly qualified
10 teachers.

11 (3) The diversity of highly qualified teachers.

12 (4) Funding for highly qualified teachers, including
13 developing a strategic and collaborative plan to seek
14 federal and private grants to support initiatives
15 targeting teacher preparation and its impact on student
16 achievement.

17 (5) Highly effective administrators.

18 (6) Illinois birth through age 3 education,
19 pre-kindergarten, and early childhood education.

20 (7) The assessment, alignment, outreach, and network
21 of college and workforce readiness efforts.

22 (8) Alternative routes to college access.

23 (9) Research data and accountability.

24 (10) Community schools, community participation, and
25 other innovative approaches to education that foster
26 community partnerships.

1 (11) Tuition, financial aid, and other issues related
2 to keeping postsecondary education affordable for Illinois
3 residents.

4 (12) Learning recovery in the wake of the COVID-19
5 pandemic.

6 The chairperson of the Illinois P-20 Council may designate
7 Council members to serve as working group chairpersons.
8 Working groups may invite organizations and individuals
9 representing pre-kindergarten through grade 20 interests to
10 participate in discussions, data collection, and
11 dissemination.

12 (Source: P.A. 101-654, eff. 3-8-21.)

13 (105 ILCS 5/26-19)

14 Sec. 26-19. Chronic absenteeism in preschool children.

15 (a) In this Section, "chronic absence" has the meaning
16 ascribed to that term in Section 26-18 of this Code.

17 (b) The General Assembly makes all of the following
18 findings:

19 (1) The early years are an extremely important period
20 in a child's learning and development.

21 (2) Missed learning opportunities in the early years
22 make it difficult for a child to enter kindergarten ready
23 for success.

24 (3) Attendance patterns in the early years serve as
25 predictors of chronic absenteeism and reduced educational

1 outcomes in later school years. Therefore, it is crucial
2 that the implications of chronic absence be understood and
3 reviewed regularly under the Preschool for All Program and
4 Preschool for All Expansion Program under Section 2-3.71
5 of this Code.

6 (c) The Preschool for All Program and Preschool for All
7 Expansion Program under Section 2-3.71 of this Code shall
8 collect and review its chronic absence data and determine what
9 support and resources are needed to positively engage
10 chronically absent students and their families to encourage
11 the habit of daily attendance and promote success.

12 (d) The Preschool for All Program and Preschool for All
13 Expansion Program under Section 2-3.71 of this Code are
14 encouraged to do all of the following:

15 (1) Provide support to students who are at risk of
16 reaching or exceeding chronic absence levels.

17 (2) Make resources available to families, such as
18 those available through the State Board of Education's
19 Family Engagement Framework, to support and encourage
20 families to ensure their children's daily program
21 attendance.

22 (3) Include information about chronic absenteeism as
23 part of their preschool to kindergarten transition
24 resources.

25 (e) On or before July 1, 2020, and annually thereafter,
26 the Preschool for All Program and Preschool for All Expansion

1 Program shall report all data collected under subsection (c)
2 of this Section to the State Board of Education, which shall
3 make the report publicly available via the Illinois Early
4 Childhood Asset Map Internet website and the Preschool for All
5 Program or Preschool for All Expansion Program triennial
6 report.

7 (f) This Section is repealed on July 1, 2026.

8 (Source: P.A. 102-539, eff. 8-20-21.)

9 Section 90-35. The School Construction Law is amended by
10 changing Section 5-300 as follows:

11 (105 ILCS 230/5-300)

12 Sec. 5-300. Early childhood construction grants.

13 (a) The Capital Development Board is authorized to make
14 grants to public school districts and not-for-profit entities
15 for early childhood construction projects, except that in
16 fiscal year 2024 those grants may be made only to public school
17 districts. These grants shall be paid out of moneys
18 appropriated for that purpose from the School Construction
19 Fund, the Build Illinois Bond Fund, or the Rebuild Illinois
20 Projects Fund. No grants may be awarded to entities providing
21 services within private residences. A public school district
22 or other eligible entity must provide local matching funds in
23 the following manner:

24 (1) A public school district assigned to Tier 1 under

1 Section 18-8.15 of the School Code or any other eligible
2 entity in an area encompassed by that district must
3 provide local matching funds in an amount equal to 3% of
4 the grant awarded under this Section.

5 (2) A public school district assigned to Tier 2 under
6 Section 18-8.15 of the School Code or any other eligible
7 entity in an area encompassed by that district must
8 provide local matching funds in an amount equal to 7.5% of
9 the grant awarded under this Section.

10 (3) A public school district assigned to Tier 3 under
11 Section 18-8.15 of the School Code or any other eligible
12 entity in an area encompassed by that district must
13 provide local matching funds in an amount equal to 8.75%
14 of the grant awarded under this Section.

15 (4) A public school district assigned to Tier 4 under
16 Section 18-8.15 of the School Code or any other eligible
17 entity in an area encompassed by that district must
18 provide local matching funds in an amount equal to 10% of
19 the grant awarded under this Section.

20 A public school district or other eligible entity has no
21 entitlement to a grant under this Section.

22 (b) The Capital Development Board shall adopt rules to
23 implement this Section. These rules need not be the same as the
24 rules for school construction project grants or school
25 maintenance project grants. The rules may specify:

26 (1) the manner of applying for grants;

- 1 (2) project eligibility requirements;
- 2 (3) restrictions on the use of grant moneys;
- 3 (4) the manner in which school districts and other
4 eligible entities must account for the use of grant
5 moneys;
- 6 (5) requirements that new or improved facilities be
7 used for early childhood and other related programs for a
8 period of at least 10 years; and
- 9 (6) any other provision that the Capital Development
10 Board determines to be necessary or useful for the
11 administration of this Section.

12 (b-5) When grants are made to non-profit corporations for
13 the acquisition or construction of new facilities, the Capital
14 Development Board or any State agency it so designates shall
15 hold title to or place a lien on the facility for a period of
16 10 years after the date of the grant award, after which title
17 to the facility shall be transferred to the non-profit
18 corporation or the lien shall be removed, provided that the
19 non-profit corporation has complied with the terms of its
20 grant agreement. When grants are made to non-profit
21 corporations for the purpose of renovation or rehabilitation,
22 if the non-profit corporation does not comply with item (5) of
23 subsection (b) of this Section, the Capital Development Board
24 or any State agency it so designates shall recover the grant
25 pursuant to the procedures outlined in the Illinois Grant
26 Funds Recovery Act.

1 (c) The Capital Development Board, in consultation with
2 the State Board of Education, shall establish standards for
3 the determination of priority needs concerning early childhood
4 projects based on projects located in communities in the State
5 with the greatest underserved population of young children,
6 utilizing Census data and other reliable local early childhood
7 service data.

8 (d) In each school year in which early childhood
9 construction project grants are awarded, 20% of the total
10 amount awarded shall be awarded to a school district with a
11 population of more than 500,000, provided that the school
12 district complies with the requirements of this Section and
13 the rules adopted under this Section.

14 (e) This Section is repealed on July 1, 2026.

15 (Source: P.A. 102-16, eff. 6-17-21; 103-8, eff. 6-7-23.)

16 Section 90-40. The Early Childhood Access Consortium for
17 Equity Act is amended by changing Sections 25 and 35 as
18 follows:

19 (110 ILCS 28/25)

20 Sec. 25. Advisory committee; membership.

21 (a) The Board of Higher Education, the Illinois Community
22 College Board, the State Board of Education, the Department of
23 Human Services, and the Department of Early Childhood
24 ~~Governor's Office of Early Childhood Development~~ shall jointly

1 convene a Consortium advisory committee to provide guidance on
2 the operation of the Consortium.

3 (b) Membership on the advisory committee shall be
4 comprised of employers and experts appointed by the Board of
5 Higher Education, the Illinois Community College Board, the
6 Department of Early Childhood, the Department of Human
7 Services ~~Governor's Office of Early Childhood Development~~, and
8 the State Board of Education. Membership shall also include
9 all of the following members:

10 (1) An employer from a community-based child care
11 provider, appointed by the Department of Human Services
12 ~~Governor's Office of Early Childhood Development~~.

13 (2) An employer from a for-profit child care provider,
14 appointed by the Department of Human Services ~~Governor's~~
15 ~~Office of Early Childhood Development~~.

16 (3) An employer from a nonprofit child care provider,
17 appointed by the Department of Human Services ~~Governor's~~
18 ~~Office of Early Childhood Development~~.

19 (4) A provider of family child care, appointed by the
20 Department of Human Services ~~Governor's Office of Early~~
21 ~~Childhood Development~~.

22 (5) An employer located in southern Illinois,
23 appointed by the Department of Early Childhood ~~Governor's~~
24 ~~Office of Early Childhood Development~~.

25 (6) An employer located in central Illinois, appointed
26 by the Department of Early Childhood ~~Governor's Office of~~

1 ~~Early Childhood Development.~~

2 (7) At least one member who represents an urban school
3 district, appointed by the State Board of Education.

4 (8) At least one member who represents a suburban
5 school district, appointed by the State Board of
6 Education.

7 (9) At least one member who represents a rural school
8 district, appointed by the State Board of Education.

9 (10) At least one member who represents a school
10 district in a city with a population of 500,000 or more,
11 appointed by the State Board of Education.

12 (11) Two early childhood advocates with statewide
13 expertise in early childhood workforce issues, appointed
14 by the Department of Early Childhood ~~Governor's Office of~~
15 ~~Early Childhood Development.~~

16 (12) The Chairperson or Vice-Chairperson and the
17 Minority Spokesperson or a designee of the Senate
18 Committee on Higher Education.

19 (13) The Chairperson or Vice-Chairperson and the
20 Minority Spokesperson or a designee of the House Committee
21 on Higher Education.

22 (14) One member representing the Illinois Community
23 College Board, who shall serve as co-chairperson,
24 appointed by the Illinois Community College Board.

25 (15) One member representing the Board of Higher
26 Education, who shall serve as co-chairperson, appointed by

1 the Board of Higher Education.

2 (16) One member representing the Illinois Student
3 Assistance Commission, appointed by the Board of Higher
4 Education.

5 (17) One member representing the State Board of
6 Education, who shall serve as co-chairperson, appointed by
7 the State Board of Education.

8 (18) One member representing the Department of Early
9 Childhood ~~Governor's Office of Early Childhood~~
10 ~~Development~~, who shall serve as co-chairperson, appointed
11 by the Department of Early Childhood ~~Governor's Office of~~
12 ~~Early Childhood Development~~.

13 (19) One member representing the Department of Human
14 Services, who shall serve as co-chairperson, appointed by
15 the Department of Human Services ~~Governor's Office of~~
16 ~~Early Childhood Development~~.

17 (20) One member representing INCCRRA, appointed by the
18 Department of Early Childhood ~~Governor's Office of Early~~
19 ~~Childhood Development~~.

20 (21) One member representing the Department of
21 Children and Family Services, appointed by the Department
22 of Children and Family Services ~~Governor's Office of Early~~
23 ~~Childhood Development~~.

24 (22) One member representing an organization that
25 advocates on behalf of community college trustees,
26 appointed by the Illinois Community College Board.

1 (23) One member of a union representing child care and
2 early childhood providers, appointed by the Department of
3 Human Services ~~Governor's Office of Early Childhood~~
4 ~~Development.~~

5 (24) Two members of unions representing higher
6 education faculty, appointed by the Board of Higher
7 Education.

8 (25) A representative from the College of Education of
9 an urban public university, appointed by the Board of
10 Higher Education.

11 (26) A representative from the College of Education of
12 a suburban public university, appointed by the Board of
13 Higher Education.

14 (27) A representative from the College of Education of
15 a rural public university, appointed by the Board of
16 Higher Education.

17 (28) A representative from the College of Education of
18 a private university, appointed by the Board of Higher
19 Education.

20 (29) A representative of an urban community college,
21 appointed by the Illinois Community College Board.

22 (30) A representative of a suburban community college,
23 appointed by the Illinois Community College Board.

24 (31) A representative of rural community college,
25 appointed by the Illinois Community College Board.

26 (c) The advisory committee shall meet quarterly. The

1 committee meetings shall be open to the public in accordance
2 with the provisions of the Open Meetings Act.

3 (Source: P.A. 102-174, eff. 7-28-21.)

4 (110 ILCS 28/35)

5 Sec. 35. Goals and metrics.

6 (a) By July 1, 2021 or within 60 days after the effective
7 date of this amendatory Act of the 102nd General Assembly, the
8 Board of Higher Education's Strategic Plan Educator Workforce
9 subgroup on the early childhood workforce must set goals for
10 the Consortium for the enrollment, persistence, and completion
11 of members of the incumbent workforce in associate,
12 bachelor's, and master's degree programs, Gateways Credentials
13 in Level 2, 3, or 4, and Professional Educator Licensure by
14 September 30, 2024. The goals set for the Consortium must be
15 data informed and include targets for annual enrollment and
16 persistence.

17 (b) Data from the Gateways Registry, March 2020, indicates
18 that there are 7,670 individuals with an associate degree who
19 would benefit from progressing to a baccalaureate degree and
20 20,467 individuals with a high school diploma or some college
21 who would benefit from progressing to an associate degree. If
22 the goals cannot be set in accordance with subsection (a), the
23 goal for the Consortium shall be that by September 30, 2024,
24 20% of the individuals described in this subsection (b) who do
25 not have a degree will have enrolled and be persisting toward

1 or have attained a Gateways Credential in Level 2, 3, or 4 or
2 an associate degree and, of the individuals who have an
3 associate degree, will be enrolled and persisting toward or
4 have attained a baccalaureate degree or will be persisting
5 toward or have attained a Professional Educator License.

6 (c) Student financial aid, including incentives and
7 stipends, data-sharing, and professional statewide engagement
8 and marketing campaign and recruitment efforts are critical to
9 the Consortium's ability to quickly attract and enroll
10 students into these programs. Navigators, mentors, and
11 advisors are critical for persistence and completion. If
12 federal funds are not appropriated for these purposes and the
13 other purposes of this Section, the Board of Higher Education,
14 the Illinois Community College Board, the State Board of
15 Education, the Department of Human Services, and the
16 Department of Early Childhood ~~Governor's Office of Early~~
17 ~~Childhood Development~~, in consultation with the advisory
18 committee, shall adjust the initial target metrics
19 appropriately by adopting challenging goals that may be
20 attainable with less public investment.

21 (d) The Board of Higher Education, the Illinois Community
22 College Board, the State Board of Education, the Department of
23 Human Services, and the Department of Early Childhood
24 ~~Governor's Office of Early Childhood Development~~, in
25 consultation with the advisory committee, shall determine new
26 metrics and goals for the Consortium as they relate to the

1 remaining and future early childhood workforce, to be
2 instituted after the close of the 2024-2025 academic year and
3 going forward. Metrics must take into consideration that the
4 pipeline depends on sustained, increased student enrollment
5 and completion rates at the associate degree level if this
6 State aims to continue with sustained, increased student
7 enrollment and completion at the bachelor's degree level.

8 (Source: P.A. 102-174, eff. 7-28-21.)

9 Section 90-45. The Illinois Public Aid Code is amended by
10 changing Sections 2-12, 2-12.5, 9A-11, 9A-11.5, and 9A-17 as
11 follows:

12 (305 ILCS 5/2-12) (from Ch. 23, par. 2-12)

13 Sec. 2-12. "Illinois Department"; "Department". In this
14 Code, "Illinois Department" or "Department", when a particular
15 entity is not specified, means the following:

16 (1) In the case of a function performed before July 1, 1997
17 (the effective date of the Department of Human Services Act),
18 the term means the Department of Public Aid.

19 (2) Except as provided in paragraph (2.5), in ~~in~~ the case
20 of a function to be performed on or after July 1, 1997 under
21 Article III, IV, VI, IX, or IXA, the term means the Department
22 of Human Services as successor to the Illinois Department of
23 Public Aid.

24 (2.5) In the case of a function to be performed on or after

1 July 1, 2026 under Sections 9A-11 and 9A-11-5, the term means
2 the Department of Early Childhood.

3 (3) In the case of a function to be performed on or after
4 July 1, 1997 under Article V, V-A, V-B, V-C, V-D, V-E, X, XIV,
5 or XV, the term means the Department of Healthcare and Family
6 Services (formerly Illinois Department of Public Aid).

7 (4) In the case of a function to be performed on or after
8 July 1, 1997 under Article I, II, VIIIA, XI, XII, or XIII, the
9 term means the Department of Human Services (acting as
10 successor to the Illinois Department of Public Aid) or the
11 Department of Healthcare and Family Services (formerly
12 Illinois Department of Public Aid) or both, according to
13 whether that function, in the specific context, has been
14 allocated to the Department of Human Services or the
15 Department of Healthcare and Family Services (formerly
16 Department of Public Aid) or both of those departments.

17 (Source: P.A. 95-331, eff. 8-21-07.)

18 (305 ILCS 5/2-12.5)

19 Sec. 2-12.5. "Director of the Illinois Department";
20 "Director of the Department"; "Director". In this Code,
21 "Director of the Illinois Department", "Director of the
22 Department", or "Director", when a particular official is not
23 specified, means the following:

24 (1) In the case of a function performed before July 1, 1997
25 (the effective date of the Department of Human Services Act),

1 the term means the Director of Public Aid.

2 (2) Except as provided in paragraph (2.5), in ~~the~~ the case
3 of a function to be performed on or after July 1, 1997 under
4 Article III, IV, VI, IX, or IXA, the term means the Secretary
5 of Human Services.

6 (2.5) In the case of a function to be performed on or after
7 July 1, 2026 under Sections 9A-11 and 9A-11-5, the term means
8 the Secretary of Early Childhood.

9 (3) In the case of a function to be performed on or after
10 July 1, 1997 under Article V, V-A, V-B, V-C, V-D, V-E, X, XIV,
11 or XV, the term means the Director of Healthcare and Family
12 Services (formerly Director of Public Aid).

13 (4) In the case of a function to be performed on or after
14 July 1, 1997 under Article I, II, VIIIA, XI, XII, or XIII, the
15 term means the Secretary of Human Services or the Director of
16 Healthcare and Family Services (formerly Director of Public
17 Aid) or both, according to whether that function, in the
18 specific context, has been allocated to the Department of
19 Human Services or the Department of Healthcare and Family
20 Services (formerly Department of Public Aid) or both of those
21 departments.

22 (Source: P.A. 95-331, eff. 8-21-07.)

23 (305 ILCS 5/9A-11) (from Ch. 23, par. 9A-11)
24 Sec. 9A-11. Child care.

25 (a) The General Assembly recognizes that families with

1 children need child care in order to work. Child care is
2 expensive and families with limited access to economic
3 resources, including those who are transitioning from welfare
4 to work, often struggle to pay the costs of day care. The
5 General Assembly understands the importance of helping working
6 families with limited access to economic resources become and
7 remain self-sufficient. The General Assembly also believes
8 that it is the responsibility of families to share in the costs
9 of child care. It is also the preference of the General
10 Assembly that all working families with limited access to
11 economic resources should be treated equally, regardless of
12 their welfare status.

13 (b) To the extent resources permit, the Illinois
14 Department shall provide child care services to parents or
15 other relatives as defined by rule who are working or
16 participating in employment or Department approved education
17 or training programs. At a minimum, the Illinois Department
18 shall cover the following categories of families:

19 (1) recipients of TANF under Article IV participating
20 in work and training activities as specified in the
21 personal plan for employment and self-sufficiency;

22 (2) families transitioning from TANF to work;

23 (3) families at risk of becoming recipients of TANF;

24 (4) families with special needs as defined by rule;

25 (5) working families with very low incomes as defined
26 by rule;

1 (6) families that are not recipients of TANF and that
2 need child care assistance to participate in education and
3 training activities;

4 (7) youth in care, as defined in Section 4d of the
5 Children and Family Services Act, who are parents,
6 regardless of income or whether they are working or
7 participating in Department-approved employment or
8 education or training programs. Any family that receives
9 child care assistance in accordance with this paragraph
10 shall receive one additional 12-month child care
11 eligibility period after the parenting youth in care's
12 case with the Department of Children and Family Services
13 is closed, regardless of income or whether the parenting
14 youth in care is working or participating in
15 Department-approved employment or education or training
16 programs;

17 (8) families receiving Extended Family Support Program
18 services from the Department of Children and Family
19 Services, regardless of income or whether they are working
20 or participating in Department-approved employment or
21 education or training programs; and

22 (9) families with children under the age of 5 who have
23 an open intact family services case with the Department of
24 Children and Family Services. Any family that receives
25 child care assistance in accordance with this paragraph
26 shall remain eligible for child care assistance 6 months

1 after the child's intact family services case is closed,
2 regardless of whether the child's parents or other
3 relatives as defined by rule are working or participating
4 in Department approved employment or education or training
5 programs. The Department of Early Childhood ~~Human~~
6 ~~Services~~, in consultation with the Department of Children
7 and Family Services, shall adopt rules to protect the
8 privacy of families who are the subject of an open intact
9 family services case when such families enroll in child
10 care services. Additional rules shall be adopted to offer
11 children who have an open intact family services case the
12 opportunity to receive an Early Intervention screening and
13 other services that their families may be eligible for as
14 provided by the Department of Human Services.

