

AN ACT concerning education.

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

ARTICLE 1. GENERAL PROVISIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Department" means the Department of Early Childhood.

"Secretary" means the Secretary of Early Childhood.

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

Section 1-20. Department; Secretary; organization.

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

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

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

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

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

Section 1-30. General powers and duties.

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

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

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

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

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

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

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

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

ARTICLE 10. POWERS AND DUTIES RELATING TO EARLY INTERVENTION
SERVICES

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

Section 10-10. Legislative findings and policy.

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

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

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

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

(4) enhance the independence, productivity and

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

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

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

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

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

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

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

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

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

(6) provide financial and technical assistance to

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

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

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

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

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

(1) Developmental delays.

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

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

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

"Eligible infants and toddlers" includes any child under

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

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

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

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

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

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

expertise.

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

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

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

(3) are provided under public supervision;

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

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

(A) physical development, including vision and hearing,

(B) cognitive development,

(C) communication development,

(D) social or emotional development, or

(E) adaptive development;

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

(7) include one or more of the following:

(A) family training,

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

(C) special instruction,

- (D) speech, language pathology and audiology,
- (E) occupational therapy,
- (F) physical therapy,
- (G) psychological services,
- (H) service coordination services,
- (I) medical services only for diagnostic or evaluation purposes,
- (J) early identification, screening, and assessment services,
- (K) health services specified by the lead agency as necessary to enable the infant or toddler to benefit from the other early intervention services,
- (L) vision services,
- (M) transportation,
- (N) assistive technology devices and services,
- (O) nursing services,
- (P) nutrition services, and
- (Q) sign language and cued language services;

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

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

(B) speech and language pathologists and

audiologists,

(C) occupational therapists,

(D) physical therapists,

(E) social workers,

(F) nurses,

(G) dietitian nutritionists,

(H) vision specialists, including ophthalmologists
and optometrists,

(I) psychologists, and

(J) physicians;

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

(10) are provided throughout the year; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) Department of Insurance; and

(B) Department of Healthcare and Family Services.

(2) Other members as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) The Council shall:

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

(2) advise and assist the lead agency in the

preparation of applications and amendments to applications;

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

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

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

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

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

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

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

The lead agency is responsible for carrying out the following:

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

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

local and private sources.

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

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

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

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

(2) include all additional components necessary to

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

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

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

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

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

implementation of this Act.

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

Local interagency councils shall:

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

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

(c) identify and resolve local access issues;

(d) conduct collaborative child find activities;

(e) coordinate public awareness initiatives;

(f) coordinate local planning and evaluation;

(g) assist in the recruitment of specialty personnel;

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

(i) facilitate conflict resolution at the local level;

and

(j) report annually to the Council.

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

The statewide system shall include, at a minimum:

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

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

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

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

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

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

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

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

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

(h) a comprehensive system of personnel development;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 10-65. Individualized Family Service Plans.

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

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

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

(2) a written Individualized Family Service Plan developed by a multidisciplinary team which includes the parent or guardian. The individualized family service plan shall be based on the multidisciplinary team's assessment of the resources, priorities, and concerns of the family and its identification of the supports and services necessary to enhance the family's capacity to meet the developmental needs of the infant or toddler, and shall include the identification of services appropriate to meet those needs, including the frequency, intensity, and method of delivering services. During and as part of the initial development of the individualized family services plan, and any periodic reviews of the plan, the multidisciplinary team may seek consultation from the lead agency's designated experts, if any, to help determine appropriate services and the frequency and intensity of those services. All services in the individualized family services plan must be justified by the multidisciplinary assessment of the unique strengths and needs of the infant or toddler and must be appropriate to meet those needs. At the periodic reviews, the team shall determine whether modification or revision of the outcomes or services is necessary.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 10-75. Funding and fiscal responsibility.

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

system as required by this Act.

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

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

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

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

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

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

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

The system of payments, called family fees, shall be

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

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

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

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

Section 10-80. Other programs.

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

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

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

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

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

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

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

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

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

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

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

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

Section 10-90. Billing of insurance carrier.

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

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

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

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

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

Section 10-95. Families with insurance coverage.

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

(b) Managed care plans.

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 10-100. Private insurance; exemption.

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

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

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

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

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

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

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

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

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

(1) Practice and procedures of private insurance billing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 15-10. Home visiting program.

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

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

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

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

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

(c) Allowable uses of funding include:

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

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

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

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

(D) referrals to other resources needed by families.

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

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

Department.

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

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

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

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

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

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

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

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

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

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

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

Section 15-25. Block grants.

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

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

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

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

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

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

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

Section 15-30. Grants for preschool educational programs.

(a) Preschool program.

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

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

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

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

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

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

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

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

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

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

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

(C) service areas;

(D) selection priorities for eligible children to be served by programs;

(E) maximizing the impact of federal and State funding to benefit young children;

(F) staff training, including opportunities for joint staff training;

(G) technical assistance;

(H) communication and parent outreach for smooth transitions to kindergarten;

(I) provision and use of facilities, transportation, and other program elements;

(J) facilitating each program's fulfillment of its statutory and regulatory requirements;

(K) improving local planning and collaboration; and

(L) providing comprehensive services for the neediest Illinois children and families. Through June 30, 2026, if the appropriate local Head Start agency is unable or unwilling to enter into a memorandum of understanding as required under this paragraph (4), the memorandum of understanding requirement shall not apply and the grantee under the program must notify the State Board of Education in writing of the Head Start agency's inability or unwillingness. Through June 30, 2026, the State Board of Education shall

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(G) Through June 30, 2026, early childhood

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

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

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

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

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

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

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

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

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

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

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

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

with the federal Individuals with Disabilities Education Act.

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

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

Section 15-35. Chronic absenteeism in preschool children.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 15-40. Restrictions on prekindergarten assessments.

(a) In this Section:

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

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

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

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

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

screening purposes.

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

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

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

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

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

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

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

(2) Childbirth and child care.

(3) Family structure, function and management.

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

(5) Prevention of child abuse.

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

(7) Parenting skill development.

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

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

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

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

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

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

agencies and not-for-profit agencies.

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

Section 15-50. Early childhood construction grants.

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

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

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

the grant awarded under this Section.

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

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

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

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

- (1) the manner of applying for grants;
- (2) project eligibility requirements;
- (3) restrictions on the use of grant moneys;
- (4) the manner in which school districts and other eligible entities must account for the use of grant moneys;
- (5) requirements that new or improved facilities be used for early childhood and other related programs for a period of at least 10 years; and

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

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

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

(d) In each school year in which early childhood

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

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

(a) Findings; policies.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 20-10. Child care.

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

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

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

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

Section 20-15. Day care services.

(a) For the purpose of ensuring effective statewide

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Providing information and referrals for parents.

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

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

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

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

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

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

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

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

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

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

construction.

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

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

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

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

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

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

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

Section 20-25. Licensing day care facilities.

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

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

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

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

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

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

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

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

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

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

Section 20-35. Great START program.

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

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

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

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

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

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

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

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

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

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

Department shall prescribe, by rule:

- (a) age and income qualifications for persons to be trained under such programs; and
- (b) standards for such programs to ensure that such programs train participants to be skilled workers for the child care industry.

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

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

- (1) developing a demonstration project to train individuals to become home child care providers who are able to establish and operate their own child care facility; and
- (2) providing grants to convert and renovate existing facilities.

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

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

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

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

assurance to the Department that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE 80. TRANSITION PROVISIONS

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

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

(b) Personnel employed by the Department of Human Services

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

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

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

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

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

Section 80-10. Rules and standards.

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

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

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

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

Section 80-15. Savings provisions.

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

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

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

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

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

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

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

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

defended, or continued by the Department of Early Childhood.

ARTICLE 90. AMENDATORY PROVISIONS

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

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

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

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

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

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

The Department on Aging.

The Department of Agriculture.

The Department of Central Management Services.

The Department of Children and Family Services.

The Department of Commerce and Economic Opportunity.

The Department of Corrections.

The Department of Early Childhood.

The Department of Employment Security.

The Illinois Emergency Management Agency.

The Department of Financial and Professional Regulation.

The Department of Healthcare and Family Services.

The Department of Human Rights.

The Department of Human Services.

The Department of Innovation and Technology.

The Department of Insurance.

The Department of Juvenile Justice.

The Department of Labor.

The Department of the Lottery.

The Department of Natural Resources.

The Department of Public Health.

The Department of Revenue.

The Illinois State Police.

The Department of Transportation.

The Department of Veterans' Affairs.

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

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

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

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

The following officers are hereby created:

Director of Aging, for the Department on Aging.

Director of Agriculture, for the Department of Agriculture.

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

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

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

Director of Corrections, for the Department of Corrections.

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

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

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

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

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

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

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

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

Director of Insurance, for the Department of Insurance.

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

Director of Labor, for the Department of Labor.

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

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

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

Director of Revenue, for the Department of Revenue.

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

Secretary of Transportation, for the Department of Transportation.

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

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

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

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

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

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

SERVICE ACTIVITIES

Adjunctive Therapy;

Child Care Service, including day care;

Clinical Therapy;

Custodial Service;

Field Work Students;
Food Service;
Normal Education;
In-Service Training;
Intake or Evaluation, or both;
Medical Services;
Recreation;
Social Work or Counselling, or both;
Supportive Staff;
Volunteers.

OBJECT EXPENSES

Professional Fees and Contract Service Payments;
Supplies;
Telephone and Telegram;
Occupancy;
Local Transportation;
Equipment and Other Fixed Assets, including amortization
of same;
Miscellaneous.

ADMINISTRATIVE COSTS

Program Administration;
Supervision and Consultation;
Inspection and Monitoring for purposes of issuing
licenses;

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

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

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

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

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

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

(b) the cost survey instrument shall be promulgated by

rule;

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

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

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

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

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

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

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

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

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

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

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

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

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

(20 ILCS 505/5.15)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Providing information and referrals for parents.

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

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

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

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

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

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

(3) (Blank).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(20 ILCS 505/5.20)

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

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

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

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

(a) Blank.

(b) Blank.

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

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

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

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

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

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

This Section is repealed on July 1, 2026.

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

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

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

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

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

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

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

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

The Department shall submit:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(20 ILCS 1305/1-75)

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

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

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

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

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

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

(c) Subject to appropriation, the Department of Human

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

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

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

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

(20 ILCS 1305/10-16)

Sec. 10-16. Home visiting program.

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

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

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

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

(b) Allowable uses of funding include:

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

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

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

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

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

(D) referrals to other resources needed by families.

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

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

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

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

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

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

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

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

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

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

(20 ILCS 1305/10-22)

Sec. 10-22. Great START program.

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

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

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

(b) (Blank).

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

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

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

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

(d) (Blank).

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

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

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

(20 ILCS 3933/10)

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

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

(2) The chief administrators of the following State

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

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

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

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

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

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

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

(30 ILCS 500/1-10)

Sec. 1-10. Application.

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

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

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

governmental bodies, except as specifically provided in this Code.

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

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

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

(5) Collective bargaining contracts.

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

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

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

(8) (Blank).

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

(10) (Blank).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

For purposes of this paragraph (19):

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) (Blank).

(g) (Blank).

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

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

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

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

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

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

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

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

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

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

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

A. (Blank).

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

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

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

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

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

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

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

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

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

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

(105 ILCS 5/1C-2)

Sec. 1C-2. Block grants.

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

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

(b) (Blank).

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

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

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

(105 ILCS 5/1C-4)

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

This Section is repealed on July 1, 2026.

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

(105 ILCS 5/1D-1)

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

Sec. 1D-1. Block grant funding.

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

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

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

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

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

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

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

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

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

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

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

Board of Education.

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

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

Payments to the school district under this Section with

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

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

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

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

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

Sec. 1D-1. Block grant funding.

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

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

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

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

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

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

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

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

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

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

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

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

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

in that block grant. The proportion of each block grant so allocated to each such program included in it shall be the proportion which the appropriation for that program was of all appropriations for such purposes now in that block grant, in fiscal 1995.

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

(h) Notwithstanding any other provision of law, any school district receiving a block grant under this Section may classify all or a portion of the funds that it receives in a particular fiscal year from any block grant authorized under this Code or from general State aid pursuant to Section 18-8.05 of this Code (other than supplemental general State aid) as funds received in connection with any funding program for which it is entitled to receive funds from the State in that fiscal year (including, without limitation, any funding program referred to in subsection (c) of this Section), regardless of the source or timing of the receipt. The district may not classify more funds as funds received in connection with the funding program than the district is entitled to receive in that fiscal year for that program. Any classification by a district must be made by a resolution of

its board of education. The resolution must identify the amount of any block grant or general State aid to be classified under this subsection (h) and must specify the funding program to which the funds are to be treated as received in connection therewith. This resolution is controlling as to the classification of funds referenced therein. A certified copy of the resolution must be sent to the State Superintendent of Education. The resolution shall still take effect even though a copy of the resolution has not been sent to the State Superintendent of Education in a timely manner. No classification under this subsection (h) by a district shall affect the total amount or timing of money the district is entitled to receive under this Code. No classification under this subsection (h) by a district shall in any way relieve the district from or affect any requirements that otherwise would apply with respect to the block grant as provided in this Section, including any accounting of funds by source, reporting expenditures by original source and purpose, reporting requirements, or requirements of provision of services.

(Source: P.A. 100-465, eff. 8-31-17.)

(105 ILCS 5/2-3.47) (from Ch. 122, par. 2-3.47)

Sec. 2-3.47. The State Board of Education shall annually submit a budget recommendation to the Governor and General Assembly that contains recommendations for funding for

pre-school through grade 12 through Fiscal Year 2026. For Fiscal Year 2027, and annually thereafter, the State Board of Education shall submit a budget recommendation to the Governor and General Assembly that contains recommendations for funding for kindergarten through grade 12.

(Source: P.A. 98-739, eff. 7-16-14.)

(105 ILCS 5/2-3.64a-10)

Sec. 2-3.64a-10. Kindergarten assessment.

(a) For the purposes of this Section, "kindergarten" includes both full-day and half-day kindergarten programs.

(b) Beginning no later than the 2021-2022 school year, the State Board of Education shall annually assess all public school students entering kindergarten using a common assessment tool, unless the State Board determines that a student is otherwise exempt. The common assessment tool must assess multiple developmental domains, including literacy, language, mathematics, and social and emotional development. The assessment must be valid, reliable, and developmentally appropriate to formatively assess a child's development and readiness for kindergarten.

(c) Results from the assessment may be used by the school to understand the child's development and readiness for kindergarten, to tailor instruction, and to measure the child's progress over time. Assessment results may also be used to identify a need for the professional development of

teachers and early childhood educators and to inform State-level and district-level policies and resource allocation.

The school shall make the assessment results available to the child's parent or guardian.

The assessment results may not be used (i) to prevent a child from enrolling in kindergarten or (ii) as the sole measure used in determining the grade promotion or retention of a student.

(d) On an annual basis, the State Board shall report publicly, at a minimum, data from the assessment for the State overall and for each school district. The State Board's report must disaggregate data by race and ethnicity, household income, students who are English learners, and students who have an individualized education program.

(e) The State Superintendent of Education shall appoint a committee of no more than 22 ~~21~~ members, including the Secretary of Early Childhood or the Secretary's designee, parents, teachers, school administrators, assessment experts, regional superintendents of schools, state policy advocates, early childhood administrators, and other stakeholders, to review, on an ongoing basis, the content and design of the assessment, the collective results of the assessment as measured against kindergarten-readiness standards, and other issues involving the assessment as identified by the committee.

The committee shall make periodic recommendations to the State Superintendent of Education and the General Assembly concerning the assessments.

(f) The State Board may adopt rules to implement and administer this Section.

(Source: P.A. 101-654, eff. 3-8-21; 102-635, eff. 11-30-21 (See Section 10 of P.A. 102-671 for effective date of P.A. 102-209).)

(105 ILCS 5/2-3.71) (from Ch. 122, par. 2-3.71)

Sec. 2-3.71. Grants for preschool educational programs.

(a) Preschool program.

(1) Through June 30, 2026, the ~~The~~ State Board of Education shall implement and administer a grant program under the provisions of this subsection which shall consist of grants to public school districts and other eligible entities, as defined by the State Board of Education, to conduct voluntary preschool educational programs for children ages 3 to 5 which include a parent education component. A public school district which receives grants under this subsection may subcontract with other entities that are eligible to conduct a preschool educational program. These grants must be used to supplement, not supplant, funds received from any other source.

(1.5) On and after July 1, 2026, the Department of

Early Childhood shall implement and administer a grant program for school districts and other eligible entities, as defined by the Department, to conduct voluntary preschool educational programs for children ages 3 to 5 which include a parent education component. A public school district which receives grants under this subsection may subcontract with other entities that are eligible to conduct a preschool educational program. These grants must be used to supplement, not supplant, funds received from any other source.

(2) (Blank).

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

(3.5) Beginning with the 2018-2019 school year and until the 2028-2029 school year, an individual may teach preschool children in an early childhood program under this Section if he or she holds a Professional Educator License with an early childhood education endorsement or with short-term approval for early childhood education or he or she pursues a Professional Educator License and holds any of the following:

(A) An ECE Credential Level of 5 awarded by the Department of Human Services under the Gateways to

Opportunity Program developed under Section 10-70 of the Department of Human Services Act.

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

(4) (Blank).

(4.5) Through June 30, 2026, the State Board of Education shall provide the primary source of funding through appropriations for the program. On and after July 1, 2026, the Department of Early Childhood shall provide the primary source of funding through appropriations for the program. ~~The State Board of Education shall provide the primary source of funding through appropriations for the program.~~ Such funds shall be distributed to achieve a goal of "Preschool for All Children" for the benefit of all children whose families choose to participate in the program. Based on available appropriations, newly funded programs shall be selected through a process giving first priority to qualified programs serving primarily at-risk children and second priority to qualified programs serving primarily children with a family income of less than 4 times the poverty guidelines updated periodically in the Federal Register by the U.S. Department of Health and

Human Services under the authority of 42 U.S.C. 9902(2). For purposes of this paragraph (4.5), at-risk children are those who because of their home and community environment are subject to such language, cultural, economic and like disadvantages to cause them to have been determined as a result of screening procedures to be at risk of academic failure. Through June 30, 2026, such screening procedures shall be based on criteria established by the State Board of Education. On and after July 1, 2026, such screening procedures shall be based on criteria established by the Department of Early Childhood. ~~Such screening procedures shall be based on criteria established by the State Board of Education.~~

Except as otherwise provided in this paragraph (4.5), grantees under the program must enter into a memorandum of understanding with the appropriate local Head Start agency. This memorandum must be entered into no later than 3 months after the award of a grantee's grant under the program, except that, in the case of the 2009-2010 program year, the memorandum must be entered into no later than the deadline set by the State Board of Education for applications to participate in the program in fiscal year 2011, and must address collaboration between the grantee's program and the local Head Start agency on certain issues, which shall include without limitation the following:

- (A) educational activities, curricular objectives,

and instruction;

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

(C) service areas;

(D) selection priorities for eligible children to be served by programs;

(E) maximizing the impact of federal and State funding to benefit young children;

(F) staff training, including opportunities for joint staff training;

(G) technical assistance;

(H) communication and parent outreach for smooth transitions to kindergarten;

(I) provision and use of facilities, transportation, and other program elements;

(J) facilitating each program's fulfillment of its statutory and regulatory requirements;

(K) improving local planning and collaboration;
and

(L) providing comprehensive services for the neediest Illinois children and families.

Through June 30, 2026, if ~~if~~ the appropriate local Head Start agency is unable or unwilling to enter into a memorandum of understanding as required under this paragraph (4.5), the memorandum of understanding requirement shall not apply and the grantee under the

program must notify the State Board of Education in writing of the Head Start agency's inability or unwillingness. The State Board of Education shall compile all such written notices and make them available to the public. On and after July 1, 2026, if the appropriate local Head Start agency is unable or unwilling to enter into a memorandum of understanding as required under this paragraph (4.5), the memorandum of understanding requirement shall not apply and the grantee under the program must notify the Department of Early Childhood in writing of the Head Start agency's inability or unwillingness. The Department of Early Childhood shall compile all such written notices and make them available to the public.

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

(5.1) On and after July 1, 2026, the Department of Early Childhood shall develop and provide evaluation tools, including tests, that school districts and other eligible entities may use to evaluate children for school readiness prior to age 5. The Department of Early Childhood shall require school districts and other eligible entities to obtain consent from the parents or guardians of children before any evaluations are conducted. The Department of Early Childhood shall encourage local school districts and other eligible entities to evaluate the population of preschool children in their communities and provide preschool programs, pursuant to this subsection, where appropriate.

(6) Through June 30, 2026, the ~~The~~ State Board of Education shall report to the General Assembly by November 1, 2018 and every 2 years thereafter on the results and progress of students who were enrolled in preschool educational programs, including an assessment of which programs have been most successful in promoting academic excellence and alleviating academic failure. Through June 30, 2026, the ~~The~~ State Board of Education shall assess the academic progress of all students who have been enrolled in preschool educational programs.

Through fiscal year 2026, on ~~on~~ or before November 1 of each fiscal year in which the General Assembly provides funding for new programs under paragraph (4.5) of this

Section, the State Board of Education shall report to the General Assembly on what percentage of new funding was provided to programs serving primarily at-risk children, what percentage of new funding was provided to programs serving primarily children with a family income of less than 4 times the federal poverty level, and what percentage of new funding was provided to other programs.

(6.1) On and after July 1, 2026, the Department of Early Childhood shall report to the General Assembly by November 1, 2026 and every 2 years thereafter on the results and progress of students who were enrolled in preschool educational programs, including an assessment of which programs have been most successful in promoting academic excellence and alleviating academic failure. On and after July 1, 2026, the Department of Early Childhood shall assess the academic progress of all students who have been enrolled in preschool educational programs. Beginning in fiscal year 2027, on or before November 1 of each fiscal year in which the General Assembly provides funding for new programs under paragraph (4.5) of this Section, the Department of Early Childhood shall report to the General Assembly on what percentage of new funding was provided to programs serving primarily at-risk children, what percentage of new funding was provided to programs serving primarily children with a family income of less than 4 times the federal poverty level, and what

percentage of new funding was provided to other programs.

(7) Due to evidence that expulsion practices in the preschool years are linked to poor child outcomes and are employed inconsistently across racial and gender groups, early childhood programs receiving State funds under this subsection (a) shall prohibit expulsions. Planned transitions to settings that are able to better meet a child's needs are not considered expulsion under this paragraph (7).

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

(B) The early childhood program shall, with parental or legal guardian consent as required, utilize a range of community resources, if available and deemed necessary, including, but not limited to, developmental screenings, referrals to programs and services administered by a local educational agency or early intervention agency under Parts B and C of the

federal Individual with Disabilities Education Act, and consultation with infant and early childhood mental health consultants and the child's health care provider. The program shall document attempts to engage these resources, including parent or legal guardian participation and consent attempted and obtained. Communication with the parent or legal guardian shall take place in a culturally and linguistically competent manner.

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

(D) Nothing in this paragraph (7) shall preclude a parent's or legal guardian's right to voluntarily withdraw his or her child from an early childhood program. Early childhood programs shall request and keep on file, when received, a written statement from

the parent or legal guardian stating the reason for his or her decision to withdraw his or her child.

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

(F) Early childhood programs may utilize and the Department of Early Childhood, State Board of Education, the Department of Human Services, and the Department of Children and Family Services shall recommend training, technical support, and professional development resources to improve the ability of teachers, administrators, program directors, and other staff to promote social-emotional development and behavioral health, to address challenging behaviors, and to understand trauma and trauma-informed care, cultural competence, family engagement with diverse populations, the impact of implicit bias on adult behavior, and the use of reflective practice techniques. Support shall include the availability of resources to contract with infant

and early childhood mental health consultants.

(G) Through June 30, 2026 ~~Beginning on July 1, 2018,~~ early childhood programs shall annually report to the State Board of Education, and, beginning in fiscal year 2020, the State Board of Education shall make available on a biennial basis, in an existing report, all of the following data for children from birth to age 5 who are served by the program:

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

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

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

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

(G-5) On and after July 1, 2026, early childhood programs shall annually report to the Department of Early Childhood, and beginning in fiscal year 2028, the Department of Early Childhood shall make available on a biennial basis, in a report, all of the following data for children from birth to age 5 who are served by the program:

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

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

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

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

(H) Changes to services for children with an

individualized education program or individual family service plan shall be construed in a manner consistent with the federal Individuals with Disabilities Education Act.

The Department of Early Childhood ~~State Board of Education~~, in consultation with the ~~Governor's Office of Early Childhood Development and the~~ Department of Children and Family Services, shall adopt rules to administer this paragraph (7).

(b) (Blank).

(c) Notwithstanding any other provisions of this Section, grantees may serve children ages 0 to 12 of essential workers if the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act. For the purposes of this subsection, essential workers include those outlined in Executive Order 20-8 and school employees. The State Board of Education shall adopt rules to administer this subsection.

(d) Paragraphs (a) (1), (a) (1.5), (a) (4.5), (a) (5), (a) (5.1), (a) (6), (a) (6.1), and (a) (7) and subsection (c) of this Section are inoperative on and after July 1, 2026.

(Source: P.A. 103-111, eff. 6-29-23.)

(105 ILCS 5/2-3.71a) (from Ch. 122, par. 2-3.71a)

Sec. 2-3.71a. Grants for early childhood parental training programs. The State Board of Education shall implement and

administer a grant program consisting of grants to public school districts and other eligible entities, as defined by the State Board of Education, to conduct early childhood parental training programs for the parents of children in the period of life from birth to kindergarten. A public school district that receives grants under this Section may contract with other eligible entities to conduct an early childhood parental training program. These grants must be used to supplement, not supplant, funds received from any other source. A school board or other eligible entity shall employ appropriately qualified personnel for its early childhood parental training program, including but not limited to certified teachers, counselors, psychiatrists, psychologists and social workers.

