99TH GENERAL ASSEMBLY
State of Illinois
2015 and 2016
HB3595

by Rep. Keith P. Sommer

SYNOPSIS AS INTRODUCED:

Amends the Child Care Act. Provides that the following are not a day care center for the purposes of the Act: (1) a recreational facility that allows its facilities to be used by children outside of structured activities; and (2) a public or private school that allows its facilities to be used by children for recreational activities outside of school hours or on days when school is not in session and the recreational activities are not school-sponsored activities. Effective immediately.
AN ACT concerning regulation.

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

Section 5. The Child Care Act of 1969 is amended by changing Section 2.09 as follows:

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

Sec. 2.09. "Day care center" means any child care facility which regularly provides day care for less than 24 hours per day for (1) more than 8 children in a family home, or (2) more than 3 children in a facility other than a family home, including senior citizen buildings. The term does not include (a) programs operated by (i) public or private elementary school systems or secondary level school units or institutions of higher learning that serve children who shall have attained the age of 3 years or (ii) private entities on the grounds of public or private elementary or secondary schools and that serve children who have attained the age of 3 years, except that this exception applies only to the facility and not to the private entities' personnel operating the program; (b) programs or that portion of the program which serves children who shall have attained the age of 3 years and which are recognized by the State Board of Education; (c) educational program or programs serving children who shall have attained
the age of 3 years and which are operated by a school which is
registered with the State Board of Education and which is
recognized or accredited by a recognized national or multistate
educational organization or association which regularly
recognizes or accredits schools; (d) programs which
exclusively serve or that portion of the program which serves
handicapped children who shall have attained the age of 3 years
but are less than 21 years of age and which are registered and
approved as meeting standards of the State Board of Education
and applicable fire marshal standards; (e) facilities operated
in connection with a shopping center or service, religious
services, or other similar facility, where transient children
are cared for temporarily while parents or custodians of the
children are occupied on the premises and readily available;
(f) any type of day care center that is conducted on federal
government premises; (g) special activities programs,
including athletics, crafts instruction and similar activities
conducted on an organized and periodic basis by civic,
charitable and governmental organizations; (h) part day child
care facilities, as defined in Section 2.10 of this Act; or (i)
programs or that portion of the program which (1) serves
children who shall have attained the age of 3 years, (2) is
operated by churches or religious institutions as described in
Section 501 (c) (3) of the federal Internal Revenue Code, (3)
receives no governmental aid, (4) is operated as a component of
a religious, nonprofit elementary school, (5) operates
primarily to provide religious education, and (6) meets appropriate State or local health and fire safety standards.

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

Notwithstanding any other provision of this Section, the following are not a day care center for the purposes of this Act:

(1) a recreational facility that allows its facilities to be used by children outside of structured activities; and

(2) a public or private school that allows its facilities to be used by children for recreational activities outside of school hours or on days when school is not in session and the recreational activities are not school-sponsored activities.

(Source: P.A. 92-659, eff. 7-16-02.)

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