15 Beginning October 1, 2027 ~~2023~~, and every October 1
16 thereafter, the Department of Children and Family Services
17 shall report to the General Assembly on the number of children
18 who received child care via vouchers paid for by the
19 Department of Early Childhood ~~Children and Family Services~~
20 during the preceding fiscal year. The report shall include the
21 ages of children who received child care, the type of child
22 care they received, and the number of months they received
23 child care.

24 The Department shall specify by rule the conditions of
25 eligibility, the application process, and the types, amounts,
26 and duration of services. Eligibility for child care benefits

1 and the amount of child care provided may vary based on family
2 size, income, and other factors as specified by rule.

3 The Department shall update the Child Care Assistance
4 Program Eligibility Calculator posted on its website to
5 include a question on whether a family is applying for child
6 care assistance for the first time or is applying for a
7 redetermination of eligibility.

8 A family's eligibility for child care services shall be
9 redetermined no sooner than 12 months following the initial
10 determination or most recent redetermination. During the
11 12-month periods, the family shall remain eligible for child
12 care services regardless of (i) a change in family income,
13 unless family income exceeds 85% of State median income, or
14 (ii) a temporary change in the ongoing status of the parents or
15 other relatives, as defined by rule, as working or attending a
16 job training or educational program.

17 In determining income eligibility for child care benefits,
18 the Department annually, at the beginning of each fiscal year,
19 shall establish, by rule, one income threshold for each family
20 size, in relation to percentage of State median income for a
21 family of that size, that makes families with incomes below
22 the specified threshold eligible for assistance and families
23 with incomes above the specified threshold ineligible for
24 assistance. Through and including fiscal year 2007, the
25 specified threshold must be no less than 50% of the
26 then-current State median income for each family size.

1 Beginning in fiscal year 2008, the specified threshold must be
2 no less than 185% of the then-current federal poverty level
3 for each family size. Notwithstanding any other provision of
4 law or administrative rule to the contrary, beginning in
5 fiscal year 2019, the specified threshold for working families
6 with very low incomes as defined by rule must be no less than
7 185% of the then-current federal poverty level for each family
8 size. Notwithstanding any other provision of law or
9 administrative rule to the contrary, beginning in State fiscal
10 year 2022 through State fiscal year 2023, the specified income
11 threshold shall be no less than 200% of the then-current
12 federal poverty level for each family size. Beginning in State
13 fiscal year 2024, the specified income threshold shall be no
14 less than 225% of the then-current federal poverty level for
15 each family size.

16 In determining eligibility for assistance, the Department
17 shall not give preference to any category of recipients or
18 give preference to individuals based on their receipt of
19 benefits under this Code.

20 Nothing in this Section shall be construed as conferring
21 entitlement status to eligible families.

22 The Illinois Department is authorized to lower income
23 eligibility ceilings, raise parent co-payments, create waiting
24 lists, or take such other actions during a fiscal year as are
25 necessary to ensure that child care benefits paid under this
26 Article do not exceed the amounts appropriated for those child

1 care benefits. These changes may be accomplished by emergency
2 rule under Section 5-45 of the Illinois Administrative
3 Procedure Act, except that the limitation on the number of
4 emergency rules that may be adopted in a 24-month period shall
5 not apply.

6 The Illinois Department may contract with other State
7 agencies or child care organizations for the administration of
8 child care services.

9 (c) Payment shall be made for child care that otherwise
10 meets the requirements of this Section and applicable
11 standards of State and local law and regulation, including any
12 requirements the Illinois Department promulgates by rule.
13 Through June 30, 2026, the rules of this Section include
14 licensure requirements adopted by the Department of Children
15 and Family Services. On and after July 1, 2026, the rules of
16 this Section include licensure requirements adopted by the
17 Department of Early Childhood. In addition, the regulations of
18 this Section include the ~~in addition to the licensure~~
19 ~~requirements promulgated by the Department of Children and~~
20 ~~Family Services and~~ Fire Prevention and Safety requirements
21 promulgated by the Office of the State Fire Marshal, and is
22 provided in any of the following:

23 (1) a child care center which is licensed or exempt
24 from licensure pursuant to Section 2.09 of the Child Care
25 Act of 1969;

26 (2) a licensed child care home or home exempt from

1 licensing;

2 (3) a licensed group child care home;

3 (4) other types of child care, including child care
4 provided by relatives or persons living in the same home
5 as the child, as determined by the Illinois Department by
6 rule.

7 (c-5) Solely for the purposes of coverage under the
8 Illinois Public Labor Relations Act, child and day care home
9 providers, including licensed and license exempt,
10 participating in the Department's child care assistance
11 program shall be considered to be public employees and the
12 State of Illinois shall be considered to be their employer as
13 of January 1, 2006 (the effective date of Public Act 94-320),
14 but not before. The State shall engage in collective
15 bargaining with an exclusive representative of child and day
16 care home providers participating in the child care assistance
17 program concerning their terms and conditions of employment
18 that are within the State's control. Nothing in this
19 subsection shall be understood to limit the right of families
20 receiving services defined in this Section to select child and
21 day care home providers or supervise them within the limits of
22 this Section. The State shall not be considered to be the
23 employer of child and day care home providers for any purposes
24 not specifically provided in Public Act 94-320, including, but
25 not limited to, purposes of vicarious liability in tort and
26 purposes of statutory retirement or health insurance benefits.

1 Child and day care home providers shall not be covered by the
2 State Employees Group Insurance Act of 1971.

3 In according child and day care home providers and their
4 selected representative rights under the Illinois Public Labor
5 Relations Act, the State intends that the State action
6 exemption to application of federal and State antitrust laws
7 be fully available to the extent that their activities are
8 authorized by Public Act 94-320.

9 (d) The Illinois Department shall establish, by rule, a
10 co-payment scale that provides for cost sharing by families
11 that receive child care services, including parents whose only
12 income is from assistance under this Code. The co-payment
13 shall be based on family income and family size and may be
14 based on other factors as appropriate. Co-payments may be
15 waived for families whose incomes are at or below the federal
16 poverty level.

17 (d-5) The Illinois Department, in consultation with its
18 Child Care and Development Advisory Council, shall develop a
19 plan to revise the child care assistance program's co-payment
20 scale. The plan shall be completed no later than February 1,
21 2008, and shall include:

22 (1) findings as to the percentage of income that the
23 average American family spends on child care and the
24 relative amounts that low-income families and the average
25 American family spend on other necessities of life;

26 (2) recommendations for revising the child care

1 co-payment scale to assure that families receiving child
2 care services from the Department are paying no more than
3 they can reasonably afford;

4 (3) recommendations for revising the child care
5 co-payment scale to provide at-risk children with complete
6 access to Preschool for All and Head Start; and

7 (4) recommendations for changes in child care program
8 policies that affect the affordability of child care.

9 (e) (Blank).

10 (f) The Illinois Department shall, by rule, set rates to
11 be paid for the various types of child care. Child care may be
12 provided through one of the following methods:

13 (1) arranging the child care through eligible
14 providers by use of purchase of service contracts or
15 vouchers;

16 (2) arranging with other agencies and community
17 volunteer groups for non-reimbursed child care;

18 (3) (blank); or

19 (4) adopting such other arrangements as the Department
20 determines appropriate.

21 (f-1) Within 30 days after June 4, 2018 (the effective
22 date of Public Act 100-587), the Department of Human Services
23 shall establish rates for child care providers that are no
24 less than the rates in effect on January 1, 2018 increased by
25 4.26%.

26 (f-5) (Blank).

1 (g) Families eligible for assistance under this Section
2 shall be given the following options:

3 (1) receiving a child care certificate issued by the
4 Department or a subcontractor of the Department that may
5 be used by the parents as payment for child care and
6 development services only; or

7 (2) if space is available, enrolling the child with a
8 child care provider that has a purchase of service
9 contract with the Department or a subcontractor of the
10 Department for the provision of child care and development
11 services. The Department may identify particular priority
12 populations for whom they may request special
13 consideration by a provider with purchase of service
14 contracts, provided that the providers shall be permitted
15 to maintain a balance of clients in terms of household
16 incomes and families and children with special needs, as
17 defined by rule.

18 (Source: P.A. 102-491, eff. 8-20-21; 102-813, eff. 5-13-22;
19 102-926, eff. 5-27-22; 103-8, eff. 6-7-23.)

20 (305 ILCS 5/9A-11.5)

21 Sec. 9A-11.5. Investigate child care providers.

22 (a) Through June 30, 2026, any ~~Any~~ child care provider
23 receiving funds from the child care assistance program under
24 this Code who is not required to be licensed under the Child
25 Care Act of 1969 shall, as a condition of eligibility to

1 participate in the child care assistance program under this
2 Code, authorize in writing on a form prescribed by the
3 Department of Children and Family Services, periodic
4 investigations of the Central Register, as defined in the
5 Abused and Neglected Child Reporting Act, to ascertain if the
6 child care provider has been determined to be a perpetrator in
7 an indicated report of child abuse or neglect. The Department
8 of Children and Family Services shall conduct an investigation
9 of the Central Register at the request of the Department of
10 Human Services.

11 (a-5) On and after July 1, 2026, any child care provider
12 receiving funds from the child care assistance program under
13 this Code who is not required to be licensed under the Child
14 Care Act of 1969 shall, as a condition of eligibility to
15 participate in the child care assistance program under this
16 Code, authorize in writing on a form prescribed by the
17 Department of Early Childhood, periodic investigations of the
18 Central Register, as defined in the Abused and Neglected Child
19 Reporting Act, to ascertain if the child care provider has
20 been determined to be a perpetrator in an indicated report of
21 child abuse or neglect.

22 (b) Any child care provider, other than a relative of the
23 child, receiving funds from the child care assistance program
24 under this Code who is not required to be licensed under the
25 Child Care Act of 1969 shall, as a condition of eligibility to
26 participate in the child care assistance program under this

1 Code, authorize in writing a State and Federal Bureau of
2 Investigation fingerprint-based criminal history record check
3 to determine if the child care provider has ever been
4 convicted of a crime with respect to which the conviction has
5 not been overturned and the criminal records have not been
6 sealed or expunged. Upon this authorization, the Department
7 shall request and receive information and assistance from any
8 federal or State governmental agency as part of the authorized
9 criminal history record check. The Illinois State Police shall
10 provide information concerning any conviction that has not
11 been overturned and with respect to which the criminal records
12 have not been sealed or expunged, whether the conviction
13 occurred before or on or after the effective date of this
14 amendatory Act of the 96th General Assembly, of a child care
15 provider upon the request of the Department when the request
16 is made in the form and manner required by the Illinois State
17 Police. The Illinois State Police shall charge a fee not to
18 exceed the cost of processing the criminal history record
19 check. The fee is to be deposited into the State Police
20 Services Fund. Any information concerning convictions that
21 have not been overturned and with respect to which the
22 criminal records have not been sealed or expunged obtained by
23 the Department is confidential and may not be transmitted (i)
24 outside the Department except as required in this Section or
25 (ii) to anyone within the Department except as needed for the
26 purposes of determining participation in the child care

1 assistance program. A copy of the criminal history record
2 check obtained from the Illinois State Police shall be
3 provided to the unlicensed child care provider.

4 (c) The Department shall by rule set standards for
5 determining when to disqualify an unlicensed child care
6 provider for payment because (i) there is an indicated finding
7 against the provider based on the results of the Central
8 Register search or (ii) there is a disqualifying criminal
9 charge pending against the provider or the provider has a
10 disqualifying criminal conviction that has not been overturned
11 and with respect to which the criminal records have not been
12 expunged or sealed based on the results of the
13 fingerprint-based Illinois State Police and Federal Bureau of
14 Investigation criminal history record check. In determining
15 whether to disqualify an unlicensed child care provider for
16 payment under this subsection, the Department shall consider
17 the nature and gravity of any offense or offenses; the time
18 that has passed since the offense or offenses or the
19 completion of the criminal sentence or both; and the
20 relationship of the offense or offenses to the
21 responsibilities of the child care provider.

22 (Source: P.A. 102-538, eff. 8-20-21.)

23 (305 ILCS 5/9A-17)

24 Sec. 9A-17. Smart Start Child Care Program. Subject to
25 appropriation, the Department of Human Services shall

1 establish the Smart Start Child Care Program. The Smart Start
2 Child Care Program shall focus on creating affordable child
3 care, as well as increasing access to child care, for Illinois
4 residents and may include, but is not limited to, providing
5 funding to increase preschool availability, providing funding
6 for childcare workforce compensation or capital investments,
7 and expanding funding for Early Childhood Access Consortium
8 for Equity Scholarships. The Department shall establish
9 program eligibility criteria, participation conditions,
10 payment levels, and other program requirements by rule. The
11 Department of Human Services may consult with the Capital
12 Development Board, the Department of Commerce and Economic
13 Opportunity, and the Illinois Housing Development Authority in
14 the management and disbursement of funds for capital-related
15 projects. The Capital Development Board, the Department of
16 Commerce and Economic Opportunity, and the Illinois Housing
17 Development Authority shall act in a consulting role only for
18 the evaluation of applicants, scoring of applicants, or
19 administration of the grant program.

20 This Section is repealed on July 1, 2026.

21 (Source: P.A. 103-8, eff. 6-7-23.)

22 Section 90-50. The Early Intervention Services System Act
23 is amended by adding Section 20.1 as follows:

24 (325 ILCS 20/20.1 new)

1 Sec. 20.1. Repeal. This Act is repealed on July 1, 2026.

2 Section 90-55. The Infant/Early Childhood Mental Health
3 Consultations Act is amended by changing Section 35-5 as
4 follows:

5 (405 ILCS 47/35-5)

6 Sec. 35-5. Findings; policies.

7 (a) The General Assembly finds the following:

8 (1) Social and emotional development is a core
9 developmental domain in young children and is codified in
10 the Illinois Early Learning Standards.

11 (2) Fostering social and emotional development in
12 early childhood means both providing the supportive
13 settings and interactions to maximize healthy social and
14 emotional development for all children, as well as
15 providing communities, programs, and providers with
16 systems of tiered supports with training to respond to
17 more significant social and emotional challenges or where
18 experiences of trauma may be more prevalent.

19 (3) Early care and education programs and providers,
20 across a range of settings, have an important role to play
21 in supporting young children and families, especially
22 those who face greater challenges, such as trauma
23 exposure, social isolation, pervasive poverty, and toxic
24 stress; if programs, teaching staff, caregivers, and

1 providers are not provided with the support, services, and
2 training needed to accomplish these goals, it can lead to
3 children and families being asked to leave programs,
4 particularly without connection to more appropriate
5 services, thereby creating a disruption in learning and
6 social-emotional development; investments in reflective
7 supervision, professional development specific to
8 diversity, equity and inclusion practice, culturally
9 responsive training, implicit bias training, and how
10 trauma experienced during the early years can manifest in
11 challenging behaviors will create systems for serving
12 children that are informed in developmentally appropriate
13 and responsive supports.

14 (4) Studies have shown that the expulsion of infants,
15 toddlers, and young children in early care and education
16 settings is occurring at alarmingly high rates, more than
17 3 times that of students in K-12; further, expulsion
18 occurs more frequently for Black children and Latinx
19 children and more frequently for boys than for girls, with
20 Black boys being most frequently expelled; there is
21 evidence to show that the expulsion of Black girls is
22 occurring with increasing frequency.

23 (5) Illinois took its first steps toward addressing
24 this disparity through Public Act 100-105 to prohibit
25 expulsion due to child behavior in early care and
26 education settings, but further work is needed to

1 implement this law, including strengthening provider
2 understanding of a successful transition and beginning to
3 identify strategies to reduce "soft expulsions" and to
4 ensure more young children and their teachers, providers,
5 and caregivers, in a range of early care and education
6 settings, can benefit from services, such as Infant/Early
7 Childhood Mental Health Consultations (I/ECMHC) and
8 positive behavior interventions and supports such as the
9 Pyramid Model.

10 (6) I/ECMHC is a critical component needed to align
11 social-emotional well-being with the public health model
12 of promotion, prevention, and intervention across early
13 care and education systems.

14 (b) The General Assembly encourages that all of the
15 following actions be taken by:

16 (1) the State to increase the availability of
17 Infant/Early Childhood Mental Health Consultations
18 (I/ECMHC) through increased funding in early childhood
19 programs and sustainable funding for coordination of
20 I/ECMHC and other social and emotional support at the
21 State level;

22 (2) the Department of Human Services (IDHS), the
23 Illinois State Board of Education (ISBE), the Governor's
24 Office of Early Childhood Development (GOECD), and other
25 relevant agencies to develop and promote
26 provider-accessible and parent-accessible materials,

1 including native language, on the role and value of
2 I/ECMHC, including targeted promotion in underserved
3 communities, and promote the use of existing I/ECMHCs, the
4 I/ECMHC consultant database, or other existing services;

5 (3) the State to increase funding to promote and
6 provide training and implementation support for systems of
7 tiered support, such as the Pyramid Model, across early
8 childhood settings and urge DHS, ISBE, GOECD, and other
9 relevant State agencies to coordinate efforts and develop
10 strategies to provide outreach to and support providers in
11 underserved communities and communities with fewer
12 programmatic resources; and

13 (4) ISBE and DCFS to provide the data required by
14 Public Act 100-105, even if the data is incomplete at the
15 time due to data system challenges.

16 (c) This Section is repealed on July 1, 2026.

17 (Source: P.A. 101-654, eff. 3-8-21.)

18 Section 90-60. The Children's Mental Health Act is amended
19 by changing Section 5 as follows:

20 (405 ILCS 49/5)

21 Sec. 5. Children's Mental Health Partnership; Children's
22 Mental Health Plan.

23 (a) The Children's Mental Health Partnership (hereafter
24 referred to as "the Partnership") created under Public Act

1 93-495 and continued under Public Act 102-899 shall advise
2 State agencies on designing and implementing short-term and
3 long-term strategies to provide comprehensive and coordinated
4 services for children from birth to age 25 and their families
5 with the goal of addressing children's mental health needs
6 across a full continuum of care, including social determinants
7 of health, prevention, early identification, and treatment.
8 The recommended strategies shall build upon the
9 recommendations in the Children's Mental Health Plan of 2022
10 and may include, but are not limited to, recommendations
11 regarding the following:

12 (1) Increasing public awareness on issues connected to
13 children's mental health and wellness to decrease stigma,
14 promote acceptance, and strengthen the ability of
15 children, families, and communities to access supports.

16 (2) Coordination of programs, services, and policies
17 across child-serving State agencies to best monitor and
18 assess spending, as well as foster innovation of adaptive
19 or new practices.

20 (3) Funding and resources for children's mental health
21 prevention, early identification, and treatment across
22 child-serving State agencies.

23 (4) Facilitation of research on best practices and
24 model programs and dissemination of this information to
25 State policymakers, practitioners, and the general public.

26 (5) Monitoring programs, services, and policies

1 addressing children's mental health and wellness.

2 (6) Growing, retaining, diversifying, and supporting
3 the child-serving workforce, with special emphasis on
4 professional development around child and family mental
5 health and wellness services.

6 (7) Supporting the design, implementation, and
7 evaluation of a quality-driven children's mental health
8 system of care across all child services that prevents
9 mental health concerns and mitigates trauma.

10 (8) Improving the system to more effectively meet the
11 emergency and residential placement needs for all children
12 with severe mental and behavioral challenges.

13 (b) The Partnership shall have the responsibility of
14 developing and updating the Children's Mental Health Plan and
15 advising the relevant State agencies on implementation of the
16 Plan. The Children's Mental Health Partnership shall be
17 comprised of the following members:

18 (1) The Governor or his or her designee.

19 (2) The Attorney General or his or her designee.

20 (3) The Secretary of the Department of Human Services
21 or his or her designee.

22 (4) The State Superintendent of Education or his or
23 her designee.

24 (5) The Director of the Department of Children and
25 Family Services or his or her designee.

26 (6) The Director of the Department of Healthcare and

1 Family Services or his or her designee.

2 (7) The Director of the Department of Public Health or
3 his or her designee.

4 (8) The Director of the Department of Juvenile Justice
5 or his or her designee.

6 (9) The Secretary of Early Childhood ~~Executive~~
7 ~~Director of the Governor's Office of Early Childhood~~
8 ~~Development~~ or his or her designee.

9 (10) The Director of the Criminal Justice Information
10 Authority or his or her designee.

11 (11) One member of the General Assembly appointed by
12 the Speaker of the House.

13 (12) One member of the General Assembly appointed by
14 the President of the Senate.

15 (13) One member of the General Assembly appointed by
16 the Minority Leader of the Senate.

17 (14) One member of the General Assembly appointed by
18 the Minority Leader of the House.

19 (15) Up to 25 representatives from the public
20 reflecting a diversity of age, gender identity, race,
21 ethnicity, socioeconomic status, and geographic location,
22 to be appointed by the Governor. Those public members
23 appointed under this paragraph must include, but are not
24 limited to:

25 (A) a family member or individual with lived
26 experience in the children's mental health system;

1 (B) a child advocate;

2 (C) a community mental health expert,
3 practitioner, or provider;

4 (D) a representative of a statewide association
5 representing a majority of hospitals in the State;

6 (E) an early childhood expert or practitioner;

7 (F) a representative from the K-12 school system;

8 (G) a representative from the healthcare sector;

9 (H) a substance use prevention expert or
10 practitioner, or a representative of a statewide
11 association representing community-based mental health
12 substance use disorder treatment providers in the
13 State;

14 (I) a violence prevention expert or practitioner;

15 (J) a representative from the juvenile justice
16 system;

17 (K) a school social worker; and

18 (L) a representative of a statewide organization
19 representing pediatricians.