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

- (1) Child growth and development, including prenatal development.
- (2) Childbirth and child care.
- (3) Family structure, function and management.
- (4) Prenatal and postnatal care for mothers and infants.
- (5) Prevention of child abuse.
- (6) The physical, mental, emotional, social, economic and psychological aspects of interpersonal and family relationships.

(7) Parenting skill development.

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

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

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

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

the parent require his or her attendance at such courses.

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

(f) Districts and other eligible entities receiving grants pursuant to this Section shall coordinate programs created under this Section with other preschool educational programs, including "at-risk" preschool programs, special and vocational education, and related services provided by other governmental agencies and not-for-profit agencies.

(g) The State Board of Education shall report to the General Assembly by July 1, 1991, on the results of the programs funded pursuant to this Section and whether a need continues for such programs.

(h) After July 1, 2006, any parental training services funded pursuant to this Section on the effective date of this amendatory Act of the 94th General Assembly shall continue to be funded pursuant to this Section, subject to appropriation and the meeting of program standards. Any additional parental training services must be funded, subject to appropriation, through preschool education grants pursuant to subdivision (4) of subsection (a) of Section 2-3.71 of this Code for families with children ages 3 to 5 and through prevention initiative grants pursuant to subsection (b) of Section 2-3.89 of this

Code for expecting families and those with children from birth to 3 years of age.

(i) Early childhood programs under this Section are subject to the requirements under paragraph (7) of subsection (a) of Section 2-3.71 of this Code.

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

(Source: P.A. 100-105, eff. 1-1-18.)

(105 ILCS 5/2-3.79) (from Ch. 122, par. 2-3.79)

Sec. 2-3.79. Pilot programs and special education services for preschool children with disabilities from birth to age 3. The State Board of Education may enter into contracts with public or not-for-profit private organizations or agencies to establish model pilot programs which provide services to children with disabilities from birth up to the age of 3 years. Annual grants shall be awarded on a competitive basis pursuant to established criteria provided that there is an annual appropriation for this purpose. Public or not-for-profit private organizations or agencies that are providing services to children with disabilities up to the age of 3 years prior to September 22, 1985 are eligible to receive grants awarded pursuant to this Section.

Each pilot program shall include, but not be limited to: a process for identification of infants with disabilities in the region; community awareness of the project and the services provided; an intervention system; methods to assess and

diagnose infants with disabilities; written individual treatment programs that include parental involvement; an interdisciplinary treatment approach to include other agencies and not-for-profit organizations; and a written evaluation submitted to the State Board of Education at the end of the grant period.

An Interagency Coordination Council shall be established consisting of a representative of the State Superintendent of Education who shall serve as chairman, and one representative from the following departments appointed by the respective directors or secretary: Children and Family Services, Public Health, Human Services, Public Aid, and the Division of Specialized Care for Children of the University of Illinois. The council shall recommend criteria to the State Board of Education for the awarding of grants pursuant to this Section and shall assist in coordinating the services provided by agencies to the children with disabilities described in this Section.

A report containing recommendations concerning all of the pilot programs shall be submitted by the State Board of Education to the General Assembly by January of 1989. The report which shall analyze the results of the pilot programs funded under this Section and make recommendations concerning existing and proposed programs shall include, but not be limited to: recommendations for staff licensure and qualifications; the number of children and families eligible

for services statewide; the cost of serving the children and their families; the types of services to be provided; and designs for the most effective delivery systems of these services.

This Section is repealed on July 1, 2026.

(Source: P.A. 89-397, eff. 8-20-95; 89-507, eff. 7-1-97.)

(105 ILCS 5/2-3.89) (from Ch. 122, par. 2-3.89)

Sec. 2-3.89. Programs concerning services to at-risk children and their families.

(a) The State Board of Education may provide grants to eligible entities, as defined by the State Board of Education, to establish programs which offer coordinated services to at-risk infants and toddlers and their families. Each program shall include a parent education program relating to the development and nurturing of infants and toddlers and case management services to coordinate existing services available in the region served by the program. These services shall be provided through the implementation of an individual family service plan. Each program will have a community involvement component to provide coordination in the service system.

(b) The State Board of Education shall administer the programs through the grants to public school districts and other eligible entities. These grants must be used to supplement, not supplant, funds received from any other source. School districts and other eligible entities receiving

grants pursuant to this Section shall conduct voluntary, intensive, research-based, and comprehensive prevention services, as defined by the State Board of Education, for expecting parents and families with children from birth to age 3 who are at-risk of academic failure. A public school district that receives a grant under this Section may subcontract with other eligible entities.

(c) The State Board of Education shall report to the General Assembly by July 1, 2006 and every 2 years thereafter, using the most current data available, on the status of programs funded under this Section, including without limitation characteristics of participants, services delivered, program models used, unmet needs, and results of the programs funded.

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

(Source: P.A. 96-734, eff. 8-25-09.)

(105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

(Text of Section before amendment by P.A. 102-466)

Sec. 10-22.6. Suspension or expulsion of pupils; school searches.

(a) To expel pupils guilty of gross disobedience or misconduct, including gross disobedience or misconduct perpetuated by electronic means, pursuant to subsection (b-20) of this Section, and no action shall lie against them for such expulsion. Expulsion shall take place only after the parents

have been requested to appear at a meeting of the board, or with a hearing officer appointed by it, to discuss their child's behavior. Such request shall be made by registered or certified mail and shall state the time, place and purpose of the meeting. The board, or a hearing officer appointed by it, at such meeting shall state the reasons for dismissal and the date on which the expulsion is to become effective. If a hearing officer is appointed by the board, he shall report to the board a written summary of the evidence heard at the meeting and the board may take such action thereon as it finds appropriate. If the board acts to expel a pupil, the written expulsion decision shall detail the specific reasons why removing the pupil from the learning environment is in the best interest of the school. The expulsion decision shall also include a rationale as to the specific duration of the expulsion. An expelled pupil may be immediately transferred to an alternative program in the manner provided in Article 13A or 13B of this Code. A pupil must not be denied transfer because of the expulsion, except in cases in which such transfer is deemed to cause a threat to the safety of students or staff in the alternative program.

(b) To suspend or by policy to authorize the superintendent of the district or the principal, assistant principal, or dean of students of any school to suspend pupils guilty of gross disobedience or misconduct, or to suspend pupils guilty of gross disobedience or misconduct on the

school bus from riding the school bus, pursuant to subsections (b-15) and (b-20) of this Section, and no action shall lie against them for such suspension. The board may by policy authorize the superintendent of the district or the principal, assistant principal, or dean of students of any school to suspend pupils guilty of such acts for a period not to exceed 10 school days. If a pupil is suspended due to gross disobedience or misconduct on a school bus, the board may suspend the pupil in excess of 10 school days for safety reasons.

Any suspension shall be reported immediately to the parents or guardian of a pupil along with a full statement of the reasons for such suspension and a notice of their right to a review. The school board must be given a summary of the notice, including the reason for the suspension and the suspension length. Upon request of the parents or guardian, the school board or a hearing officer appointed by it shall review such action of the superintendent or principal, assistant principal, or dean of students. At such review, the parents or guardian of the pupil may appear and discuss the suspension with the board or its hearing officer. If a hearing officer is appointed by the board, he shall report to the board a written summary of the evidence heard at the meeting. After its hearing or upon receipt of the written report of its hearing officer, the board may take such action as it finds appropriate. If a student is suspended pursuant to this

subsection (b), the board shall, in the written suspension decision, detail the specific act of gross disobedience or misconduct resulting in the decision to suspend. The suspension decision shall also include a rationale as to the specific duration of the suspension. A pupil who is suspended in excess of 20 school days may be immediately transferred to an alternative program in the manner provided in Article 13A or 13B of this Code. A pupil must not be denied transfer because of the suspension, except in cases in which such transfer is deemed to cause a threat to the safety of students or staff in the alternative program.

(b-5) Among the many possible disciplinary interventions and consequences available to school officials, school exclusions, such as out-of-school suspensions and expulsions, are the most serious. School officials shall limit the number and duration of expulsions and suspensions to the greatest extent practicable, and it is recommended that they use them only for legitimate educational purposes. To ensure that students are not excluded from school unnecessarily, it is recommended that school officials consider forms of non-exclusionary discipline prior to using out-of-school suspensions or expulsions.

(b-10) Unless otherwise required by federal law or this Code, school boards may not institute zero-tolerance policies by which school administrators are required to suspend or expel students for particular behaviors.

(b-15) Out-of-school suspensions of 3 days or less may be used only if the student's continuing presence in school would pose a threat to school safety or a disruption to other students' learning opportunities. For purposes of this subsection (b-15), "threat to school safety or a disruption to other students' learning opportunities" shall be determined on a case-by-case basis by the school board or its designee. School officials shall make all reasonable efforts to resolve such threats, address such disruptions, and minimize the length of suspensions to the greatest extent practicable.

(b-20) Unless otherwise required by this Code, out-of-school suspensions of longer than 3 days, expulsions, and disciplinary removals to alternative schools may be used only if other appropriate and available behavioral and disciplinary interventions have been exhausted and the student's continuing presence in school would either (i) pose a threat to the safety of other students, staff, or members of the school community or (ii) substantially disrupt, impede, or interfere with the operation of the school. For purposes of this subsection (b-20), "threat to the safety of other students, staff, or members of the school community" and "substantially disrupt, impede, or interfere with the operation of the school" shall be determined on a case-by-case basis by school officials. For purposes of this subsection (b-20), the determination of whether "appropriate and available behavioral and disciplinary interventions have been

exhausted" shall be made by school officials. School officials shall make all reasonable efforts to resolve such threats, address such disruptions, and minimize the length of student exclusions to the greatest extent practicable. Within the suspension decision described in subsection (b) of this Section or the expulsion decision described in subsection (a) of this Section, it shall be documented whether other interventions were attempted or whether it was determined that there were no other appropriate and available interventions.

(b-25) Students who are suspended out-of-school for longer than 4 school days shall be provided appropriate and available support services during the period of their suspension. For purposes of this subsection (b-25), "appropriate and available support services" shall be determined by school authorities. Within the suspension decision described in subsection (b) of this Section, it shall be documented whether such services are to be provided or whether it was determined that there are no such appropriate and available services.

A school district may refer students who are expelled to appropriate and available support services.

A school district shall create a policy to facilitate the re-engagement of students who are suspended out-of-school, expelled, or returning from an alternative school setting.

(b-30) A school district shall create a policy by which suspended pupils, including those pupils suspended from the school bus who do not have alternate transportation to school,

shall have the opportunity to make up work for equivalent academic credit. It shall be the responsibility of a pupil's parent or guardian to notify school officials that a pupil suspended from the school bus does not have alternate transportation to school.

(c) A school board must invite a representative from a local mental health agency to consult with the board at the meeting whenever there is evidence that mental illness may be the cause of a student's expulsion or suspension.

(c-5) School districts shall make reasonable efforts to provide ongoing professional development to teachers, administrators, school board members, school resource officers, and staff on the adverse consequences of school exclusion and justice-system involvement, effective classroom management strategies, culturally responsive discipline, the appropriate and available supportive services for the promotion of student attendance and engagement, and developmentally appropriate disciplinary methods that promote positive and healthy school climates.

(d) The board may expel a student for a definite period of time not to exceed 2 calendar years, as determined on a case-by-case basis. A student who is determined to have brought one of the following objects to school, any school-sponsored activity or event, or any activity or event that bears a reasonable relationship to school shall be expelled for a period of not less than one year:

(1) A firearm. For the purposes of this Section, "firearm" means any gun, rifle, shotgun, weapon as defined by Section 921 of Title 18 of the United States Code, firearm as defined in Section 1.1 of the Firearm Owners Identification Card Act, or firearm as defined in Section 24-1 of the Criminal Code of 2012. The expulsion period under this subdivision (1) may be modified by the superintendent, and the superintendent's determination may be modified by the board on a case-by-case basis.

(2) A knife, brass knuckles or other knuckle weapon regardless of its composition, a billy club, or any other object if used or attempted to be used to cause bodily harm, including "look alike" of any firearm as defined in subdivision (1) of this subsection (d). The expulsion requirement under this subdivision (2) may be modified by the superintendent, and the superintendent's determination may be modified by the board on a case-by-case basis.

Expulsion or suspension shall be construed in a manner consistent with the federal Individuals with Disabilities Education Act. A student who is subject to suspension or expulsion as provided in this Section may be eligible for a transfer to an alternative school program in accordance with Article 13A of the School Code.

(d-5) The board may suspend or by regulation authorize the superintendent of the district or the principal, assistant principal, or dean of students of any school to suspend a

student for a period not to exceed 10 school days or may expel a student for a definite period of time not to exceed 2 calendar years, as determined on a case-by-case basis, if (i) that student has been determined to have made an explicit threat on an Internet website against a school employee, a student, or any school-related personnel, (ii) the Internet website through which the threat was made is a site that was accessible within the school at the time the threat was made or was available to third parties who worked or studied within the school grounds at the time the threat was made, and (iii) the threat could be reasonably interpreted as threatening to the safety and security of the threatened individual because of his or her duties or employment status or status as a student inside the school.

(e) To maintain order and security in the schools, school authorities may inspect and search places and areas such as lockers, desks, parking lots, and other school property and equipment owned or controlled by the school, as well as personal effects left in those places and areas by students, without notice to or the consent of the student, and without a search warrant. As a matter of public policy, the General Assembly finds that students have no reasonable expectation of privacy in these places and areas or in their personal effects left in these places and areas. School authorities may request the assistance of law enforcement officials for the purpose of conducting inspections and searches of lockers, desks, parking

lots, and other school property and equipment owned or controlled by the school for illegal drugs, weapons, or other illegal or dangerous substances or materials, including searches conducted through the use of specially trained dogs. If a search conducted in accordance with this Section produces evidence that the student has violated or is violating either the law, local ordinance, or the school's policies or rules, such evidence may be seized by school authorities, and disciplinary action may be taken. School authorities may also turn over such evidence to law enforcement authorities.

(f) Suspension or expulsion may include suspension or expulsion from school and all school activities and a prohibition from being present on school grounds.

(g) A school district may adopt a policy providing that if a student is suspended or expelled for any reason from any public or private school in this or any other state, the student must complete the entire term of the suspension or expulsion in an alternative school program under Article 13A of this Code or an alternative learning opportunities program under Article 13B of this Code before being admitted into the school district if there is no threat to the safety of students or staff in the alternative program.

(h) School officials shall not advise or encourage students to drop out voluntarily due to behavioral or academic difficulties.

(i) A student may not be issued a monetary fine or fee as a

disciplinary consequence, though this shall not preclude requiring a student to provide restitution for lost, stolen, or damaged property.

(j) Subsections (a) through (i) of this Section shall apply to elementary and secondary schools, charter schools, special charter districts, and school districts organized under Article 34 of this Code.

(k) The expulsion of children enrolled in programs funded under Section 1C-2 of this Code is subject to the requirements under paragraph (7) of subsection (a) of Section 2-3.71 of this Code.

(l) Beginning with the 2018-2019 school year, an in-school suspension program provided by a school district for any students in kindergarten through grade 12 may focus on promoting non-violent conflict resolution and positive interaction with other students and school personnel. A school district may employ a school social worker or a licensed mental health professional to oversee an in-school suspension program in kindergarten through grade 12.

(Source: P.A. 101-81, eff. 7-12-19; 102-539, eff. 8-20-21; 102-813, eff. 5-13-22.)

(Text of Section after amendment by P.A. 102-466)

Sec. 10-22.6. Suspension or expulsion of pupils; school searches.

(a) To expel pupils guilty of gross disobedience or

misconduct, including gross disobedience or misconduct perpetrated by electronic means, pursuant to subsection (b-20) of this Section, and no action shall lie against them for such expulsion. Expulsion shall take place only after the parents or guardians have been requested to appear at a meeting of the board, or with a hearing officer appointed by it, to discuss their child's behavior. Such request shall be made by registered or certified mail and shall state the time, place and purpose of the meeting. The board, or a hearing officer appointed by it, at such meeting shall state the reasons for dismissal and the date on which the expulsion is to become effective. If a hearing officer is appointed by the board, he shall report to the board a written summary of the evidence heard at the meeting and the board may take such action thereon as it finds appropriate. If the board acts to expel a pupil, the written expulsion decision shall detail the specific reasons why removing the pupil from the learning environment is in the best interest of the school. The expulsion decision shall also include a rationale as to the specific duration of the expulsion. An expelled pupil may be immediately transferred to an alternative program in the manner provided in Article 13A or 13B of this Code. A pupil must not be denied transfer because of the expulsion, except in cases in which such transfer is deemed to cause a threat to the safety of students or staff in the alternative program.

(b) To suspend or by policy to authorize the

superintendent of the district or the principal, assistant principal, or dean of students of any school to suspend pupils guilty of gross disobedience or misconduct, or to suspend pupils guilty of gross disobedience or misconduct on the school bus from riding the school bus, pursuant to subsections (b-15) and (b-20) of this Section, and no action shall lie against them for such suspension. The board may by policy authorize the superintendent of the district or the principal, assistant principal, or dean of students of any school to suspend pupils guilty of such acts for a period not to exceed 10 school days. If a pupil is suspended due to gross disobedience or misconduct on a school bus, the board may suspend the pupil in excess of 10 school days for safety reasons.

Any suspension shall be reported immediately to the parents or guardians of a pupil along with a full statement of the reasons for such suspension and a notice of their right to a review. The school board must be given a summary of the notice, including the reason for the suspension and the suspension length. Upon request of the parents or guardians, the school board or a hearing officer appointed by it shall review such action of the superintendent or principal, assistant principal, or dean of students. At such review, the parents or guardians of the pupil may appear and discuss the suspension with the board or its hearing officer. If a hearing officer is appointed by the board, he shall report to the board

a written summary of the evidence heard at the meeting. After its hearing or upon receipt of the written report of its hearing officer, the board may take such action as it finds appropriate. If a student is suspended pursuant to this subsection (b), the board shall, in the written suspension decision, detail the specific act of gross disobedience or misconduct resulting in the decision to suspend. The suspension decision shall also include a rationale as to the specific duration of the suspension. A pupil who is suspended in excess of 20 school days may be immediately transferred to an alternative program in the manner provided in Article 13A or 13B of this Code. A pupil must not be denied transfer because of the suspension, except in cases in which such transfer is deemed to cause a threat to the safety of students or staff in the alternative program.

(b-5) Among the many possible disciplinary interventions and consequences available to school officials, school exclusions, such as out-of-school suspensions and expulsions, are the most serious. School officials shall limit the number and duration of expulsions and suspensions to the greatest extent practicable, and it is recommended that they use them only for legitimate educational purposes. To ensure that students are not excluded from school unnecessarily, it is recommended that school officials consider forms of non-exclusionary discipline prior to using out-of-school suspensions or expulsions.

(b-10) Unless otherwise required by federal law or this Code, school boards may not institute zero-tolerance policies by which school administrators are required to suspend or expel students for particular behaviors.

(b-15) Out-of-school suspensions of 3 days or less may be used only if the student's continuing presence in school would pose a threat to school safety or a disruption to other students' learning opportunities. For purposes of this subsection (b-15), "threat to school safety or a disruption to other students' learning opportunities" shall be determined on a case-by-case basis by the school board or its designee. School officials shall make all reasonable efforts to resolve such threats, address such disruptions, and minimize the length of suspensions to the greatest extent practicable.

(b-20) Unless otherwise required by this Code, out-of-school suspensions of longer than 3 days, expulsions, and disciplinary removals to alternative schools may be used only if other appropriate and available behavioral and disciplinary interventions have been exhausted and the student's continuing presence in school would either (i) pose a threat to the safety of other students, staff, or members of the school community or (ii) substantially disrupt, impede, or interfere with the operation of the school. For purposes of this subsection (b-20), "threat to the safety of other students, staff, or members of the school community" and "substantially disrupt, impede, or interfere with the

operation of the school" shall be determined on a case-by-case basis by school officials. For purposes of this subsection (b-20), the determination of whether "appropriate and available behavioral and disciplinary interventions have been exhausted" shall be made by school officials. School officials shall make all reasonable efforts to resolve such threats, address such disruptions, and minimize the length of student exclusions to the greatest extent practicable. Within the suspension decision described in subsection (b) of this Section or the expulsion decision described in subsection (a) of this Section, it shall be documented whether other interventions were attempted or whether it was determined that there were no other appropriate and available interventions.

(b-25) Students who are suspended out-of-school for longer than 4 school days shall be provided appropriate and available support services during the period of their suspension. For purposes of this subsection (b-25), "appropriate and available support services" shall be determined by school authorities. Within the suspension decision described in subsection (b) of this Section, it shall be documented whether such services are to be provided or whether it was determined that there are no such appropriate and available services.

A school district may refer students who are expelled to appropriate and available support services.

A school district shall create a policy to facilitate the re-engagement of students who are suspended out-of-school,

expelled, or returning from an alternative school setting.

(b-30) A school district shall create a policy by which suspended pupils, including those pupils suspended from the school bus who do not have alternate transportation to school, shall have the opportunity to make up work for equivalent academic credit. It shall be the responsibility of a pupil's parents or guardians to notify school officials that a pupil suspended from the school bus does not have alternate transportation to school.

(b-35) In all suspension review hearings conducted under subsection (b) or expulsion hearings conducted under subsection (a), a student may disclose any factor to be considered in mitigation, including his or her status as a parent, expectant parent, or victim of domestic or sexual violence, as defined in Article 26A. A representative of the parent's or guardian's choice, or of the student's choice if emancipated, must be permitted to represent the student throughout the proceedings and to address the school board or its appointed hearing officer. With the approval of the student's parent or guardian, or of the student if emancipated, a support person must be permitted to accompany the student to any disciplinary hearings or proceedings. The representative or support person must comply with any rules of the school district's hearing process. If the representative or support person violates the rules or engages in behavior or advocacy that harasses, abuses, or intimidates either party, a

witness, or anyone else in attendance at the hearing, the representative or support person may be prohibited from further participation in the hearing or proceeding. A suspension or expulsion proceeding under this subsection (b-35) must be conducted independently from any ongoing criminal investigation or proceeding, and an absence of pending or possible criminal charges, criminal investigations, or proceedings may not be a factor in school disciplinary decisions.

(b-40) During a suspension review hearing conducted under subsection (b) or an expulsion hearing conducted under subsection (a) that involves allegations of sexual violence by the student who is subject to discipline, neither the student nor his or her representative shall directly question nor have direct contact with the alleged victim. The student who is subject to discipline or his or her representative may, at the discretion and direction of the school board or its appointed hearing officer, suggest questions to be posed by the school board or its appointed hearing officer to the alleged victim.

(c) A school board must invite a representative from a local mental health agency to consult with the board at the meeting whenever there is evidence that mental illness may be the cause of a student's expulsion or suspension.

(c-5) School districts shall make reasonable efforts to provide ongoing professional development to teachers, administrators, school board members, school resource

officers, and staff on the adverse consequences of school exclusion and justice-system involvement, effective classroom management strategies, culturally responsive discipline, the appropriate and available supportive services for the promotion of student attendance and engagement, and developmentally appropriate disciplinary methods that promote positive and healthy school climates.

(d) The board may expel a student for a definite period of time not to exceed 2 calendar years, as determined on a case-by-case basis. A student who is determined to have brought one of the following objects to school, any school-sponsored activity or event, or any activity or event that bears a reasonable relationship to school shall be expelled for a period of not less than one year:

(1) A firearm. For the purposes of this Section, "firearm" means any gun, rifle, shotgun, weapon as defined by Section 921 of Title 18 of the United States Code, firearm as defined in Section 1.1 of the Firearm Owners Identification Card Act, or firearm as defined in Section 24-1 of the Criminal Code of 2012. The expulsion period under this subdivision (1) may be modified by the superintendent, and the superintendent's determination may be modified by the board on a case-by-case basis.

(2) A knife, brass knuckles or other knuckle weapon regardless of its composition, a billy club, or any other object if used or attempted to be used to cause bodily

harm, including "look alike" of any firearm as defined in subdivision (1) of this subsection (d). The expulsion requirement under this subdivision (2) may be modified by the superintendent, and the superintendent's determination may be modified by the board on a case-by-case basis.

Expulsion or suspension shall be construed in a manner consistent with the federal Individuals with Disabilities Education Act. A student who is subject to suspension or expulsion as provided in this Section may be eligible for a transfer to an alternative school program in accordance with Article 13A of the School Code.

(d-5) The board may suspend or by regulation authorize the superintendent of the district or the principal, assistant principal, or dean of students of any school to suspend a student for a period not to exceed 10 school days or may expel a student for a definite period of time not to exceed 2 calendar years, as determined on a case-by-case basis, if (i) that student has been determined to have made an explicit threat on an Internet website against a school employee, a student, or any school-related personnel, (ii) the Internet website through which the threat was made is a site that was accessible within the school at the time the threat was made or was available to third parties who worked or studied within the school grounds at the time the threat was made, and (iii) the threat could be reasonably interpreted as threatening to the safety and security of the threatened individual because

of his or her duties or employment status or status as a student inside the school.

(e) To maintain order and security in the schools, school authorities may inspect and search places and areas such as lockers, desks, parking lots, and other school property and equipment owned or controlled by the school, as well as personal effects left in those places and areas by students, without notice to or the consent of the student, and without a search warrant. As a matter of public policy, the General Assembly finds that students have no reasonable expectation of privacy in these places and areas or in their personal effects left in these places and areas. School authorities may request the assistance of law enforcement officials for the purpose of conducting inspections and searches of lockers, desks, parking lots, and other school property and equipment owned or controlled by the school for illegal drugs, weapons, or other illegal or dangerous substances or materials, including searches conducted through the use of specially trained dogs. If a search conducted in accordance with this Section produces evidence that the student has violated or is violating either the law, local ordinance, or the school's policies or rules, such evidence may be seized by school authorities, and disciplinary action may be taken. School authorities may also turn over such evidence to law enforcement authorities.

(f) Suspension or expulsion may include suspension or expulsion from school and all school activities and a

prohibition from being present on school grounds.

(g) A school district may adopt a policy providing that if a student is suspended or expelled for any reason from any public or private school in this or any other state, the student must complete the entire term of the suspension or expulsion in an alternative school program under Article 13A of this Code or an alternative learning opportunities program under Article 13B of this Code before being admitted into the school district if there is no threat to the safety of students or staff in the alternative program. A school district that adopts a policy under this subsection (g) must include a provision allowing for consideration of any mitigating factors, including, but not limited to, a student's status as a parent, expectant parent, or victim of domestic or sexual violence, as defined in Article 26A.

(h) School officials shall not advise or encourage students to drop out voluntarily due to behavioral or academic difficulties.

(i) A student may not be issued a monetary fine or fee as a disciplinary consequence, though this shall not preclude requiring a student to provide restitution for lost, stolen, or damaged property.

(j) Subsections (a) through (i) of this Section shall apply to elementary and secondary schools, charter schools, special charter districts, and school districts organized under Article 34 of this Code.

(k) Through June 30, 2026, the ~~The~~ expulsion of children enrolled in programs funded under Section 1C-2 of this Code is subject to the requirements under paragraph (7) of subsection (a) of Section 2-3.71 of this Code.

(k-5) On and after July 1, 2026, the expulsion of children enrolled in programs funded under Section 15-25 of the Department of Early Childhood Act is subject to the requirements of paragraph (7) of subsection (a) of Section 15-30 of the Department of Early Childhood Act.

(l) Beginning with the 2018-2019 school year, an in-school suspension program provided by a school district for any students in kindergarten through grade 12 may focus on promoting non-violent conflict resolution and positive interaction with other students and school personnel. A school district may employ a school social worker or a licensed mental health professional to oversee an in-school suspension program in kindergarten through grade 12.

(Source: P.A. 101-81, eff. 7-12-19; 102-466, eff. 7-1-25; 102-539, eff. 8-20-21; 102-813, eff. 5-13-22.)

(105 ILCS 5/21B-50)

Sec. 21B-50. Alternative Educator Licensure Program for Teachers.

(a) There is established an alternative educator licensure program, to be known as the Alternative Educator Licensure Program for Teachers.

(b) The Alternative Educator Licensure Program for Teachers may be offered by a recognized institution approved to offer educator preparation programs by the State Board of Education, in consultation with the State Educator Preparation and Licensure Board.

The program shall be comprised of up to 3 phases:

(1) A course of study that at a minimum includes instructional planning; instructional strategies, including special education, reading, and English language learning; classroom management; and the assessment of students and use of data to drive instruction.

(2) A year of residency, which is a candidate's assignment to a full-time teaching position or as a co-teacher for one full school year. An individual must hold an Educator License with Stipulations with an alternative provisional educator endorsement in order to enter the residency. In residency, the candidate must be assigned an effective, fully licensed teacher by the principal or principal equivalent to act as a mentor and coach the candidate through residency, complete additional program requirements that address required State and national standards, pass the State Board's teacher performance assessment, if required under Section 21B-30, and be recommended by the principal or qualified equivalent of a principal, as required under subsection (d) of this Section, and the program coordinator to be

recommended for full licensure or to continue with a second year of the residency.

(3) (Blank).

(4) A comprehensive assessment of the candidate's teaching effectiveness, as evaluated by the principal or qualified equivalent of a principal, as required under subsection (d) of this Section, and the program coordinator, at the end of either the first or the second year of residency. If there is disagreement between the 2 evaluators about the candidate's teaching effectiveness at the end of the first year of residency, a second year of residency shall be required. If there is disagreement between the 2 evaluators at the end of the second year of residency, the candidate may complete one additional year of residency teaching under a professional development plan developed by the principal or qualified equivalent and the preparation program. At the completion of the third year, a candidate must have positive evaluations and a recommendation for full licensure from both the principal or qualified equivalent and the program coordinator or no Professional Educator License shall be issued.

Successful completion of the program shall be deemed to satisfy any other practice or student teaching and content matter requirements established by law.

(c) An alternative provisional educator endorsement on an

Educator License with Stipulations is valid for up to 2 years of teaching in the public schools, including without limitation a preschool educational program under Section 2-3.71 of this Code or Section 15-30 of the Department of Early Childhood Act or charter school, or in a State-recognized nonpublic school in which the chief administrator is required to have the licensure necessary to be a principal in a public school in this State and in which a majority of the teachers are required to have the licensure necessary to be instructors in a public school in this State, but may be renewed for a third year if needed to complete the Alternative Educator Licensure Program for Teachers. The endorsement shall be issued only once to an individual who meets all of the following requirements:

(1) Has graduated from a regionally accredited college or university with a bachelor's degree or higher.

(2) (Blank).

(3) Has completed a major in the content area if seeking a middle or secondary level endorsement or, if seeking an early childhood, elementary, or special education endorsement, has completed a major in the content area of early childhood reading, English/language arts, mathematics, or one of the sciences. If the individual does not have a major in a content area for any level of teaching, he or she must submit transcripts to the State Board of Education to be reviewed for

equivalency.

(4) Has successfully completed phase (1) of subsection (b) of this Section.

(5) Has passed a content area test required for the specific endorsement for admission into the program, as required under Section 21B-30 of this Code.

A candidate possessing the alternative provisional educator endorsement may receive a salary, benefits, and any other terms of employment offered to teachers in the school who are members of an exclusive bargaining representative, if any, but a school is not required to provide these benefits during the years of residency if the candidate is serving only as a co-teacher. If the candidate is serving as the teacher of record, the candidate must receive a salary, benefits, and any other terms of employment. Residency experiences must not be counted towards tenure.

(d) The recognized institution offering the Alternative Educator Licensure Program for Teachers must partner with a school district, including without limitation a preschool educational program under Section 2-3.71 of this Code or Section 15-30 of the Department of Early Childhood Act or charter school, or a State-recognized, nonpublic school in this State in which the chief administrator is required to have the licensure necessary to be a principal in a public school in this State and in which a majority of the teachers are required to have the licensure necessary to be instructors

in a public school in this State. A recognized institution that partners with a public school district administering a preschool educational program under Section 2-3.71 of this Code or Section 15-30 of the Department of Early Childhood Act must require a principal to recommend or evaluate candidates in the program. A recognized institution that partners with an eligible entity administering a preschool educational program under Section 2-3.71 of this Code or Section 15-30 of the Department of Early Childhood Act and that is not a public school district must require a principal or qualified equivalent of a principal to recommend or evaluate candidates in the program. The program presented for approval by the State Board of Education must demonstrate the supports that are to be provided to assist the provisional teacher during the one-year ~~1-year~~ or 2-year residency period and if the residency period is to be less than 2 years in length, assurances from the partner school districts to provide intensive mentoring and supports through at least the end of the second full year of teaching for educators who completed the Alternative Educator ~~Educators~~ Licensure Program for Teachers in less than 2 years. These supports must, at a minimum, provide additional contact hours with mentors during the first year of residency.

(e) Upon completion of phases under paragraphs (1), (2), (4), and, if needed, (3) in subsection (b) of this Section and all assessments required under Section 21B-30 of this Code, an

individual shall receive a Professional Educator License.

(f) The State Board of Education, in consultation with the State Educator Preparation and Licensure Board, may adopt such rules as may be necessary to establish and implement the Alternative Educator Licensure Program for Teachers.

(Source: P.A. 103-111, eff. 6-29-23; 103-488, eff. 8-4-23; revised 9-1-23.)

(105 ILCS 5/22-45)

Sec. 22-45. Illinois P-20 Council.

(a) The General Assembly finds that preparing Illinoisans for success in school and the workplace requires a continuum of quality education from preschool through graduate school. This State needs a framework to guide education policy and integrate education at every level. A statewide coordinating council to study and make recommendations concerning education at all levels can avoid fragmentation of policies, promote improved teaching and learning, and continue to cultivate and demonstrate strong accountability and efficiency. Establishing an Illinois P-20 Council will develop a statewide agenda that will move the State towards the common goals of improving academic achievement, increasing college access and success, improving use of existing data and measurements, developing improved accountability, fostering innovative approaches to education, promoting lifelong learning, easing the transition to college, and reducing remediation. A pre-kindergarten

through grade 20 agenda will strengthen this State's economic competitiveness by producing a highly-skilled workforce. In addition, lifelong learning plans will enhance this State's ability to leverage funding.

(b) There is created the Illinois P-20 Council. The Illinois P-20 Council shall include all of the following members:

(1) The Governor or his or her designee, to serve as chairperson.

(2) Four members of the General Assembly, one appointed by the Speaker of the House of Representatives, one appointed by the Minority Leader of the House of Representatives, one appointed by the President of the Senate, and one appointed by the Minority Leader of the Senate.

(3) Six at-large members appointed by the Governor as follows, with 2 members being from the City of Chicago, 2 members being from Lake County, McHenry County, Kane County, DuPage County, Will County, or that part of Cook County outside of the City of Chicago, and 2 members being from the remainder of the State:

(A) one representative of civic leaders;

(B) one representative of local government;

(C) one representative of trade unions;

(D) one representative of nonprofit organizations or foundations;

(E) one representative of parents' organizations;
and

(F) one education research expert.

(4) Five members appointed by statewide business organizations and business trade associations.

(5) Six members appointed by statewide professional organizations and associations representing pre-kindergarten through grade 20 teachers, community college faculty, and public university faculty.

(6) Two members appointed by associations representing local school administrators and school board members. One of these members must be a special education administrator.

(7) One member representing community colleges, appointed by the Illinois Council of Community College Presidents.

(8) One member representing 4-year independent colleges and universities, appointed by a statewide organization representing private institutions of higher learning.

(9) One member representing public 4-year universities, appointed jointly by the university presidents and chancellors.

(10) Ex-officio members as follows:

(A) The State Superintendent of Education or his or her designee.

(A-5) The Secretary of Early Childhood or the Secretary's designee.

(B) The Executive Director of the Board of Higher Education or his or her designee.

(C) The Executive Director of the Illinois Community College Board or his or her designee.

(D) The Executive Director of the Illinois Student Assistance Commission or his or her designee.

(E) The Co-chairpersons of the Illinois Workforce Investment Board or their designee.

(F) The Director of Commerce and Economic Opportunity or his or her designee.

(G) The Chairperson of the Illinois Early Learning Council or his or her designee.

(H) The President of the Illinois Mathematics and Science Academy or his or her designee.

(I) The president of an association representing educators of adult learners or his or her designee.

Ex-officio members shall have no vote on the Illinois P-20 Council.

Appointed members shall serve for staggered terms expiring on July 1 of the first, second, or third calendar year following their appointments or until their successors are appointed and have qualified. Staggered terms shall be determined by lot at the organizing meeting of the Illinois P-20 Council.

Vacancies shall be filled in the same manner as original appointments, and any member so appointed shall serve during the remainder of the term for which the vacancy occurred.

(c) The Illinois P-20 Council shall be funded through State appropriations to support staff activities, research, data-collection, and dissemination. The Illinois P-20 Council shall be staffed by the Office of the Governor, in coordination with relevant State agencies, boards, and commissions. The Illinois Education Research Council shall provide research and coordinate research collection activities for the Illinois P-20 Council.

(d) The Illinois P-20 Council shall have all of the following duties:

(1) To make recommendations to do all of the following:

(A) Coordinate pre-kindergarten through grade 20 (graduate school) education in this State through working at the intersections of educational systems to promote collaborative infrastructure.

(B) Coordinate and leverage strategies, actions, legislation, policies, and resources of all stakeholders to support fundamental and lasting improvement in this State's public schools, community colleges, and universities.

(C) Better align the high school curriculum with postsecondary expectations.

(D) Better align assessments across all levels of education.

(E) Reduce the need for students entering institutions of higher education to take remedial courses.

(F) Smooth the transition from high school to college.

(G) Improve high school and college graduation rates.

(H) Improve the rigor and relevance of academic standards for college and workforce readiness.

(I) Better align college and university teaching programs with the needs of Illinois schools.

(2) To advise the Governor, the General Assembly, the State's education and higher education agencies, and the State's workforce and economic development boards and agencies on policies related to lifelong learning for Illinois students and families.

(3) To articulate a framework for systemic educational improvement and innovation that will enable every student to meet or exceed Illinois learning standards and be well-prepared to succeed in the workforce and community.

(4) To provide an estimated fiscal impact for implementation of all Council recommendations.

(5) To make recommendations for short-term and long-term learning recovery actions for public school

students in this State in the wake of the COVID-19 pandemic. The Illinois P-20 Council shall submit a report with its recommendations for a multi-year recovery plan by December 31, 2021 to the Governor, the State Board of Education, the Board of Higher Education, the Illinois Community College Board, and the General Assembly that addresses all of the following:

(A) Closing the digital divide for all students, including access to devices, Internet connectivity, and ensuring that educators have the necessary support and training to provide high quality remote and blended learning to students.

(B) Evaluating the academic growth and proficiency of students in order to understand the impact of school closures and remote and blended remote learning conditions on student academic outcomes, including disaggregating data by race, income, diverse learners, and English learners, in ways that balance the need to understand that impact with the need to support student well-being and also take into consideration the logistical constraints facing schools and districts.

(C) Establishing a system for the collection and review of student data at the State level, including data about prekindergarten through higher education student attendance, engagement and participation,

discipline, and social-emotional and mental health inputs and outcomes, in order to better understand the full impact of disrupted learning.

(D) Providing students with resources and programs for academic support, such as enrichment opportunities, tutoring corps, summer bridge programs, youth leadership and development programs, youth and community-led restorative and transformative justice programs, and youth internship and apprenticeship programs.

(E) Providing students with resources and support to ensure access to social-emotional learning, mental health services, and trauma responsive, restorative justice and anti-racist practices in order to support the growth of the whole child, such as investing in community schools and providing comprehensive year-round services and support for both students and their families.

(F) Ensuring more time for students' academic, social-emotional, and mental health needs by considering such strategies as: (i) extending planning time for teachers, (ii) extending the school day and school year, and (iii) transitioning to year-round schooling.

(G) Strengthening the transition from secondary education to postsecondary education in the wake of

threats to alignment and affordability created by the pandemic and related conditions.

(e) The chairperson of the Illinois P-20 Council may authorize the creation of working groups focusing on areas of interest to Illinois educational and workforce development, including without limitation the following areas:

(1) Preparation, recruitment, and certification of highly qualified teachers.

(2) Mentoring and induction of highly qualified teachers.

(3) The diversity of highly qualified teachers.

(4) Funding for highly qualified teachers, including developing a strategic and collaborative plan to seek federal and private grants to support initiatives targeting teacher preparation and its impact on student achievement.

(5) Highly effective administrators.

(6) Illinois birth through age 3 education, pre-kindergarten, and early childhood education.

(7) The assessment, alignment, outreach, and network of college and workforce readiness efforts.

(8) Alternative routes to college access.

(9) Research data and accountability.

(10) Community schools, community participation, and other innovative approaches to education that foster community partnerships.

(11) Tuition, financial aid, and other issues related to keeping postsecondary education affordable for Illinois residents.

(12) Learning recovery in the wake of the COVID-19 pandemic.

The chairperson of the Illinois P-20 Council may designate Council members to serve as working group chairpersons. Working groups may invite organizations and individuals representing pre-kindergarten through grade 20 interests to participate in discussions, data collection, and dissemination.

(Source: P.A. 101-654, eff. 3-8-21.)

(105 ILCS 5/26-19)

Sec. 26-19. Chronic absenteeism in preschool children.

(a) In this Section, "chronic absence" has the meaning ascribed to that term in Section 26-18 of this Code.

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

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

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

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

outcomes in later school years. Therefore, it is crucial that the implications of chronic absence be understood and reviewed regularly under the Preschool for All Program and Preschool for All Expansion Program under Section 2-3.71 of this Code.

(c) The Preschool for All Program and Preschool for All Expansion Program under Section 2-3.71 of this Code shall collect and review its chronic absence data and determine what support and resources are needed to positively engage chronically absent students and their families to encourage the habit of daily attendance and promote success.

(d) The Preschool for All Program and Preschool for All Expansion Program under Section 2-3.71 of this Code are encouraged to do all of the following:

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

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

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

(e) On or before July 1, 2020, and annually thereafter, the Preschool for All Program and Preschool for All Expansion

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

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

(Source: P.A. 102-539, eff. 8-20-21.)

Section 90-35. The School Construction Law is amended by changing Section 5-300 as follows:

(105 ILCS 230/5-300)

Sec. 5-300. Early childhood construction grants.

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

(1) A public school district assigned to Tier 1 under

Section 18-8.15 of the School Code or any other eligible entity in an area encompassed by that district must provide local matching funds in an amount equal to 3% of the grant awarded under this Section.

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

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

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

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

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

- (1) the manner of applying for grants;

- (2) project eligibility requirements;
- (3) restrictions on the use of grant moneys;
- (4) the manner in which school districts and other eligible entities must account for the use of grant moneys;
- (5) requirements that new or improved facilities be used for early childhood and other related programs for a period of at least 10 years; and
- (6) any other provision that the Capital Development Board determines to be necessary or useful for the administration of this Section.

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

(c) The Capital Development Board, in consultation with the State Board of Education, shall establish standards for the determination of priority needs concerning early childhood projects based on projects located in communities in the State with the greatest underserved population of young children, utilizing Census data and other reliable local early childhood service data.

(d) In each school year in which early childhood construction project grants are awarded, 20% of the total amount awarded shall be awarded to a school district with a population of more than 500,000, provided that the school district complies with the requirements of this Section and the rules adopted under this Section.

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

(Source: P.A. 102-16, eff. 6-17-21; 103-8, eff. 6-7-23.)

Section 90-40. The Early Childhood Access Consortium for Equity Act is amended by changing Sections 25 and 35 as follows:

(110 ILCS 28/25)

Sec. 25. Advisory committee; membership.

(a) The Board of Higher Education, the Illinois Community College Board, the State Board of Education, the Department of Human Services, and the Department of Early Childhood ~~Governor's Office of Early Childhood Development~~ shall jointly

convene a Consortium advisory committee to provide guidance on the operation of the Consortium.

(b) Membership on the advisory committee shall be comprised of employers and experts appointed by the Board of Higher Education, the Illinois Community College Board, the Department of Early Childhood, the Department of Human Services ~~Governor's Office of Early Childhood Development~~, and the State Board of Education. Membership shall also include all of the following members:

(1) An employer from a community-based child care provider, appointed by the Department of Human Services ~~Governor's Office of Early Childhood Development~~.

(2) An employer from a for-profit child care provider, appointed by the Department of Human Services ~~Governor's Office of Early Childhood Development~~.

(3) An employer from a nonprofit child care provider, appointed by the Department of Human Services ~~Governor's Office of Early Childhood Development~~.

(4) A provider of family child care, appointed by the Department of Human Services ~~Governor's Office of Early Childhood Development~~.

(5) An employer located in southern Illinois, appointed by the Department of Early Childhood ~~Governor's Office of Early Childhood Development~~.

(6) An employer located in central Illinois, appointed by the Department of Early Childhood ~~Governor's Office of~~

~~Early Childhood Development.~~

(7) At least one member who represents an urban school district, appointed by the State Board of Education.

(8) At least one member who represents a suburban school district, appointed by the State Board of Education.

(9) At least one member who represents a rural school district, appointed by the State Board of Education.

(10) At least one member who represents a school district in a city with a population of 500,000 or more, appointed by the State Board of Education.

(11) Two early childhood advocates with statewide expertise in early childhood workforce issues, appointed by the Department of Early Childhood ~~Governor's Office of Early Childhood Development.~~

(12) The Chairperson or Vice-Chairperson and the Minority Spokesperson or a designee of the Senate Committee on Higher Education.

(13) The Chairperson or Vice-Chairperson and the Minority Spokesperson or a designee of the House Committee on Higher Education.

(14) One member representing the Illinois Community College Board, who shall serve as co-chairperson, appointed by the Illinois Community College Board.

(15) One member representing the Board of Higher Education, who shall serve as co-chairperson, appointed by

the Board of Higher Education.

(16) One member representing the Illinois Student Assistance Commission, appointed by the Board of Higher Education.

(17) One member representing the State Board of Education, who shall serve as co-chairperson, appointed by the State Board of Education.

(18) One member representing the Department of Early Childhood ~~Governor's Office of Early Childhood Development~~, who shall serve as co-chairperson, appointed by the Department of Early Childhood ~~Governor's Office of Early Childhood Development~~.

(19) One member representing the Department of Human Services, who shall serve as co-chairperson, appointed by the Department of Human Services ~~Governor's Office of Early Childhood Development~~.

(20) One member representing INCCRRA, appointed by the Department of Early Childhood ~~Governor's Office of Early Childhood Development~~.

(21) One member representing the Department of Children and Family Services, appointed by the Department of Children and Family Services ~~Governor's Office of Early Childhood Development~~.

(22) One member representing an organization that advocates on behalf of community college trustees, appointed by the Illinois Community College Board.

(23) One member of a union representing child care and early childhood providers, appointed by the Department of Human Services ~~Governor's Office of Early Childhood Development~~.

(24) Two members of unions representing higher education faculty, appointed by the Board of Higher Education.

(25) A representative from the College of Education of an urban public university, appointed by the Board of Higher Education.

(26) A representative from the College of Education of a suburban public university, appointed by the Board of Higher Education.

(27) A representative from the College of Education of a rural public university, appointed by the Board of Higher Education.

(28) A representative from the College of Education of a private university, appointed by the Board of Higher Education.

(29) A representative of an urban community college, appointed by the Illinois Community College Board.

(30) A representative of a suburban community college, appointed by the Illinois Community College Board.

(31) A representative of rural community college, appointed by the Illinois Community College Board.

(c) The advisory committee shall meet quarterly. The

committee meetings shall be open to the public in accordance with the provisions of the Open Meetings Act.

(Source: P.A. 102-174, eff. 7-28-21.)

(110 ILCS 28/35)

Sec. 35. Goals and metrics.

(a) By July 1, 2021 or within 60 days after the effective date of this amendatory Act of the 102nd General Assembly, the Board of Higher Education's Strategic Plan Educator Workforce subgroup on the early childhood workforce must set goals for the Consortium for the enrollment, persistence, and completion of members of the incumbent workforce in associate, bachelor's, and master's degree programs, Gateways Credentials in Level 2, 3, or 4, and Professional Educator Licensure by September 30, 2024. The goals set for the Consortium must be data informed and include targets for annual enrollment and persistence.

(b) Data from the Gateways Registry, March 2020, indicates that there are 7,670 individuals with an associate degree who would benefit from progressing to a baccalaureate degree and 20,467 individuals with a high school diploma or some college who would benefit from progressing to an associate degree. If the goals cannot be set in accordance with subsection (a), the goal for the Consortium shall be that by September 30, 2024, 20% of the individuals described in this subsection (b) who do not have a degree will have enrolled and be persisting toward

or have attained a Gateways Credential in Level 2, 3, or 4 or an associate degree and, of the individuals who have an associate degree, will be enrolled and persisting toward or have attained a baccalaureate degree or will be persisting toward or have attained a Professional Educator License.

(c) Student financial aid, including incentives and stipends, data-sharing, and professional statewide engagement and marketing campaign and recruitment efforts are critical to the Consortium's ability to quickly attract and enroll students into these programs. Navigators, mentors, and advisors are critical for persistence and completion. If federal funds are not appropriated for these purposes and the other purposes of this Section, the Board of Higher Education, the Illinois Community College Board, the State Board of Education, the Department of Human Services, and the Department of Early Childhood ~~Governor's Office of Early Childhood Development~~, in consultation with the advisory committee, shall adjust the initial target metrics appropriately by adopting challenging goals that may be attainable with less public investment.

(d) The Board of Higher Education, the Illinois Community College Board, the State Board of Education, the Department of Human Services, and the Department of Early Childhood ~~Governor's Office of Early Childhood Development~~, in consultation with the advisory committee, shall determine new metrics and goals for the Consortium as they relate to the

remaining and future early childhood workforce, to be instituted after the close of the 2024-2025 academic year and going forward. Metrics must take into consideration that the pipeline depends on sustained, increased student enrollment and completion rates at the associate degree level if this State aims to continue with sustained, increased student enrollment and completion at the bachelor's degree level.

(Source: P.A. 102-174, eff. 7-28-21.)

Section 90-45. The Illinois Public Aid Code is amended by changing Sections 2-12, 2-12.5, 9A-11, 9A-11.5, and 9A-17 as follows:

(305 ILCS 5/2-12) (from Ch. 23, par. 2-12)

Sec. 2-12. "Illinois Department"; "Department". In this Code, "Illinois Department" or "Department", when a particular entity is not specified, means the following:

(1) In the case of a function performed before July 1, 1997 (the effective date of the Department of Human Services Act), the term means the Department of Public Aid.

(2) Except as provided in paragraph (2.5), in ~~in~~ the case of a function to be performed on or after July 1, 1997 under Article III, IV, VI, IX, or IXA, the term means the Department of Human Services as successor to the Illinois Department of Public Aid.

(2.5) In the case of a function to be performed on or after

July 1, 2026 under Sections 9A-11 and 9A-11-5, the term means the Department of Early Childhood.