20 (16) Two co-chairs appointed by the Governor, one
21 being a representative from the public and one being a
22 representative from the State.

23 The members appointed by the Governor shall be appointed
24 for 4 years with one opportunity for reappointment, except as
25 otherwise provided for in this subsection. Members who were
26 appointed by the Governor and are serving on January 1, 2023

1 (the effective date of Public Act 102-899) shall maintain
2 their appointment until the term of their appointment has
3 expired. For new appointments made pursuant to Public Act
4 102-899, members shall be appointed for one-year, 2-year, or
5 4-year terms, as determined by the Governor, with no more than
6 9 of the Governor's new or existing appointees serving the
7 same term. Those new appointments serving a one-year or 2-year
8 term may be appointed to 2 additional 4-year terms. If a
9 vacancy occurs in the Partnership membership, the vacancy
10 shall be filled in the same manner as the original appointment
11 for the remainder of the term.

12 The Partnership shall be convened no later than January
13 31, 2023 to discuss the changes in Public Act 102-899.

14 The members of the Partnership shall serve without
15 compensation but may be entitled to reimbursement for all
16 necessary expenses incurred in the performance of their
17 official duties as members of the Partnership from funds
18 appropriated for that purpose.

19 The Partnership may convene and appoint special committees
20 or study groups to operate under the direction of the
21 Partnership. Persons appointed to such special committees or
22 study groups shall only receive reimbursement for reasonable
23 expenses.

24 (b-5) The Partnership shall include an adjunct council
25 comprised of no more than 6 youth aged 14 to 25 and 4
26 representatives of 4 different community-based organizations

1 that focus on youth mental health. Of the community-based
2 organizations that focus on youth mental health, one of the
3 community-based organizations shall be led by an
4 LGBTQ-identified person, one of the community-based
5 organizations shall be led by a person of color, and one of the
6 community-based organizations shall be led by a woman. Of the
7 representatives appointed to the council from the
8 community-based organizations, at least one representative
9 shall be LGBTQ-identified, at least one representative shall
10 be a person of color, and at least one representative shall be
11 a woman. The council members shall be appointed by the Chair of
12 the Partnership and shall reflect the racial, gender identity,
13 sexual orientation, ability, socioeconomic, ethnic, and
14 geographic diversity of the State, including rural, suburban,
15 and urban appointees. The council shall make recommendations
16 to the Partnership regarding youth mental health, including,
17 but not limited to, identifying barriers to youth feeling
18 supported by and empowered by the system of mental health and
19 treatment providers, barriers perceived by youth in accessing
20 mental health services, gaps in the mental health system,
21 available resources in schools, including youth's perceptions
22 and experiences with outreach personnel, agency websites, and
23 informational materials, methods to destigmatize mental health
24 services, and how to improve State policy concerning student
25 mental health. The mental health system may include services
26 for substance use disorders and addiction. The council shall

1 meet at least 4 times annually.

2 (c) (Blank).

3 (d) The Illinois Children's Mental Health Partnership has
4 the following powers and duties:

5 (1) Conducting research assessments to determine the
6 needs and gaps of programs, services, and policies that
7 touch children's mental health.

8 (2) Developing policy statements for interagency
9 cooperation to cover all aspects of mental health
10 delivery, including social determinants of health,
11 prevention, early identification, and treatment.

12 (3) Recommending policies and providing information on
13 effective programs for delivery of mental health services.

14 (4) Using funding from federal, State, or
15 philanthropic partners, to fund pilot programs or research
16 activities to resource innovative practices by
17 organizational partners that will address children's
18 mental health. However, the Partnership may not provide
19 direct services.

20 (5) Submitting an annual report, on or before December
21 30 of each year, to the Governor and the General Assembly
22 on the progress of the Plan, any recommendations regarding
23 State policies, laws, or rules necessary to fulfill the
24 purposes of the Act, and any additional recommendations
25 regarding mental or behavioral health that the Partnership
26 deems necessary.

1 (6) Employing an Executive Director and setting the
2 compensation of the Executive Director and other such
3 employees and technical assistance as it deems necessary
4 to carry out its duties under this Section.

5 The Partnership may designate a fiscal and administrative
6 agent that can accept funds to carry out its duties as outlined
7 in this Section.

8 The Department of Healthcare and Family Services shall
9 provide technical and administrative support for the
10 Partnership.

11 (e) The Partnership may accept monetary gifts or grants
12 from the federal government or any agency thereof, from any
13 charitable foundation or professional association, or from any
14 reputable source for implementation of any program necessary
15 or desirable to carry out the powers and duties as defined
16 under this Section.

17 (f) On or before January 1, 2027, the Partnership shall
18 submit recommendations to the Governor and General Assembly
19 that includes recommended updates to the Act to reflect the
20 current mental health landscape in this State.

21 (Source: P.A. 102-16, eff. 6-17-21; 102-116, eff. 7-23-21;
22 102-899, eff. 1-1-23; 102-1034, eff. 1-1-23; 103-154, eff.
23 6-30-23.)

24 Section 90-65. The Advisory Board for the Maternal and
25 Child Health Block Grant Programs Act is amended by changing

1 Section 15 as follows:

2 (410 ILCS 221/15)

3 Sec. 15. Advisory Board for the Maternal and Child Health
4 Block Grant Programs.

5 (a) The Advisory Board for the Maternal and Child Health
6 Block Grant Programs is created within the Department to
7 advise the Department on programs and activities related to
8 maternal and child health in the State of Illinois.

9 The Board shall consist of the Director's designee
10 responsible for maternal and child health programs, who shall
11 serve as the Chair of the Board; the Department's Title V
12 administrator, if the Director's designee is not serving in
13 the capacity of Title V Director at the Department; one
14 representative each from the Department of Early Childhood,
15 the Department of Children and Family Services, the Department
16 of Human Services, and the Department of Healthcare and Family
17 Services, appointed by the Director or Secretary of each
18 Department; the Director of the University of Illinois at
19 Chicago's Division of Specialized Care for Children; 4 members
20 of the General Assembly, one each appointed by the President
21 and Minority Leader of the Senate and the Speaker and Minority
22 Leader of the House of Representatives; and 20 additional
23 members appointed by the Director.

24 Of the members appointed by the Director:

25 (1) Two shall be physicians licensed to practice

1 medicine in all of its branches who currently serve
2 patients enrolled in maternal and child health programs
3 funded by the State of Illinois, one of whom shall be an
4 individual with a specialty in obstetrics and gynecology
5 and one of whom shall be an individual with a specialty in
6 pediatric medicine;

7 (2) Sixteen shall be persons with expertise in one or
8 more of the following areas, with no more than 3 persons
9 from each listed area of expertise and with preference
10 given to the areas of need identified by the most recent
11 State needs assessment: the health of women, infants,
12 young children, school-aged children, adolescents, and
13 children with special health care needs; public health;
14 epidemiology; behavioral health; nursing; social work;
15 substance abuse prevention; juvenile justice; oral health;
16 child development; chronic disease prevention; health
17 promotion; and education; 5 of the 16 members shall
18 represent organizations that provide maternal and child
19 health services with funds from the Department; and

20 (3) either 2 consumers who have received services
21 through a Department-funded maternal and child health
22 program, 2 representatives from advocacy groups that
23 advocate on behalf of such consumers, or one such consumer
24 and one such representative of an advocacy group.

25 Members appointed by the Director shall be selected to
26 represent the racial, ethnic, and geographic diversity of the

1 State's population and shall include representatives of local
2 health departments, other direct service providers, and
3 faculty of the University of Illinois at Chicago School of
4 Public Health Center of Excellence in Maternal and Child
5 Health.

6 Legislative members shall serve during their term of
7 office in the General Assembly. Members appointed by the
8 Director shall serve a term of 4 years or until their
9 successors are appointed.

10 Any member appointed to fill a vacancy occurring prior to
11 the expiration of the term for which his or her predecessor was
12 appointed shall be appointed for the remainder of such term.
13 Members of the Board shall serve without compensation but
14 shall be reimbursed for necessary expenses incurred in the
15 performance of their duties.

16 (b) The Board shall advise the Director on improving the
17 well-being of mothers, fathers, infants, children, families,
18 and adults, considering both physical and social determinants
19 of health, and using a life-span approach to health promotion
20 and disease prevention in the State of Illinois. In addition,
21 the Board shall review and make recommendations to the
22 Department and the Governor in regard to the system for
23 maternal and child health programs, collaboration, and
24 interrelation between and delivery of programs, both within
25 the Department and with related programs in other departments.
26 In performing its duties, the Board may hold hearings

1 throughout the State and advise and receive advice from any
2 local advisory bodies created to address maternal and child
3 health.

4 (c) The Board may offer recommendations and feedback
5 regarding the development of the State's annual Maternal and
6 Child Health Services Block Grant application and report as
7 well as the periodic needs assessment.

8 (Source: P.A. 99-901, eff. 8-26-16.)

9 ARTICLE 95.CHILD CARE ACT OF 1969 AMENDMENTS

10 (225 ILCS 10/2.11 rep.)

11 Section 95-5. The Child Care Act of 1969 is amended by
12 repealing Section 2.11.

13 Section 95-10. The Child Care Act of 1969 is amended by
14 changing Sections 2.09, 3, 4, 4.1, 4.3, 4.4, 4.5, 5, 5.1, 5.2,
15 5.8, 5.9, 5.10, 5.11, 6, 7, 7.2, 7.10, 8, 8.1, 8.2, 8.5, 9,
16 9.1, 9.1c, 9.2, 10, 11, 11.1, 11.2, 12, 15, 16, 17, and 18 and
17 by adding Sections 3.01, 4.01, 4.2a, 4.3a, 4.4a, 5.01, 5.1a,
18 5.2a, 6.1, 7.01, 8a, 8.1a, 8.2a, 8.6, 9.01, 11.1a, 11.3, 12.1,
19 15.1, 16.1, and 18.1 as follows:

20 (225 ILCS 10/2.09) (from Ch. 23, par. 2212.09)

21 Sec. 2.09. "Day care center" means any child care facility
22 which regularly provides day care for less than 24 hours per

1 day for (1) more than 8 children in a family home, or (2) more
2 than 3 children in a facility other than a family home,
3 including senior citizen buildings.

4 The term does not include:

5 (a) programs operated by (i) public or private
6 elementary school systems or secondary level school units
7 or institutions of higher learning that serve children who
8 shall have attained the age of 3 years or (ii) private
9 entities on the grounds of public or private elementary or
10 secondary schools and that serve children who have
11 attained the age of 3 years, except that this exception
12 applies only to the facility and not to the private
13 entities' personnel operating the program;

14 (b) programs or that portion of the program which
15 serves children who shall have attained the age of 3 years
16 and which are recognized by the State Board of Education;

17 (c) educational program or programs serving children
18 who shall have attained the age of 3 years and which are
19 operated by a school which is registered with the State
20 Board of Education and which is recognized or accredited
21 by a recognized national or multistate educational
22 organization or association which regularly recognizes or
23 accredits schools;

24 (d) programs which exclusively serve or that portion
25 of the program which serves children with disabilities who
26 shall have attained the age of 3 years but are less than 21

1 years of age and which are registered and approved as
2 meeting standards of the State Board of Education and
3 applicable fire marshal standards;

4 (e) facilities operated in connection with a shopping
5 center or service, religious services, or other similar
6 facility, where transient children are cared for
7 temporarily while parents or custodians of the children
8 are occupied on the premises and readily available;

9 (f) any type of day care center that is conducted on
10 federal government premises;

11 (g) special activities programs, including athletics,
12 recreation, crafts instruction, and similar activities
13 conducted on an organized and periodic basis by civic,
14 charitable and governmental organizations, including, but
15 not limited to, programs offered by park districts
16 organized under the Park District Code to children who
17 shall have attained the age of 3 years old if the program
18 meets no more than 3.5 continuous hours at a time or less
19 and no more than 25 hours during any week, and the park
20 district conducts background investigations on employees
21 of the program pursuant to Section 8-23 of the Park
22 District Code;

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

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

26 (1) serves children who shall have attained the

1 age of 3 years;

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

5 (3) receives no governmental aid;

6 (4) is operated as a component of a religious,
7 nonprofit elementary school;

8 (5) operates primarily to provide religious
9 education; and

10 (6) meets appropriate State or local health and
11 fire safety standards; or

12 (j) programs or portions of programs that:

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

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

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

21 (4) comply with the standards of the Illinois
22 Department of Public Health (77 Ill. Adm. Code 750) or
23 the local health department, the Illinois State Fire
24 Marshal (41 Ill. Adm. Code 100), and the following
25 additional health and safety requirements: procedures
26 for employee and volunteer emergency preparedness and

1 practice drills; procedures to ensure that first aid
2 kits are maintained and ready to use; the placement of
3 a minimum level of liability insurance as determined
4 by the Department; procedures for the availability of
5 a working telephone that is onsite and accessible at
6 all times; procedures to ensure that emergency phone
7 numbers are posted onsite; and a restriction on
8 handgun or weapon possession onsite, except if
9 possessed by a peace officer;

10 (5) perform and maintain authorization and results
11 of criminal history checks through the Illinois State
12 Police and FBI and checks of the Illinois Sex Offender
13 Registry, the National Sex Offender Registry, and
14 Child Abuse and Neglect Tracking System for employees
15 and volunteers who work directly with children;

16 (6) make hiring decisions in accordance with the
17 prohibitions against barrier crimes as specified in
18 Section 4.2 of this Act or in Section 21B-80 of the
19 School Code;

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

23 (8) obtain and maintain records showing the first
24 and last name and date of birth of the child, name,
25 address, and telephone number of each parent,
26 emergency contact information, and written

1 authorization for medical care.

2 ~~Programs or portions of programs requesting Child Care~~
3 ~~Assistance Program (CCAP) funding and otherwise meeting the~~
4 ~~requirements under item (j) shall request exemption from the~~
5 ~~Department and be determined exempt prior to receiving funding~~
6 ~~and must annually meet the eligibility requirements and be~~
7 ~~appropriate for payment under the CCAP.~~

8 ~~Programs or portions of programs under item (j) that do~~
9 ~~not receive State or federal funds must comply with staff~~
10 ~~qualification and training standards established by rule by~~
11 ~~the Department of Human Services. The Department of Human~~
12 ~~Services shall set such standards after review of Afterschool~~
13 ~~for Children and Teens Now (ACT Now) evidence-based quality~~
14 ~~standards developed for school-age out-of-school time~~
15 ~~programs, feedback from the school-age out-of-school time~~
16 ~~program professionals, and review of out-of-school time~~
17 ~~professional development frameworks and quality tools.~~

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

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

26 (Source: P.A. 103-153, eff. 6-30-23.)

1 (225 ILCS 10/3) (from Ch. 23, par. 2213)

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

15 (b) (Blank) ~~No part day child care facility as described~~
16 ~~in Section 2.10 may operate without written notification to~~
17 ~~the Department or without complying with Section 7.1.~~
18 ~~Notification shall include a notarized statement by the~~
19 ~~facility that the facility complies with state or local health~~
20 ~~standards and state fire safety standards, and shall be filed~~
21 ~~with the department every 2 years.~~

22 (c) (Blank) ~~The Director of the Department shall establish~~
23 ~~policies and coordinate activities relating to child care~~
24 ~~licensing, licensing of day care homes and day care centers.~~

25 (d) Any facility or agency which is exempt from licensing

1 may apply for licensing if licensing is required for some
2 government benefit.

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

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

17 (225 ILCS 10/3.01 new)

18 Sec. 3.01. License or permit; Department of Early
19 Childhood.

20 (a) No person, group of persons or corporation may operate
21 or conduct any day care center, day care home, or group day
22 care home without a license or permit issued by the Department
23 of Early Childhood or without being approved by the Department
24 of Early Childhood meeting the standards established for such
25 licensing, with the exception of facilities for whom standards

1 are established by the Department of Corrections under Section
2 3-15-2 of the Unified Code of Corrections and with the
3 exception of facilities defined in Section 2.10 of this Act,
4 and with the exception of programs or facilities licensed by
5 the Department of Human Services under the Substance Use
6 Disorder Act.

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

14 (c) The Secretary of Early Childhood shall establish
15 policies and coordinate activities relating to licensing of
16 day care centers, group day care homes, and day care homes.

17 (d) Any facility or agency which is exempt from licensing
18 may apply for licensing if licensing is required for some
19 government benefit.

20 (e) A provider of day care described in items (a) through
21 (j) of Section 2.09 of this Act is exempt from licensure. The
22 Department of Early Childhood shall provide written
23 verification of exemption and description of compliance with
24 standards for the health, safety, and development of the
25 children who receive the services upon submission by the
26 provider of, in addition to any other documentation required

1 by the Department of Early Childhood, a notarized statement
2 that the facility complies with: (1) the standards of the
3 Department of Public Health or local health department, (2)
4 the fire safety standards of the State Fire Marshal, and (3) if
5 operated in a public school building, the health and safety
6 standards of the State Board of Education.

7 (225 ILCS 10/4) (from Ch. 23, par. 2214)

8 Sec. 4. License requirement; application; notice;
9 Department of Children and Family Services.

10 (a) Any person, group of persons or corporation who or
11 which receives children or arranges for care or placement of
12 one or more children unrelated to the operator must apply for a
13 license to operate one of the types of facilities defined in
14 Sections 2.05 through 2.19 (other than a day care center or day
15 care home) and in Section 2.22 of this Act. Any relative, as
16 defined in Section 2.17 of this Act, who receives a child or
17 children for placement by the Department on a full-time basis
18 may apply for a license to operate a foster family home as
19 defined in Section 2.17 of this Act.

20 (a-5) Any agency, person, group of persons, association,
21 organization, corporation, institution, center, or group
22 providing adoption services must be licensed by the Department
23 as a child welfare agency as defined in Section 2.08 of this
24 Act. "Providing adoption services" as used in this Act,
25 includes facilitating or engaging in adoption services.

1 (b) Application for a license to operate a child care
2 facility (other than a day care center, day care home, or group
3 day care home) must be made to the Department in the manner and
4 on forms prescribed by it. An application to operate a foster
5 family home shall include, at a minimum: a completed written
6 form; written authorization by the applicant and all adult
7 members of the applicant's household to conduct a criminal
8 background investigation; medical evidence in the form of a
9 medical report, on forms prescribed by the Department, that
10 the applicant and all members of the household are free from
11 communicable diseases or physical and mental conditions that
12 affect their ability to provide care for the child or
13 children; the names and addresses of at least 3 persons not
14 related to the applicant who can attest to the applicant's
15 moral character; the name and address of at least one relative
16 who can attest to the applicant's capability to care for the
17 child or children; and fingerprints submitted by the applicant
18 and all adult members of the applicant's household.

19 (b-5) Prior to submitting an application for a foster
20 family home license, a quality of care concerns applicant as
21 defined in Section 2.22a of this Act must submit a preliminary
22 application to the Department in the manner and on forms
23 prescribed by it. The Department shall explain to the quality
24 of care concerns applicant the grounds for requiring a
25 preliminary application. The preliminary application shall
26 include a list of (i) all children placed in the home by the

1 Department who were removed by the Department for reasons
2 other than returning to a parent and the circumstances under
3 which they were removed and (ii) all children placed by the
4 Department who were subsequently adopted by or placed in the
5 private guardianship of the quality of care concerns applicant
6 who are currently under 18 and who no longer reside in the home
7 and the reasons why they no longer reside in the home. The
8 preliminary application shall also include, if the quality of
9 care concerns applicant chooses to submit, (1) a response to
10 the quality of care concerns, including any reason the
11 concerns are invalid, have been addressed or ameliorated, or
12 no longer apply and (2) affirmative documentation
13 demonstrating that the quality of care concerns applicant's
14 home does not pose a risk to children and that the family will
15 be able to meet the physical and emotional needs of children.
16 The Department shall verify the information in the preliminary
17 application and review (i) information regarding any prior
18 licensing complaints, (ii) information regarding any prior
19 child abuse or neglect investigations, (iii) information
20 regarding any involuntary foster home holds placed on the home
21 by the Department, and (iv) information regarding all child
22 exit interviews, as provided in Section 5.26 of the Children
23 and Family Services Act, regarding the home. Foster home
24 applicants with quality of care concerns are presumed
25 unsuitable for future licensure.

26 Notwithstanding the provisions of this subsection (b-5),

1 the Department may make an exception and issue a foster family
2 license to a quality of care concerns applicant if the
3 Department is satisfied that the foster family home does not
4 pose a risk to children and that the foster family will be able
5 to meet the physical and emotional needs of children. In
6 making this determination, the Department must obtain and
7 carefully review all relevant documents and shall obtain
8 consultation from its Clinical Division as appropriate and as
9 prescribed by Department rule and procedure. The Department
10 has the authority to deny a preliminary application based on
11 the record of quality of care concerns of the foster family
12 home. In the alternative, the Department may (i) approve the
13 preliminary application, (ii) approve the preliminary
14 application subject to obtaining additional information or
15 assessments, or (iii) approve the preliminary application for
16 purposes of placing a particular child or children only in the
17 foster family home. If the Department approves a preliminary
18 application, the foster family shall submit an application for
19 licensure as described in subsection (b) of this Section. The
20 Department shall notify the quality of care concerns applicant
21 of its decision and the basis for its decision in writing.