(3) In the case of a function to be performed on or after July 1, 1997 under Article V, V-A, V-B, V-C, V-D, V-E, X, XIV, or XV, the term means the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid).

(4) In the case of a function to be performed on or after July 1, 1997 under Article I, II, VIIIA, XI, XII, or XIII, the term means the Department of Human Services (acting as successor to the Illinois Department of Public Aid) or the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) or both, according to whether that function, in the specific context, has been allocated to the Department of Human Services or the Department of Healthcare and Family Services (formerly Department of Public Aid) or both of those departments.

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

(305 ILCS 5/2-12.5)

Sec. 2-12.5. "Director of the Illinois Department"; "Director of the Department"; "Director". In this Code, "Director of the Illinois Department", "Director of the Department", or "Director", when a particular official is not specified, means the following:

(1) In the case of a function performed before July 1, 1997 (the effective date of the Department of Human Services Act),

the term means the Director of Public Aid.

(2) Except as provided in paragraph (2.5), in ~~the~~ the case of a function to be performed on or after July 1, 1997 under Article III, IV, VI, IX, or IXA, the term means the Secretary of Human Services.

(2.5) In the case of a function to be performed on or after July 1, 2026 under Sections 9A-11 and 9A-11-5, the term means the Secretary of Early Childhood.

(3) In the case of a function to be performed on or after July 1, 1997 under Article V, V-A, V-B, V-C, V-D, V-E, X, XIV, or XV, the term means the Director of Healthcare and Family Services (formerly Director of Public Aid).

(4) In the case of a function to be performed on or after July 1, 1997 under Article I, II, VIIIA, XI, XII, or XIII, the term means the Secretary of Human Services or the Director of Healthcare and Family Services (formerly Director of Public Aid) or both, according to whether that function, in the specific context, has been allocated to the Department of Human Services or the Department of Healthcare and Family Services (formerly Department of Public Aid) or both of those departments.

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

(305 ILCS 5/9A-11) (from Ch. 23, par. 9A-11)

Sec. 9A-11. Child care.

(a) The General Assembly recognizes that families with

children need child care in order to work. Child care is expensive and families with limited access to economic resources, including those who are transitioning from welfare to work, often struggle to pay the costs of day care. The General Assembly understands the importance of helping working families with limited access to economic resources become and remain self-sufficient. The General Assembly also believes that it is the responsibility of families to share in the costs of child care. It is also the preference of the General Assembly that all working families with limited access to economic resources should be treated equally, regardless of their welfare status.

(b) To the extent resources permit, the Illinois Department shall provide child care services to parents or other relatives as defined by rule who are working or participating in employment or Department approved education or training programs. At a minimum, the Illinois Department shall cover the following categories of families:

- (1) recipients of TANF under Article IV participating in work and training activities as specified in the personal plan for employment and self-sufficiency;
- (2) families transitioning from TANF to work;
- (3) families at risk of becoming recipients of TANF;
- (4) families with special needs as defined by rule;
- (5) working families with very low incomes as defined by rule;

(6) families that are not recipients of TANF and that need child care assistance to participate in education and training activities;

(7) youth in care, as defined in Section 4d of the Children and Family Services Act, who are parents, regardless of income or whether they are working or participating in Department-approved employment or education or training programs. Any family that receives child care assistance in accordance with this paragraph shall receive one additional 12-month child care eligibility period after the parenting youth in care's case with the Department of Children and Family Services is closed, regardless of income or whether the parenting youth in care is working or participating in Department-approved employment or education or training programs;

(8) families receiving Extended Family Support Program services from the Department of Children and Family Services, regardless of income or whether they are working or participating in Department-approved employment or education or training programs; and

(9) families with children under the age of 5 who have an open intact family services case with the Department of Children and Family Services. Any family that receives child care assistance in accordance with this paragraph shall remain eligible for child care assistance 6 months

after the child's intact family services case is closed, regardless of whether the child's parents or other relatives as defined by rule are working or participating in Department approved employment or education or training programs. The Department of Early Childhood ~~Human Services~~, in consultation with the Department of Children and Family Services, shall adopt rules to protect the privacy of families who are the subject of an open intact family services case when such families enroll in child care services. Additional rules shall be adopted to offer children who have an open intact family services case the opportunity to receive an Early Intervention screening and other services that their families may be eligible for as provided by the Department of Human Services.

Beginning October 1, 2027 ~~2023~~, and every October 1 thereafter, the Department of Children and Family Services shall report to the General Assembly on the number of children who received child care via vouchers paid for by the Department of Early Childhood ~~Children and Family Services~~ during the preceding fiscal year. The report shall include the ages of children who received child care, the type of child care they received, and the number of months they received child care.

The Department shall specify by rule the conditions of eligibility, the application process, and the types, amounts, and duration of services. Eligibility for child care benefits

and the amount of child care provided may vary based on family size, income, and other factors as specified by rule.

The Department shall update the Child Care Assistance Program Eligibility Calculator posted on its website to include a question on whether a family is applying for child care assistance for the first time or is applying for a redetermination of eligibility.

A family's eligibility for child care services shall be redetermined no sooner than 12 months following the initial determination or most recent redetermination. During the 12-month periods, the family shall remain eligible for child care services regardless of (i) a change in family income, unless family income exceeds 85% of State median income, or (ii) a temporary change in the ongoing status of the parents or other relatives, as defined by rule, as working or attending a job training or educational program.

In determining income eligibility for child care benefits, the Department annually, at the beginning of each fiscal year, shall establish, by rule, one income threshold for each family size, in relation to percentage of State median income for a family of that size, that makes families with incomes below the specified threshold eligible for assistance and families with incomes above the specified threshold ineligible for assistance. Through and including fiscal year 2007, the specified threshold must be no less than 50% of the then-current State median income for each family size.

Beginning in fiscal year 2008, the specified threshold must be no less than 185% of the then-current federal poverty level for each family size. Notwithstanding any other provision of law or administrative rule to the contrary, beginning in fiscal year 2019, the specified threshold for working families with very low incomes as defined by rule must be no less than 185% of the then-current federal poverty level for each family size. Notwithstanding any other provision of law or administrative rule to the contrary, beginning in State fiscal year 2022 through State fiscal year 2023, the specified income threshold shall be no less than 200% of the then-current federal poverty level for each family size. Beginning in State fiscal year 2024, the specified income threshold shall be no less than 225% of the then-current federal poverty level for each family size.

In determining eligibility for assistance, the Department shall not give preference to any category of recipients or give preference to individuals based on their receipt of benefits under this Code.

Nothing in this Section shall be construed as conferring entitlement status to eligible families.

The Illinois Department is authorized to lower income eligibility ceilings, raise parent co-payments, create waiting lists, or take such other actions during a fiscal year as are necessary to ensure that child care benefits paid under this Article do not exceed the amounts appropriated for those child

care benefits. These changes may be accomplished by emergency rule under Section 5-45 of the Illinois Administrative Procedure Act, except that the limitation on the number of emergency rules that may be adopted in a 24-month period shall not apply.

The Illinois Department may contract with other State agencies or child care organizations for the administration of child care services.

(c) Payment shall be made for child care that otherwise meets the requirements of this Section and applicable standards of State and local law and regulation, including any requirements the Illinois Department promulgates by rule. Through June 30, 2026, the rules of this Section include licensure requirements adopted by the Department of Children and Family Services. On and after July 1, 2026, the rules of this Section include licensure requirements adopted by the Department of Early Childhood. In addition, the regulations of this Section include the ~~in addition to the licensure requirements promulgated by the Department of Children and Family Services and~~ Fire Prevention and Safety requirements promulgated by the Office of the State Fire Marshal, and is provided in any of the following:

(1) a child care center which is licensed or exempt from licensure pursuant to Section 2.09 of the Child Care Act of 1969;

(2) a licensed child care home or home exempt from

licensing;

(3) a licensed group child care home;

(4) other types of child care, including child care provided by relatives or persons living in the same home as the child, as determined by the Illinois Department by rule.

(c-5) Solely for the purposes of coverage under the Illinois Public Labor Relations Act, child and day care home providers, including licensed and license exempt, participating in the Department's child care assistance program shall be considered to be public employees and the State of Illinois shall be considered to be their employer as of January 1, 2006 (the effective date of Public Act 94-320), but not before. The State shall engage in collective bargaining with an exclusive representative of child and day care home providers participating in the child care assistance program concerning their terms and conditions of employment that are within the State's control. Nothing in this subsection shall be understood to limit the right of families receiving services defined in this Section to select child and day care home providers or supervise them within the limits of this Section. The State shall not be considered to be the employer of child and day care home providers for any purposes not specifically provided in Public Act 94-320, including, but not limited to, purposes of vicarious liability in tort and purposes of statutory retirement or health insurance benefits.

Child and day care home providers shall not be covered by the State Employees Group Insurance Act of 1971.

In according child and day care home providers and their selected representative rights under the Illinois Public Labor Relations Act, the State intends that the State action exemption to application of federal and State antitrust laws be fully available to the extent that their activities are authorized by Public Act 94-320.

(d) The Illinois Department shall establish, by rule, a co-payment scale that provides for cost sharing by families that receive child care services, including parents whose only income is from assistance under this Code. The co-payment shall be based on family income and family size and may be based on other factors as appropriate. Co-payments may be waived for families whose incomes are at or below the federal poverty level.

(d-5) The Illinois Department, in consultation with its Child Care and Development Advisory Council, shall develop a plan to revise the child care assistance program's co-payment scale. The plan shall be completed no later than February 1, 2008, and shall include:

(1) findings as to the percentage of income that the average American family spends on child care and the relative amounts that low-income families and the average American family spend on other necessities of life;

(2) recommendations for revising the child care

co-payment scale to assure that families receiving child care services from the Department are paying no more than they can reasonably afford;

(3) recommendations for revising the child care co-payment scale to provide at-risk children with complete access to Preschool for All and Head Start; and

(4) recommendations for changes in child care program policies that affect the affordability of child care.

(e) (Blank).

(f) The Illinois Department shall, by rule, set rates to be paid for the various types of child care. Child care may be provided through one of the following methods:

(1) arranging the child care through eligible providers by use of purchase of service contracts or vouchers;

(2) arranging with other agencies and community volunteer groups for non-reimbursed child care;

(3) (blank); or

(4) adopting such other arrangements as the Department determines appropriate.

(f-1) Within 30 days after June 4, 2018 (the effective date of Public Act 100-587), the Department of Human Services shall establish rates for child care providers that are no less than the rates in effect on January 1, 2018 increased by 4.26%.

(f-5) (Blank).

(g) Families eligible for assistance under this Section shall be given the following options:

(1) receiving a child care certificate issued by the Department or a subcontractor of the Department that may be used by the parents as payment for child care and development services only; or

(2) if space is available, enrolling the child with a child care provider that has a purchase of service contract with the Department or a subcontractor of the Department for the provision of child care and development services. The Department may identify particular priority populations for whom they may request special consideration by a provider with purchase of service contracts, provided that the providers shall be permitted to maintain a balance of clients in terms of household incomes and families and children with special needs, as defined by rule.

(Source: P.A. 102-491, eff. 8-20-21; 102-813, eff. 5-13-22; 102-926, eff. 5-27-22; 103-8, eff. 6-7-23.)

(305 ILCS 5/9A-11.5)

Sec. 9A-11.5. Investigate child care providers.

(a) Through June 30, 2026, any ~~Any~~ child care provider receiving funds from the child care assistance program under this Code who is not required to be licensed under the Child Care Act of 1969 shall, as a condition of eligibility to

participate in the child care assistance program under this Code, authorize in writing on a form prescribed by the Department of Children and Family Services, periodic investigations of the Central Register, as defined in the Abused and Neglected Child Reporting Act, to ascertain if the child care provider has been determined to be a perpetrator in an indicated report of child abuse or neglect. The Department of Children and Family Services shall conduct an investigation of the Central Register at the request of the Department of Human Services.

(a-5) On and after July 1, 2026, any child care provider receiving funds from the child care assistance program under this Code who is not required to be licensed under the Child Care Act of 1969 shall, as a condition of eligibility to participate in the child care assistance program under this Code, authorize in writing on a form prescribed by the Department of Early Childhood, periodic investigations of the Central Register, as defined in the Abused and Neglected Child Reporting Act, to ascertain if the child care provider has been determined to be a perpetrator in an indicated report of child abuse or neglect.

(b) Any child care provider, other than a relative of the child, receiving funds from the child care assistance program under this Code who is not required to be licensed under the Child Care Act of 1969 shall, as a condition of eligibility to participate in the child care assistance program under this

Code, authorize in writing a State and Federal Bureau of Investigation fingerprint-based criminal history record check to determine if the child care provider has ever been convicted of a crime with respect to which the conviction has not been overturned and the criminal records have not been sealed or expunged. Upon this authorization, the Department shall request and receive information and assistance from any federal or State governmental agency as part of the authorized criminal history record check. The Illinois State Police shall provide information concerning any conviction that has not been overturned and with respect to which the criminal records have not been sealed or expunged, whether the conviction occurred before or on or after the effective date of this amendatory Act of the 96th General Assembly, of a child care provider upon the request of the Department when the request is made in the form and manner required by the Illinois State Police. The Illinois State Police shall charge a fee not to exceed the cost of processing the criminal history record check. The fee is to be deposited into the State Police Services Fund. Any information concerning convictions that have not been overturned and with respect to which the criminal records have not been sealed or expunged obtained by the Department is confidential and may not be transmitted (i) outside the Department except as required in this Section or (ii) to anyone within the Department except as needed for the purposes of determining participation in the child care

assistance program. A copy of the criminal history record check obtained from the Illinois State Police shall be provided to the unlicensed child care provider.

(c) The Department shall by rule set standards for determining when to disqualify an unlicensed child care provider for payment because (i) there is an indicated finding against the provider based on the results of the Central Register search or (ii) there is a disqualifying criminal charge pending against the provider or the provider has a disqualifying criminal conviction that has not been overturned and with respect to which the criminal records have not been expunged or sealed based on the results of the fingerprint-based Illinois State Police and Federal Bureau of Investigation criminal history record check. In determining whether to disqualify an unlicensed child care provider for payment under this subsection, the Department shall consider the nature and gravity of any offense or offenses; the time that has passed since the offense or offenses or the completion of the criminal sentence or both; and the relationship of the offense or offenses to the responsibilities of the child care provider.

(Source: P.A. 102-538, eff. 8-20-21.)

(305 ILCS 5/9A-17)

Sec. 9A-17. Smart Start Child Care Program. Subject to appropriation, the Department of Human Services shall

establish the Smart Start Child Care Program. The Smart Start Child Care Program shall focus on creating affordable child care, as well as increasing access to child care, for Illinois residents and may include, but is not limited to, providing funding to increase preschool availability, providing funding for childcare workforce compensation or capital investments, and expanding funding for Early Childhood Access Consortium for Equity Scholarships. The Department shall establish program eligibility criteria, participation conditions, payment levels, and other program requirements by rule. The Department of Human Services may consult with the Capital Development Board, the Department of Commerce and Economic Opportunity, and the Illinois Housing Development Authority in the management and disbursement of funds for capital-related projects. The Capital Development Board, the Department of Commerce and Economic Opportunity, and the Illinois Housing Development Authority shall act in a consulting role only for the evaluation of applicants, scoring of applicants, or administration of the grant program.

This Section is repealed on July 1, 2026.

(Source: P.A. 103-8, eff. 6-7-23.)

Section 90-50. The Early Intervention Services System Act is amended by adding Section 20.1 as follows:

(325 ILCS 20/20.1 new)

Sec. 20.1. Repeal. This Act is repealed on July 1, 2026.

Section 90-55. The Infant/Early Childhood Mental Health Consultations Act is amended by changing Section 35-5 as follows:

(405 ILCS 47/35-5)

Sec. 35-5. Findings; policies.

(a) The General Assembly finds the following:

(1) Social and emotional development is a core developmental domain in young children and is codified in the Illinois Early Learning Standards.

(2) Fostering social and emotional development in early childhood means both providing the supportive settings and interactions to maximize healthy social and emotional development for all children, as well as providing communities, programs, and providers with systems of tiered supports with training to respond to more significant social and emotional challenges or where experiences of trauma may be more prevalent.

(3) Early care and education programs and providers, across a range of settings, have an important role to play in supporting young children and families, especially those who face greater challenges, such as trauma exposure, social isolation, pervasive poverty, and toxic stress; if programs, teaching staff, caregivers, and

providers are not provided with the support, services, and training needed to accomplish these goals, it can lead to children and families being asked to leave programs, particularly without connection to more appropriate services, thereby creating a disruption in learning and social-emotional development; investments in reflective supervision, professional development specific to diversity, equity and inclusion practice, culturally responsive training, implicit bias training, and how trauma experienced during the early years can manifest in challenging behaviors will create systems for serving children that are informed in developmentally appropriate and responsive supports.

(4) Studies have shown that the expulsion of infants, toddlers, and young children in early care and education settings is occurring at alarmingly high rates, more than 3 times that of students in K-12; further, expulsion occurs more frequently for Black children and Latinx children and more frequently for boys than for girls, with Black boys being most frequently expelled; there is evidence to show that the expulsion of Black girls is occurring with increasing frequency.

(5) Illinois took its first steps toward addressing this disparity through Public Act 100-105 to prohibit expulsion due to child behavior in early care and education settings, but further work is needed to

implement this law, including strengthening provider understanding of a successful transition and beginning to identify strategies to reduce "soft expulsions" and to ensure more young children and their teachers, providers, and caregivers, in a range of early care and education settings, can benefit from services, such as Infant/Early Childhood Mental Health Consultations (I/ECMHC) and positive behavior interventions and supports such as the Pyramid Model.

(6) I/ECMHC is a critical component needed to align social-emotional well-being with the public health model of promotion, prevention, and intervention across early care and education systems.

(b) The General Assembly encourages that all of the following actions be taken by:

(1) the State to increase the availability of Infant/Early Childhood Mental Health Consultations (I/ECMHC) through increased funding in early childhood programs and sustainable funding for coordination of I/ECMHC and other social and emotional support at the State level;

(2) the Department of Human Services (IDHS), the Illinois State Board of Education (ISBE), the Governor's Office of Early Childhood Development (GOECD), and other relevant agencies to develop and promote provider-accessible and parent-accessible materials,

including native language, on the role and value of I/ECMHC, including targeted promotion in underserved communities, and promote the use of existing I/ECMHCs, the I/ECMHC consultant database, or other existing services;

(3) the State to increase funding to promote and provide training and implementation support for systems of tiered support, such as the Pyramid Model, across early childhood settings and urge DHS, ISBE, GOECD, and other relevant State agencies to coordinate efforts and develop strategies to provide outreach to and support providers in underserved communities and communities with fewer programmatic resources; and

(4) ISBE and DCFS to provide the data required by Public Act 100-105, even if the data is incomplete at the time due to data system challenges.

(c) This Section is repealed on July 1, 2026.

(Source: P.A. 101-654, eff. 3-8-21.)

Section 90-60. The Children's Mental Health Act is amended by changing Section 5 as follows:

(405 ILCS 49/5)

Sec. 5. Children's Mental Health Partnership; Children's Mental Health Plan.

(a) The Children's Mental Health Partnership (hereafter referred to as "the Partnership") created under Public Act

93-495 and continued under Public Act 102-899 shall advise State agencies on designing and implementing short-term and long-term strategies to provide comprehensive and coordinated services for children from birth to age 25 and their families with the goal of addressing children's mental health needs across a full continuum of care, including social determinants of health, prevention, early identification, and treatment. The recommended strategies shall build upon the recommendations in the Children's Mental Health Plan of 2022 and may include, but are not limited to, recommendations regarding the following:

(1) Increasing public awareness on issues connected to children's mental health and wellness to decrease stigma, promote acceptance, and strengthen the ability of children, families, and communities to access supports.

(2) Coordination of programs, services, and policies across child-serving State agencies to best monitor and assess spending, as well as foster innovation of adaptive or new practices.

(3) Funding and resources for children's mental health prevention, early identification, and treatment across child-serving State agencies.

(4) Facilitation of research on best practices and model programs and dissemination of this information to State policymakers, practitioners, and the general public.

(5) Monitoring programs, services, and policies

addressing children's mental health and wellness.

(6) Growing, retaining, diversifying, and supporting the child-serving workforce, with special emphasis on professional development around child and family mental health and wellness services.

(7) Supporting the design, implementation, and evaluation of a quality-driven children's mental health system of care across all child services that prevents mental health concerns and mitigates trauma.

(8) Improving the system to more effectively meet the emergency and residential placement needs for all children with severe mental and behavioral challenges.

(b) The Partnership shall have the responsibility of developing and updating the Children's Mental Health Plan and advising the relevant State agencies on implementation of the Plan. The Children's Mental Health Partnership shall be comprised of the following members:

(1) The Governor or his or her designee.

(2) The Attorney General or his or her designee.

(3) The Secretary of the Department of Human Services or his or her designee.

(4) The State Superintendent of Education or his or her designee.

(5) The Director of the Department of Children and Family Services or his or her designee.

(6) The Director of the Department of Healthcare and

Family Services or his or her designee.

(7) The Director of the Department of Public Health or his or her designee.

(8) The Director of the Department of Juvenile Justice or his or her designee.

(9) The Secretary of Early Childhood ~~Executive Director of the Governor's Office of Early Childhood Development~~ or his or her designee.

(10) The Director of the Criminal Justice Information Authority or his or her designee.

(11) One member of the General Assembly appointed by the Speaker of the House.

(12) One member of the General Assembly appointed by the President of the Senate.

(13) One member of the General Assembly appointed by the Minority Leader of the Senate.

(14) One member of the General Assembly appointed by the Minority Leader of the House.

(15) Up to 25 representatives from the public reflecting a diversity of age, gender identity, race, ethnicity, socioeconomic status, and geographic location, to be appointed by the Governor. Those public members appointed under this paragraph must include, but are not limited to:

(A) a family member or individual with lived experience in the children's mental health system;

(B) a child advocate;

(C) a community mental health expert, practitioner, or provider;

(D) a representative of a statewide association representing a majority of hospitals in the State;

(E) an early childhood expert or practitioner;

(F) a representative from the K-12 school system;

(G) a representative from the healthcare sector;

(H) a substance use prevention expert or practitioner, or a representative of a statewide association representing community-based mental health substance use disorder treatment providers in the State;

(I) a violence prevention expert or practitioner;

(J) a representative from the juvenile justice system;

(K) a school social worker; and

(L) a representative of a statewide organization representing pediatricians.

(16) Two co-chairs appointed by the Governor, one being a representative from the public and one being a representative from the State.

The members appointed by the Governor shall be appointed for 4 years with one opportunity for reappointment, except as otherwise provided for in this subsection. Members who were appointed by the Governor and are serving on January 1, 2023

(the effective date of Public Act 102-899) shall maintain their appointment until the term of their appointment has expired. For new appointments made pursuant to Public Act 102-899, members shall be appointed for one-year, 2-year, or 4-year terms, as determined by the Governor, with no more than 9 of the Governor's new or existing appointees serving the same term. Those new appointments serving a one-year or 2-year term may be appointed to 2 additional 4-year terms. If a vacancy occurs in the Partnership membership, the vacancy shall be filled in the same manner as the original appointment for the remainder of the term.

The Partnership shall be convened no later than January 31, 2023 to discuss the changes in Public Act 102-899.

The members of the Partnership shall serve without compensation but may be entitled to reimbursement for all necessary expenses incurred in the performance of their official duties as members of the Partnership from funds appropriated for that purpose.

The Partnership may convene and appoint special committees or study groups to operate under the direction of the Partnership. Persons appointed to such special committees or study groups shall only receive reimbursement for reasonable expenses.

(b-5) The Partnership shall include an adjunct council comprised of no more than 6 youth aged 14 to 25 and 4 representatives of 4 different community-based organizations

that focus on youth mental health. Of the community-based organizations that focus on youth mental health, one of the community-based organizations shall be led by an LGBTQ-identified person, one of the community-based organizations shall be led by a person of color, and one of the community-based organizations shall be led by a woman. Of the representatives appointed to the council from the community-based organizations, at least one representative shall be LGBTQ-identified, at least one representative shall be a person of color, and at least one representative shall be a woman. The council members shall be appointed by the Chair of the Partnership and shall reflect the racial, gender identity, sexual orientation, ability, socioeconomic, ethnic, and geographic diversity of the State, including rural, suburban, and urban appointees. The council shall make recommendations to the Partnership regarding youth mental health, including, but not limited to, identifying barriers to youth feeling supported by and empowered by the system of mental health and treatment providers, barriers perceived by youth in accessing mental health services, gaps in the mental health system, available resources in schools, including youth's perceptions and experiences with outreach personnel, agency websites, and informational materials, methods to destigmatize mental health services, and how to improve State policy concerning student mental health. The mental health system may include services for substance use disorders and addiction. The council shall

meet at least 4 times annually.

(c) (Blank).

(d) The Illinois Children's Mental Health Partnership has the following powers and duties:

(1) Conducting research assessments to determine the needs and gaps of programs, services, and policies that touch children's mental health.

(2) Developing policy statements for interagency cooperation to cover all aspects of mental health delivery, including social determinants of health, prevention, early identification, and treatment.

(3) Recommending policies and providing information on effective programs for delivery of mental health services.

(4) Using funding from federal, State, or philanthropic partners, to fund pilot programs or research activities to resource innovative practices by organizational partners that will address children's mental health. However, the Partnership may not provide direct services.

(5) Submitting an annual report, on or before December 30 of each year, to the Governor and the General Assembly on the progress of the Plan, any recommendations regarding State policies, laws, or rules necessary to fulfill the purposes of the Act, and any additional recommendations regarding mental or behavioral health that the Partnership deems necessary.