22 (c) The Department shall notify the public when a child
23 care institution, maternity center, or group home licensed by
24 the Department undergoes a change in (i) the range of care or
25 services offered at the facility, (ii) the age or type of
26 children served, or (iii) the area within the facility used by

1 children. The Department shall notify the public of the change
2 in a newspaper of general circulation in the county or
3 municipality in which the applicant's facility is or is
4 proposed to be located.

5 (d) If, upon examination of the facility and investigation
6 of persons responsible for care of children and, in the case of
7 a foster home, taking into account information obtained for
8 purposes of evaluating a preliminary application, if
9 applicable, the Department is satisfied that the facility and
10 responsible persons reasonably meet standards prescribed for
11 the type of facility for which application is made, it shall
12 issue a license in proper form, designating on that license
13 the type of child care facility and, except for a child welfare
14 agency, the number of children to be served at any one time.

15 (e) The Department shall not issue or renew the license of
16 any child welfare agency providing adoption services, unless
17 the agency (i) is officially recognized by the United States
18 Internal Revenue Service as a tax-exempt organization
19 described in Section 501(c)(3) of the Internal Revenue Code of
20 1986 (or any successor provision of federal tax law) and (ii)
21 is in compliance with all of the standards necessary to
22 maintain its status as an organization described in Section
23 501(c)(3) of the Internal Revenue Code of 1986 (or any
24 successor provision of federal tax law). The Department shall
25 grant a grace period of 24 months from the effective date of
26 this amendatory Act of the 94th General Assembly for existing

1 child welfare agencies providing adoption services to obtain
2 501(c)(3) status. The Department shall permit an existing
3 child welfare agency that converts from its current structure
4 in order to be recognized as a 501(c)(3) organization as
5 required by this Section to either retain its current license
6 or transfer its current license to a newly formed entity, if
7 the creation of a new entity is required in order to comply
8 with this Section, provided that the child welfare agency
9 demonstrates that it continues to meet all other licensing
10 requirements and that the principal officers and directors and
11 programs of the converted child welfare agency or newly
12 organized child welfare agency are substantially the same as
13 the original. The Department shall have the sole discretion to
14 grant a one year extension to any agency unable to obtain
15 501(c)(3) status within the timeframe specified in this
16 subsection (e), provided that such agency has filed an
17 application for 501(c)(3) status with the Internal Revenue
18 Service within the 2-year timeframe specified in this
19 subsection (e).

20 (Source: P.A. 101-63, eff. 7-12-19; 102-763, eff. 1-1-23.)

21 (225 ILCS 10/4.01 new)

22 Sec. 4.01. License requirement; application; notice;
23 Department of Early Childhood.

24 (a) Any person, group of persons or corporation who or
25 which receives children or arranges for care of one or more

1 children unrelated to the operator must apply for a license to
2 operate one of the types of facilities defined in Sections
3 2.09, 2.18, and 2.20.

4 (b) Application for a license to operate a day care
5 center, day care home, or group day care home must be made to
6 the Department of Early Childhood in the manner and on forms
7 prescribed by it.

8 (c) If, upon examination of the facility and investigation
9 of persons responsible for care of children, the Department of
10 Early Childhood is satisfied that the facility and responsible
11 persons reasonably meet standards prescribed for the type of
12 facility for which application is made, it shall issue a
13 license in proper form, designating on that license the type
14 of child care facility and the number of children to be served
15 at any one time.

16 (225 ILCS 10/4.1) (from Ch. 23, par. 2214.1)

17 Sec. 4.1. Criminal background investigations. The
18 Department of Children and Family Services or the Department
19 of Early Childhood shall require that each child care facility
20 license applicant under the agencies' respective authority as
21 part of the application process, and each employee and
22 volunteer of a child care facility or non-licensed service
23 provider, as a condition of employment, authorize an
24 investigation to determine if such applicant, employee, or
25 volunteer has ever been charged with a crime and if so, the

1 disposition of those charges; this authorization shall
2 indicate the scope of the inquiry and the agencies which may be
3 contacted. Upon this authorization, the Director shall request
4 and receive information and assistance from any federal, State
5 or local governmental agency as part of the authorized
6 investigation. Each applicant, employee, or volunteer of a
7 child care facility or non-licensed service provider shall
8 submit the applicant's, employee's, or volunteer's
9 fingerprints to the Illinois State Police in the form and
10 manner prescribed by the Illinois State Police. These
11 fingerprints shall be checked against the fingerprint records
12 now and hereafter filed in the Illinois State Police and
13 Federal Bureau of Investigation criminal history records
14 databases. The Illinois State Police shall charge a fee for
15 conducting the criminal history records check, which shall be
16 deposited in the State Police Services Fund and shall not
17 exceed the actual cost of the records check. The Illinois
18 State Police shall provide information concerning any criminal
19 charges, and their disposition, now or hereafter filed,
20 against an applicant, employee, or volunteer of a child care
21 facility or non-licensed service provider upon request of the
22 Department of Children and Family Services or the Department
23 of Early Childhood when the request is made in the form and
24 manner required by the Illinois State Police.

25 Information concerning convictions of a license applicant,
26 employee, or volunteer of a child care facility or

1 non-licensed service provider investigated under this Section,
2 including the source of the information and any conclusions or
3 recommendations derived from the information, shall be
4 provided, upon request, to such applicant, employee, or
5 volunteer of a child care facility or non-licensed service
6 provider prior to final action by the Department of Children
7 and Family Services or the Department of Early Childhood under
8 the agencies' respective authority on the application. State
9 conviction information provided by the Illinois State Police
10 regarding employees, prospective employees, or volunteers of
11 non-licensed service providers and child care facilities
12 licensed under this Act shall be provided to the operator of
13 such facility, and, upon request, to the employee, prospective
14 employee, or volunteer of a child care facility or
15 non-licensed service provider. Any information concerning
16 criminal charges and the disposition of such charges obtained
17 by the Department of Children and Family Services or the
18 Department of Early Childhood shall be confidential and may
19 not be transmitted outside the Department of Children and
20 Family Services or the Department of Early Childhood, except
21 as required herein, and may not be transmitted to anyone
22 within the Department of Children and Family Services or the
23 Department of Early Childhood except as needed for the purpose
24 of evaluating an application or an employee or volunteer of a
25 child care facility or non-licensed service provider. Only
26 information and standards which bear a reasonable and rational

1 relation to the performance of a child care facility shall be
2 used by the Department of Children and Family Services or the
3 Department of Early Childhood or any licensee. Any employee of
4 the Department of Children and Family Services, Department of
5 Early Childhood, Illinois State Police, or a child care
6 facility receiving confidential information under this Section
7 who gives or causes to be given any confidential information
8 concerning any criminal convictions of an applicant, employee,
9 or volunteer of a child care facility or non-licensed service
10 provider, shall be guilty of a Class A misdemeanor unless
11 release of such information is authorized by this Section.

12 A child care facility may hire, on a probationary basis,
13 any employee or volunteer of a child care facility or
14 non-licensed service provider authorizing a criminal
15 background investigation under this Section, pending the
16 result of such investigation. Employees and volunteers of a
17 child care facility or non-licensed service provider shall be
18 notified prior to hiring that such employment may be
19 terminated on the basis of criminal background information
20 obtained by the facility.

21 (Source: P.A. 102-538, eff. 8-20-21; 103-22, eff. 8-8-23.)

22 (225 ILCS 10/4.2a new)

23 Sec. 4.2a. License eligibility; Department of Early
24 Childhood.

25 (a) No applicant may receive a license from the Department

1 of Early Childhood and no person may be employed by a licensed
2 child care facility who refuses to authorize an investigation
3 as required by Section 4.1.

4 (b) In addition to the other provisions of this Section,
5 no applicant may receive a license from the Department of
6 Early Childhood and no person may be employed by a child care
7 facility licensed by the Department of Early Childhood who has
8 been declared a sexually dangerous person under the Sexually
9 Dangerous Persons Act, or convicted of committing or
10 attempting to commit any of the following offenses stipulated
11 under the Criminal Code of 1961 or the Criminal Code of 2012:

12 (1) murder;

13 (1.1) solicitation of murder;

14 (1.2) solicitation of murder for hire;

15 (1.3) intentional homicide of an unborn child;

16 (1.4) voluntary manslaughter of an unborn child;

17 (1.5) involuntary manslaughter;

18 (1.6) reckless homicide;

19 (1.7) concealment of a homicidal death;

20 (1.8) involuntary manslaughter of an unborn child;

21 (1.9) reckless homicide of an unborn child;

22 (1.10) drug-induced homicide;

23 (2) a sex offense under Article 11, except offenses
24 described in Sections 11-7, 11-8, 11-12, 11-13, 11-35,
25 11-40, and 11-45;

26 (3) kidnapping;

- 1 (3.1) aggravated unlawful restraint;
- 2 (3.2) forcible detention;
- 3 (3.3) harboring a runaway;
- 4 (3.4) aiding and abetting child abduction;
- 5 (4) aggravated kidnapping;
- 6 (5) child abduction;
- 7 (6) aggravated battery of a child as described in
8 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05;
- 9 (7) criminal sexual assault;
- 10 (8) aggravated criminal sexual assault;
- 11 (8.1) predatory criminal sexual assault of a child;
- 12 (9) criminal sexual abuse;
- 13 (10) aggravated sexual abuse;
- 14 (11) heinous battery as described in Section 12-4.1 or
15 subdivision (a) (2) of Section 12-3.05;
- 16 (12) aggravated battery with a firearm as described in
17 Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or
18 (e) (4) of Section 12-3.05;
- 19 (13) tampering with food, drugs, or cosmetics;
- 20 (14) drug induced infliction of great bodily harm as
21 described in Section 12-4.7 or subdivision (g) (1) of
22 Section 12-3.05;
- 23 (15) hate crime;
- 24 (16) stalking;
- 25 (17) aggravated stalking;
- 26 (18) threatening public officials;

- 1 (19) home invasion;
2 (20) vehicular invasion;
3 (21) criminal transmission of HIV;
4 (22) criminal abuse or neglect of an elderly person or
5 person with a disability as described in Section 12-21 or
6 subsection (e) of Section 12-4.4a;
7 (23) child abandonment;
8 (24) endangering the life or health of a child;
9 (25) ritual mutilation;
10 (26) ritualized abuse of a child;
11 (27) an offense in any other jurisdiction the elements
12 of which are similar and bear a substantial relationship
13 to any of the foregoing offenses.

14 (b-1) In addition to the other provisions of this Section,
15 beginning January 1, 2004, no new applicant and, on the date of
16 licensure renewal, no current licensee may operate or receive
17 a license from the Department of Early Childhood to operate,
18 no person may be employed by, and no adult person may reside in
19 a child care facility licensed by the Department of Early
20 Childhood who has been convicted of committing or attempting
21 to commit any of the following offenses or an offense in any
22 other jurisdiction the elements of which are similar and bear
23 a substantial relationship to any of the following offenses:

24 (I) BODILY HARM

- 25 (1) Felony aggravated assault.

- 1 (2) Vehicular endangerment.
- 2 (3) Felony domestic battery.
- 3 (4) Aggravated battery.
- 4 (5) Heinous battery.
- 5 (6) Aggravated battery with a firearm.
- 6 (7) Aggravated battery of an unborn child.
- 7 (8) Aggravated battery of a senior citizen.
- 8 (9) Intimidation.
- 9 (10) Compelling organization membership of persons.
- 10 (11) Abuse and criminal neglect of a long term care
11 facility resident.
- 12 (12) Felony violation of an order of protection.

13 (II) OFFENSES AFFECTING PUBLIC HEALTH, SAFETY, AND DECENCY

- 14 (1) Felony unlawful use of weapons.
- 15 (2) Aggravated discharge of a firearm.
- 16 (3) Reckless discharge of a firearm.
- 17 (4) Unlawful use of metal piercing bullets.
- 18 (5) Unlawful sale or delivery of firearms on the
19 premises of any school.
- 20 (6) Disarming a police officer.
- 21 (7) Obstructing justice.
- 22 (8) Concealing or aiding a fugitive.
- 23 (9) Armed violence.
- 24 (10) Felony contributing to the criminal delinquency
25 of a juvenile.

1 (III) DRUG OFFENSES

2 (1) Possession of more than 30 grams of cannabis.

3 (2) Manufacture of more than 10 grams of cannabis.

4 (3) Cannabis trafficking.

5 (4) Delivery of cannabis on school grounds.

6 (5) Unauthorized production of more than 5 cannabis
7 sativa plants.

8 (6) Calculated criminal cannabis conspiracy.

9 (7) Unauthorized manufacture or delivery of controlled
10 substances.

11 (8) Controlled substance trafficking.

12 (9) Manufacture, distribution, or advertisement of
13 look-alike substances.

14 (10) Calculated criminal drug conspiracy.

15 (11) Street gang criminal drug conspiracy.

16 (12) Permitting unlawful use of a building.

17 (13) Delivery of controlled, counterfeit, or
18 look-alike substances to persons under age 18, or at truck
19 stops, rest stops, or safety rest areas, or on school
20 property.

21 (14) Using, engaging, or employing persons under 18 to
22 deliver controlled, counterfeit, or look-alike substances.

23 (15) Delivery of controlled substances.

24 (16) Sale or delivery of drug paraphernalia.

25 (17) Felony possession, sale, or exchange of

1 instruments adapted for use of a controlled substance,
2 methamphetamine, or cannabis by subcutaneous injection.

3 (18) Felony possession of a controlled substance.

4 (19) Any violation of the Methamphetamine Control and
5 Community Protection Act.

6 (b-1.5) In addition to any other provision of this
7 Section, for applicants with access to confidential financial
8 information or who submit documentation to support billing,
9 the Department of Early Childhood may, in its discretion, deny
10 or refuse to renew a license to an applicant who has been
11 convicted of committing or attempting to commit any of the
12 following felony offenses:

13 (1) financial institution fraud under Section 17-10.6
14 of the Criminal Code of 1961 or the Criminal Code of 2012;

15 (2) identity theft under Section 16-30 of the Criminal
16 Code of 1961 or the Criminal Code of 2012;

17 (3) financial exploitation of an elderly person or a
18 person with a disability under Section 17-56 of the
19 Criminal Code of 1961 or the Criminal Code of 2012;

20 (4) computer tampering under Section 17-51 of the
21 Criminal Code of 1961 or the Criminal Code of 2012;

22 (5) aggravated computer tampering under Section 17-52
23 of the Criminal Code of 1961 or the Criminal Code of 2012;

24 (6) computer fraud under Section 17-50 of the Criminal
25 Code of 1961 or the Criminal Code of 2012;

26 (7) deceptive practices under Section 17-1 of the

1 Criminal Code of 1961 or the Criminal Code of 2012;

2 (8) forgery under Section 17-3 of the Criminal Code of
3 1961 or the Criminal Code of 2012;

4 (9) State benefits fraud under Section 17-6 of the
5 Criminal Code of 1961 or the Criminal Code of 2012;

6 (10) mail fraud and wire fraud under Section 17-24 of
7 the Criminal Code of 1961 or the Criminal Code of 2012;

8 (11) theft under paragraphs (1.1) through (11) of
9 subsection (b) of Section 16-1 of the Criminal Code of
10 1961 or the Criminal Code of 2012.

11 (b-2) Notwithstanding subsection (b-1), the Department of
12 Early Childhood may make an exception and, for a day care
13 center, day care home, or group day care home, issue a new
14 child care facility license to or renew the existing child
15 care facility license of an applicant, a person employed by a
16 child care facility, or an applicant who has an adult residing
17 in a home child care facility who was convicted of an offense
18 described in subsection (b-1), provided that all of the
19 following requirements are met:

20 (1) The relevant criminal offense occurred more than 5
21 years prior to the date of application or renewal, except
22 for drug offenses. The relevant drug offense must have
23 occurred more than 10 years prior to the date of
24 application or renewal, unless the applicant passed a drug
25 test, arranged and paid for by the child care facility, no
26 less than 5 years after the offense.

1 (2) The Department of Early Childhood must conduct a
2 background check and assess all convictions and
3 recommendations of the child care facility to determine if
4 hiring or licensing the applicant is in accordance with
5 Department of Early Childhood administrative rules and
6 procedures.

7 (3) The applicant meets all other requirements and
8 qualifications to be licensed as the pertinent type of
9 child care facility under this Act and the Department of
10 Early Childhood administrative rules.

11 (c) In evaluating the exception pursuant to subsection
12 (b-2), the Department of Early Childhood must carefully review
13 any relevant documents to determine whether the applicant,
14 despite the disqualifying convictions, poses a substantial
15 risk to State resources or clients. In making such a
16 determination, the following guidelines shall be used:

17 (1) the age of the applicant when the offense was
18 committed;

19 (2) the circumstances surrounding the offense;

20 (3) the length of time since the conviction;

21 (4) the specific duties and responsibilities
22 necessarily related to the license being applied for and
23 the bearing, if any, that the applicant's conviction
24 history may have on the applicant's fitness to perform
25 these duties and responsibilities;

26 (5) the applicant's employment references;

1 (6) the applicant's character references and any
2 certificates of achievement;

3 (7) an academic transcript showing educational
4 attainment since the disqualifying conviction;

5 (8) a Certificate of Relief from Disabilities or
6 Certificate of Good Conduct; and

7 (9) anything else that speaks to the applicant's
8 character.

9 (225 ILCS 10/4.3) (from Ch. 23, par. 2214.3)

10 Sec. 4.3. Child Abuse and Neglect Reports. All child care
11 facility license applicants (other than a day care center, day
12 care home, or group day care home) and all current and
13 prospective employees of a child care facility (other than a
14 day care center, day care home, or group day care home) who
15 have any possible contact with children in the course of their
16 duties, as a condition of such licensure or employment, shall
17 authorize in writing on a form prescribed by the Department an
18 investigation of the Central Register, as defined in the
19 Abused and Neglected Child Reporting Act, to ascertain if such
20 applicant or employee has been determined to be a perpetrator
21 in an indicated report of child abuse or neglect.

22 All child care facilities (other than a day care center,
23 day care home, or group day care home) as a condition of
24 licensure pursuant to this Act shall maintain such information
25 which demonstrates that all current employees and other

1 applicants for employment who have any possible contact with
2 children in the course of their duties have authorized an
3 investigation of the Central Register as hereinabove required.
4 Only those current or prospective employees who will have no
5 possible contact with children as part of their present or
6 prospective employment may be excluded from provisions
7 requiring authorization of an investigation.

8 Such information concerning a license applicant, employee
9 or prospective employee obtained by the Department shall be
10 confidential and exempt from public inspection and copying as
11 provided under Section 7 of The Freedom of Information Act,
12 and such information shall not be transmitted outside the
13 Department, except as provided in the Abused and Neglected
14 Child Reporting Act, and shall not be transmitted to anyone
15 within the Department except as provided in the Abused and
16 Neglected Child Reporting Act, and shall not be transmitted to
17 anyone within the Department except as needed for the purposes
18 of evaluation of an application for licensure or for
19 consideration by a child care facility of an employee. Any
20 employee of the Department of Children and Family Services
21 under this Section who gives or causes to be given any
22 confidential information concerning any child abuse or neglect
23 reports about a child care facility applicant, child care
24 facility employee, shall be guilty of a Class A misdemeanor,
25 unless release of such information is authorized by Section
26 11.1 of the Abused and Neglected Child Reporting Act.

1 Additionally, any licensee who is informed by the
2 Department of Children and Family Services, pursuant to
3 Section 7.4 of the Abused and Neglected Child Reporting Act,
4 approved June 26, 1975, as amended, that a formal
5 investigation has commenced relating to an employee of the
6 child care facility or any other person in frequent contact
7 with children at the facility, shall take reasonable action
8 necessary to insure that the employee or other person is
9 restricted during the pendency of the investigation from
10 contact with children whose care has been entrusted to the
11 facility.

12 When a foster family home is the subject of an indicated
13 report under the Abused and Neglected Child Reporting Act, the
14 Department of Children and Family Services must immediately
15 conduct a re-examination of the foster family home to evaluate
16 whether it continues to meet the minimum standards for
17 licensure. The re-examination is separate and apart from the
18 formal investigation of the report. The Department must
19 establish a schedule for re-examination of the foster family
20 home mentioned in the report at least once a year.

21 (Source: P.A. 91-557, eff. 1-1-00.)