(6) Employing an Executive Director and setting the compensation of the Executive Director and other such employees and technical assistance as it deems necessary to carry out its duties under this Section.

The Partnership may designate a fiscal and administrative agent that can accept funds to carry out its duties as outlined in this Section.

The Department of Healthcare and Family Services shall provide technical and administrative support for the Partnership.

(e) The Partnership may accept monetary gifts or grants from the federal government or any agency thereof, from any charitable foundation or professional association, or from any reputable source for implementation of any program necessary or desirable to carry out the powers and duties as defined under this Section.

(f) On or before January 1, 2027, the Partnership shall submit recommendations to the Governor and General Assembly that includes recommended updates to the Act to reflect the current mental health landscape in this State.

(Source: P.A. 102-16, eff. 6-17-21; 102-116, eff. 7-23-21; 102-899, eff. 1-1-23; 102-1034, eff. 1-1-23; 103-154, eff. 6-30-23.)

Section 90-65. The Advisory Board for the Maternal and Child Health Block Grant Programs Act is amended by changing

Section 15 as follows:

(410 ILCS 221/15)

Sec. 15. Advisory Board for the Maternal and Child Health Block Grant Programs.

(a) The Advisory Board for the Maternal and Child Health Block Grant Programs is created within the Department to advise the Department on programs and activities related to maternal and child health in the State of Illinois.

The Board shall consist of the Director's designee responsible for maternal and child health programs, who shall serve as the Chair of the Board; the Department's Title V administrator, if the Director's designee is not serving in the capacity of Title V Director at the Department; one representative each from the Department of Early Childhood, the Department of Children and Family Services, the Department of Human Services, and the Department of Healthcare and Family Services, appointed by the Director or Secretary of each Department; the Director of the University of Illinois at Chicago's Division of Specialized Care for Children; 4 members of the General Assembly, one each appointed by the President and Minority Leader of the Senate and the Speaker and Minority Leader of the House of Representatives; and 20 additional members appointed by the Director.

Of the members appointed by the Director:

(1) Two shall be physicians licensed to practice

medicine in all of its branches who currently serve patients enrolled in maternal and child health programs funded by the State of Illinois, one of whom shall be an individual with a specialty in obstetrics and gynecology and one of whom shall be an individual with a specialty in pediatric medicine;

(2) Sixteen shall be persons with expertise in one or more of the following areas, with no more than 3 persons from each listed area of expertise and with preference given to the areas of need identified by the most recent State needs assessment: the health of women, infants, young children, school-aged children, adolescents, and children with special health care needs; public health; epidemiology; behavioral health; nursing; social work; substance abuse prevention; juvenile justice; oral health; child development; chronic disease prevention; health promotion; and education; 5 of the 16 members shall represent organizations that provide maternal and child health services with funds from the Department; and

(3) either 2 consumers who have received services through a Department-funded maternal and child health program, 2 representatives from advocacy groups that advocate on behalf of such consumers, or one such consumer and one such representative of an advocacy group.

Members appointed by the Director shall be selected to represent the racial, ethnic, and geographic diversity of the

State's population and shall include representatives of local health departments, other direct service providers, and faculty of the University of Illinois at Chicago School of Public Health Center of Excellence in Maternal and Child Health.

Legislative members shall serve during their term of office in the General Assembly. Members appointed by the Director shall serve a term of 4 years or until their successors are appointed.

Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of such term. Members of the Board shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties.

(b) The Board shall advise the Director on improving the well-being of mothers, fathers, infants, children, families, and adults, considering both physical and social determinants of health, and using a life-span approach to health promotion and disease prevention in the State of Illinois. In addition, the Board shall review and make recommendations to the Department and the Governor in regard to the system for maternal and child health programs, collaboration, and interrelation between and delivery of programs, both within the Department and with related programs in other departments. In performing its duties, the Board may hold hearings

throughout the State and advise and receive advice from any local advisory bodies created to address maternal and child health.

(c) The Board may offer recommendations and feedback regarding the development of the State's annual Maternal and Child Health Services Block Grant application and report as well as the periodic needs assessment.

(Source: P.A. 99-901, eff. 8-26-16.)

ARTICLE 95.CHILD CARE ACT OF 1969 AMENDMENTS

(225 ILCS 10/2.11 rep.)

Section 95-5. The Child Care Act of 1969 is amended by repealing Section 2.11.

Section 95-10. The Child Care Act of 1969 is amended by changing Sections 2.09, 3, 4, 4.1, 4.3, 4.4, 4.5, 5, 5.1, 5.2, 5.8, 5.9, 5.10, 5.11, 6, 7, 7.2, 7.10, 8, 8.1, 8.2, 8.5, 9, 9.1, 9.1c, 9.2, 10, 11, 11.1, 11.2, 12, 15, 16, 17, and 18 and by adding Sections 3.01, 4.01, 4.2a, 4.3a, 4.4a, 5.01, 5.1a, 5.2a, 6.1, 7.01, 8a, 8.1a, 8.2a, 8.6, 9.01, 11.1a, 11.3, 12.1, 15.1, 16.1, and 18.1 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 children with disabilities 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, recreation, crafts instruction, and similar activities conducted on an organized and periodic basis by civic, charitable and governmental organizations, including, but not limited to, programs offered by park districts organized under the Park District Code to children who shall have attained the age of 3 years old if the program meets no more than 3.5 continuous hours at a time or less and no more than 25 hours during any week, and the park district conducts background investigations on employees of the program pursuant to Section 8-23 of the Park District Code;

(h) part day child care facilities, as defined in Section 2.10 of this Act;

(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; or

(j) programs or portions of programs that:

(1) serve only school-age children and youth (defined as full-time kindergarten children, as defined in 89 Ill. Adm. Code 407.45, or older);

(2) are organized to promote childhood learning, child and youth development, educational or recreational activities, or character-building;

(3) operate primarily during out-of-school time or at times when school is not normally in session;

(4) comply with the standards of the Illinois Department of Public Health (77 Ill. Adm. Code 750) or the local health department, the Illinois State Fire Marshal (41 Ill. Adm. Code 100), and the following additional health and safety requirements: procedures for employee and volunteer emergency preparedness and

practice drills; procedures to ensure that first aid kits are maintained and ready to use; the placement of a minimum level of liability insurance as determined by the Department; procedures for the availability of a working telephone that is onsite and accessible at all times; procedures to ensure that emergency phone numbers are posted onsite; and a restriction on handgun or weapon possession onsite, except if possessed by a peace officer;

(5) perform and maintain authorization and results of criminal history checks through the Illinois State Police and FBI and checks of the Illinois Sex Offender Registry, the National Sex Offender Registry, and Child Abuse and Neglect Tracking System for employees and volunteers who work directly with children;

(6) make hiring decisions in accordance with the prohibitions against barrier crimes as specified in Section 4.2 of this Act or in Section 21B-80 of the School Code;

(7) provide parents with written disclosure that the operations of the program are not regulated by licensing requirements; and

(8) obtain and maintain records showing the first and last name and date of birth of the child, name, address, and telephone number of each parent, emergency contact information, and written

authorization for medical care.

~~Programs or portions of programs requesting Child Care Assistance Program (CCAP) funding and otherwise meeting the requirements under item (j) shall request exemption from the Department and be determined exempt prior to receiving funding and must annually meet the eligibility requirements and be appropriate for payment under the CCAP.~~

~~Programs or portions of programs under item (j) that do not receive State or federal funds must comply with staff qualification and training standards established by rule by the Department of Human Services. The Department of Human Services shall set such standards after review of Afterschool for Children and Teens Now (ACT Now) evidence-based quality standards developed for school-age out-of-school time programs, feedback from the school-age out-of-school time program professionals, and review of out-of-school time professional development frameworks and quality tools.~~

Out-of-school time programs for school-age youth that receive State or federal funds must comply with only those staff qualifications and training standards set for the program by the State or federal entity issuing the funds.

For purposes of items (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.

(Source: P.A. 103-153, eff. 6-30-23.)

(225 ILCS 10/3) (from Ch. 23, par. 2213)

Sec. 3. (a) No person, group of persons or corporation may operate or conduct any facility for child care, as defined in this Act, without a license or permit issued by the Department or without being approved by the Department as meeting the standards established for such licensing, with the exception of facilities for whom standards are established by the Department of Corrections under Section 3-15-2 of the Unified Code of Corrections and with the exception of facilities defined in Section 2.10 of this Act, and with the exception of programs or facilities licensed by the Department of Human Services under the Substance Use Disorder Act, and with the exception of day care centers, day care homes, and group day care homes.

~~(b) (Blank) No part day child care facility as described in Section 2.10 may operate without written notification to the Department or without complying with Section 7.1. Notification shall include a notarized statement by the facility that the facility complies with state or local health standards and state fire safety standards, and shall be filed with the department every 2 years.~~

~~(c) (Blank) The Director of the Department shall establish policies and coordinate activities relating to child care licensing, licensing of day care homes and day care centers.~~

(d) Any facility or agency which is exempt from licensing

may apply for licensing if licensing is required for some government benefit.

~~(e) (Blank) A provider of day care described in items (a) through (j) of Section 2.09 of this Act is exempt from licensure. The Department shall provide written verification of exemption and description of compliance with standards for the health, safety, and development of the children who receive the services upon submission by the provider of, in addition to any other documentation required by the Department, a notarized statement that the facility complies with: (1) the standards of the Department of Public Health or local health department, (2) the fire safety standards of the State Fire Marshal, and (3) if operated in a public school building, the health and safety standards of the State Board of Education.~~

(Source: P.A. 99-699, eff. 7-29-16; 100-759, eff. 1-1-19.)

(225 ILCS 10/3.01 new)

Sec. 3.01. License or permit; Department of Early Childhood.

(a) No person, group of persons or corporation may operate or conduct any day care center, day care home, or group day care home without a license or permit issued by the Department of Early Childhood or without being approved by the Department of Early Childhood meeting the standards established for such licensing, with the exception of facilities for whom standards

are established by the Department of Corrections under Section 3-15-2 of the Unified Code of Corrections and with the exception of facilities defined in Section 2.10 of this Act, and with the exception of programs or facilities licensed by the Department of Human Services under the Substance Use Disorder Act.

(b) No part day child care facility as described in Section 2.10 may operate without written notification to the Department of Early Childhood or without complying with Section 7.1. Notification shall include a notarized statement by the facility that the facility complies with state or local health standards and state fire safety standards, and shall be filed with the Department every 2 years.

(c) The Secretary of Early Childhood shall establish policies and coordinate activities relating to licensing of day care centers, group day care homes, and day care homes.

(d) Any facility or agency which is exempt from licensing may apply for licensing if licensing is required for some government benefit.

(e) A provider of day care described in items (a) through (j) of Section 2.09 of this Act is exempt from licensure. The Department of Early Childhood shall provide written verification of exemption and description of compliance with standards for the health, safety, and development of the children who receive the services upon submission by the provider of, in addition to any other documentation required

by the Department of Early Childhood, a notarized statement that the facility complies with: (1) the standards of the Department of Public Health or local health department, (2) the fire safety standards of the State Fire Marshal, and (3) if operated in a public school building, the health and safety standards of the State Board of Education.

(225 ILCS 10/4) (from Ch. 23, par. 2214)

Sec. 4. License requirement; application; notice; Department of Children and Family Services.

(a) Any person, group of persons or corporation who or which receives children or arranges for care or placement of one or more children unrelated to the operator must apply for a license to operate one of the types of facilities defined in Sections 2.05 through 2.19 (other than a day care center or day care home) and in Section 2.22 of this Act. Any relative, as defined in Section 2.17 of this Act, who receives a child or children for placement by the Department on a full-time basis may apply for a license to operate a foster family home as defined in Section 2.17 of this Act.

(a-5) Any agency, person, group of persons, association, organization, corporation, institution, center, or group providing adoption services must be licensed by the Department as a child welfare agency as defined in Section 2.08 of this Act. "Providing adoption services" as used in this Act, includes facilitating or engaging in adoption services.

(b) Application for a license to operate a child care facility (other than a day care center, day care home, or group day care home) must be made to the Department in the manner and on forms prescribed by it. An application to operate a foster family home shall include, at a minimum: a completed written form; written authorization by the applicant and all adult members of the applicant's household to conduct a criminal background investigation; medical evidence in the form of a medical report, on forms prescribed by the Department, that the applicant and all members of the household are free from communicable diseases or physical and mental conditions that affect their ability to provide care for the child or children; the names and addresses of at least 3 persons not related to the applicant who can attest to the applicant's moral character; the name and address of at least one relative who can attest to the applicant's capability to care for the child or children; and fingerprints submitted by the applicant and all adult members of the applicant's household.

(b-5) Prior to submitting an application for a foster family home license, a quality of care concerns applicant as defined in Section 2.22a of this Act must submit a preliminary application to the Department in the manner and on forms prescribed by it. The Department shall explain to the quality of care concerns applicant the grounds for requiring a preliminary application. The preliminary application shall include a list of (i) all children placed in the home by the

Department who were removed by the Department for reasons other than returning to a parent and the circumstances under which they were removed and (ii) all children placed by the Department who were subsequently adopted by or placed in the private guardianship of the quality of care concerns applicant who are currently under 18 and who no longer reside in the home and the reasons why they no longer reside in the home. The preliminary application shall also include, if the quality of care concerns applicant chooses to submit, (1) a response to the quality of care concerns, including any reason the concerns are invalid, have been addressed or ameliorated, or no longer apply and (2) affirmative documentation demonstrating that the quality of care concerns applicant's home does not pose a risk to children and that the family will be able to meet the physical and emotional needs of children. The Department shall verify the information in the preliminary application and review (i) information regarding any prior licensing complaints, (ii) information regarding any prior child abuse or neglect investigations, (iii) information regarding any involuntary foster home holds placed on the home by the Department, and (iv) information regarding all child exit interviews, as provided in Section 5.26 of the Children and Family Services Act, regarding the home. Foster home applicants with quality of care concerns are presumed unsuitable for future licensure.

Notwithstanding the provisions of this subsection (b-5),

the Department may make an exception and issue a foster family license to a quality of care concerns applicant if the Department is satisfied that the foster family home does not pose a risk to children and that the foster family will be able to meet the physical and emotional needs of children. In making this determination, the Department must obtain and carefully review all relevant documents and shall obtain consultation from its Clinical Division as appropriate and as prescribed by Department rule and procedure. The Department has the authority to deny a preliminary application based on the record of quality of care concerns of the foster family home. In the alternative, the Department may (i) approve the preliminary application, (ii) approve the preliminary application subject to obtaining additional information or assessments, or (iii) approve the preliminary application for purposes of placing a particular child or children only in the foster family home. If the Department approves a preliminary application, the foster family shall submit an application for licensure as described in subsection (b) of this Section. The Department shall notify the quality of care concerns applicant of its decision and the basis for its decision in writing.

(c) The Department shall notify the public when a child care institution, maternity center, or group home licensed by the Department undergoes a change in (i) the range of care or services offered at the facility, (ii) the age or type of children served, or (iii) the area within the facility used by

children. The Department shall notify the public of the change in a newspaper of general circulation in the county or municipality in which the applicant's facility is or is proposed to be located.

(d) If, upon examination of the facility and investigation of persons responsible for care of children and, in the case of a foster home, taking into account information obtained for purposes of evaluating a preliminary application, if applicable, the Department is satisfied that the facility and responsible persons reasonably meet standards prescribed for the type of facility for which application is made, it shall issue a license in proper form, designating on that license the type of child care facility and, except for a child welfare agency, the number of children to be served at any one time.

(e) The Department shall not issue or renew the license of any child welfare agency providing adoption services, unless the agency (i) is officially recognized by the United States Internal Revenue Service as a tax-exempt organization described in Section 501(c)(3) of the Internal Revenue Code of 1986 (or any successor provision of federal tax law) and (ii) is in compliance with all of the standards necessary to maintain its status as an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986 (or any successor provision of federal tax law). The Department shall grant a grace period of 24 months from the effective date of this amendatory Act of the 94th General Assembly for existing

child welfare agencies providing adoption services to obtain 501(c)(3) status. The Department shall permit an existing child welfare agency that converts from its current structure in order to be recognized as a 501(c)(3) organization as required by this Section to either retain its current license or transfer its current license to a newly formed entity, if the creation of a new entity is required in order to comply with this Section, provided that the child welfare agency demonstrates that it continues to meet all other licensing requirements and that the principal officers and directors and programs of the converted child welfare agency or newly organized child welfare agency are substantially the same as the original. The Department shall have the sole discretion to grant a one year extension to any agency unable to obtain 501(c)(3) status within the timeframe specified in this subsection (e), provided that such agency has filed an application for 501(c)(3) status with the Internal Revenue Service within the 2-year timeframe specified in this subsection (e).

(Source: P.A. 101-63, eff. 7-12-19; 102-763, eff. 1-1-23.)

(225 ILCS 10/4.01 new)

Sec. 4.01. License requirement; application; notice; Department of Early Childhood.

(a) Any person, group of persons or corporation who or which receives children or arranges for care of one or more

children unrelated to the operator must apply for a license to operate one of the types of facilities defined in Sections 2.09, 2.18, and 2.20.

(b) Application for a license to operate a day care center, day care home, or group day care home must be made to the Department of Early Childhood in the manner and on forms prescribed by it.

(c) If, upon examination of the facility and investigation of persons responsible for care of children, the Department of Early Childhood is satisfied that the facility and responsible persons reasonably meet standards prescribed for the type of facility for which application is made, it shall issue a license in proper form, designating on that license the type of child care facility and the number of children to be served at any one time.

(225 ILCS 10/4.1) (from Ch. 23, par. 2214.1)

Sec. 4.1. Criminal background investigations. The Department of Children and Family Services or the Department of Early Childhood shall require that each child care facility license applicant under the agencies' respective authority as part of the application process, and each employee and volunteer of a child care facility or non-licensed service provider, as a condition of employment, authorize an investigation to determine if such applicant, employee, or volunteer has ever been charged with a crime and if so, the

disposition of those charges; this authorization shall indicate the scope of the inquiry and the agencies which may be contacted. Upon this authorization, the Director shall request and receive information and assistance from any federal, State or local governmental agency as part of the authorized investigation. Each applicant, employee, or volunteer of a child care facility or non-licensed service provider shall submit the applicant's, employee's, or volunteer's fingerprints to the Illinois State Police in the form and manner prescribed by the Illinois State Police. These fingerprints shall be checked against the fingerprint records now and hereafter filed in the Illinois State Police and Federal Bureau of Investigation criminal history records databases. The Illinois State Police shall charge a fee for conducting the criminal history records check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the records check. The Illinois State Police shall provide information concerning any criminal charges, and their disposition, now or hereafter filed, against an applicant, employee, or volunteer of a child care facility or non-licensed service provider upon request of the Department of Children and Family Services or the Department of Early Childhood when the request is made in the form and manner required by the Illinois State Police.

Information concerning convictions of a license applicant, employee, or volunteer of a child care facility or

non-licensed service provider investigated under this Section, including the source of the information and any conclusions or recommendations derived from the information, shall be provided, upon request, to such applicant, employee, or volunteer of a child care facility or non-licensed service provider prior to final action by the Department of Children and Family Services or the Department of Early Childhood under the agencies' respective authority on the application. State conviction information provided by the Illinois State Police regarding employees, prospective employees, or volunteers of non-licensed service providers and child care facilities licensed under this Act shall be provided to the operator of such facility, and, upon request, to the employee, prospective employee, or volunteer of a child care facility or non-licensed service provider. Any information concerning criminal charges and the disposition of such charges obtained by the Department of Children and Family Services or the Department of Early Childhood shall be confidential and may not be transmitted outside the Department of Children and Family Services or the Department of Early Childhood, except as required herein, and may not be transmitted to anyone within the Department of Children and Family Services or the Department of Early Childhood except as needed for the purpose of evaluating an application or an employee or volunteer of a child care facility or non-licensed service provider. Only information and standards which bear a reasonable and rational

relation to the performance of a child care facility shall be used by the Department of Children and Family Services or the Department of Early Childhood or any licensee. Any employee of the Department of Children and Family Services, Department of Early Childhood, Illinois State Police, or a child care facility receiving confidential information under this Section who gives or causes to be given any confidential information concerning any criminal convictions of an applicant, employee, or volunteer of a child care facility or non-licensed service provider, shall be guilty of a Class A misdemeanor unless release of such information is authorized by this Section.

A child care facility may hire, on a probationary basis, any employee or volunteer of a child care facility or non-licensed service provider authorizing a criminal background investigation under this Section, pending the result of such investigation. Employees and volunteers of a child care facility or non-licensed service provider shall be notified prior to hiring that such employment may be terminated on the basis of criminal background information obtained by the facility.

(Source: P.A. 102-538, eff. 8-20-21; 103-22, eff. 8-8-23.)

(225 ILCS 10/4.2a new)

Sec. 4.2a. License eligibility; Department of Early Childhood.

(a) No applicant may receive a license from the Department

of Early Childhood and no person may be employed by a licensed child care facility who refuses to authorize an investigation as required by Section 4.1.

(b) In addition to the other provisions of this Section, no applicant may receive a license from the Department of Early Childhood and no person may be employed by a child care facility licensed by the Department of Early Childhood who has been declared a sexually dangerous person under the Sexually Dangerous Persons Act, or convicted of committing or attempting to commit any of the following offenses stipulated under the Criminal Code of 1961 or the Criminal Code of 2012:

(1) murder;

(1.1) solicitation of murder;

(1.2) solicitation of murder for hire;

(1.3) intentional homicide of an unborn child;

(1.4) voluntary manslaughter of an unborn child;

(1.5) involuntary manslaughter;

(1.6) reckless homicide;

(1.7) concealment of a homicidal death;

(1.8) involuntary manslaughter of an unborn child;

(1.9) reckless homicide of an unborn child;

(1.10) drug-induced homicide;

(2) a sex offense under Article 11, except offenses described in Sections 11-7, 11-8, 11-12, 11-13, 11-35, 11-40, and 11-45;

(3) kidnapping;

- (3.1) aggravated unlawful restraint;
- (3.2) forcible detention;
- (3.3) harboring a runaway;
- (3.4) aiding and abetting child abduction;
- (4) aggravated kidnapping;
- (5) child abduction;
- (6) aggravated battery of a child as described in Section 12-4.3 or subdivision (b) (1) of Section 12-3.05;
- (7) criminal sexual assault;
- (8) aggravated criminal sexual assault;
- (8.1) predatory criminal sexual assault of a child;
- (9) criminal sexual abuse;
- (10) aggravated sexual abuse;
- (11) heinous battery as described in Section 12-4.1 or subdivision (a) (2) of Section 12-3.05;
- (12) aggravated battery with a firearm as described in Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or (e) (4) of Section 12-3.05;
- (13) tampering with food, drugs, or cosmetics;
- (14) drug induced infliction of great bodily harm as described in Section 12-4.7 or subdivision (g) (1) of Section 12-3.05;
- (15) hate crime;
- (16) stalking;
- (17) aggravated stalking;
- (18) threatening public officials;

(19) home invasion;

(20) vehicular invasion;

(21) criminal transmission of HIV;

(22) criminal abuse or neglect of an elderly person or person with a disability as described in Section 12-21 or subsection (e) of Section 12-4.4a;

(23) child abandonment;

(24) endangering the life or health of a child;

(25) ritual mutilation;

(26) ritualized abuse of a child;

(27) an offense in any other jurisdiction the elements of which are similar and bear a substantial relationship to any of the foregoing offenses.

(b-1) In addition to the other provisions of this Section, beginning January 1, 2004, no new applicant and, on the date of licensure renewal, no current licensee may operate or receive a license from the Department of Early Childhood to operate, no person may be employed by, and no adult person may reside in a child care facility licensed by the Department of Early Childhood who has been convicted of committing or attempting to commit any of the following offenses or an offense in any other jurisdiction the elements of which are similar and bear a substantial relationship to any of the following offenses:

(I) BODILY HARM

(1) Felony aggravated assault.

(2) Vehicular endangerment.

(3) Felony domestic battery.

(4) Aggravated battery.

(5) Heinous battery.

(6) Aggravated battery with a firearm.

(7) Aggravated battery of an unborn child.

(8) Aggravated battery of a senior citizen.

(9) Intimidation.

(10) Compelling organization membership of persons.

(11) Abuse and criminal neglect of a long term care facility resident.

(12) Felony violation of an order of protection.

(II) OFFENSES AFFECTING PUBLIC HEALTH, SAFETY, AND DECENCY

(1) Felony unlawful use of weapons.

(2) Aggravated discharge of a firearm.

(3) Reckless discharge of a firearm.

(4) Unlawful use of metal piercing bullets.

(5) Unlawful sale or delivery of firearms on the premises of any school.

(6) Disarming a police officer.

(7) Obstructing justice.

(8) Concealing or aiding a fugitive.

(9) Armed violence.

(10) Felony contributing to the criminal delinquency of a juvenile.

(III) DRUG OFFENSES

- (1) Possession of more than 30 grams of cannabis.
- (2) Manufacture of more than 10 grams of cannabis.
- (3) Cannabis trafficking.
- (4) Delivery of cannabis on school grounds.
- (5) Unauthorized production of more than 5 cannabis sativa plants.
- (6) Calculated criminal cannabis conspiracy.
- (7) Unauthorized manufacture or delivery of controlled substances.
- (8) Controlled substance trafficking.
- (9) Manufacture, distribution, or advertisement of look-alike substances.
- (10) Calculated criminal drug conspiracy.
- (11) Street gang criminal drug conspiracy.
- (12) Permitting unlawful use of a building.
- (13) Delivery of controlled, counterfeit, or look-alike substances to persons under age 18, or at truck stops, rest stops, or safety rest areas, or on school property.
- (14) Using, engaging, or employing persons under 18 to deliver controlled, counterfeit, or look-alike substances.
- (15) Delivery of controlled substances.
- (16) Sale or delivery of drug paraphernalia.
- (17) Felony possession, sale, or exchange of

instruments adapted for use of a controlled substance, methamphetamine, or cannabis by subcutaneous injection.