22 (225 ILCS 10/4.3a new)

23 Sec. 4.3a. Child Abuse and Neglect Reports; Department of
24 Early Childhood. All child care facility license applicants
25 and all current and prospective employees of a day care

1 center, day care home, or group day care home who have any
2 possible contact with children in the course of their duties,
3 as a condition of such licensure or employment, shall
4 authorize in writing on a form prescribed by the Department of
5 Early Childhood an investigation of the Central Register, as
6 defined in the Abused and Neglected Child Reporting Act, to
7 ascertain if such applicant or employee has been determined to
8 be a perpetrator in an indicated report of child abuse or
9 neglect. All child care facilities as a condition of licensure
10 pursuant to this Act shall maintain such information which
11 demonstrates that all current employees and other applicants
12 for employment who have any possible contact with children in
13 the course of their duties have authorized an investigation of
14 the Central Register as hereinabove required. Only those
15 current or prospective employees who will have no possible
16 contact with children as part of their present or prospective
17 employment may be excluded from provisions requiring
18 authorization of an investigation. Such information concerning
19 a license applicant, employee or prospective employee obtained
20 by the Department of Early Childhood shall be confidential and
21 exempt from public inspection and copying as provided under
22 Section 7 of The Freedom of Information Act, and such
23 information shall not be transmitted outside the Department of
24 Early Childhood, except as provided in the Abused and
25 Neglected Child Reporting Act, and shall not be transmitted to
26 anyone within the Department of Early Childhood except as

1 provided in the Abused and Neglected Child Reporting Act, and
2 shall not be transmitted to anyone within the Department of
3 Early Childhood except as needed for the purposes of
4 evaluation of an application for licensure or for
5 consideration by a child care facility of an employee. Any
6 employee of the Department of Early Childhood under this
7 Section who gives or causes to be given any confidential
8 information concerning any child abuse or neglect reports
9 about a child care facility applicant or child care facility
10 employee shall be guilty of a Class A misdemeanor, unless
11 release of such information is authorized by Section 11.1 of
12 the Abused and Neglected Child Reporting Act. Additionally,
13 any licensee who is informed by the Department of Children and
14 Family Services, pursuant to Section 7.4 of the Abused and
15 Neglected Child Reporting Act that a formal investigation has
16 commenced relating to an employee of the child care facility
17 or any other person in frequent contact with children at the
18 facility shall take reasonable action necessary to ensure that
19 the employee or other person is restricted during the pendency
20 of the investigation from contact with children whose care has
21 been entrusted to the facility.

22 (225 ILCS 10/4.4) (from Ch. 23, par. 2214.4)

23 Sec. 4.4. This Section does not apply to any day care
24 center, day care home, or group day care home. For the purposes
25 of background investigations authorized in this Act, "license

1 applicant" means the operator or person with direct
2 responsibility for daily operation of the facility to be
3 licensed. In the case of facilities to be operated in a family
4 home, the Department may, by rule, require that other adult
5 residents of that home also authorize such investigations with
6 the exception of day care homes and group day care homes.

7 (Source: P.A. 84-158.)

8 (225 ILCS 10/4.4a new)

9 Sec. 4.4a. Background investigations; Department of Early
10 Childhood. For the purposes of background investigations
11 authorized in this Act, "license applicant" means the operator
12 or person with direct responsibility for daily operation of
13 the day care center, day care home, or group day care home to
14 be licensed. In the case of facilities to be operated in a
15 family home, as related to day care homes and group day care
16 homes, the Department of Early Childhood may, by rule, require
17 that other adult residents of that home also authorize such
18 investigations.

19 (225 ILCS 10/4.5)

20 Sec. 4.5. Children with disabilities; training.

21 (a) An owner or operator of a licensed day care home or
22 group day care home or the onsite executive director of a
23 licensed day care center must successfully complete a basic
24 training course in providing care to children with

1 disabilities. The basic training course will also be made
2 available on a voluntary basis to those providers who are
3 exempt from the licensure requirements of this Act.

4 (b) The Department of Early Childhood ~~Children and Family~~
5 ~~Services~~ shall promulgate rules establishing the requirements
6 for basic training in providing care to children with
7 disabilities.

8 (Source: P.A. 92-164, eff. 1-1-02.)

9 (225 ILCS 10/5) (from Ch. 23, par. 2215)

10 Sec. 5. (a) This Section does not apply to any day care
11 center, day care home, or group day care home.

12 In respect to child care institutions, maternity centers,
13 child welfare agencies, ~~day care centers, day care agencies~~
14 and group homes, the Department, upon receiving application
15 filed in proper order, shall examine the facilities and
16 persons responsible for care of children therein.

17 (b) In respect to foster family ~~and day care~~ homes,
18 applications may be filed on behalf of such homes by a licensed
19 child welfare agency, by a State agency authorized to place
20 children in foster care or by out-of-State agencies approved
21 by the Department to place children in this State. ~~In respect~~
22 ~~to day care homes, applications may be filed on behalf of such~~
23 ~~homes by a licensed day care agency or licensed child welfare~~
24 ~~agency.~~ In applying for license in behalf of a home in which
25 children are placed by and remain under supervision of the

1 applicant agency, such agency shall certify that the home and
2 persons responsible for care of unrelated children therein, or
3 the home and relatives, as defined in Section 2.17 of this Act,
4 responsible for the care of related children therein, were
5 found to be in reasonable compliance with standards prescribed
6 by the Department for the type of care indicated.

7 (c) The Department shall not allow any person to examine
8 facilities under a provision of this Act who has not passed an
9 examination demonstrating that such person is familiar with
10 this Act and with the appropriate standards and regulations of
11 the Department.

12 (d) Licenses ~~With the exception of day care centers, day~~
13 ~~care homes, and group day care homes, licenses~~ shall be issued
14 in such form and manner as prescribed by the Department and are
15 valid for 4 years from the date issued, unless revoked by the
16 Department or voluntarily surrendered by the licensee.
17 ~~Licenses issued for day care centers, day care homes, and~~
18 ~~group day care homes shall be valid for 3 years from the date~~
19 ~~issued, unless revoked by the Department or voluntarily~~
20 ~~surrendered by the licensee.~~ When a licensee has made timely
21 and sufficient application for the renewal of a license or a
22 new license with reference to any activity of a continuing
23 nature, the existing license shall continue in full force and
24 effect for up to 30 days until the final agency decision on the
25 application has been made. The Department may further extend
26 the period in which such decision must be made in individual

1 cases for up to 30 days, but such extensions shall be only upon
2 good cause shown.

3 (e) The Department may issue one 6-month permit to a newly
4 established facility for child care to allow that facility
5 reasonable time to become eligible for a full license. If the
6 facility for child care is a foster family home, ~~or day care~~
7 ~~home~~ the Department may issue one 2-month permit only.

8 (f) The Department may issue an emergency permit to a
9 child care facility taking in children as a result of the
10 temporary closure for more than 2 weeks of a licensed child
11 care facility due to a natural disaster. An emergency permit
12 under this subsection shall be issued to a facility only if the
13 persons providing child care services at the facility were
14 employees of the temporarily closed facility ~~day care center~~
15 at the time it was closed. No investigation of an employee of a
16 child care facility receiving an emergency permit under this
17 subsection shall be required if that employee has previously
18 been investigated at another child care facility. No emergency
19 permit issued under this subsection shall be valid for more
20 than 90 days after the date of issuance.

21 (g) During the hours of operation of any licensed child
22 care facility, authorized representatives of the Department
23 may without notice visit the facility for the purpose of
24 determining its continuing compliance with this Act or
25 regulations adopted pursuant thereto.

26 (h) (Blank) ~~Day care centers, day care homes, and group~~

1 ~~day care homes shall be monitored at least annually by a~~
2 ~~licensing representative from the Department or the agency~~
3 ~~that recommended licensure.~~

4 (Source: P.A. 98-804, eff. 1-1-15.)

5 (225 ILCS 10/5.01 new)

6 Sec. 5.01. Licenses; permits; Department of Early
7 Childhood. In respect to day care centers, the Department of
8 Early Childhood, upon receiving application filed in proper
9 order, shall examine the facilities and persons responsible
10 for care of children therein.

11 (b) In respect to day care homes, applications may be
12 filed on behalf of such homes by the Department of Early
13 Childhood.

14 (c) The Department of Early Childhood shall not allow any
15 person to examine facilities under a provision of this Act who
16 has not passed an examination demonstrating that such person
17 is familiar with this Act and with the appropriate standards
18 and regulations of the Department of Early Childhood.

19 (d) Licenses issued for day care centers, day care homes,
20 and group day care homes shall be valid for 3 years from the
21 date issued, unless revoked by the Department of Early
22 Childhood or voluntarily surrendered by the licensee. When a
23 licensee has made timely and sufficient application for the
24 renewal of a license or a new license with reference to any
25 activity of a continuing nature, the existing license shall

1 continue in full force and effect for up to 30 days until the
2 final agency decision on the application has been made. The
3 Department of Early Childhood may further extend the period in
4 which such decision must be made in individual cases for up to
5 30 days, but such extensions shall be only upon good cause
6 shown.

7 (e) The Department of Early Childhood may issue one
8 6-month permit to a newly established facility for child care
9 to allow that facility reasonable time to become eligible for
10 a full license. If the facility for child care is a day care
11 home the Department of Early Childhood may issue one 2-month
12 permit only.

13 (f) The Department of Early Childhood may issue an
14 emergency permit to a day care center taking in children as a
15 result of the temporary closure for more than 2 weeks of a
16 licensed child care facility due to a natural disaster. An
17 emergency permit under this subsection shall be issued to a
18 facility only if the persons providing child care services at
19 the facility were employees of the temporarily closed day care
20 center at the time it was closed. No investigation of an
21 employee of a child care facility receiving an emergency
22 permit under this subsection shall be required if that
23 employee has previously been investigated at another child
24 care facility. No emergency permit issued under this
25 subsection shall be valid for more than 90 days after the date
26 of issuance.

1 (g) During the hours of operation of any licensed day care
2 center, day care home, or group day care home, authorized
3 representatives of the Department of Early Childhood may
4 without notice visit the facility for the purpose of
5 determining its continuing compliance with this Act or rules
6 adopted pursuant thereto.

7 (h) Day care centers, day care homes, and group day care
8 homes shall be monitored at least annually by a licensing
9 representative from the Department of Early Childhood that
10 recommended licensure.

11 (225 ILCS 10/5.1) (from Ch. 23, par. 2215.1)

12 Sec. 5.1. (a) The Department shall ensure that no ~~day care~~
13 ~~center,~~ group home or child care institution as defined in
14 this Act shall on a regular basis transport a child or children
15 with any motor vehicle unless such vehicle is operated by a
16 person who complies with the following requirements:

17 1. is 21 years of age or older;

18 2. currently holds a valid driver's license, which has
19 not been revoked or suspended for one or more traffic
20 violations during the 3 years immediately prior to the
21 date of application;

22 3. demonstrates physical fitness to operate vehicles
23 by submitting the results of a medical examination
24 conducted by a licensed physician;

25 4. has not been convicted of more than 2 offenses

1 against traffic regulations governing the movement of
2 vehicles within a 12-month ~~twelve-month~~ period;

3 5. has not been convicted of reckless driving or
4 driving under the influence or manslaughter or reckless
5 homicide resulting from the operation of a motor vehicle
6 within the past 3 years;

7 6. has signed and submitted a written statement
8 certifying that the person has not, through the unlawful
9 operation of a motor vehicle, caused a crash which
10 resulted in the death of any person within the 5 years
11 immediately prior to the date of application.

12 However, such ~~day care centers,~~ group homes and child care
13 institutions may provide for transportation of a child or
14 children for special outings, functions, or purposes that are
15 not scheduled on a regular basis without verification that
16 drivers for such purposes meet the requirements of this
17 Section.

18 (a-5) As a means of ensuring compliance with the
19 requirements set forth in subsection (a), the Department shall
20 implement appropriate measures to verify that every individual
21 who is employed at a group home or child care institution meets
22 those requirements.

23 For every person employed at a group home or child care
24 institution who regularly transports children in the course of
25 performing the person's duties, the Department must make the
26 verification every 2 years. Upon the Department's request, the

1 Secretary of State shall provide the Department with the
2 information necessary to enable the Department to make the
3 verifications required under subsection (a).

4 In the case of an individual employed at a group home or
5 child care institution who becomes subject to subsection (a)
6 for the first time after January 1, 2007 (the effective date of
7 Public Act 94-943) ~~this amendatory Act of the 94th General~~
8 ~~Assembly~~, the Department must make that verification with the
9 Secretary of State before the individual operates a motor
10 vehicle to transport a child or children under the
11 circumstances described in subsection (a).

12 In the case of an individual employed at a group home or
13 child care institution who is subject to subsection (a) on
14 January 1, 2007 (the effective date of Public Act 94-943) ~~this~~
15 ~~amendatory Act of the 94th General Assembly~~, the Department
16 must make that verification with the Secretary of State within
17 30 days after January 1, 2007 ~~that effective date~~.

18 If the Department discovers that an individual fails to
19 meet the requirements set forth in subsection (a), the
20 Department shall promptly notify the appropriate group home or
21 child care institution.

22 (b) Any individual who holds a valid Illinois school bus
23 driver permit issued by the Secretary of State pursuant to the
24 ~~The~~ Illinois Vehicle Code, and who is currently employed by a
25 school district or parochial school, or by a contractor with a
26 school district or parochial school, to drive a school bus

1 transporting children to and from school, shall be deemed in
2 compliance with the requirements of subsection (a).

3 (c) The Department may, pursuant to Section 8 of this Act,
4 revoke the license of any ~~day care center~~, group home or child
5 care institution that fails to meet the requirements of this
6 Section.

7 (d) A group home or child care institution that fails to
8 meet the requirements of this Section is guilty of a petty
9 offense and is subject to a fine of not more than \$1,000. Each
10 day that a group home or child care institution fails to meet
11 the requirements of this Section is a separate offense.

12 (Source: P.A. 102-982, eff. 7-1-23; 103-22, eff. 8-8-23;
13 revised 9-21-23.)

14 (225 ILCS 10/5.1a new)

15 Sec. 5.1a. Transportation of children; day care centers.

16 The Department of Early Childhood shall ensure that no day
17 care center shall on a regular basis transport a child or
18 children with any motor vehicle unless such vehicle is
19 operated by a person who complies with the following
20 requirements:

21 (1) is 21 years of age or older;

22 (2) currently holds a valid driver's license, which
23 has not been revoked or suspended for one or more traffic
24 violations during the 3 years immediately prior to the
25 date of application;

1 (3) demonstrates physical fitness to operate vehicles
2 by submitting the results of a medical examination
3 conducted by a licensed physician;

4 (4) has not been convicted of more than 2 offenses
5 against traffic regulations governing the movement of
6 vehicles within a 12-month period;

7 (5) has not been convicted of reckless driving or
8 driving under the influence or manslaughter or reckless
9 homicide resulting from the operation of a motor vehicle
10 within the past 3 years;

11 (6) has signed and submitted a written statement
12 certifying that the person has not, through the unlawful
13 operation of a motor vehicle, caused a crash which
14 resulted in the death of any person within the 5 years
15 immediately prior to the date of application.

16 However, such day care centers may provide for
17 transportation of a child or children for special outings,
18 functions or purposes that are not scheduled on a regular
19 basis without verification that drivers for such purposes meet
20 the requirements of this Section.

21 (b) Any individual who holds a valid Illinois school bus
22 driver permit issued by the Secretary of State pursuant to the
23 Illinois Vehicle Code, and who is currently employed by a
24 school district or parochial school, or by a contractor with a
25 school district or parochial school, to drive a school bus
26 transporting children to and from school, shall be deemed in

1 compliance with the requirements of subsection (a).

2 (c) The Department of Early Childhood may, pursuant to
3 Section 8a of this Act, revoke the license of any day care
4 center that fails to meet the requirements of this Section.

5 (225 ILCS 10/5.2)

6 Sec. 5.2. Unsafe children's products; Department of
7 Children and Family Services.

8 (a) A child care facility may not use or have on the
9 premises, on or after July 1, 2000, an unsafe children's
10 product as described in Section 15 of the Children's Product
11 Safety Act. This subsection (a) does not apply to an antique or
12 collectible children's product if it is not used by, or
13 accessible to, any child in the child care facility.

14 (b) The Department of Children and Family Services shall
15 notify child care facilities (other than a day care center,
16 day care home, or group day care home), on an ongoing basis,
17 including during the license application facility examination
18 and during annual license monitoring visits, of the provisions
19 of this Section and the Children's Product Safety Act and of
20 the comprehensive list of unsafe children's products as
21 provided and maintained by the Department of Public Health
22 available on the Internet, as determined in accordance with
23 that Act, in plain, non-technical language that will enable
24 each child care facility to effectively inspect children's
25 products and identify unsafe children's products. Subject to

1 availability of appropriations, the Department of Children and
2 Family Services, in accordance with the requirements of this
3 Section, shall establish and maintain a database on the safety
4 of consumer products and other products or substances
5 regulated by the Department that is: (i) publicly available;
6 (ii) searchable; and (iii) accessible through the Internet
7 website of the Department. Child care facilities must maintain
8 all written information provided pursuant to this subsection
9 in a file accessible to both facility staff and parents of
10 children attending the facility. Child care facilities must
11 post in prominent locations regularly visited by parents
12 written notification of the existence of the comprehensive
13 list of unsafe children's products available on the Internet.
14 The Department of Children and Family Services shall adopt
15 rules to carry out this Section.

16 (Source: P.A. 103-44, eff. 1-1-24.)

17 (225 ILCS 10/5.2a new)

18 Sec. 5.2a. Unsafe children's products; Department of Early
19 Childhood.

20 (a) A day care center, day care home, or group day care
21 home may not use or have on the premises an unsafe children's
22 product as described in Section 15 of the Children's Product
23 Safety Act. This subsection (a) does not apply to an antique or
24 collectible children's product if it is not used by, or
25 accessible to, any child in the day care center, day care home,

1 or group day care home.

2 (b) The Department of Early Childhood shall notify day
3 care centers, day care homes, and group day care homes, on an
4 ongoing basis, including during the license application
5 facility examination and during annual license monitoring
6 visits, of the provisions of this Section and the Children's
7 Product Safety Act and of the comprehensive list of unsafe
8 children's products as provided and maintained by the
9 Department of Public Health available on the Internet, as
10 determined in accordance with that Act, in plain,
11 non-technical language that will enable each child care
12 facility to effectively inspect children's products and
13 identify unsafe children's products. Subject to availability
14 of appropriations, the Department of Early Childhood, in
15 accordance with the requirements of this Section, shall
16 establish and maintain a database on the safety of consumer
17 products and other products or substances regulated by the
18 Department of Early Childhood that is: (i) publicly available;
19 (ii) searchable; and (iii) accessible through the Internet
20 website of the Department of Early Childhood. Child care
21 facilities must maintain all written information provided
22 pursuant to this subsection in a file accessible to both
23 facility staff and parents of children attending the facility.
24 Day care centers, day care homes, and group day care homes must
25 post in prominent locations regularly visited by parents
26 written notification of the existence of the comprehensive

1 list of unsafe children's products available on the Internet.
2 The Department of Early Childhood shall adopt rules to carry
3 out this Section.

4 (225 ILCS 10/5.8)

5 Sec. 5.8. Radon testing of licensed day care centers,
6 licensed day care homes, and licensed group day care homes.

7 (a) Licensed ~~Effective January 1, 2013,~~ licensed day care
8 centers, licensed day care homes, and licensed group day care
9 homes shall have the facility tested for radon at least once
10 every 3 years pursuant to rules established by the Illinois
11 Emergency Management Agency.

12 (b) As ~~Effective January 1, 2014,~~ as part of an initial
13 application or application for renewal of a license for day
14 care centers, day care homes, and group day care homes, the
15 Department of Early Childhood shall require proof the facility
16 has been tested within the last 3 years for radon pursuant to
17 rules established by the Illinois Emergency Management Agency.

18 (c) The report of the most current radon measurement shall
19 be posted in the facility next to the license issued by the
20 Department of Early Childhood. Copies of the report shall be
21 provided to parents or guardians upon request.

22 (d) Included with the report referenced in subsection (c)
23 shall be the following statement:

24 "Every parent or guardian is notified that this
25 facility has performed radon measurements to ensure the

1 health and safety of the occupants. The Illinois Emergency
2 Management Agency (IEMA) recommends that all residential
3 homes be tested and that corrective actions be taken at
4 levels equal to or greater than 4.0 pCi/L. Radon is a Class
5 A human carcinogen, the leading cause of lung cancer in
6 non-smokers, and the second leading cause of lung cancer
7 overall. For additional information about this facility
8 contact the licensee and for additional information
9 regarding radon contact the IEMA Radon Program at
10 800-325-1245 or on the Internet at
11 www.radon.illinois.gov".

12 (Source: P.A. 97-981, eff. 1-1-13.)

13 (225 ILCS 10/5.9)

14 Sec. 5.9. Lead testing of water in licensed day care
15 centers, day care homes and group day care homes.

16 (a) ~~The On or before January 1, 2018,~~ the Department of
17 Early Childhood, in consultation with the Department of Public
18 Health, shall adopt rules that prescribe the procedures and
19 standards to be used by the Department of Early Childhood in
20 assessing levels of lead in water in licensed day care
21 centers, day care homes, and group day care homes constructed
22 on or before January 1, 2000 that serve children under the age
23 of 6. Such rules shall, at a minimum, include provisions
24 regarding testing parameters, the notification of sampling
25 results, training requirements for lead exposure and

1 mitigation.

2 (b) After adoption of the rules required by subsection
3 (a), and as part of an initial application or application for
4 renewal of a license for day care centers, day care homes, and
5 group day care homes, the Department shall require proof that
6 the applicant has complied with all such rules.

7 (Source: P.A. 99-922, eff. 1-17-17.)

8 (225 ILCS 10/5.10)

9 Sec. 5.10. Child care limitation on expulsions. Consistent
10 with the purposes of Public Act 100-105 ~~this amendatory Act of~~
11 ~~the 100th General Assembly~~ and the requirements therein under
12 paragraph (7) of subsection (a) of Section 2-3.71 of the
13 School Code, the Department of Early Childhood, in
14 consultation with the ~~Governor's Office of Early Childhood~~
15 ~~Development and the~~ State Board of Education, shall adopt
16 rules prohibiting the use of expulsion due to a child's
17 persistent and serious challenging behaviors in licensed day
18 care centers, day care homes, and group day care homes. The
19 rulemaking shall address, at a minimum, requirements for
20 licensees to establish intervention and transition policies,
21 notify parents of policies, document intervention steps, and
22 collect and report data on children transitioning out of the
23 program.

24 (Source: P.A. 100-105, eff. 1-1-18.)

1 (225 ILCS 10/5.11)

2 Sec. 5.11. Plan for anaphylactic shock. The Department of
3 Early Childhood shall require each licensed day care center,
4 day care home, and group day care home to have a plan for
5 anaphylactic shock to be followed for the prevention of
6 anaphylaxis and during a medical emergency resulting from
7 anaphylaxis. The plan should be based on the guidance and
8 recommendations provided by the American Academy of Pediatrics
9 relating to the management of food allergies or other
10 allergies. The plan should be shared with parents or guardians
11 upon enrollment at each licensed day care center, day care
12 home, and group day care home. If a child requires specific
13 specialized treatment during an episode of anaphylaxis, that
14 child's treatment plan should be kept by the staff of the day
15 care center, day care home, or group day care home and followed
16 in the event of an emergency. Each licensed day care center,
17 day care home, and group day care home shall have at least one
18 staff member present at all times who has taken a training
19 course in recognizing and responding to anaphylaxis.

20 (Source: P.A. 102-413, eff. 8-20-21.)

21 (225 ILCS 10/6) (from Ch. 23, par. 2216)

22 Sec. 6. (a) A licensed facility operating as a "child care
23 institution", "maternity center", or "child welfare agency",
24 ~~"day care agency" or "day care center"~~ must apply for renewal
25 of its license held, the application to be made to the

1 Department on forms prescribed by it.

2 (b) The Department, a duly licensed child welfare agency
3 or a suitable agency or person designated by the Department as
4 its agent to do so, must re-examine every child care facility
5 for renewal of license, including in that process the
6 examination of the premises and records of the facility as the
7 Department considers necessary to determine that minimum
8 standards for licensing continue to be met, and random surveys
9 of parents or legal guardians who are consumers of such
10 facilities' services to assess the quality of care at such
11 facilities. In the case of foster family homes, ~~or day care~~
12 ~~homes under the supervision of or otherwise required to be~~
13 ~~licensed by the Department, or under supervision of a licensed~~
14 ~~child welfare agency or day care agency,~~ the examination shall
15 be made by the Department, or agency supervising such homes.
16 If the Department is satisfied that the facility continues to
17 maintain minimum standards which it prescribes and publishes,
18 it shall renew the license to operate the facility.

19 (b-5) In the case of a quality of care concerns applicant
20 as defined in Section 2.22a of this Act, in addition to the
21 examination required in subsection (b) of this Section, the
22 Department shall not renew the license of a quality of care
23 concerns applicant unless the Department is satisfied that the
24 foster family home does not pose a risk to children and that
25 the foster family home will be able to meet the physical and
26 emotional needs of children. In making this determination, the

1 Department must obtain and carefully review all relevant
2 documents and shall obtain consultation from its Clinical
3 Division as appropriate and as prescribed by Department rule
4 and procedure. The Department has the authority to deny an
5 application for renewal based on a record of quality of care
6 concerns. In the alternative, the Department may (i) approve
7 the application for renewal subject to obtaining additional
8 information or assessments, (ii) approve the application for
9 renewal for purposes of placing or maintaining only a
10 particular child or children only in the foster home, or (iii)
11 approve the application for renewal. The Department shall
12 notify the quality of care concerns applicant of its decision
13 and the basis for its decision in writing.

14 (c) If a child care facility's (other than a day care
15 center, day care home, or group day care home) license, other
16 than a license for a foster family home, is revoked, or if the
17 Department refuses to renew a facility's license, the facility
18 may not reapply for a license before the expiration of 12
19 months following the Department's action; provided, however,
20 that the denial of a reapplication for a license pursuant to
21 this subsection must be supported by evidence that the prior
22 revocation renders the applicant unqualified or incapable of
23 satisfying the standards and rules promulgated by the
24 Department pursuant to this Act or maintaining a facility
25 which adheres to such standards and rules.

26 (d) If a foster family home license (i) is revoked, (ii) is

1 surrendered for cause, or (iii) expires or is surrendered with
2 either certain types of involuntary placement holds in place
3 or while a licensing or child abuse or neglect investigation
4 is pending, or if the Department refuses to renew a foster home
5 license, the foster home may not reapply for a license before
6 the expiration of 5 years following the Department's action or
7 following the expiration or surrender of the license.

8 (Source: P.A. 99-779, eff. 1-1-17.)

9 (225 ILCS 10/6.1 new)

10 Sec. 6.1. License renewal; Department of Early Childhood.

11 (a) A licensed facility operating as a day care center
12 must apply for renewal of its license held, the application to
13 be made to the Department of Early Childhood on forms
14 prescribed by it.

15 (b) The Department of Early Childhood must re-examine
16 every day care center, day care home, and group day care home
17 for renewal of license, including in that process the
18 examination of the premises and records of the facility as the
19 Department of Early Childhood considers necessary to determine
20 that minimum standards for licensing continue to be met, and
21 random surveys of parents or legal guardians who are consumers
22 of such facilities' services to assess the quality of care at
23 such facilities. In the case of day care homes under the
24 supervision of or otherwise required to be licensed by the
25 Department of Early Childhood, the examination shall be made

1 by the Department of Early Childhood. If the Department of
2 Early Childhood is satisfied that the facility continues to
3 maintain minimum standards which it prescribes and publishes,
4 it shall renew the license to operate the facility.

5 (c) If a day care center's, day care home's, or group day
6 care home's license is revoked, or if the Department of Early
7 Childhood refuses to renew a day care center's, day care
8 home's, or group day care home's license, the facility may not
9 reapply for a license before the expiration of 12 months
10 following the Department of Early Childhood's action;
11 provided, however, that the denial of a reapplication for a
12 license pursuant to this subsection must be supported by
13 evidence that the prior revocation renders the applicant
14 unqualified or incapable of satisfying the standards and rules
15 promulgated by the Department of Early Childhood pursuant to
16 this Act or maintaining a facility which adheres to such
17 standards and rules.

18 (225 ILCS 10/7) (from Ch. 23, par. 2217)

19 Sec. 7. (a) The Department must prescribe and publish
20 minimum standards for licensing that apply to the various
21 types of facilities for child care defined in this Act (other
22 than a day care center, day care home, or group day care home)
23 and that are equally applicable to like institutions under the
24 control of the Department and to foster family homes used by
25 and under the direct supervision of the Department. The

1 Department shall seek the advice and assistance of persons
2 representative of the various types of child care facilities
3 in establishing such standards. The standards prescribed and
4 published under this Act take effect as provided in the
5 Illinois Administrative Procedure Act, and are restricted to
6 regulations pertaining to the following matters and to any
7 rules and regulations required or permitted by any other
8 Section of this Act:

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

11 (2) The character, suitability and qualifications of
12 the applicant and other persons directly responsible for
13 the care and welfare of children served. ~~All child day
14 care center licensees and employees who are required to
15 report child abuse or neglect under the Abused and
16 Neglected Child Reporting Act shall be required to attend
17 training on recognizing child abuse and neglect, as
18 prescribed by Department rules;~~

19 (3) The general financial ability and competence of
20 the applicant to provide necessary care for children and
21 to maintain prescribed standards;

22 (4) The number of individuals or staff required to
23 insure adequate supervision and care of the children
24 received. The standards shall provide that each child care
25 institution, maternity center, and ~~day care center,~~ group
26 home, ~~day care home, and group day care home~~ shall have on

1 its premises during its hours of operation at least one
2 staff member certified in first aid, in the Heimlich
3 maneuver and in cardiopulmonary resuscitation by the
4 American Red Cross or other organization approved by rule
5 of the Department. Child welfare agencies shall not be
6 subject to such a staffing requirement. The Department may
7 offer, or arrange for the offering, on a periodic basis in
8 each community in this State in cooperation with the
9 American Red Cross, the American Heart Association or
10 other appropriate organization, voluntary programs to
11 train operators of foster family homes and day care homes
12 in first aid and cardiopulmonary resuscitation;

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

19 (6) Provisions for food, clothing, educational
20 opportunities, program, equipment and individual supplies
21 to assure the healthy physical, mental, and spiritual
22 development of children served;

23 (7) Provisions to safeguard the legal rights of
24 children served;

25 (8) Maintenance of records pertaining to the
26 admission, progress, health, and discharge of children;

1 ~~including, for day care centers and day care homes,~~
2 ~~records indicating each child has been immunized as~~
3 ~~required by State regulations.~~ The Department shall
4 require proof that children enrolled in a facility (other
5 than a day care center, day care home, or group day care
6 home) have been immunized against Haemophilus Influenzae B
7 (HIB);

8 (9) Filing of reports with the Department;

9 (10) Discipline of children;

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

12 (12) (Blank) ~~Provisions prohibiting firearms on day~~
13 ~~care center premises except in the possession of peace~~
14 ~~officers;~~

15 (13) (Blank) ~~Provisions prohibiting handguns on day~~
16 ~~care home premises except in the possession of peace~~
17 ~~officers or other adults who must possess a handgun as a~~
18 ~~condition of employment and who reside on the premises of~~
19 ~~a day care home;~~

20 (14) (Blank) ~~Provisions requiring that any firearm~~
21 ~~permitted on day care home premises, except handguns in~~
22 ~~the possession of peace officers, shall be kept in a~~
23 ~~disassembled state, without ammunition, in locked storage,~~
24 ~~inaccessible to children and that ammunition permitted on~~
25 ~~day care home premises shall be kept in locked storage~~
26 ~~separate from that of disassembled firearms, inaccessible~~

1 ~~to children;~~

2 (15) (Blank) ~~Provisions requiring notification of~~
3 ~~parents or guardians enrolling children at a day care home~~
4 ~~of the presence in the day care home of any firearms and~~
5 ~~ammunition and of the arrangements for the separate,~~
6 ~~locked storage of such firearms and ammunition;~~

7 (16) Provisions requiring all licensed child care
8 facility employees who care for newborns and infants to
9 complete training every 3 years on the nature of sudden
10 unexpected infant death (SUID), sudden infant death
11 syndrome (SIDS), and the safe sleep recommendations of the
12 American Academy of Pediatrics (other than employees of a
13 day care center, day care home, or group day care home);
14 and

15 (17) With respect to foster family homes, provisions
16 requiring the Department to review quality of care
17 concerns and to consider those concerns in determining
18 whether a foster family home is qualified to care for
19 children.

20 ~~By July 1, 2022, all licensed day care home providers,~~
21 ~~licensed group day care home providers, and licensed day care~~
22 ~~center directors and classroom staff shall participate in at~~
23 ~~least one training that includes the topics of early childhood~~
24 ~~social emotional learning, infant and early childhood mental~~
25 ~~health, early childhood trauma, or adverse childhood~~
26 ~~experiences. Current licensed providers, directors, and~~

1 ~~classroom staff shall complete training by July 1, 2022 and~~
2 ~~shall participate in training that includes the above topics~~
3 ~~at least once every 3 years.~~

4 (b) If, in a facility for general child care (other than a
5 day care center, day care home, or group day care home), there
6 are children diagnosed as mentally ill or children diagnosed
7 as having an intellectual or physical disability, who are
8 determined to be in need of special mental treatment or of
9 nursing care, or both mental treatment and nursing care, the
10 Department shall seek the advice and recommendation of the
11 Department of Human Services, the Department of Public Health,
12 or both Departments regarding the residential treatment and
13 nursing care provided by the institution.

14 (c) The Department shall investigate any person applying
15 to be licensed as a foster parent to determine whether there is
16 any evidence of current drug or alcohol abuse in the
17 prospective foster family. The Department shall not license a
18 person as a foster parent if drug or alcohol abuse has been
19 identified in the foster family or if a reasonable suspicion
20 of such abuse exists, except that the Department may grant a
21 foster parent license to an applicant identified with an
22 alcohol or drug problem if the applicant has successfully
23 participated in an alcohol or drug treatment program,
24 self-help group, or other suitable activities and if the
25 Department determines that the foster family home can provide
26 a safe, appropriate environment and meet the physical and

1 emotional needs of children.

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

16 (e) The Department shall distribute copies of licensing
17 standards to all licensees and applicants for a license (other
18 than licensees and applicants of a day care center, day care
19 home, or group day care home). Each licensee or holder of a
20 permit shall distribute copies of the appropriate licensing
21 standards and any other information required by the Department
22 to child care facilities under its supervision. Each licensee
23 or holder of a permit shall maintain appropriate documentation
24 of the distribution of the standards. Such documentation shall
25 be part of the records of the facility and subject to
26 inspection by authorized representatives of the Department.

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

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

1 Department.

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

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

1 ~~annually distributed to parents in August or September.~~

2 (j) (Blank) ~~Any standard adopted by the Department that~~
3 ~~requires an applicant for a license to operate a day care home~~
4 ~~to include a copy of a high school diploma or equivalent~~
5 ~~certificate with the person's application shall be deemed to~~
6 ~~be satisfied if the applicant includes a copy of a high school~~
7 ~~diploma or equivalent certificate or a copy of a degree from an~~
8 ~~accredited institution of higher education or vocational~~
9 ~~institution or equivalent certificate.~~

10 (Source: P.A. 102-4, eff. 4-27-21; 103-22, eff. 8-8-23.)

11 (225 ILCS 10/7.01 new)

12 Sec. 7.01. Minimum standards for licensing; Department of
13 Early Childhood.

14 (a) The Department of Early Childhood must prescribe and
15 publish minimum standards for licensing that apply to day care
16 centers, day care homes, and group day care homes. The
17 Department of Early Childhood shall seek the advice and
18 assistance of persons representative of day care centers, day
19 care homes, and group day care homes in establishing such
20 standards. The standards prescribed and published under this
21 Act take effect as provided in the Illinois Administrative
22 Procedure Act, and are restricted to rules pertaining to the
23 following matters and to any rules required or permitted by
24 any other Section of this Act:

25 (1) The operation and conduct of the facility and

1 responsibility it assumes for child care;

2 (2) The character, suitability and qualifications of
3 the applicant and other persons directly responsible for
4 the care and welfare of children served. All child day
5 care center licensees and employees who are required to
6 report child abuse or neglect under the Abused and
7 Neglected Child Reporting Act shall be required to attend
8 training on recognizing child abuse and neglect, as
9 prescribed by Department of Early Childhood rules;

10 (3) The general financial ability and competence of
11 the applicant to provide necessary care for children and
12 to maintain prescribed standards;

13 (4) The number of individuals or staff required to
14 ensure adequate supervision and care of the children
15 received. The standards shall provide that each day care
16 center, day care home, and group day care home shall have
17 on its premises during its hours of operation at least one
18 staff member certified in first aid, in the Heimlich
19 maneuver and in cardiopulmonary resuscitation by the
20 American Red Cross or other organization approved by rule
21 of the Department of Early Childhood. The Department of
22 Early Childhood may offer, or arrange for the offering, on
23 a periodic basis in each community in this State in
24 cooperation with the American Red Cross, the American
25 Heart Association or other appropriate organization,
26 voluntary programs to train operators of day care homes in

1 first aid and cardiopulmonary resuscitation;

2 (5) The appropriateness, safety, cleanliness, and
3 general adequacy of the premises, including maintenance of
4 adequate fire prevention and health standards conforming
5 to State laws and municipal codes to provide for the
6 physical comfort, care, and well-being of children
7 received;

8 (6) Provisions for food, clothing, educational
9 opportunities, program, equipment and individual supplies
10 to ensure the healthy physical, mental, and spiritual
11 development of children served;

12 (7) Provisions to safeguard the legal rights of
13 children served;

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

22 (9) Filing of reports with the Department of Early
23 Childhood;

24 (10) Discipline of children;

25 (11) Protection and fostering of the particular
26 religious faith of the children served;

1 (12) Provisions prohibiting firearms on day care
2 center premises except in the possession of peace
3 officers;

4 (13) Provisions prohibiting handguns on day care home
5 premises except in the possession of peace officers or
6 other adults who must possess a handgun as a condition of
7 employment and who reside on the premises of a day care
8 home;

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

17 (15) Provisions requiring notification of parents or
18 guardians enrolling children at a day care home of the
19 presence in the day care home of any firearms and
20 ammunition and of the arrangements for the separate,
21 locked storage of such firearms and ammunition; and

22 (16) Provisions requiring all licensed child care
23 facility employees who care for newborns and infants to
24 complete training every 3 years on the nature of sudden
25 unexpected infant death (SUID), sudden infant death
26 syndrome (SIDS), and the safe sleep recommendations of the

1 American Academy of Pediatrics.

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

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

23 (c) The Department of Early Childhood shall distribute
24 copies of licensing standards to all licensees and applicants
25 for a license. Each licensee or holder of a permit shall
26 distribute copies of the appropriate licensing standards and

1 any other information required by the Department of Early
2 Childhood to child care facilities under its supervision. Each
3 licensee or holder of a permit shall maintain appropriate
4 documentation of the distribution of the standards. Such
5 documentation shall be part of the records of the facility and
6 subject to inspection by authorized representatives of the
7 Department of Early Childhood.

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

21 (e) The Department of Early Childhood shall distribute to
22 each licensee and holder of a permit copies of the licensing or
23 permit standards applicable to such person's facility. Each
24 licensee or holder of a permit shall make available by posting
25 at all times in a common or otherwise accessible area a
26 complete and current set of licensing standards in order that

1 all employees of the facility may have unrestricted access to
2 such standards. All employees of the facility shall have
3 reviewed the standards and any subsequent changes. Each
4 licensee or holder of a permit shall maintain appropriate
5 documentation of the current review of licensing standards by
6 all employees. Such records shall be part of the records of the
7 facility and subject to inspection by authorized
8 representatives of the Department of Early Childhood.

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

16 (g) The Department of Early Childhood, in cooperation with
17 the Department of Public Health, shall work to increase
18 immunization awareness and participation among parents of
19 children enrolled in day care centers and day care homes by
20 publishing on the Department of Early Childhood's website
21 information about the benefits of immunization against vaccine
22 preventable diseases, including influenza and pertussis. The
23 information for vaccine preventable diseases shall include the
24 incidence and severity of the diseases, the availability of
25 vaccines, and the importance of immunizing children and
26 persons who frequently have close contact with children. The

1 website content shall be reviewed annually in collaboration
2 with the Department of Public Health to reflect the most
3 current recommendations of the Advisory Committee on
4 Immunization Practices (ACIP). The Department of Early
5 Childhood shall work with day care centers and day care homes
6 licensed under this Act to ensure that the information is
7 annually distributed to parents in August or September.

8 (h) Any standard adopted by the Department of Early
9 Childhood that requires an applicant for a license to operate
10 a day care home to include a copy of a high school diploma or
11 equivalent certificate with the person's application shall be
12 deemed to be satisfied if the applicant includes a copy of a
13 high school diploma or equivalent certificate or a copy of a
14 degree from an accredited institution of higher education or
15 vocational institution or equivalent certificate.

16 (225 ILCS 10/7.2) (from Ch. 23, par. 2217.2)

17 Sec. 7.2. Employer discrimination.

18 (a) For purposes of this Section:7

19 "Employer" "employer" means a licensee or holder of a
20 permit subject to this Act.

21 "Employee" means an employee of such an employer.

22 (b) No employer shall discharge, demote_L or suspend, or
23 threaten to discharge, demote_L or suspend, or in any manner
24 discriminate against any employee who:

25 (1) Makes any good faith oral or written complaint of

1 any employer's violation of any licensing or other laws
2 (including, but not limited to, laws concerning child
3 abuse or the transportation of children) which may result
4 in closure of the facility pursuant to Section 11.2 or
5 11.3 of this Act to the Department of Children and Family
6 Services or the Department of Early Childhood or other
7 agency having statutory responsibility for the enforcement
8 of such laws or to the employer or representative of the
9 employer;

10 (2) Institutes or causes to be instituted against any
11 employer any proceeding concerning the violation of any
12 licensing or other laws, including a proceeding to revoke
13 or to refuse to renew a license under Section 9 or 9.01 of
14 this Act;

15 (3) Is or will be a witness or testify in any
16 proceeding concerning the violation of any licensing or
17 other laws, including a proceeding to revoke or to refuse
18 to renew a license under Section 9 or 9.01 of this Act; or

19 (4) Refuses to perform work in violation of a
20 licensing or other law or regulation after notifying the
21 employer of the violation.