(18) Felony possession of a controlled substance.

(19) Any violation of the Methamphetamine Control and Community Protection Act.

(b-1.5) In addition to any other provision of this Section, for applicants with access to confidential financial information or who submit documentation to support billing, the Department of Early Childhood may, in its discretion, deny or refuse to renew a license to an applicant who has been convicted of committing or attempting to commit any of the following felony offenses:

(1) financial institution fraud under Section 17-10.6 of the Criminal Code of 1961 or the Criminal Code of 2012;

(2) identity theft under Section 16-30 of the Criminal Code of 1961 or the Criminal Code of 2012;

(3) financial exploitation of an elderly person or a person with a disability under Section 17-56 of the Criminal Code of 1961 or the Criminal Code of 2012;

(4) computer tampering under Section 17-51 of the Criminal Code of 1961 or the Criminal Code of 2012;

(5) aggravated computer tampering under Section 17-52 of the Criminal Code of 1961 or the Criminal Code of 2012;

(6) computer fraud under Section 17-50 of the Criminal Code of 1961 or the Criminal Code of 2012;

(7) deceptive practices under Section 17-1 of the

Criminal Code of 1961 or the Criminal Code of 2012;

(8) forgery under Section 17-3 of the Criminal Code of 1961 or the Criminal Code of 2012;

(9) State benefits fraud under Section 17-6 of the Criminal Code of 1961 or the Criminal Code of 2012;

(10) mail fraud and wire fraud under Section 17-24 of the Criminal Code of 1961 or the Criminal Code of 2012;

(11) theft under paragraphs (1.1) through (11) of subsection (b) of Section 16-1 of the Criminal Code of 1961 or the Criminal Code of 2012.

(b-2) Notwithstanding subsection (b-1), the Department of Early Childhood may make an exception and, for a day care center, day care home, or group day care home, issue a new child care facility license to or renew the existing child care facility license of an applicant, a person employed by a child care facility, or an applicant who has an adult residing in a home child care facility who was convicted of an offense described in subsection (b-1), provided that all of the following requirements are met:

(1) The relevant criminal offense occurred more than 5 years prior to the date of application or renewal, except for drug offenses. The relevant drug offense must have occurred more than 10 years prior to the date of application or renewal, unless the applicant passed a drug test, arranged and paid for by the child care facility, no less than 5 years after the offense.

(2) The Department of Early Childhood must conduct a background check and assess all convictions and recommendations of the child care facility to determine if hiring or licensing the applicant is in accordance with Department of Early Childhood administrative rules and procedures.

(3) The applicant meets all other requirements and qualifications to be licensed as the pertinent type of child care facility under this Act and the Department of Early Childhood administrative rules.

(c) In evaluating the exception pursuant to subsection (b-2), the Department of Early Childhood must carefully review any relevant documents to determine whether the applicant, despite the disqualifying convictions, poses a substantial risk to State resources or clients. In making such a determination, the following guidelines shall be used:

(1) the age of the applicant when the offense was committed;

(2) the circumstances surrounding the offense;

(3) the length of time since the conviction;

(4) the specific duties and responsibilities necessarily related to the license being applied for and the bearing, if any, that the applicant's conviction history may have on the applicant's fitness to perform these duties and responsibilities;

(5) the applicant's employment references;

(6) the applicant's character references and any certificates of achievement;

(7) an academic transcript showing educational attainment since the disqualifying conviction;

(8) a Certificate of Relief from Disabilities or Certificate of Good Conduct; and

(9) anything else that speaks to the applicant's character.

(225 ILCS 10/4.3) (from Ch. 23, par. 2214.3)

Sec. 4.3. Child Abuse and Neglect Reports. All child care facility license applicants (other than a day care center, day care home, or group day care home) and all current and prospective employees of a child care facility (other than a day care center, day care home, or group day care home) who have any possible contact with children in the course of their duties, as a condition of such licensure or employment, shall authorize in writing on a form prescribed by the Department an investigation of the Central Register, as defined in the Abused and Neglected Child Reporting Act, to ascertain if such applicant or employee has been determined to be a perpetrator in an indicated report of child abuse or neglect.

All child care facilities (other than a day care center, day care home, or group day care home) as a condition of licensure pursuant to this Act shall maintain such information which demonstrates that all current employees and other

applicants for employment who have any possible contact with children in the course of their duties have authorized an investigation of the Central Register as hereinabove required. Only those current or prospective employees who will have no possible contact with children as part of their present or prospective employment may be excluded from provisions requiring authorization of an investigation.

Such information concerning a license applicant, employee or prospective employee obtained by the Department shall be confidential and exempt from public inspection and copying as provided under Section 7 of The Freedom of Information Act, and such information shall not be transmitted outside the Department, except as provided in the Abused and Neglected Child Reporting Act, and shall not be transmitted to anyone within the Department except as provided in the Abused and Neglected Child Reporting Act, and shall not be transmitted to anyone within the Department except as needed for the purposes of evaluation of an application for licensure or for consideration by a child care facility of an employee. Any employee of the Department of Children and Family Services under this Section who gives or causes to be given any confidential information concerning any child abuse or neglect reports about a child care facility applicant, child care facility employee, shall be guilty of a Class A misdemeanor, unless release of such information is authorized by Section 11.1 of the Abused and Neglected Child Reporting Act.

Additionally, any licensee who is informed by the Department of Children and Family Services, pursuant to Section 7.4 of the Abused and Neglected Child Reporting Act, approved June 26, 1975, as amended, that a formal investigation has commenced relating to an employee of the child care facility or any other person in frequent contact with children at the facility, shall take reasonable action necessary to insure that the employee or other person is restricted during the pendency of the investigation from contact with children whose care has been entrusted to the facility.

When a foster family home is the subject of an indicated report under the Abused and Neglected Child Reporting Act, the Department of Children and Family Services must immediately conduct a re-examination of the foster family home to evaluate whether it continues to meet the minimum standards for licensure. The re-examination is separate and apart from the formal investigation of the report. The Department must establish a schedule for re-examination of the foster family home mentioned in the report at least once a year.

(Source: P.A. 91-557, eff. 1-1-00.)

(225 ILCS 10/4.3a new)

Sec. 4.3a. Child Abuse and Neglect Reports; Department of Early Childhood. All child care facility license applicants and all current and prospective employees of a day care

center, day care home, or group day care home who have any possible contact with children in the course of their duties, as a condition of such licensure or employment, shall authorize in writing on a form prescribed by the Department of Early Childhood an investigation of the Central Register, as defined in the Abused and Neglected Child Reporting Act, to ascertain if such applicant or employee has been determined to be a perpetrator in an indicated report of child abuse or neglect. All child care facilities as a condition of licensure pursuant to this Act shall maintain such information which demonstrates that all current employees and other applicants for employment who have any possible contact with children in the course of their duties have authorized an investigation of the Central Register as hereinabove required. Only those current or prospective employees who will have no possible contact with children as part of their present or prospective employment may be excluded from provisions requiring authorization of an investigation. Such information concerning a license applicant, employee or prospective employee obtained by the Department of Early Childhood shall be confidential and exempt from public inspection and copying as provided under Section 7 of The Freedom of Information Act, and such information shall not be transmitted outside the Department of Early Childhood, except as provided in the Abused and Neglected Child Reporting Act, and shall not be transmitted to anyone within the Department of Early Childhood except as

provided in the Abused and Neglected Child Reporting Act, and shall not be transmitted to anyone within the Department of Early Childhood except as needed for the purposes of evaluation of an application for licensure or for consideration by a child care facility of an employee. Any employee of the Department of Early Childhood under this Section who gives or causes to be given any confidential information concerning any child abuse or neglect reports about a child care facility applicant or child care facility employee shall be guilty of a Class A misdemeanor, unless release of such information is authorized by Section 11.1 of the Abused and Neglected Child Reporting Act. Additionally, any licensee who is informed by the Department of Children and Family Services, pursuant to Section 7.4 of the Abused and Neglected Child Reporting Act that a formal investigation has commenced relating to an employee of the child care facility or any other person in frequent contact with children at the facility shall take reasonable action necessary to ensure that the employee or other person is restricted during the pendency of the investigation from contact with children whose care has been entrusted to the facility.

(225 ILCS 10/4.4) (from Ch. 23, par. 2214.4)

Sec. 4.4. This Section does not apply to any day care center, day care home, or group day care home. For the purposes of background investigations authorized in this Act, "license

applicant" means the operator or person with direct responsibility for daily operation of the facility to be licensed. In the case of facilities to be operated in a family home, the Department may, by rule, require that other adult residents of that home also authorize such investigations with the exception of day care homes and group day care homes.

(Source: P.A. 84-158.)

(225 ILCS 10/4.4a new)

Sec. 4.4a. Background investigations; Department of Early Childhood. For the purposes of background investigations authorized in this Act, "license applicant" means the operator or person with direct responsibility for daily operation of the day care center, day care home, or group day care home to be licensed. In the case of facilities to be operated in a family home, as related to day care homes and group day care homes, the Department of Early Childhood may, by rule, require that other adult residents of that home also authorize such investigations.

(225 ILCS 10/4.5)

Sec. 4.5. Children with disabilities; training.

(a) An owner or operator of a licensed day care home or group day care home or the onsite executive director of a licensed day care center must successfully complete a basic training course in providing care to children with

disabilities. The basic training course will also be made available on a voluntary basis to those providers who are exempt from the licensure requirements of this Act.

(b) The Department of Early Childhood ~~Children and Family Services~~ shall promulgate rules establishing the requirements for basic training in providing care to children with disabilities.

(Source: P.A. 92-164, eff. 1-1-02.)

(225 ILCS 10/5) (from Ch. 23, par. 2215)

Sec. 5. (a) This Section does not apply to any day care center, day care home, or group day care home.

In respect to child care institutions, maternity centers, child welfare agencies, ~~day care centers, day care agencies~~ and group homes, the Department, upon receiving application filed in proper order, shall examine the facilities and persons responsible for care of children therein.

(b) In respect to foster family ~~and day care~~ homes, applications may be filed on behalf of such homes by a licensed child welfare agency, by a State agency authorized to place children in foster care or by out-of-State agencies approved by the Department to place children in this State. ~~In respect to day care homes, applications may be filed on behalf of such homes by a licensed day care agency or licensed child welfare agency.~~ In applying for license in behalf of a home in which children are placed by and remain under supervision of the

applicant agency, such agency shall certify that the home and persons responsible for care of unrelated children therein, or the home and relatives, as defined in Section 2.17 of this Act, responsible for the care of related children therein, were found to be in reasonable compliance with standards prescribed by the Department for the type of care indicated.

(c) The Department shall not allow any person to examine facilities under a provision of this Act who has not passed an examination demonstrating that such person is familiar with this Act and with the appropriate standards and regulations of the Department.

(d) Licenses ~~With the exception of day care centers, day care homes, and group day care homes, licenses~~ shall be issued in such form and manner as prescribed by the Department and are valid for 4 years from the date issued, unless revoked by the Department or voluntarily surrendered by the licensee. ~~Licenses issued for day care centers, day care homes, and group day care homes shall be valid for 3 years from the date issued, unless revoked by the Department or voluntarily surrendered by the licensee.~~ When a licensee has made timely and sufficient application for the renewal of a license or a new license with reference to any activity of a continuing nature, the existing license shall continue in full force and effect for up to 30 days until the final agency decision on the application has been made. The Department may further extend the period in which such decision must be made in individual

cases for up to 30 days, but such extensions shall be only upon good cause shown.

(e) The Department may issue one 6-month permit to a newly established facility for child care to allow that facility reasonable time to become eligible for a full license. If the facility for child care is a foster family home, ~~or day care home~~ the Department may issue one 2-month permit only.

(f) The Department may issue an emergency permit to a child care facility taking in children as a result of the temporary closure for more than 2 weeks of a licensed child care facility due to a natural disaster. An emergency permit under this subsection shall be issued to a facility only if the persons providing child care services at the facility were employees of the temporarily closed facility ~~day care center~~ at the time it was closed. No investigation of an employee of a child care facility receiving an emergency permit under this subsection shall be required if that employee has previously been investigated at another child care facility. No emergency permit issued under this subsection shall be valid for more than 90 days after the date of issuance.

(g) During the hours of operation of any licensed child care facility, authorized representatives of the Department may without notice visit the facility for the purpose of determining its continuing compliance with this Act or regulations adopted pursuant thereto.

(h) (Blank) ~~Day care centers, day care homes, and group~~

~~day care homes shall be monitored at least annually by a licensing representative from the Department or the agency that recommended licensure.~~

(Source: P.A. 98-804, eff. 1-1-15.)

(225 ILCS 10/5.01 new)

Sec. 5.01. Licenses; permits; Department of Early Childhood. In respect to day care centers, the Department of Early Childhood, upon receiving application filed in proper order, shall examine the facilities and persons responsible for care of children therein.

(b) In respect to day care homes, applications may be filed on behalf of such homes by the Department of Early Childhood.

(c) The Department of Early Childhood shall not allow any person to examine facilities under a provision of this Act who has not passed an examination demonstrating that such person is familiar with this Act and with the appropriate standards and regulations of the Department of Early Childhood.

(d) Licenses issued for day care centers, day care homes, and group day care homes shall be valid for 3 years from the date issued, unless revoked by the Department of Early Childhood or voluntarily surrendered by the licensee. When a licensee has made timely and sufficient application for the renewal of a license or a new license with reference to any activity of a continuing nature, the existing license shall

continue in full force and effect for up to 30 days until the final agency decision on the application has been made. The Department of Early Childhood may further extend the period in which such decision must be made in individual cases for up to 30 days, but such extensions shall be only upon good cause shown.

(e) The Department of Early Childhood may issue one 6-month permit to a newly established facility for child care to allow that facility reasonable time to become eligible for a full license. If the facility for child care is a day care home the Department of Early Childhood may issue one 2-month permit only.

(f) The Department of Early Childhood may issue an emergency permit to a day care center taking in children as a result of the temporary closure for more than 2 weeks of a licensed child care facility due to a natural disaster. An emergency permit under this subsection shall be issued to a facility only if the persons providing child care services at the facility were employees of the temporarily closed day care center at the time it was closed. No investigation of an employee of a child care facility receiving an emergency permit under this subsection shall be required if that employee has previously been investigated at another child care facility. No emergency permit issued under this subsection shall be valid for more than 90 days after the date of issuance.

(g) During the hours of operation of any licensed day care center, day care home, or group day care home, authorized representatives of the Department of Early Childhood may without notice visit the facility for the purpose of determining its continuing compliance with this Act or rules adopted pursuant thereto.

(h) Day care centers, day care homes, and group day care homes shall be monitored at least annually by a licensing representative from the Department of Early Childhood that recommended licensure.

(225 ILCS 10/5.1) (from Ch. 23, par. 2215.1)

Sec. 5.1. (a) The Department shall ensure that no ~~day care center,~~ group home or child care institution as defined in this Act shall on a regular basis transport a child or children with any motor vehicle unless such vehicle is operated by a person who complies with the following requirements:

1. is 21 years of age or older;
2. currently holds a valid driver's license, which has not been revoked or suspended for one or more traffic violations during the 3 years immediately prior to the date of application;
3. demonstrates physical fitness to operate vehicles by submitting the results of a medical examination conducted by a licensed physician;
4. has not been convicted of more than 2 offenses

against traffic regulations governing the movement of vehicles within a 12-month ~~twelve-month~~ period;

5. has not been convicted of reckless driving or driving under the influence or manslaughter or reckless homicide resulting from the operation of a motor vehicle within the past 3 years;

6. has signed and submitted a written statement certifying that the person has not, through the unlawful operation of a motor vehicle, caused a crash which resulted in the death of any person within the 5 years immediately prior to the date of application.

However, such ~~day care centers,~~ group homes and child care institutions may provide for transportation of a child or children for special outings, functions, or purposes that are not scheduled on a regular basis without verification that drivers for such purposes meet the requirements of this Section.

(a-5) As a means of ensuring compliance with the requirements set forth in subsection (a), the Department shall implement appropriate measures to verify that every individual who is employed at a group home or child care institution meets those requirements.

For every person employed at a group home or child care institution who regularly transports children in the course of performing the person's duties, the Department must make the verification every 2 years. Upon the Department's request, the

Secretary of State shall provide the Department with the information necessary to enable the Department to make the verifications required under subsection (a).

In the case of an individual employed at a group home or child care institution who becomes subject to subsection (a) for the first time after January 1, 2007 (the effective date of Public Act 94-943) ~~this amendatory Act of the 94th General Assembly~~, the Department must make that verification with the Secretary of State before the individual operates a motor vehicle to transport a child or children under the circumstances described in subsection (a).

In the case of an individual employed at a group home or child care institution who is subject to subsection (a) on January 1, 2007 (the effective date of Public Act 94-943) ~~this amendatory Act of the 94th General Assembly~~, the Department must make that verification with the Secretary of State within 30 days after January 1, 2007 ~~that effective date~~.

If the Department discovers that an individual fails to meet the requirements set forth in subsection (a), the Department shall promptly notify the appropriate group home or child care institution.

(b) Any individual who holds a valid Illinois school bus driver permit issued by the Secretary of State pursuant to the ~~The~~ Illinois Vehicle Code, and who is currently employed by a school district or parochial school, or by a contractor with a school district or parochial school, to drive a school bus

transporting children to and from school, shall be deemed in compliance with the requirements of subsection (a).

(c) The Department may, pursuant to Section 8 of this Act, revoke the license of any ~~day care center~~, group home or child care institution that fails to meet the requirements of this Section.

(d) A group home or child care institution that fails to meet the requirements of this Section is guilty of a petty offense and is subject to a fine of not more than \$1,000. Each day that a group home or child care institution fails to meet the requirements of this Section is a separate offense.

(Source: P.A. 102-982, eff. 7-1-23; 103-22, eff. 8-8-23; revised 9-21-23.)

(225 ILCS 10/5.1a new)

Sec. 5.1a. Transportation of children; day care centers.

The Department of Early Childhood shall ensure that no day care center shall on a regular basis transport a child or children with any motor vehicle unless such vehicle is operated by a person who complies with the following requirements:

(1) is 21 years of age or older;

(2) currently holds a valid driver's license, which has not been revoked or suspended for one or more traffic violations during the 3 years immediately prior to the date of application;

(3) demonstrates physical fitness to operate vehicles by submitting the results of a medical examination conducted by a licensed physician;

(4) has not been convicted of more than 2 offenses against traffic regulations governing the movement of vehicles within a 12-month period;

(5) has not been convicted of reckless driving or driving under the influence or manslaughter or reckless homicide resulting from the operation of a motor vehicle within the past 3 years;

(6) has signed and submitted a written statement certifying that the person has not, through the unlawful operation of a motor vehicle, caused a crash which resulted in the death of any person within the 5 years immediately prior to the date of application.

However, such day care centers may provide for transportation of a child or children for special outings, functions or purposes that are not scheduled on a regular basis without verification that drivers for such purposes meet the requirements of this Section.

(b) Any individual who holds a valid Illinois school bus driver permit issued by the Secretary of State pursuant to the Illinois Vehicle Code, and who is currently employed by a school district or parochial school, or by a contractor with a school district or parochial school, to drive a school bus transporting children to and from school, shall be deemed in

compliance with the requirements of subsection (a).

(c) The Department of Early Childhood may, pursuant to Section 8a of this Act, revoke the license of any day care center that fails to meet the requirements of this Section.

(225 ILCS 10/5.2)

Sec. 5.2. Unsafe children's products; Department of Children and Family Services.

(a) A child care facility may not use or have on the premises, on or after July 1, 2000, an unsafe children's product as described in Section 15 of the Children's Product Safety Act. This subsection (a) does not apply to an antique or collectible children's product if it is not used by, or accessible to, any child in the child care facility.

(b) The Department of Children and Family Services shall notify child care facilities (other than a day care center, day care home, or group day care home), on an ongoing basis, including during the license application facility examination and during annual license monitoring visits, of the provisions of this Section and the Children's Product Safety Act and of the comprehensive list of unsafe children's products as provided and maintained by the Department of Public Health available on the Internet, as determined in accordance with that Act, in plain, non-technical language that will enable each child care facility to effectively inspect children's products and identify unsafe children's products. Subject to

availability of appropriations, the Department of Children and Family Services, in accordance with the requirements of this Section, shall establish and maintain a database on the safety of consumer products and other products or substances regulated by the Department that is: (i) publicly available; (ii) searchable; and (iii) accessible through the Internet website of the Department. Child care facilities must maintain all written information provided pursuant to this subsection in a file accessible to both facility staff and parents of children attending the facility. Child care facilities must post in prominent locations regularly visited by parents written notification of the existence of the comprehensive list of unsafe children's products available on the Internet. The Department of Children and Family Services shall adopt rules to carry out this Section.

(Source: P.A. 103-44, eff. 1-1-24.)

(225 ILCS 10/5.2a new)

Sec. 5.2a. Unsafe children's products; Department of Early Childhood.

(a) A day care center, day care home, or group day care home may not use or have on the premises an unsafe children's product as described in Section 15 of the Children's Product Safety Act. This subsection (a) does not apply to an antique or collectible children's product if it is not used by, or accessible to, any child in the day care center, day care home,

or group day care home.

(b) The Department of Early Childhood shall notify day care centers, day care homes, and group day care homes, on an ongoing basis, including during the license application facility examination and during annual license monitoring visits, of the provisions of this Section and the Children's Product Safety Act and of the comprehensive list of unsafe children's products as provided and maintained by the Department of Public Health available on the Internet, as determined in accordance with that Act, in plain, non-technical language that will enable each child care facility to effectively inspect children's products and identify unsafe children's products. Subject to availability of appropriations, the Department of Early Childhood, in accordance with the requirements of this Section, shall establish and maintain a database on the safety of consumer products and other products or substances regulated by the Department of Early Childhood that is: (i) publicly available; (ii) searchable; and (iii) accessible through the Internet website of the Department of Early Childhood. Child care facilities must maintain all written information provided pursuant to this subsection in a file accessible to both facility staff and parents of children attending the facility. Day care centers, day care homes, and group day care homes must post in prominent locations regularly visited by parents written notification of the existence of the comprehensive

list of unsafe children's products available on the Internet.
The Department of Early Childhood shall adopt rules to carry
out this Section.

(225 ILCS 10/5.8)

Sec. 5.8. Radon testing of licensed day care centers, licensed day care homes, and licensed group day care homes.

(a) Licensed ~~Effective January 1, 2013,~~ licensed day care centers, licensed day care homes, and licensed group day care homes shall have the facility tested for radon at least once every 3 years pursuant to rules established by the Illinois Emergency Management Agency.

(b) As ~~Effective January 1, 2014,~~ as part of an initial application or application for renewal of a license for day care centers, day care homes, and group day care homes, the Department of Early Childhood shall require proof the facility has been tested within the last 3 years for radon pursuant to rules established by the Illinois Emergency Management Agency.

(c) The report of the most current radon measurement shall be posted in the facility next to the license issued by the Department of Early Childhood. Copies of the report shall be provided to parents or guardians upon request.

(d) Included with the report referenced in subsection (c) shall be the following statement:

"Every parent or guardian is notified that this facility has performed radon measurements to ensure the

health and safety of the occupants. The Illinois Emergency Management Agency (IEMA) recommends that all residential homes be tested and that corrective actions be taken at levels equal to or greater than 4.0 pCi/L. Radon is a Class A human carcinogen, the leading cause of lung cancer in non-smokers, and the second leading cause of lung cancer overall. For additional information about this facility contact the licensee and for additional information regarding radon contact the IEMA Radon Program at 800-325-1245 or on the Internet at www.radon.illinois.gov."

(Source: P.A. 97-981, eff. 1-1-13.)

(225 ILCS 10/5.9)

Sec. 5.9. Lead testing of water in licensed day care centers, day care homes and group day care homes.

(a) ~~The On or before January 1, 2018,~~ the Department of Early Childhood, in consultation with the Department of Public Health, shall adopt rules that prescribe the procedures and standards to be used by the Department of Early Childhood in assessing levels of lead in water in licensed day care centers, day care homes, and group day care homes constructed on or before January 1, 2000 that serve children under the age of 6. Such rules shall, at a minimum, include provisions regarding testing parameters, the notification of sampling results, training requirements for lead exposure and

mitigation.

(b) After adoption of the rules required by subsection (a), and as part of an initial application or application for renewal of a license for day care centers, day care homes, and group day care homes, the Department shall require proof that the applicant has complied with all such rules.

(Source: P.A. 99-922, eff. 1-17-17.)

(225 ILCS 10/5.10)

Sec. 5.10. Child care limitation on expulsions. Consistent with the purposes of Public Act 100-105 ~~this amendatory Act of the 100th General Assembly~~ and the requirements therein under paragraph (7) of subsection (a) of Section 2-3.71 of the School Code, the Department of Early Childhood, in consultation with the ~~Governor's Office of Early Childhood Development and the~~ State Board of Education, shall adopt rules prohibiting the use of expulsion due to a child's persistent and serious challenging behaviors in licensed day care centers, day care homes, and group day care homes. The rulemaking shall address, at a minimum, requirements for licensees to establish intervention and transition policies, notify parents of policies, document intervention steps, and collect and report data on children transitioning out of the program.

(Source: P.A. 100-105, eff. 1-1-18.)

(225 ILCS 10/5.11)

Sec. 5.11. Plan for anaphylactic shock. The Department of Early Childhood shall require each licensed day care center, day care home, and group day care home to have a plan for anaphylactic shock to be followed for the prevention of anaphylaxis and during a medical emergency resulting from anaphylaxis. The plan should be based on the guidance and recommendations provided by the American Academy of Pediatrics relating to the management of food allergies or other allergies. The plan should be shared with parents or guardians upon enrollment at each licensed day care center, day care home, and group day care home. If a child requires specific specialized treatment during an episode of anaphylaxis, that child's treatment plan should be kept by the staff of the day care center, day care home, or group day care home and followed in the event of an emergency. Each licensed day care center, day care home, and group day care home shall have at least one staff member present at all times who has taken a training course in recognizing and responding to anaphylaxis.

(Source: P.A. 102-413, eff. 8-20-21.)

(225 ILCS 10/6) (from Ch. 23, par. 2216)

Sec. 6. (a) A licensed facility operating as a "child care institution", "maternity center", or "child welfare agency", ~~"day care agency" or "day care center"~~ must apply for renewal of its license held, the application to be made to the

Department on forms prescribed by it.

(b) The Department, a duly licensed child welfare agency or a suitable agency or person designated by the Department as its agent to do so, must re-examine every child care facility for renewal of license, including in that process the examination of the premises and records of the facility as the Department considers necessary to determine that minimum standards for licensing continue to be met, and random surveys of parents or legal guardians who are consumers of such facilities' services to assess the quality of care at such facilities. In the case of foster family homes, ~~or day care homes under the supervision of or otherwise required to be licensed by the Department, or under supervision of a licensed child welfare agency or day care agency,~~ the examination shall be made by the Department, or agency supervising such homes. If the Department is satisfied that the facility continues to maintain minimum standards which it prescribes and publishes, it shall renew the license to operate the facility.

(b-5) In the case of a quality of care concerns applicant as defined in Section 2.22a of this Act, in addition to the examination required in subsection (b) of this Section, the Department shall not renew the license of a quality of care concerns applicant unless the Department is satisfied that the foster family home does not pose a risk to children and that the foster family home will be able to meet the physical and emotional needs of children. In making this determination, the

Department must obtain and carefully review all relevant documents and shall obtain consultation from its Clinical Division as appropriate and as prescribed by Department rule and procedure. The Department has the authority to deny an application for renewal based on a record of quality of care concerns. In the alternative, the Department may (i) approve the application for renewal subject to obtaining additional information or assessments, (ii) approve the application for renewal for purposes of placing or maintaining only a particular child or children only in the foster home, or (iii) approve the application for renewal. The Department shall notify the quality of care concerns applicant of its decision and the basis for its decision in writing.

(c) If a child care facility's (other than a day care center, day care home, or group day care home) license, other than a license for a foster family home, is revoked, or if the Department refuses to renew a facility's license, the facility may not reapply for a license before the expiration of 12 months following the Department's action; provided, however, that the denial of a reapplication for a license pursuant to this subsection must be supported by evidence that the prior revocation renders the applicant unqualified or incapable of satisfying the standards and rules promulgated by the Department pursuant to this Act or maintaining a facility which adheres to such standards and rules.

(d) If a foster family home license (i) is revoked, (ii) is

surrendered for cause, or (iii) expires or is surrendered with either certain types of involuntary placement holds in place or while a licensing or child abuse or neglect investigation is pending, or if the Department refuses to renew a foster home license, the foster home may not reapply for a license before the expiration of 5 years following the Department's action or following the expiration or surrender of the license.

(Source: P.A. 99-779, eff. 1-1-17.)

(225 ILCS 10/6.1 new)

Sec. 6.1. License renewal; Department of Early Childhood.

(a) A licensed facility operating as a day care center must apply for renewal of its license held, the application to be made to the Department of Early Childhood on forms prescribed by it.

(b) The Department of Early Childhood must re-examine every day care center, day care home, and group day care home for renewal of license, including in that process the examination of the premises and records of the facility as the Department of Early Childhood considers necessary to determine that minimum standards for licensing continue to be met, and random surveys of parents or legal guardians who are consumers of such facilities' services to assess the quality of care at such facilities. In the case of day care homes under the supervision of or otherwise required to be licensed by the Department of Early Childhood, the examination shall be made

by the Department of Early Childhood. If the Department of Early Childhood is satisfied that the facility continues to maintain minimum standards which it prescribes and publishes, it shall renew the license to operate the facility.

(c) If a day care center's, day care home's, or group day care home's license is revoked, or if the Department of Early Childhood refuses to renew a day care center's, day care home's, or group day care home's license, the facility may not reapply for a license before the expiration of 12 months following the Department of Early Childhood's action; provided, however, that the denial of a reapplication for a license pursuant to this subsection must be supported by evidence that the prior revocation renders the applicant unqualified or incapable of satisfying the standards and rules promulgated by the Department of Early Childhood pursuant to this Act or maintaining a facility which adheres to such standards and rules.

(225 ILCS 10/7) (from Ch. 23, par. 2217)

Sec. 7. (a) The Department must prescribe and publish minimum standards for licensing that apply to the various types of facilities for child care defined in this Act (other than a day care center, day care home, or group day care home) and that are equally applicable to like institutions under the control of the Department and to foster family homes used by and under the direct supervision of the Department. The

Department shall seek the advice and assistance of persons representative of the various types of child care facilities in establishing such standards. The standards prescribed and published under this Act take effect as provided in the Illinois Administrative Procedure Act, and are restricted to regulations pertaining to the following matters and to any rules and regulations required or permitted by any other Section of this Act:

(1) The operation and conduct of the facility and responsibility it assumes for child care;

(2) The character, suitability and qualifications of the applicant and other persons directly responsible for the care and welfare of children served. ~~All child day care center licensees and employees who are required to report child abuse or neglect under the Abused and Neglected Child Reporting Act shall be required to attend training on recognizing child abuse and neglect, as prescribed by Department rules;~~

(3) The general financial ability and competence of the applicant to provide necessary care for children and to maintain prescribed standards;

(4) The number of individuals or staff required to insure adequate supervision and care of the children received. The standards shall provide that each child care institution, maternity center, and ~~day care center,~~ group home, ~~day care home, and group day care home~~ shall have on

its premises during its hours of operation at least one staff member certified in first aid, in the Heimlich maneuver and in cardiopulmonary resuscitation by the American Red Cross or other organization approved by rule of the Department. Child welfare agencies shall not be subject to such a staffing requirement. The Department may offer, or arrange for the offering, on a periodic basis in each community in this State in cooperation with the American Red Cross, the American Heart Association or other appropriate organization, voluntary programs to train operators of foster family homes and day care homes in first aid and cardiopulmonary resuscitation;

(5) The appropriateness, safety, cleanliness, and general adequacy of the premises, including maintenance of adequate fire prevention and health standards conforming to State laws and municipal codes to provide for the physical comfort, care, and well-being of children received;

(6) Provisions for food, clothing, educational opportunities, program, equipment and individual supplies to assure the healthy physical, mental, and spiritual development of children served;

(7) Provisions to safeguard the legal rights of children served;

(8) Maintenance of records pertaining to the admission, progress, health, and discharge of children;

~~including, for day care centers and day care homes, records indicating each child has been immunized as required by State regulations.~~ The Department shall require proof that children enrolled in a facility (other than a day care center, day care home, or group day care home) have been immunized against Haemophilus Influenzae B (HIB);

(9) Filing of reports with the Department;

(10) Discipline of children;

(11) Protection and fostering of the particular religious faith of the children served;

(12) (Blank) ~~Provisions prohibiting firearms on day care center premises except in the possession of peace officers;~~

(13) (Blank) ~~Provisions prohibiting handguns on day care home premises except in the possession of peace officers or other adults who must possess a handgun as a condition of employment and who reside on the premises of a day care home;~~

(14) (Blank) ~~Provisions requiring that any firearm permitted on day care home premises, except handguns in the possession of peace officers, shall be kept in a disassembled state, without ammunition, in locked storage, inaccessible to children and that ammunition permitted on day care home premises shall be kept in locked storage separate from that of disassembled firearms, inaccessible~~

~~to children;~~

(15) (Blank) ~~Provisions requiring notification of parents or guardians enrolling children at a day care home of the presence in the day care home of any firearms and ammunition and of the arrangements for the separate, locked storage of such firearms and ammunition;~~

(16) Provisions requiring all licensed child care facility employees who care for newborns and infants to complete training every 3 years on the nature of sudden unexpected infant death (SUID), sudden infant death syndrome (SIDS), and the safe sleep recommendations of the American Academy of Pediatrics (other than employees of a day care center, day care home, or group day care home); and

(17) With respect to foster family homes, provisions requiring the Department to review quality of care concerns and to consider those concerns in determining whether a foster family home is qualified to care for children.

~~By July 1, 2022, all licensed day care home providers, licensed group day care home providers, and licensed day care center directors and classroom staff shall participate in at least one training that includes the topics of early childhood social emotional learning, infant and early childhood mental health, early childhood trauma, or adverse childhood experiences. Current licensed providers, directors, and~~

~~classroom staff shall complete training by July 1, 2022 and shall participate in training that includes the above topics at least once every 3 years.~~

(b) If, in a facility for general child care (other than a day care center, day care home, or group day care home), there are children diagnosed as mentally ill or children diagnosed as having an intellectual or physical disability, who are determined to be in need of special mental treatment or of nursing care, or both mental treatment and nursing care, the Department shall seek the advice and recommendation of the Department of Human Services, the Department of Public Health, or both Departments regarding the residential treatment and nursing care provided by the institution.

(c) The Department shall investigate any person applying to be licensed as a foster parent to determine whether there is any evidence of current drug or alcohol abuse in the prospective foster family. The Department shall not license a person as a foster parent if drug or alcohol abuse has been identified in the foster family or if a reasonable suspicion of such abuse exists, except that the Department may grant a foster parent license to an applicant identified with an alcohol or drug problem if the applicant has successfully participated in an alcohol or drug treatment program, self-help group, or other suitable activities and if the Department determines that the foster family home can provide a safe, appropriate environment and meet the physical and

emotional needs of children.

(d) The Department, in applying standards prescribed and published, as herein provided, shall offer consultation through employed staff or other qualified persons to assist applicants and licensees (other than applicants and licensees of a day care center, day care home, or group day care home) in meeting and maintaining minimum requirements for a license and to help them otherwise to achieve programs of excellence related to the care of children served. Such consultation shall include providing information concerning education and training in early childhood development to providers of day care home services. The Department may provide or arrange for such education and training for those providers who request such assistance (other than providers at a day care center, day care home, or group day care home).

(e) The Department shall distribute copies of licensing standards to all licensees and applicants for a license (other than licensees and applicants of a day care center, day care home, or group day care home). Each licensee or holder of a permit shall distribute copies of the appropriate licensing standards and any other information required by the Department to child care facilities under its supervision. Each licensee or holder of a permit shall maintain appropriate documentation of the distribution of the standards. Such documentation shall be part of the records of the facility and subject to inspection by authorized representatives of the Department.

(f) (Blank) ~~The Department shall prepare summaries of day care licensing standards. Each licensee or holder of a permit for a day care facility shall distribute a copy of the appropriate summary and any other information required by the Department, to the legal guardian of each child cared for in that facility at the time when the child is enrolled or initially placed in the facility. The licensee or holder of a permit for a day care facility shall secure appropriate documentation of the distribution of the summary and brochure. Such documentation shall be a part of the records of the facility and subject to inspection by an authorized representative of the Department.~~

(g) The Department shall distribute to each licensee and holder of a permit copies of the licensing or permit standards applicable to such person's facility (other than a day care center, day care home, or group day care home). Each licensee or holder of a permit shall make available by posting at all times in a common or otherwise accessible area a complete and current set of licensing standards in order that all employees of the facility may have unrestricted access to such standards. All employees of the facility shall have reviewed the standards and any subsequent changes. Each licensee or holder of a permit shall maintain appropriate documentation of the current review of licensing standards by all employees. Such records shall be part of the records of the facility and subject to inspection by authorized representatives of the

Department.

(h) Any standards (other than standards of a day care center, day care home, or group day care home) involving physical examinations, immunization, or medical treatment shall include appropriate exemptions for children whose parents object thereto on the grounds that they conflict with the tenets and practices of a recognized church or religious organization, of which the parent is an adherent or member, and for children who should not be subjected to immunization for clinical reasons.

(i) (Blank) ~~The Department, in cooperation with the Department of Public Health, shall work to increase immunization awareness and participation among parents of children enrolled in day care centers and day care homes by publishing on the Department's website information about the benefits of immunization against vaccine preventable diseases, including influenza and pertussis. The information for vaccine preventable diseases shall include the incidence and severity of the diseases, the availability of vaccines, and the importance of immunizing children and persons who frequently have close contact with children. The website content shall be reviewed annually in collaboration with the Department of Public Health to reflect the most current recommendations of the Advisory Committee on Immunization Practices (ACIP). The Department shall work with day care centers and day care homes licensed under this Act to ensure that the information is~~

~~annually distributed to parents in August or September.~~

~~(j) (Blank) Any standard adopted by the Department that requires an applicant for a license to operate a day care home to include a copy of a high school diploma or equivalent certificate with the person's application shall be deemed to be satisfied if the applicant includes a copy of a high school diploma or equivalent certificate or a copy of a degree from an accredited institution of higher education or vocational institution or equivalent certificate.~~

(Source: P.A. 102-4, eff. 4-27-21; 103-22, eff. 8-8-23.)

(225 ILCS 10/7.01 new)

Sec. 7.01. Minimum standards for licensing; Department of Early Childhood.

(a) The Department of Early Childhood must prescribe and publish minimum standards for licensing that apply to day care centers, day care homes, and group day care homes. The Department of Early Childhood shall seek the advice and assistance of persons representative of day care centers, day care homes, and group day care homes in establishing such standards. The standards prescribed and published under this Act take effect as provided in the Illinois Administrative Procedure Act, and are restricted to rules pertaining to the following matters and to any rules required or permitted by any other Section of this Act:

(1) The operation and conduct of the facility and

responsibility it assumes for child care;

(2) The character, suitability and qualifications of the applicant and other persons directly responsible for the care and welfare of children served. All child day care center licensees and employees who are required to report child abuse or neglect under the Abused and Neglected Child Reporting Act shall be required to attend training on recognizing child abuse and neglect, as prescribed by Department of Early Childhood rules;

(3) The general financial ability and competence of the applicant to provide necessary care for children and to maintain prescribed standards;

(4) The number of individuals or staff required to ensure adequate supervision and care of the children received. The standards shall provide that each day care center, day care home, and group day care home shall have on its premises during its hours of operation at least one staff member certified in first aid, in the Heimlich maneuver and in cardiopulmonary resuscitation by the American Red Cross or other organization approved by rule of the Department of Early Childhood. The Department of Early Childhood may offer, or arrange for the offering, on a periodic basis in each community in this State in cooperation with the American Red Cross, the American Heart Association or other appropriate organization, voluntary programs to train operators of day care homes in

first aid and cardiopulmonary resuscitation;

(5) The appropriateness, safety, cleanliness, and general adequacy of the premises, including maintenance of adequate fire prevention and health standards conforming to State laws and municipal codes to provide for the physical comfort, care, and well-being of children received;

(6) Provisions for food, clothing, educational opportunities, program, equipment and individual supplies to ensure the healthy physical, mental, and spiritual development of children served;

(7) Provisions to safeguard the legal rights of children served;

(8) Maintenance of records pertaining to the admission, progress, health, and discharge of children, including, for day care centers and day care homes, records indicating each child has been immunized as required by State regulations. The Department of Early Childhood shall require proof that children enrolled in a facility have been immunized against Haemophilus Influenzae B (HIB);

(9) Filing of reports with the Department of Early Childhood;

(10) Discipline of children;

(11) Protection and fostering of the particular religious faith of the children served;

(12) Provisions prohibiting firearms on day care center premises except in the possession of peace officers;

(13) Provisions prohibiting handguns on day care home premises except in the possession of peace officers or other adults who must possess a handgun as a condition of employment and who reside on the premises of a day care home;

(14) Provisions requiring that any firearm permitted on day care home premises, except handguns in the possession of peace officers, shall be kept in a disassembled state, without ammunition, in locked storage, inaccessible to children and that ammunition permitted on day care home premises shall be kept in locked storage separate from that of disassembled firearms, inaccessible to children;

(15) Provisions requiring notification of parents or guardians enrolling children at a day care home of the presence in the day care home of any firearms and ammunition and of the arrangements for the separate, locked storage of such firearms and ammunition; and

(16) Provisions requiring all licensed child care facility employees who care for newborns and infants to complete training every 3 years on the nature of sudden unexpected infant death (SUID), sudden infant death syndrome (SIDS), and the safe sleep recommendations of the

American Academy of Pediatrics.

All licensed day care home providers, licensed group day care home providers, and licensed day care center directors and classroom staff shall participate in at least one training that includes the topics of early childhood social emotional learning, infant and early childhood mental health, early childhood trauma, or adverse childhood experiences. Current licensed providers, directors, and classroom staff shall complete training and shall participate in training that includes the above topics at least once every 3 years.

(b) The Department of Early Childhood, in applying standards prescribed and published, as herein provided, shall offer consultation through employed staff or other qualified persons to assist applicants and licensees in meeting and maintaining minimum requirements for a license and to help them otherwise to achieve programs of excellence related to the care of children served. Such consultation shall include providing information concerning education and training in early childhood development to providers of day care home services. The Department of Early Childhood may provide or arrange for such education and training for those providers who request such assistance.

(c) The Department of Early Childhood shall distribute copies of licensing standards to all licensees and applicants for a license. Each licensee or holder of a permit shall distribute copies of the appropriate licensing standards and

any other information required by the Department of Early Childhood to child care facilities under its supervision. Each licensee or holder of a permit shall maintain appropriate documentation of the distribution of the standards. Such documentation shall be part of the records of the facility and subject to inspection by authorized representatives of the Department of Early Childhood.

(d) The Department of Early Childhood shall prepare summaries of day care licensing standards. Each licensee or holder of a permit for a day care facility shall distribute a copy of the appropriate summary and any other information required by the Department of Early Childhood, to the legal guardian of each child cared for in that facility at the time when the child is enrolled or initially placed in the facility. The licensee or holder of a permit for a day care facility shall secure appropriate documentation of the distribution of the summary and brochure. Such documentation shall be a part of the records of the facility and subject to inspection by an authorized representative of the Department of Early Childhood.

(e) The Department of Early Childhood shall distribute to each licensee and holder of a permit copies of the licensing or permit standards applicable to such person's facility. Each licensee or holder of a permit shall make available by posting at all times in a common or otherwise accessible area a complete and current set of licensing standards in order that

all employees of the facility may have unrestricted access to such standards. All employees of the facility shall have reviewed the standards and any subsequent changes. Each licensee or holder of a permit shall maintain appropriate documentation of the current review of licensing standards by all employees. Such records shall be part of the records of the facility and subject to inspection by authorized representatives of the Department of Early Childhood.

(f) Any standards involving physical examinations, immunization, or medical treatment shall include appropriate exemptions for children whose parents object thereto on the grounds that they conflict with the tenets and practices of a recognized church or religious organization, of which the parent is an adherent or member, and for children who should not be subjected to immunization for clinical reasons.

(g) The Department of Early Childhood, in cooperation with the Department of Public Health, shall work to increase immunization awareness and participation among parents of children enrolled in day care centers and day care homes by publishing on the Department of Early Childhood's website information about the benefits of immunization against vaccine preventable diseases, including influenza and pertussis. The information for vaccine preventable diseases shall include the incidence and severity of the diseases, the availability of vaccines, and the importance of immunizing children and persons who frequently have close contact with children. The

website content shall be reviewed annually in collaboration with the Department of Public Health to reflect the most current recommendations of the Advisory Committee on Immunization Practices (ACIP). The Department of Early Childhood shall work with day care centers and day care homes licensed under this Act to ensure that the information is annually distributed to parents in August or September.

(h) Any standard adopted by the Department of Early Childhood that requires an applicant for a license to operate a day care home to include a copy of a high school diploma or equivalent certificate with the person's application shall be deemed to be satisfied if the applicant includes a copy of a high school diploma or equivalent certificate or a copy of a degree from an accredited institution of higher education or vocational institution or equivalent certificate.

(225 ILCS 10/7.2) (from Ch. 23, par. 2217.2)

Sec. 7.2. Employer discrimination.

(a) For purposes of this Section:7

"Employer" ~~"employer"~~ means a licensee or holder of a permit subject to this Act.

"Employee" means an employee of such an employer.

(b) No employer shall discharge, demote, l or suspend, or threaten to discharge, demote, l or suspend, or in any manner discriminate against any employee who:

(1) Makes any good faith oral or written complaint of

any employer's violation of any licensing or other laws (including, but not limited to, laws concerning child abuse or the transportation of children) which may result in closure of the facility pursuant to Section 11.2 or 11.3 of this Act to the Department of Children and Family Services or the Department of Early Childhood or other agency having statutory responsibility for the enforcement of such laws or to the employer or representative of the employer;

(2) Institutes or causes to be instituted against any employer any proceeding concerning the violation of any licensing or other laws, including a proceeding to revoke or to refuse to renew a license under Section 9 or 9.01 of this Act;

(3) Is or will be a witness or testify in any proceeding concerning the violation of any licensing or other laws, including a proceeding to revoke or to refuse to renew a license under Section 9 or 9.01 of this Act; or

(4) Refuses to perform work in violation of a licensing or other law or regulation after notifying the employer of the violation.

(c)(1) A claim by an employee alleging an employer's violation of subsection (b) of this Section shall be presented to the employer within 30 days after the date of the action complained of and shall be filed with the Department of Labor within 60 days after the date of the action complained of.

(2) Upon receipt of the complaint, the Department of Labor shall conduct whatever investigation it deems appropriate, and may hold a hearing. After investigation or hearing, the Department of Labor shall determine whether the employer has violated subsection (b) of this Section and it shall notify the employer and the employee of its determination.

(3) If the Department of Labor determines that the employer has violated subsection (b) of this Section, and the employer refuses to take remedial action to comply with the determination, the Department of Labor shall so notify the Attorney General, who shall bring an action against the employer in the circuit court seeking enforcement of its determination. The court may order any appropriate relief, including rehiring and reinstatement of the employee to the person's former position with backpay and other benefits.

(d) Except for any grievance procedure, arbitration, or hearing which is available to the employee pursuant to a collective bargaining agreement, this Section shall be the exclusive remedy for an employee complaining of any action described in subsection (b).

(e) Any employer who willfully refuses to rehire, promote, or otherwise restore an employee or former employee who has been determined eligible for rehiring or promotion as a result of any grievance procedure, arbitration, or hearing authorized by law shall be guilty of a Class A misdemeanor.

(Source: P.A. 103-22, eff. 8-8-23; revised 9-21-23.)

(225 ILCS 10/7.10)

Sec. 7.10. Progress report.

(a) For the purposes of this Section, "child day care licensing" or "day care licensing" means licensing of day care centers, day care homes, and group day care homes.

(b) No later than September 30th of each year, the Department of Early Childhood shall provide the General Assembly with a comprehensive report on its progress in meeting performance measures and goals related to child day care licensing.

(c) The report shall include:

(1) details on the funding for child day care licensing, including:

(A) the total number of full-time employees working on child day care licensing;

(B) the names of all sources of revenue used to support child day care licensing;

(C) the amount of expenditures that is claimed against federal funding sources;

(D) the identity of federal funding sources; and

(E) how funds are appropriated, including appropriations for line staff, support staff, supervisory staff, and training and other expenses and the funding history of such licensing since fiscal year 2010;

(2) current staffing qualifications of day care licensing representatives and day care licensing supervisors in comparison with staffing qualifications specified in the job description;

(3) data history for fiscal year 2010 to the current fiscal year on day care licensing representative caseloads and staffing levels in all areas of the State;

(4) per the DCFS Child Day Care Licensing Advisory Council's work plan, quarterly data on the following measures:

(A) the percentage of new applications disposed of within 90 days;

(B) the percentage of licenses renewed on time;

(C) the percentage of day care centers receiving timely annual monitoring visits;

(D) the percentage of day care homes receiving timely annual monitoring visits;

(E) the percentage of group day care homes receiving timely annual monitoring visits;

(F) the percentage of provider requests for supervisory review;

(G) the progress on adopting a key indicator system;

(H) the percentage of complaints disposed of within 30 days;

(I) the average number of days a day care center

applicant must wait to attend a licensing orientation;

(J) the number of licensing orientation sessions available per region in the past year; and

(K) the number of Department of Early Childhood trainings related to licensing and child development available to providers in the past year; and

(5) efforts to coordinate with the Department of Human Services and the State Board of Education on professional development, credentialing issues, and child developers, including training registry, child developers, and Quality Rating and Improvement Systems (QRIS).

(d) The Department of Early Childhood shall work with the Governor's appointed Early Learning Council on issues related to and concerning child day care.

(Source: P.A. 97-1096, eff. 8-24-12; 98-839, eff. 1-1-15.)