22 (c)(1) A claim by an employee alleging an employer's
23 violation of subsection (b) of this Section shall be presented
24 to the employer within 30 days after the date of the action
25 complained of and shall be filed with the Department of Labor
26 within 60 days after the date of the action complained of.

1 (2) Upon receipt of the complaint, the Department of Labor
2 shall conduct whatever investigation it deems appropriate, and
3 may hold a hearing. After investigation or hearing, the
4 Department of Labor shall determine whether the employer has
5 violated subsection (b) of this Section and it shall notify
6 the employer and the employee of its determination.

7 (3) If the Department of Labor determines that the
8 employer has violated subsection (b) of this Section, and the
9 employer refuses to take remedial action to comply with the
10 determination, the Department of Labor shall so notify the
11 Attorney General, who shall bring an action against the
12 employer in the circuit court seeking enforcement of its
13 determination. The court may order any appropriate relief,
14 including rehiring and reinstatement of the employee to the
15 person's former position with backpay and other benefits.

16 (d) Except for any grievance procedure, arbitration, or
17 hearing which is available to the employee pursuant to a
18 collective bargaining agreement, this Section shall be the
19 exclusive remedy for an employee complaining of any action
20 described in subsection (b).

21 (e) Any employer who willfully refuses to rehire, promote,
22 or otherwise restore an employee or former employee who has
23 been determined eligible for rehiring or promotion as a result
24 of any grievance procedure, arbitration, or hearing authorized
25 by law shall be guilty of a Class A misdemeanor.

26 (Source: P.A. 103-22, eff. 8-8-23; revised 9-21-23.)

1 (225 ILCS 10/7.10)

2 Sec. 7.10. Progress report.

3 (a) For the purposes of this Section, "child day care
4 licensing" or "day care licensing" means licensing of day care
5 centers, day care homes, and group day care homes.

6 (b) No later than September 30th of each year, the
7 Department of Early Childhood shall provide the General
8 Assembly with a comprehensive report on its progress in
9 meeting performance measures and goals related to child day
10 care licensing.

11 (c) The report shall include:

12 (1) details on the funding for child day care
13 licensing, including:

14 (A) the total number of full-time employees
15 working on child day care licensing;

16 (B) the names of all sources of revenue used to
17 support child day care licensing;

18 (C) the amount of expenditures that is claimed
19 against federal funding sources;

20 (D) the identity of federal funding sources; and

21 (E) how funds are appropriated, including
22 appropriations for line staff, support staff,
23 supervisory staff, and training and other expenses and
24 the funding history of such licensing since fiscal
25 year 2010;

1 (2) current staffing qualifications of day care
2 licensing representatives and day care licensing
3 supervisors in comparison with staffing qualifications
4 specified in the job description;

5 (3) data history for fiscal year 2010 to the current
6 fiscal year on day care licensing representative caseloads
7 and staffing levels in all areas of the State;

8 (4) per the DCFS Child Day Care Licensing Advisory
9 Council's work plan, quarterly data on the following
10 measures:

11 (A) the percentage of new applications disposed of
12 within 90 days;

13 (B) the percentage of licenses renewed on time;

14 (C) the percentage of day care centers receiving
15 timely annual monitoring visits;

16 (D) the percentage of day care homes receiving
17 timely annual monitoring visits;

18 (E) the percentage of group day care homes
19 receiving timely annual monitoring visits;

20 (F) the percentage of provider requests for
21 supervisory review;

22 (G) the progress on adopting a key indicator
23 system;

24 (H) the percentage of complaints disposed of
25 within 30 days;

26 (I) the average number of days a day care center

1 applicant must wait to attend a licensing orientation;

2 (J) the number of licensing orientation sessions
3 available per region in the past year; and

4 (K) the number of Department of Early Childhood
5 trainings related to licensing and child development
6 available to providers in the past year; and

7 (5) efforts to coordinate with the Department of Human
8 Services and the State Board of Education on professional
9 development, credentialing issues, and child developers,
10 including training registry, child developers, and Quality
11 Rating and Improvement Systems (QRIS).

12 (d) The Department of Early Childhood shall work with the
13 Governor's appointed Early Learning Council on issues related
14 to and concerning child day care.

15 (Source: P.A. 97-1096, eff. 8-24-12; 98-839, eff. 1-1-15.)

16 (225 ILCS 10/8) (from Ch. 23, par. 2218)

17 Sec. 8. The Department may revoke or refuse to renew the
18 license of any child care facility (other than a day care
19 center, day care home, or group day care home) or child welfare
20 agency or refuse to issue full license to the holder of a
21 permit should the licensee or holder of a permit:

22 (1) fail to maintain standards prescribed and
23 published by the Department;

24 (2) violate any of the provisions of the license
25 issued;

1 (3) furnish or make any misleading or any false
2 statement or report to the Department;

3 (4) refuse to submit to the Department any reports or
4 refuse to make available to the Department any records
5 required by the Department in making investigation of the
6 facility for licensing purposes;

7 (5) fail or refuse to submit to an investigation by
8 the Department;

9 (6) fail or refuse to admit authorized representatives
10 of the Department at any reasonable time for the purpose
11 of investigation;

12 (7) fail to provide, maintain, equip and keep in safe
13 and sanitary condition premises established or used for
14 child care as required under standards prescribed by the
15 Department, or as otherwise required by any law,
16 regulation or ordinance applicable to the location of such
17 facility;

18 (8) refuse to display its license or permit;

19 (9) be the subject of an indicated report under
20 Section 3 of the Abused and Neglected Child Reporting Act
21 or fail to discharge or sever affiliation with the child
22 care facility of an employee or volunteer at the facility
23 with direct contact with children who is the subject of an
24 indicated report under Section 3 of that Act;

25 (10) fail to comply with the provisions of Section
26 7.1;

1 (11) fail to exercise reasonable care in the hiring,
2 training and supervision of facility personnel;

3 (12) fail to report suspected abuse or neglect of
4 children within the facility, as required by the Abused
5 and Neglected Child Reporting Act;

6 (12.5) fail to comply with subsection (c-5) of Section
7 7.4;

8 (13) fail to comply with Section 5.1 or 5.2 of this
9 Act; or

10 (14) be identified in an investigation by the
11 Department as a person with a substance use disorder, as
12 defined in the Substance Use Disorder Act, or be a person
13 whom the Department knows has abused alcohol or drugs, and
14 has not successfully participated in treatment, self-help
15 groups or other suitable activities, and the Department
16 determines that because of such abuse the licensee, holder
17 of the permit, or any other person directly responsible
18 for the care and welfare of the children served, does not
19 comply with standards relating to character, suitability
20 or other qualifications established under Section 7 of
21 this Act.

22 (Source: P.A. 100-759, eff. 1-1-19.)

23 (225 ILCS 10/8a new)

24 Sec. 8a. Grounds for revocation or refusal to renew
25 license; Department of Early Childhood. The Department of

1 Early Childhood may revoke or refuse to renew the license of
2 any day care center, day care home, or group day care home or
3 refuse to issue full license to the holder of a permit should
4 the licensee or holder of a permit:

5 (1) fail to maintain standards prescribed and
6 published by the Department of Early Childhood;

7 (2) violate any of the provisions of the license
8 issued;

9 (3) furnish or make any misleading or any false
10 statement or report to the Department of Early Childhood;

11 (4) refuse to submit Department of Early Childhood any
12 reports or refuse to make available Department of Early
13 Childhood any records required by the Department of Early
14 Childhood in making investigation of the facility for
15 licensing purposes;

16 (5) fail or refuse to submit to an investigation by
17 the Department of Early Childhood;

18 (6) fail or refuse to admit authorized representatives
19 of the Department of Early Childhood at any reasonable
20 time for the purpose of investigation;

21 (7) fail to provide, maintain, equip and keep in safe
22 and sanitary condition premises established or used for
23 child care as required under standards prescribed by the
24 Department of Early Childhood or as otherwise required by
25 any law, regulation or ordinance applicable to the
26 location of such facility;

- 1 (8) refuse to display its license or permit;
- 2 (9) be the subject of an indicated report under
3 Section 3 of the Abused and Neglected Child Reporting Act
4 or fail to discharge or sever affiliation with the day
5 care center, day care home, or group day care home of an
6 employee or volunteer at the day care center, day care
7 home, or group day care home with direct contact with
8 children who is the subject of an indicated report under
9 Section 3 of that Act;
- 10 (10) fail to comply with the provisions of Section
11 7.1;
- 12 (11) fail to exercise reasonable care in the hiring,
13 training and supervision of facility personnel;
- 14 (12) fail to report suspected abuse or neglect of
15 children within the facility, as required by the Abused
16 and Neglected Child Reporting Act;
- 17 (12.5) fail to comply with subsection (c-5) of Section
18 7.4;
- 19 (13) fail to comply with Section 5.1 or 5.2 of this
20 Act; or
- 21 (14) be identified in an investigation by the
22 Department of Early Childhood as a person with a substance
23 use disorder, as defined in the Substance Use Disorder
24 Act, or be a person whom the Department of Early Childhood
25 knows has abused alcohol or drugs, and has not
26 successfully participated in treatment, self-help groups

1 or other suitable activities, and the Department of Early
2 Childhood determines that because of such abuse the
3 licensee, holder of the permit, or any other person
4 directly responsible for the care and welfare of the
5 children served, does not comply with standards relating
6 to character, suitability or other qualifications
7 established under Section 7.01 of this Act.

8 (225 ILCS 10/8.1) (from Ch. 23, par. 2218.1)

9 Sec. 8.1. The Department shall revoke or refuse to renew
10 the license of any child care facility (other than a day care
11 center, day care home, or group day care home) or refuse to
12 issue a full license to the holder of a permit should the
13 licensee or holder of a permit:

14 (1) fail to correct any condition which jeopardizes the
15 health, safety, morals, or welfare of children served by the
16 facility;

17 (2) fail to correct any condition or occurrence relating
18 to the operation or maintenance of the facility comprising a
19 violation under Section 8 of this Act; or

20 (3) fail to maintain financial resources adequate for the
21 satisfactory care of children served in regard to upkeep of
22 premises, and provisions for personal care, medical services,
23 clothing, education and other essentials in the proper care,
24 rearing and training of children.

25 (Source: P.A. 83-1362.)

1 (225 ILCS 10/8.1a new)

2 Sec. 8.1a. Other grounds for revocation or refusal to
3 renew license; Department of Early Childhood. The Department
4 of Early Childhood shall revoke or refuse to renew the license
5 of any day care center, day care home, or group day care home
6 or refuse to issue a full license to the holder of a permit
7 should the licensee or holder of a permit:

8 (1) fail to correct any condition which jeopardizes
9 the health, safety, morals, or welfare of children served
10 by the facility;

11 (2) fail to correct any condition or occurrence
12 relating to the operation or maintenance of the facility
13 comprising a violation under Section 8a of this Act; or

14 (3) fail to maintain financial resources adequate for
15 the satisfactory care of children served in regard to
16 upkeep of premises, and provisions for personal care,
17 medical services, clothing, education and other essentials
18 in the proper care, rearing and training of children.

19 (225 ILCS 10/8.2) (from Ch. 23, par. 2218.2)

20 Sec. 8.2. The Department may issue a conditional license
21 to any child care facility (other than a day care center, day
22 care home, or group day care home) which currently is licensed
23 under this Act. The conditional license shall be a
24 nonrenewable license for a period of 6 months and the

1 Department shall revoke any other license held by the
2 conditionally licensed facility. Conditional licenses shall
3 only be granted to facilities where no threat to the health,
4 safety, morals or welfare of the children served exists. A
5 complete listing of deficiencies and a corrective plan
6 approved by the Department shall be in existence at the time a
7 conditional license is issued. Failure by the facility to
8 correct the deficiencies or meet all licensing standards at
9 the end of the conditional license period shall result in
10 immediate revocation of or refusal to renew the facility's
11 license as provided in Section 8.1 of this Act.

12 (Source: P.A. 85-216.)

13 (225 ILCS 10/8.2a new)

14 Sec. 8.2a. Conditional license; Department of Early
15 Childhood. The Department of Early Childhood may issue a
16 conditional license to any day care center, day care home, or
17 group day care home which currently is licensed under this
18 Act. The conditional license shall be a nonrenewable license
19 for a period of 6 months and the Department of Early Childhood
20 shall revoke any other license held by the conditionally
21 licensed facility. Conditional licenses shall only be granted
22 to facilities where no threat to the health, safety, morals or
23 welfare of the children served exists. A complete listing of
24 deficiencies and a corrective plan approved by the Department
25 of Early Childhood shall be in existence at the time a

1 conditional license is issued. Failure by the facility to
2 correct the deficiencies or meet all licensing standards at
3 the end of the conditional license period shall result in
4 immediate revocation of or refusal to renew the facility's
5 license as provided in Section 8.1a of this Act.

6 (225 ILCS 10/8.5)

7 Sec. 8.5. Reporting suspected abuse or neglect; Department
8 of Children and Family Services. The Department shall address
9 through rules and procedures the failure of individual staff
10 at child care facilities (other than a day care center, day
11 care home, or group day care home) or child welfare agencies to
12 report suspected abuse or neglect of children within the child
13 care facility as required by the Abused and Neglected Child
14 Reporting Act.

15 The rules and procedures shall include provisions for when
16 the Department learns of the child care facility's staff's
17 failure to report suspected abuse or neglect of children and
18 the actions the Department will take to (i) ensure that the
19 child care facility takes immediate action with the individual
20 staff involved and (ii) investigate whether the failure to
21 report suspected abuse and neglect was a single incident or
22 part of a larger incident involving additional staff members
23 who failed to report, or whether the failure to report
24 suspected abuse and neglect is a system-wide problem within
25 the child care facility or child welfare agency. The rules and

1 procedures shall also include the use of corrective action
2 plans and the use of supervisory teams to review staff and
3 facility understanding of their reporting requirements.

4 The Department shall adopt rules by July 1, 2016.

5 (Source: P.A. 99-350, eff. 1-1-16.)

6 (225 ILCS 10/8.6 new)

7 Sec. 8.6. Reporting suspected abuse or neglect; Department
8 of Early Childhood. The Department of Early Childhood shall
9 address through rules and procedures the failure of individual
10 staff at day care centers, day care homes, and group day care
11 homes to report suspected abuse or neglect of children within
12 the child care facility as required by the Abused and
13 Neglected Child Reporting Act.

14 The rules and procedures shall include provisions for when
15 the Department of Early Childhood learns of the child care
16 facility's staff's failure to report suspected abuse or
17 neglect of children and the actions the Department of Early
18 Childhood will take to (i) ensure that the child care facility
19 takes immediate action with the individual staff involved and
20 (ii) investigate whether the failure to report suspected abuse
21 and neglect was a single incident or part of a larger incident
22 involving additional staff members who failed to report, or
23 whether the failure to report suspected abuse and neglect is a
24 system-wide problem within the child care facility. The rules
25 and procedures shall also include the use of corrective action

1 plans and the use of supervisory teams to review staff and
2 facility understanding of their reporting requirements.

3 The Department of Early Childhood shall adopt rules to
4 administer this Section.

5 (225 ILCS 10/9) (from Ch. 23, par. 2219)

6 Sec. 9. Prior to revocation or refusal to renew a license
7 (other than a license of a day care center, day care home, or
8 group day care home), the Department shall notify the licensee
9 by registered mail with postage prepaid, at the address
10 specified on the license, or at the address of the ranking or
11 presiding officer of a board of directors, or any equivalent
12 body conducting a child care facility, of the contemplated
13 action and that the licensee may, within 10 days of such
14 notification, dating from the postmark of the registered mail,
15 request in writing a public hearing before the Department,
16 and, at the same time, may request a written statement of
17 charges from the Department.

18 (a) Upon written request by the licensee, the Department
19 shall furnish such written statement of charges, and, at the
20 same time, shall set the date and place for the hearing. The
21 charges and notice of the hearing shall be delivered by
22 registered mail with postage prepaid, and the hearing must be
23 held within 30 days, dating from the date of the postmark of
24 the registered mail, except that notification must be made at
25 least 15 days in advance of the date set for the hearing.

1 (b) If no request for a hearing is made within 10 days
2 after notification, or if the Department determines, upon
3 holding a hearing, that the license should be revoked or
4 renewal denied, then the license shall be revoked or renewal
5 denied.

6 (c) Upon the hearing of proceedings in which the license
7 is revoked, renewal of license is refused or full license is
8 denied, the Director of the Department, or any officer or
9 employee duly authorized by the Director in writing, may
10 administer oaths and the Department may procure, by its
11 subpoena, the attendance of witnesses and the production of
12 relevant books and papers.

13 (d) At the time and place designated, the Director of the
14 Department or the officer or employee authorized by the
15 Director in writing, shall hear the charges, and both the
16 Department and the licensee shall be allowed to present in
17 person or by counsel such statements, testimony and evidence
18 as may be pertinent to the charges or to the defense thereto.
19 The hearing officer may continue such hearing from time to
20 time, but not to exceed a single period of 30 days, unless
21 special extenuating circumstances make further continuance
22 feasible.

23 (Source: P.A. 103-22, eff. 8-8-23.)

24 (225 ILCS 10/9.01 new)

25 Sec. 9.01. Revocation or refusal to renew a license;

1 Department of Early Childhood. Prior to revocation or refusal
2 to renew a license of a day care center, day care home, or
3 group day care home, the Department of Early Childhood shall
4 notify the licensee by registered mail with postage prepaid,
5 at the address specified on the license, or at the address of
6 the ranking or presiding officer of a board of directors, or
7 any equivalent body conducting a day care center, day care
8 home, or group day care home, of the contemplated action and
9 that the licensee may, within 10 days of such notification,
10 dating from the postmark of the registered mail, request in
11 writing a public hearing before the Department of Early
12 Childhood, and, at the same time, may request a written
13 statement of charges from the Department of Early Childhood.

14 (a) Upon written request by the licensee, the Department
15 of Early Childhood shall furnish such written statement of
16 charges, and, at the same time, shall set the date and place
17 for the hearing. The charges and notice of the hearing shall be
18 delivered by registered mail with postage prepaid, and the
19 hearing must be held within 30 days, dating from the date of
20 the postmark of the registered mail, except that notification
21 must be made at least 15 days in advance of the date set for
22 the hearing.

23 (b) If no request for a hearing is made within 10 days
24 after notification, or if the Department of Early Childhood
25 determines, upon holding a hearing, that the license should be
26 revoked or renewal denied, then the license shall be revoked

1 or renewal denied.

2 (c) Upon the hearing of proceedings in which the license
3 is revoked, renewal of license is refused, or full license is
4 denied, the Secretary of Early Childhood, or any officer or
5 employee duly authorized by the Secretary in writing, may
6 administer oaths and the Department of Early Childhood may
7 procure, by its subpoena, the attendance of witnesses and the
8 production of relevant books and papers.

9 (d) At the time and place designated, the Secretary of
10 Early Childhood or the officer or employee authorized by the
11 Secretary in writing shall hear the charges, and both the
12 Department of Early Childhood and the licensee shall be
13 allowed to present in person or by counsel such statements,
14 testimony, and evidence as may be pertinent to the charges or
15 to the defense thereto. The hearing officer may continue such
16 hearing from time to time, but not to exceed a single period of
17 30 days, unless special extenuating circumstances make further
18 continuance feasible.

19 (225 ILCS 10/9.1) (from Ch. 23, par. 2219.1)

20 Sec. 9.1. Before the Department of Children and Family
21 Services or the Department of Early Childhood initiates a
22 full-scale investigation of any complaint received regarding a
23 child care facility the Department may, when appropriate,
24 provide procedures for the substantiation of the complaint.

25 (Source: P.A. 87-265.)

1 (225 ILCS 10/9.1c)

2 Sec. 9.1c. Public database of day care homes, group day
3 care homes, and day care centers; license status. ~~The No later~~
4 ~~than July 1, 2018, the~~ Department of Early Childhood shall
5 establish and maintain on its official website a searchable
6 database, freely accessible to the public, that provides the
7 following information on each day care home, group day care
8 home, and day care center licensed by the Department of Early
9 Childhood: whether, within the past 5 years, the day care
10 home, group day care home, or day care center has had its
11 license revoked by or surrendered to the Department of
12 Children and Family Services or the Department of Early
13 Childhood during a child abuse or neglect investigation or its
14 application for a renewal of its license was denied by the
15 Department of Children and Family Services or the Department
16 of Early Childhood, and, if so, the dates upon which the
17 license was revoked by or surrendered to the Department of
18 Children and Family Services or the Department of Early
19 Childhood or the application for a renewal of the license was
20 denied by the Department of Children and Family Services or
21 the Department of Early Childhood. The Department of Early
22 Childhood may adopt any rules necessary to implement this
23 Section. Nothing in this Section shall be construed to allow
24 or authorize the Department of Early Childhood to release or
25 disclose any information that is prohibited from public

1 disclosure under this Act or under any other State or federal
2 law.

3 (Source: P.A. 100-52, eff. 1-1-18.)

4 (225 ILCS 10/9.2)

5 Sec. 9.2. Toll free number; day care information. The
6 Department of Children and Family Services and the Department
7 of Early Childhood shall establish and maintain ~~a~~ statewide
8 toll-free telephone numbers ~~number~~ that all persons may use to
9 inquire about the past history and record of a day care
10 facility operating in this State under the jurisdiction of
11 each of the Departments. The past history and record shall
12 include, but shall not be limited to, Department substantiated
13 complaints by each Department against a day care facility and
14 ~~Department~~ staff findings by each Department of license
15 violations by a day care facility. Information disclosed in
16 accordance with this Section shall be subject to the
17 confidentiality requirements provided in this Act.

18 (Source: P.A. 90-671, eff. 1-1-99.)

19 (225 ILCS 10/10) (from Ch. 23, par. 2220)

20 Sec. 10. Any circuit court, upon application either of the
21 person requesting a hearing or of the Department of Children
22 and Family Services or the Department of Early Childhood, may
23 require the attendance of witnesses and the production of
24 relevant books and papers before the Department of Children

1 and Family Services or the Department of Early Childhood in
2 any hearing relating to the refusal or revocation of licenses.
3 The refusal or neglect to obey the order of the court
4 compelling the attendance or production, is punishable as in
5 other cases of contempt.

6 (Source: P.A. 83-334.)

7 (225 ILCS 10/11) (from Ch. 23, par. 2221)

8 Sec. 11. Whenever the Department of Children and Family
9 Services or the Department of Early Childhood is advised, or
10 has reason to believe, that any person, group of persons or
11 corporation is operating a child welfare agency or a child
12 care facility without a license or permit, it shall make an
13 investigation to ascertain the facts. If the Department is
14 denied access, it shall request intervention of local, county
15 or State law enforcement agencies to seek an appropriate court
16 order or warrant to examine the premises. A person or entity
17 preventing the Department of Children and Family Services or
18 the Department of Early Childhood from carrying out its duties
19 under this Section shall be guilty of a violation of this Act
20 and shall be subject to such penalties related thereto. If the
21 Department of Children and Family Services or the Department
22 of Early Childhood ~~it~~ finds that the child welfare agency or
23 child care facility is being, or has been operated without a
24 license or permit, it shall report the results of its
25 investigation to the Attorney General, and to the appropriate

1 State's Attorney for investigation and, if appropriate,
2 prosecution.

3 Operating a child welfare agency or child care facility
4 without a license constitutes a Class A misdemeanor, followed
5 by a business offense, if the operator continues to operate
6 the facility and no effort is made to obtain a license. The
7 business offense fine shall not exceed \$10,000 and each day of
8 a violation is a separate offense.

9 (Source: P.A. 94-586, eff. 8-15-05.)

10 (225 ILCS 10/11.1) (from Ch. 23, par. 2221.1)

11 Sec. 11.1. Referrals to law enforcement.

12 (a) If the Department of Children and Family Services or
13 the Department of Early Childhood has reasonable cause to
14 believe that any person, group of persons, corporation,
15 agency, association, organization, institution, center, or
16 group is engaged or about to engage in any acts or practices
17 that constitute or will constitute a violation of this Act,
18 the Department shall inform the Attorney General or the
19 State's Attorney of the appropriate county, who may initiate
20 the appropriate civil or criminal proceedings. Upon a proper
21 showing, any circuit court may enter a permanent or
22 preliminary injunction or temporary restraining order without
23 bond to enforce this Act or any rule or regulation prescribed
24 thereunder in addition to the penalties and other remedies
25 provided in this Act.

1 (b) If the Department has reasonable cause to believe that
2 any person, group of persons, corporation, agency,
3 association, organization, institution, center, or group is
4 engaged or is about to engage in any act or practice that
5 constitutes or may constitute a violation of any rule adopted
6 under the authority of this Act, the Department may inform the
7 Attorney General or the State's Attorney of the appropriate
8 county, who may initiate the appropriate civil or criminal
9 proceedings. Upon a proper showing, any circuit court may
10 enter a permanent or preliminary injunction or temporary
11 restraining order without bond to enforce this Act or any rule
12 prescribed under this Act, in addition to the penalties and
13 other remedies provided in this Act.

14 (Source: P.A. 94-586, eff. 8-15-05.)

15 (225 ILCS 10/11.1a new)

16 Sec. 11.1a. Referrals to law enforcement; Department of
17 Early Childhood.

18 (a) If the Department of Early Childhood has reasonable
19 cause to believe that any person, group of persons,
20 corporation, agency, association, organization, institution,
21 center, or group is engaged or about to engage in any acts or
22 practices that constitute or will constitute a violation of
23 this Act, the Department of Early Childhood shall inform the
24 Attorney General or the State's Attorney of the appropriate
25 county, who may initiate the appropriate civil or criminal

1 proceedings. Upon a proper showing, any circuit court may
2 enter a permanent or preliminary injunction or temporary
3 restraining order without bond to enforce this Act or any rule
4 or regulation prescribed thereunder in addition to the
5 penalties and other remedies provided in this Act.

6 (b) If the Department of Early Childhood has reasonable
7 cause to believe that any person, group of persons,
8 corporation, agency, association, organization, institution,
9 center, or group is engaged or is about to engage in any act or
10 practice that constitutes or may constitute a violation of any
11 rule adopted under the authority of this Act, the Department
12 of Early Childhood may inform the Attorney General or the
13 State's Attorney of the appropriate county, who may initiate
14 the appropriate civil or criminal proceedings. Upon a proper
15 showing, any circuit court may enter a permanent or
16 preliminary injunction or temporary restraining order without
17 bond to enforce this Act or any rule prescribed under this Act,
18 in addition to the penalties and other remedies provided in
19 this Act.

20 (225 ILCS 10/11.2) (from Ch. 23, par. 2221.2)

21 Sec. 11.2. Whenever the Department expressly finds that
22 the continued operation of a child care facility, including
23 such facilities defined in Section 2.10 and unlicensed
24 facilities, jeopardizes the health, safety, morals, or welfare
25 of children served by the facility, the Department shall issue

1 an order of closure directing that the operation of the
2 facility terminate immediately, and, if applicable, shall
3 initiate revocation proceedings under Section 9 within ten
4 working days. A facility closed under this Section may not
5 operate during the pendency of any proceeding for the judicial
6 review of the decision of the Department to issue an order of
7 closure or to revoke or refuse to renew the license, except
8 under court order.

9 This Section does not apply to unlicensed facilities that
10 qualify for an exemption under Section 2.10, day care centers,
11 day care homes, and group day care homes.

12 (Source: P.A. 85-216.)

13 (225 ILCS 10/11.3 new)

14 Sec. 11.3. Order of closure; Department of Early
15 Childhood. Whenever the Department of Early Childhood
16 expressly finds that the continued operation of a day care
17 center, day care home, or group day care home, including a
18 facility defined in Section 2.10 and an unlicensed facility,
19 jeopardizes the health, safety, morals, or welfare of children
20 served by the facility, the Department of Early Childhood
21 shall issue an order of closure directing that the operation
22 of the facility terminate immediately, and, if applicable,
23 shall initiate revocation proceedings under Section 9.01
24 within 10 working days. A facility closed under this Section
25 may not operate during the pendency of any proceeding for the

1 judicial review of the decision of the Department of Early
2 Childhood to issue an order of closure or to revoke or refuse
3 to renew the license, except under court order.

4 (225 ILCS 10/12) (from Ch. 23, par. 2222)

5 Sec. 12. Advertisements; Department of Children and Family
6 Services.

7 (a) In this Section, "advertise" means communication by
8 any public medium originating or distributed in this State,
9 including, but not limited to, newspapers, periodicals,
10 telephone book listings, outdoor advertising signs, radio, or
11 television.

12 (b) With the exception of day care centers, day care
13 homes, and group day care homes, a ~~A~~ child care facility or
14 child welfare agency licensed or operating under a permit
15 issued by the Department may publish advertisements for the
16 services that the facility is specifically licensed or issued
17 a permit under this Act to provide. A person, group of persons,
18 agency, association, organization, corporation, institution,
19 center, or group who advertises or causes to be published any
20 advertisement offering, soliciting, or promising to perform
21 adoption services as defined in Section 2.24 of this Act is
22 guilty of a Class A misdemeanor and shall be subject to a fine
23 not to exceed \$10,000 or 9 months imprisonment for each
24 advertisement, unless that person, group of persons, agency,
25 association, organization, corporation, institution, center,

1 or group is (i) licensed or operating under a permit issued by
2 the Department as a child care facility or child welfare
3 agency, (ii) a birth parent or a prospective adoptive parent
4 acting on the birth parent's or prospective adoptive parent's
5 own behalf, or (iii) a licensed attorney advertising the
6 licensed attorney's availability to provide legal services
7 relating to adoption, as permitted by law.

8 (c) Every advertisement published after the effective date
9 of this amendatory Act of the 94th General Assembly shall
10 include the Department-issued license number of the facility
11 or agency.

12 (d) Any licensed child welfare agency providing adoption
13 services that, after the effective date of this amendatory Act
14 of the 94th General Assembly, causes to be published an
15 advertisement containing reckless or intentional
16 misrepresentations concerning adoption services or
17 circumstances material to the placement of a child for
18 adoption is guilty of a Class A misdemeanor and is subject to a
19 fine not to exceed \$10,000 or 9 months imprisonment for each
20 advertisement.

21 (e) An out-of-state agency that is not licensed in
22 Illinois and that has a written interagency agreement with one
23 or more Illinois licensed child welfare agencies may advertise
24 under this Section, provided that (i) the out-of-state agency
25 must be officially recognized by the United States Internal
26 Revenue Service as a tax-exempt organization under 501(c)(3)

1 of the Internal Revenue Code of 1986 (or any successor
2 provision of federal tax law), (ii) the out-of-state agency
3 provides only international adoption services and is covered
4 by the Intercountry Adoption Act of 2000, (iii) the
5 out-of-state agency displays, in the advertisement, the
6 license number of at least one of the Illinois licensed child
7 welfare agencies with which it has a written agreement, and
8 (iv) the advertisements pertain only to international adoption
9 services. Subsection (d) of this Section shall apply to any
10 out-of-state agencies described in this subsection (e).

11 (f) An advertiser, publisher, or broadcaster, including,
12 but not limited to, newspapers, periodicals, telephone book
13 publishers, outdoor advertising signs, radio stations, or
14 television stations, who knowingly or recklessly advertises or
15 publishes any advertisement offering, soliciting, or promising
16 to perform adoption services, as defined in Section 2.24 of
17 this Act, on behalf of a person, group of persons, agency,
18 association, organization, corporation, institution, center,
19 or group, not authorized to advertise under subsection (b) or
20 subsection (e) of this Section, is guilty of a Class A
21 misdemeanor and is subject to a fine not to exceed \$10,000 or 9
22 months imprisonment for each advertisement.

23 (g) The Department shall maintain a website listing child
24 welfare agencies licensed by the Department that provide
25 adoption services and other general information for birth
26 parents and adoptive parents. The website shall include, but

1 not be limited to, agency addresses, phone numbers, e-mail
2 addresses, website addresses, annual reports as referenced in
3 Section 7.6 of this Act, agency license numbers, the Birth
4 Parent Bill of Rights, the Adoptive Parents Bill of Rights,
5 and the Department's complaint registry established under
6 Section 9.1a of this Act. The Department shall adopt any rules
7 necessary to implement this Section.

8 (h) (Blank) ~~Nothing in this Act shall prohibit a day care~~
9 ~~agency, day care center, day care home, or group day care home~~
10 ~~that does not provide or perform adoption services, as defined~~
11 ~~in Section 2.24 of this Act, from advertising or marketing the~~
12 ~~day care agency, day care center, day care home, or group day~~
13 ~~care home.~~

14 (Source: P.A. 103-22, eff. 8-8-23.)

15 (225 ILCS 10/12.1 new)

16 Sec. 12.1. Advertisements; Department of Early Childhood.

17 (a) In this Section, "advertise" means communication by
18 any public medium originating or distributed in this State,
19 including, but not limited to, newspapers, periodicals,
20 telephone book listings, outdoor advertising signs, radio, or
21 television.

22 (b) A day care center, day care home, or group day care
23 home licensed or operating under a permit issued by the
24 Department of Early Childhood may publish advertisements for
25 the services that the day care center, day care home, or group

1 day care home is specifically licensed or issued a permit
2 under this Act to provide. A person, group of persons, agency,
3 association, organization, corporation, institution, center,
4 or group that advertises or causes to be published any
5 advertisement offering, soliciting, or promising to perform
6 adoption services as defined in Section 2.24 of this Act is
7 guilty of a Class A misdemeanor and shall be subject to a fine
8 not to exceed \$10,000 or 9 months' imprisonment for each
9 advertisement, unless that person, group of persons, agency,
10 association, organization, corporation, institution, center,
11 or group is licensed or operating under a permit issued by
12 Department of Early Childhood as a day care center, day care
13 home, or group day care home, as permitted by law.

14 (c) Every advertisement published after the effective date
15 of this amendatory Act of the 103rd General Assembly shall
16 include the Department of Early Childhood license number of
17 the facility or agency.

18 (225 ILCS 10/15) (from Ch. 23, par. 2225)

19 Sec. 15. With the exception of day care centers, day care
20 homes, and group day care homes, every ~~Every~~ child care
21 facility must keep and maintain such records as the Department
22 may prescribe pertaining to the admission, progress, health
23 and discharge of children under the care of the facility and
24 shall report relative thereto to the Department whenever
25 called for, upon forms prescribed by the Department. All

1 records regarding children and all facts learned about
2 children and their relatives must be kept confidential both by
3 the child care facility and by the Department.

4 Nothing contained in this Act prevents the sharing or
5 disclosure of information or records relating or pertaining to
6 juveniles subject to the provisions of the Serious Habitual
7 Offender Comprehensive Action Program when that information is
8 used to assist in the early identification and treatment of
9 habitual juvenile offenders.

10 Nothing contained in this Act prevents the disclosure of
11 information or records by a licensed child welfare agency as
12 required under subsection (c-5) of Section 7.4.

13 (Source: P.A. 94-1010, eff. 10-1-06.)

14 (225 ILCS 10/15.1 new)

15 Sec. 15.1. Records; confidentiality; Department of Early
16 Childhood. Every day care center, day care home, and group day
17 care home must keep and maintain such records as the
18 Department of Early Childhood may prescribe pertaining to the
19 admission, progress, health and discharge of children under
20 the care of the day care center, day care home, or group day
21 care home, and shall report relative thereto to the Department
22 of Early Childhood whenever called for, upon forms prescribed
23 by the Department of Early Childhood. All records regarding
24 children and all facts learned about children and their
25 relatives must be kept confidential both by the day care

1 center, day care home, or group day care home and by the
2 Department of Early Childhood.

3 (225 ILCS 10/16) (from Ch. 23, par. 2226)

4 Sec. 16. (a) Subsections (a-1) through (d) do not apply to
5 any circumstances to which Section 16.1 applies.

6 (a-1) ~~(a)~~ Any child care facility receiving a child for
7 care or supervision from a foreign state or country shall
8 report that child to the Department in the same manner as is
9 required for reporting other children.

10 (b) A person, agency or organization, other than a
11 licensed child care institution or child welfare agency, may
12 not receive a foreign child without prior notice to and
13 approval of the Department.

14 (c) In all instances the Department may require a guaranty
15 that a child accepted for care or supervision from a foreign
16 state or country will not become a public charge upon the State
17 of Illinois.

18 (d) Reports to the Department must be made, as required.

19 (e) The Department may enter into agreements with public
20 or voluntary social agencies headquartered in states adjacent
21 to the State of Illinois, regarding the placement of children
22 in licensed foster family homes within the boundaries of
23 Illinois, if the agencies meet the standards and criteria
24 required for license as a child welfare agency in Illinois.
25 The agreements may allow foreign agencies to place and

1 supervise children for whom they have responsibility within
2 the State of Illinois, without regard to subsection (a-1)
3 ~~paragraph (a)~~ of this Section. These agreements must, however,
4 include a requirement that the agencies cooperate fully with
5 the Department in its inquiry or investigation into the
6 activities and standards of those agencies, and provide that
7 the Department may, at any time upon 15 days written notice to
8 an agency by registered mail, void the agreement and require
9 the observance of subsection (a-1) ~~paragraph (a)~~ of this
10 Section.

11 (Source: P.A. 76-63.)

12 (225 ILCS 10/16.1 new)

13 Sec. 16.1. Child from a foreign state or country;
14 Department of Early Childhood.

15 (a) Any day care center, day care home, or group day care
16 home receiving a child for care or supervision from a foreign
17 state or country shall report that child to the Department of
18 Early Childhood in the same manner as is required for
19 reporting other children.

20 (b) A person, agency or organization, other than a
21 licensed child care institution, may not receive a foreign
22 child without prior notice to and approval of the Department
23 of Early Childhood.

24 (c) In all instances the Department of Early Childhood may
25 require a guaranty that a child accepted for care or

1 supervision from a foreign state or country will not become a
2 public charge upon the State of Illinois.

3 (d) Reports to the Department of Early Childhood must be
4 made, as required.

5 (225 ILCS 10/17) (from Ch. 23, par. 2227)

6 Sec. 17. The Administrative Review Law and the rules
7 adopted pursuant thereto apply to and govern ~~, applies to and~~
8 ~~governs~~ all proceedings for the judicial review of final
9 administrative decisions of the Department of Children and
10 Family Services and the Department of Early Childhood. The
11 term "administrative decision" is defined as in Section 3-101
12 of the Code of Civil Procedure.

13 (Source: P.A. 82-783.)

14 (225 ILCS 10/18) (from Ch. 23, par. 2228)

15 Sec. 18. Any person, group of persons, association, or
16 corporation who, with respect to a child care facility other
17 than a day care center, day care home, or group day care home:

18 (1) conducts, operates, or acts as a child care facility
19 without a license or permit to do so in violation of Section 3
20 of this Act;

21 (2) makes materially false statements in order to obtain a
22 license or permit;

23 (3) fails to keep the records and make the reports
24 provided under this Act;

1 (4) advertises any service not authorized by license or
2 permit held;

3 (5) publishes any advertisement in violation of this Act;

4 (6) receives within this State any child in violation of
5 Section 16 of this Act; or

6 (7) violates any other provision of this Act or any
7 reasonable rule or regulation adopted and published by the
8 Department for the enforcement of the provisions of this Act,
9 is guilty of a Class A misdemeanor and in case of an
10 association or corporation, imprisonment may be imposed upon
11 its officers who knowingly participated in the violation.

12 Any child care facility (other than a day care center, day
13 care home, or group day care home) that continues to operate
14 after its license is revoked under Section 8 of this Act or
15 after its license expires and the Department refused to renew
16 the license as provided in Section 8 of this Act is guilty of a
17 business offense and shall be fined an amount in excess of \$500
18 but not exceeding \$10,000, and each day of violation is a
19 separate offense.

20 In a prosecution under this Act, a defendant who relies
21 upon the relationship of any child to the defendant has the
22 burden of proof as to that relationship.

23 (Source: P.A. 103-22, eff. 8-8-23; revised 9-21-23.)

24 (225 ILCS 10/18.1 new)

25 Sec. 18.1. Violations; day care center, day care home, or

1 group day care home. Any person, group of persons,
2 association, or corporation that:

3 (1) conducts, operates or acts as a day care center,
4 day care home, or group day care home without a license or
5 permit to do so in violation of Section 3.01 of this Act;

6 (2) makes materially false statements in order to
7 obtain a license or permit;

8 (3) fails to keep the records and make the reports
9 provided under this Act;

10 (4) advertises any service not authorized by license
11 or permit held;

12 (5) publishes any advertisement in violation of this
13 Act;

14 (6) receives within this State any child in violation
15 of Section 16.1 of this Act; or

16 (7) violates any other provision of this Act or any
17 reasonable rule or regulation adopted and published by the
18 Department of Early Childhood for the enforcement of the
19 provisions of this Act,

20 is guilty of a Class A misdemeanor and, in the case of an
21 association or corporation, imprisonment may be imposed upon
22 its officers who knowingly participated in the violation.

23 Any day care center, day care home, or group day care home
24 that continues to operate after its license is revoked under
25 Section 8 or 8a of this Act or after its license expires and
26 the Department of Early Childhood refused to renew the license

1 as provided in Section 8 or 8a of this Act is guilty of a
2 business offense and shall be fined an amount in excess of \$500
3 but not exceeding \$10,000. Each day of violation is a separate
4 offense.

5 In a prosecution under this Act, a defendant who relies
6 upon the relationship of any child to the defendant has the
7 burden of proof as to that relationship.

8 ARTICLE 99. NONACCELERATION, SEVERABILITY,

9 AND

10 EFFECTIVE DATE

11 Section 99-1. No acceleration or delay. Where this Act
12 makes changes in a statute that is represented in this Act by
13 text that is not yet or no longer in effect (for example, a
14 Section represented by multiple versions), the use of that
15 text does not accelerate or delay the taking effect of (i) the
16 changes made by this Act or (ii) provisions derived from any
17 other Public Act.

18 Section 99-5. Severability. The provisions of this Act are
19 severable under Section 1.31 of the Statute on Statutes.

20 Section 99-99. Effective date. This Act takes effect upon
21 becoming law, except Article 95 takes effect on July 1, 2026.