(225 ILCS 10/8) (from Ch. 23, par. 2218)

Sec. 8. The Department may revoke or refuse to renew the license of any child care facility (other than a day care center, day care home, or group day care home) or child welfare agency or refuse to issue full license to the holder of a permit should the licensee or holder of a permit:

(1) fail to maintain standards prescribed and published by the Department;

(2) violate any of the provisions of the license issued;

(3) furnish or make any misleading or any false statement or report to the Department;

(4) refuse to submit to the Department any reports or refuse to make available to the Department any records required by the Department in making investigation of the facility for licensing purposes;

(5) fail or refuse to submit to an investigation by the Department;

(6) fail or refuse to admit authorized representatives of the Department at any reasonable time for the purpose of investigation;

(7) fail to provide, maintain, equip and keep in safe and sanitary condition premises established or used for child care as required under standards prescribed by the Department, or as otherwise required by any law, regulation or ordinance applicable to the location of such facility;

(8) refuse to display its license or permit;

(9) be the subject of an indicated report under Section 3 of the Abused and Neglected Child Reporting Act or fail to discharge or sever affiliation with the child care facility of an employee or volunteer at the facility with direct contact with children who is the subject of an indicated report under Section 3 of that Act;

(10) fail to comply with the provisions of Section 7.1;

(11) fail to exercise reasonable care in the hiring, training and supervision of facility personnel;

(12) fail to report suspected abuse or neglect of children within the facility, as required by the Abused and Neglected Child Reporting Act;

(12.5) fail to comply with subsection (c-5) of Section 7.4;

(13) fail to comply with Section 5.1 or 5.2 of this Act; or

(14) be identified in an investigation by the Department as a person with a substance use disorder, as defined in the Substance Use Disorder Act, or be a person whom the Department knows has abused alcohol or drugs, and has not successfully participated in treatment, self-help groups or other suitable activities, and the Department determines that because of such abuse the licensee, holder of the permit, or any other person directly responsible for the care and welfare of the children served, does not comply with standards relating to character, suitability or other qualifications established under Section 7 of this Act.

(Source: P.A. 100-759, eff. 1-1-19.)

(225 ILCS 10/8a new)

Sec. 8a. Grounds for revocation or refusal to renew license; Department of Early Childhood. The Department of

Early Childhood may revoke or refuse to renew the license of any day care center, day care home, or group day care home or refuse to issue full license to the holder of a permit should the licensee or holder of a permit:

(1) fail to maintain standards prescribed and published by the Department of Early Childhood;

(2) violate any of the provisions of the license issued;

(3) furnish or make any misleading or any false statement or report to the Department of Early Childhood;

(4) refuse to submit Department of Early Childhood any reports or refuse to make available Department of Early Childhood any records required by the Department of Early Childhood in making investigation of the facility for licensing purposes;

(5) fail or refuse to submit to an investigation by the Department of Early Childhood;

(6) fail or refuse to admit authorized representatives of the Department of Early Childhood at any reasonable time for the purpose of investigation;

(7) fail to provide, maintain, equip and keep in safe and sanitary condition premises established or used for child care as required under standards prescribed by the Department of Early Childhood or as otherwise required by any law, regulation or ordinance applicable to the location of such facility;

(8) refuse to display its license or permit;

(9) be the subject of an indicated report under Section 3 of the Abused and Neglected Child Reporting Act or fail to discharge or sever affiliation with the day care center, day care home, or group day care home of an employee or volunteer at the day care center, day care home, or group day care home with direct contact with children who is the subject of an indicated report under Section 3 of that Act;

(10) fail to comply with the provisions of Section 7.1;

(11) fail to exercise reasonable care in the hiring, training and supervision of facility personnel;

(12) fail to report suspected abuse or neglect of children within the facility, as required by the Abused and Neglected Child Reporting Act;

(12.5) fail to comply with subsection (c-5) of Section 7.4;

(13) fail to comply with Section 5.1 or 5.2 of this Act; or

(14) be identified in an investigation by the Department of Early Childhood as a person with a substance use disorder, as defined in the Substance Use Disorder Act, or be a person whom the Department of Early Childhood knows has abused alcohol or drugs, and has not successfully participated in treatment, self-help groups

or other suitable activities, and the Department of Early Childhood determines that because of such abuse the licensee, holder of the permit, or any other person directly responsible for the care and welfare of the children served, does not comply with standards relating to character, suitability or other qualifications established under Section 7.01 of this Act.

(225 ILCS 10/8.1) (from Ch. 23, par. 2218.1)

Sec. 8.1. The Department shall revoke or refuse to renew the license of any child care facility (other than a day care center, day care home, or group day care home) or refuse to issue a full license to the holder of a permit should the licensee or holder of a permit:

(1) fail to correct any condition which jeopardizes the health, safety, morals, or welfare of children served by the facility;

(2) fail to correct any condition or occurrence relating to the operation or maintenance of the facility comprising a violation under Section 8 of this Act; or

(3) fail to maintain financial resources adequate for the satisfactory care of children served in regard to upkeep of premises, and provisions for personal care, medical services, clothing, education and other essentials in the proper care, rearing and training of children.

(Source: P.A. 83-1362.)

(225 ILCS 10/8.1a new)

Sec. 8.1a. Other grounds for revocation or refusal to renew license; Department of Early Childhood. The Department of Early Childhood shall revoke or refuse to renew the license of any day care center, day care home, or group day care home or refuse to issue a full license to the holder of a permit should the licensee or holder of a permit:

(1) fail to correct any condition which jeopardizes the health, safety, morals, or welfare of children served by the facility;

(2) fail to correct any condition or occurrence relating to the operation or maintenance of the facility comprising a violation under Section 8a of this Act; or

(3) fail to maintain financial resources adequate for the satisfactory care of children served in regard to upkeep of premises, and provisions for personal care, medical services, clothing, education and other essentials in the proper care, rearing and training of children.

(225 ILCS 10/8.2) (from Ch. 23, par. 2218.2)

Sec. 8.2. The Department may issue a conditional license to any child care facility (other than a day care center, day care home, or group day care home) which currently is licensed under this Act. The conditional license shall be a nonrenewable license for a period of 6 months and the

Department shall revoke any other license held by the conditionally licensed facility. Conditional licenses shall only be granted to facilities where no threat to the health, safety, morals or welfare of the children served exists. A complete listing of deficiencies and a corrective plan approved by the Department shall be in existence at the time a conditional license is issued. Failure by the facility to correct the deficiencies or meet all licensing standards at the end of the conditional license period shall result in immediate revocation of or refusal to renew the facility's license as provided in Section 8.1 of this Act.

(Source: P.A. 85-216.)

(225 ILCS 10/8.2a new)

Sec. 8.2a. Conditional license; Department of Early Childhood. The Department of Early Childhood may issue a conditional license to any day care center, day care home, or group day care home which currently is licensed under this Act. The conditional license shall be a nonrenewable license for a period of 6 months and the Department of Early Childhood shall revoke any other license held by the conditionally licensed facility. Conditional licenses shall only be granted to facilities where no threat to the health, safety, morals or welfare of the children served exists. A complete listing of deficiencies and a corrective plan approved by the Department of Early Childhood shall be in existence at the time a

conditional license is issued. Failure by the facility to correct the deficiencies or meet all licensing standards at the end of the conditional license period shall result in immediate revocation of or refusal to renew the facility's license as provided in Section 8.1a of this Act.

(225 ILCS 10/8.5)

Sec. 8.5. Reporting suspected abuse or neglect; Department of Children and Family Services. The Department shall address through rules and procedures the failure of individual staff at child care facilities (other than a day care center, day care home, or group day care home) or child welfare agencies to report suspected abuse or neglect of children within the child care facility as required by the Abused and Neglected Child Reporting Act.

The rules and procedures shall include provisions for when the Department learns of the child care facility's staff's failure to report suspected abuse or neglect of children and the actions the Department will take to (i) ensure that the child care facility takes immediate action with the individual staff involved and (ii) investigate whether the failure to report suspected abuse and neglect was a single incident or part of a larger incident involving additional staff members who failed to report, or whether the failure to report suspected abuse and neglect is a system-wide problem within the child care facility or child welfare agency. The rules and

procedures shall also include the use of corrective action plans and the use of supervisory teams to review staff and facility understanding of their reporting requirements.

The Department shall adopt rules by July 1, 2016.

(Source: P.A. 99-350, eff. 1-1-16.)

(225 ILCS 10/8.6 new)

Sec. 8.6. Reporting suspected abuse or neglect; Department of Early Childhood. The Department of Early Childhood shall address through rules and procedures the failure of individual staff at day care centers, day care homes, and group day care homes to report suspected abuse or neglect of children within the child care facility as required by the Abused and Neglected Child Reporting Act.

The rules and procedures shall include provisions for when the Department of Early Childhood learns of the child care facility's staff's failure to report suspected abuse or neglect of children and the actions the Department of Early Childhood will take to (i) ensure that the child care facility takes immediate action with the individual staff involved and (ii) investigate whether the failure to report suspected abuse and neglect was a single incident or part of a larger incident involving additional staff members who failed to report, or whether the failure to report suspected abuse and neglect is a system-wide problem within the child care facility. The rules and procedures shall also include the use of corrective action

plans and the use of supervisory teams to review staff and facility understanding of their reporting requirements.

The Department of Early Childhood shall adopt rules to administer this Section.

(225 ILCS 10/9) (from Ch. 23, par. 2219)

Sec. 9. Prior to revocation or refusal to renew a license (other than a license of a day care center, day care home, or group day care home), the Department shall notify the licensee by registered mail with postage prepaid, at the address specified on the license, or at the address of the ranking or presiding officer of a board of directors, or any equivalent body conducting a child care facility, of the contemplated action and that the licensee may, within 10 days of such notification, dating from the postmark of the registered mail, request in writing a public hearing before the Department, and, at the same time, may request a written statement of charges from the Department.

(a) Upon written request by the licensee, the Department shall furnish such written statement of charges, and, at the same time, shall set the date and place for the hearing. The charges and notice of the hearing shall be delivered by registered mail with postage prepaid, and the hearing must be held within 30 days, dating from the date of the postmark of the registered mail, except that notification must be made at least 15 days in advance of the date set for the hearing.

(b) If no request for a hearing is made within 10 days after notification, or if the Department determines, upon holding a hearing, that the license should be revoked or renewal denied, then the license shall be revoked or renewal denied.

(c) Upon the hearing of proceedings in which the license is revoked, renewal of license is refused or full license is denied, the Director of the Department, or any officer or employee duly authorized by the Director in writing, may administer oaths and the Department may procure, by its subpoena, the attendance of witnesses and the production of relevant books and papers.

(d) At the time and place designated, the Director of the Department or the officer or employee authorized by the Director in writing, shall hear the charges, and both the Department and the licensee shall be allowed to present in person or by counsel such statements, testimony and evidence as may be pertinent to the charges or to the defense thereto. The hearing officer may continue such hearing from time to time, but not to exceed a single period of 30 days, unless special extenuating circumstances make further continuance feasible.

(Source: P.A. 103-22, eff. 8-8-23.)

(225 ILCS 10/9.01 new)

Sec. 9.01. Revocation or refusal to renew a license;

Department of Early Childhood. Prior to revocation or refusal to renew a license of a day care center, day care home, or group day care home, the Department of Early Childhood shall notify the licensee by registered mail with postage prepaid, at the address specified on the license, or at the address of the ranking or presiding officer of a board of directors, or any equivalent body conducting a day care center, day care home, or group day care home, of the contemplated action and that the licensee may, within 10 days of such notification, dating from the postmark of the registered mail, request in writing a public hearing before the Department of Early Childhood, and, at the same time, may request a written statement of charges from the Department of Early Childhood.

(a) Upon written request by the licensee, the Department of Early Childhood shall furnish such written statement of charges, and, at the same time, shall set the date and place for the hearing. The charges and notice of the hearing shall be delivered by registered mail with postage prepaid, and the hearing must be held within 30 days, dating from the date of the postmark of the registered mail, except that notification must be made at least 15 days in advance of the date set for the hearing.

(b) If no request for a hearing is made within 10 days after notification, or if the Department of Early Childhood determines, upon holding a hearing, that the license should be revoked or renewal denied, then the license shall be revoked

or renewal denied.

(c) Upon the hearing of proceedings in which the license is revoked, renewal of license is refused, or full license is denied, the Secretary of Early Childhood, or any officer or employee duly authorized by the Secretary in writing, may administer oaths and the Department of Early Childhood may procure, by its subpoena, the attendance of witnesses and the production of relevant books and papers.

(d) At the time and place designated, the Secretary of Early Childhood or the officer or employee authorized by the Secretary in writing shall hear the charges, and both the Department of Early Childhood and the licensee shall be allowed to present in person or by counsel such statements, testimony, and evidence as may be pertinent to the charges or to the defense thereto. The hearing officer may continue such hearing from time to time, but not to exceed a single period of 30 days, unless special extenuating circumstances make further continuance feasible.

(225 ILCS 10/9.1) (from Ch. 23, par. 2219.1)

Sec. 9.1. Before the Department of Children and Family Services or the Department of Early Childhood initiates a full-scale investigation of any complaint received regarding a child care facility the Department may, when appropriate, provide procedures for the substantiation of the complaint.

(Source: P.A. 87-265.)

(225 ILCS 10/9.1c)

Sec. 9.1c. Public database of day care homes, group day care homes, and day care centers; license status. ~~The No later than July 1, 2018, the~~ Department of Early Childhood shall establish and maintain on its official website a searchable database, freely accessible to the public, that provides the following information on each day care home, group day care home, and day care center licensed by the Department of Early Childhood: whether, within the past 5 years, the day care home, group day care home, or day care center has had its license revoked by or surrendered to the Department of Children and Family Services or the Department of Early Childhood during a child abuse or neglect investigation or its application for a renewal of its license was denied by the Department of Children and Family Services or the Department of Early Childhood, and, if so, the dates upon which the license was revoked by or surrendered to the Department of Children and Family Services or the Department of Early Childhood or the application for a renewal of the license was denied by the Department of Children and Family Services or the Department of Early Childhood. The Department of Early Childhood may adopt any rules necessary to implement this Section. Nothing in this Section shall be construed to allow or authorize the Department of Early Childhood to release or disclose any information that is prohibited from public

disclosure under this Act or under any other State or federal law.

(Source: P.A. 100-52, eff. 1-1-18.)

(225 ILCS 10/9.2)

Sec. 9.2. Toll free number; day care information. The Department of Children and Family Services and the Department of Early Childhood shall establish and maintain ~~a~~ statewide toll-free telephone numbers ~~number~~ that all persons may use to inquire about the past history and record of a day care facility operating in this State under the jurisdiction of each of the Departments. The past history and record shall include, but shall not be limited to, Department substantiated complaints by each Department against a day care facility and ~~Department~~ staff findings by each Department of license violations by a day care facility. Information disclosed in accordance with this Section shall be subject to the confidentiality requirements provided in this Act.

(Source: P.A. 90-671, eff. 1-1-99.)

(225 ILCS 10/10) (from Ch. 23, par. 2220)

Sec. 10. Any circuit court, upon application either of the person requesting a hearing or of the Department of Children and Family Services or the Department of Early Childhood, may require the attendance of witnesses and the production of relevant books and papers before the Department of Children

and Family Services or the Department of Early Childhood in any hearing relating to the refusal or revocation of licenses. The refusal or neglect to obey the order of the court compelling the attendance or production, is punishable as in other cases of contempt.

(Source: P.A. 83-334.)

(225 ILCS 10/11) (from Ch. 23, par. 2221)

Sec. 11. Whenever the Department of Children and Family Services or the Department of Early Childhood is advised, or has reason to believe, that any person, group of persons or corporation is operating a child welfare agency or a child care facility without a license or permit, it shall make an investigation to ascertain the facts. If the Department is denied access, it shall request intervention of local, county or State law enforcement agencies to seek an appropriate court order or warrant to examine the premises. A person or entity preventing the Department of Children and Family Services or the Department of Early Childhood from carrying out its duties under this Section shall be guilty of a violation of this Act and shall be subject to such penalties related thereto. If the Department of Children and Family Services or the Department of Early Childhood ~~it~~ finds that the child welfare agency or child care facility is being, or has been operated without a license or permit, it shall report the results of its investigation to the Attorney General, and to the appropriate

State's Attorney for investigation and, if appropriate, prosecution.

Operating a child welfare agency or child care facility without a license constitutes a Class A misdemeanor, followed by a business offense, if the operator continues to operate the facility and no effort is made to obtain a license. The business offense fine shall not exceed \$10,000 and each day of a violation is a separate offense.

(Source: P.A. 94-586, eff. 8-15-05.)

(225 ILCS 10/11.1) (from Ch. 23, par. 2221.1)

Sec. 11.1. Referrals to law enforcement.

(a) If the Department of Children and Family Services or the Department of Early Childhood has reasonable cause to believe that any person, group of persons, corporation, agency, association, organization, institution, center, or group is engaged or about to engage in any acts or practices that constitute or will constitute a violation of this Act, the Department shall inform the Attorney General or the State's Attorney of the appropriate county, who may initiate the appropriate civil or criminal proceedings. Upon a proper showing, any circuit court may enter a permanent or preliminary injunction or temporary restraining order without bond to enforce this Act or any rule or regulation prescribed thereunder in addition to the penalties and other remedies provided in this Act.

(b) If the Department has reasonable cause to believe that any person, group of persons, corporation, agency, association, organization, institution, center, or group is engaged or is about to engage in any act or practice that constitutes or may constitute a violation of any rule adopted under the authority of this Act, the Department may inform the Attorney General or the State's Attorney of the appropriate county, who may initiate the appropriate civil or criminal proceedings. Upon a proper showing, any circuit court may enter a permanent or preliminary injunction or temporary restraining order without bond to enforce this Act or any rule prescribed under this Act, in addition to the penalties and other remedies provided in this Act.

(Source: P.A. 94-586, eff. 8-15-05.)

(225 ILCS 10/11.1a new)

Sec. 11.1a. Referrals to law enforcement; Department of Early Childhood.

(a) If the Department of Early Childhood has reasonable cause to believe that any person, group of persons, corporation, agency, association, organization, institution, center, or group is engaged or about to engage in any acts or practices that constitute or will constitute a violation of this Act, the Department of Early Childhood shall inform the Attorney General or the State's Attorney of the appropriate county, who may initiate the appropriate civil or criminal

proceedings. Upon a proper showing, any circuit court may enter a permanent or preliminary injunction or temporary restraining order without bond to enforce this Act or any rule or regulation prescribed thereunder in addition to the penalties and other remedies provided in this Act.

(b) If the Department of Early Childhood has reasonable cause to believe that any person, group of persons, corporation, agency, association, organization, institution, center, or group is engaged or is about to engage in any act or practice that constitutes or may constitute a violation of any rule adopted under the authority of this Act, the Department of Early Childhood may inform the Attorney General or the State's Attorney of the appropriate county, who may initiate the appropriate civil or criminal proceedings. Upon a proper showing, any circuit court may enter a permanent or preliminary injunction or temporary restraining order without bond to enforce this Act or any rule prescribed under this Act, in addition to the penalties and other remedies provided in this Act.

(225 ILCS 10/11.2) (from Ch. 23, par. 2221.2)

Sec. 11.2. Whenever the Department expressly finds that the continued operation of a child care facility, including such facilities defined in Section 2.10 and unlicensed facilities, jeopardizes the health, safety, morals, or welfare of children served by the facility, the Department shall issue

an order of closure directing that the operation of the facility terminate immediately, and, if applicable, shall initiate revocation proceedings under Section 9 within ten working days. A facility closed under this Section may not operate during the pendency of any proceeding for the judicial review of the decision of the Department to issue an order of closure or to revoke or refuse to renew the license, except under court order.

This Section does not apply to unlicensed facilities that qualify for an exemption under Section 2.10, day care centers, day care homes, and group day care homes.

(Source: P.A. 85-216.)

(225 ILCS 10/11.3 new)

Sec. 11.3. Order of closure; Department of Early Childhood. Whenever the Department of Early Childhood expressly finds that the continued operation of a day care center, day care home, or group day care home, including a facility defined in Section 2.10 and an unlicensed facility, jeopardizes the health, safety, morals, or welfare of children served by the facility, the Department of Early Childhood shall issue an order of closure directing that the operation of the facility terminate immediately, and, if applicable, shall initiate revocation proceedings under Section 9.01 within 10 working days. A facility closed under this Section may not operate during the pendency of any proceeding for the

judicial review of the decision of the Department of Early Childhood to issue an order of closure or to revoke or refuse to renew the license, except under court order.

(225 ILCS 10/12) (from Ch. 23, par. 2222)

Sec. 12. Advertisements; Department of Children and Family Services.

(a) In this Section, "advertise" means communication by any public medium originating or distributed in this State, including, but not limited to, newspapers, periodicals, telephone book listings, outdoor advertising signs, radio, or television.

(b) With the exception of day care centers, day care homes, and group day care homes, a ~~A~~ child care facility or child welfare agency licensed or operating under a permit issued by the Department may publish advertisements for the services that the facility is specifically licensed or issued a permit under this Act to provide. A person, group of persons, agency, association, organization, corporation, institution, center, or group who advertises or causes to be published any advertisement offering, soliciting, or promising to perform adoption services as defined in Section 2.24 of this Act is guilty of a Class A misdemeanor and shall be subject to a fine not to exceed \$10,000 or 9 months imprisonment for each advertisement, unless that person, group of persons, agency, association, organization, corporation, institution, center,

or group is (i) licensed or operating under a permit issued by the Department as a child care facility or child welfare agency, (ii) a birth parent or a prospective adoptive parent acting on the birth parent's or prospective adoptive parent's own behalf, or (iii) a licensed attorney advertising the licensed attorney's availability to provide legal services relating to adoption, as permitted by law.

(c) Every advertisement published after the effective date of this amendatory Act of the 94th General Assembly shall include the Department-issued license number of the facility or agency.

(d) Any licensed child welfare agency providing adoption services that, after the effective date of this amendatory Act of the 94th General Assembly, causes to be published an advertisement containing reckless or intentional misrepresentations concerning adoption services or circumstances material to the placement of a child for adoption is guilty of a Class A misdemeanor and is subject to a fine not to exceed \$10,000 or 9 months imprisonment for each advertisement.

(e) An out-of-state agency that is not licensed in Illinois and that has a written interagency agreement with one or more Illinois licensed child welfare agencies may advertise under this Section, provided that (i) the out-of-state agency must be officially recognized by the United States Internal Revenue Service as a tax-exempt organization under 501(c)(3)

of the Internal Revenue Code of 1986 (or any successor provision of federal tax law), (ii) the out-of-state agency provides only international adoption services and is covered by the Intercountry Adoption Act of 2000, (iii) the out-of-state agency displays, in the advertisement, the license number of at least one of the Illinois licensed child welfare agencies with which it has a written agreement, and (iv) the advertisements pertain only to international adoption services. Subsection (d) of this Section shall apply to any out-of-state agencies described in this subsection (e).

(f) An advertiser, publisher, or broadcaster, including, but not limited to, newspapers, periodicals, telephone book publishers, outdoor advertising signs, radio stations, or television stations, who knowingly or recklessly advertises or publishes any advertisement offering, soliciting, or promising to perform adoption services, as defined in Section 2.24 of this Act, on behalf of a person, group of persons, agency, association, organization, corporation, institution, center, or group, not authorized to advertise under subsection (b) or subsection (e) of this Section, is guilty of a Class A misdemeanor and is subject to a fine not to exceed \$10,000 or 9 months imprisonment for each advertisement.

(g) The Department shall maintain a website listing child welfare agencies licensed by the Department that provide adoption services and other general information for birth parents and adoptive parents. The website shall include, but

not be limited to, agency addresses, phone numbers, e-mail addresses, website addresses, annual reports as referenced in Section 7.6 of this Act, agency license numbers, the Birth Parent Bill of Rights, the Adoptive Parents Bill of Rights, and the Department's complaint registry established under Section 9.1a of this Act. The Department shall adopt any rules necessary to implement this Section.

(h) ~~(Blank) Nothing in this Act shall prohibit a day care agency, day care center, day care home, or group day care home that does not provide or perform adoption services, as defined in Section 2.24 of this Act, from advertising or marketing the day care agency, day care center, day care home, or group day care home.~~

(Source: P.A. 103-22, eff. 8-8-23.)

(225 ILCS 10/12.1 new)

Sec. 12.1. Advertisements; Department of Early Childhood.

(a) In this Section, "advertise" means communication by any public medium originating or distributed in this State, including, but not limited to, newspapers, periodicals, telephone book listings, outdoor advertising signs, radio, or television.

(b) A day care center, day care home, or group day care home licensed or operating under a permit issued by the Department of Early Childhood may publish advertisements for the services that the day care center, day care home, or group

day care home is specifically licensed or issued a permit under this Act to provide. A person, group of persons, agency, association, organization, corporation, institution, center, or group that advertises or causes to be published any advertisement offering, soliciting, or promising to perform adoption services as defined in Section 2.24 of this Act is guilty of a Class A misdemeanor and shall be subject to a fine not to exceed \$10,000 or 9 months' imprisonment for each advertisement, unless that person, group of persons, agency, association, organization, corporation, institution, center, or group is licensed or operating under a permit issued by Department of Early Childhood as a day care center, day care home, or group day care home, as permitted by law.

(c) Every advertisement published after the effective date of this amendatory Act of the 103rd General Assembly shall include the Department of Early Childhood license number of the facility or agency.

(225 ILCS 10/15) (from Ch. 23, par. 2225)

Sec. 15. With the exception of day care centers, day care homes, and group day care homes, every ~~Every~~ child care facility must keep and maintain such records as the Department may prescribe pertaining to the admission, progress, health and discharge of children under the care of the facility and shall report relative thereto to the Department whenever called for, upon forms prescribed by the Department. All

records regarding children and all facts learned about children and their relatives must be kept confidential both by the child care facility and by the Department.

Nothing contained in this Act prevents the sharing or disclosure of information or records relating or pertaining to juveniles subject to the provisions of the Serious Habitual Offender Comprehensive Action Program when that information is used to assist in the early identification and treatment of habitual juvenile offenders.

Nothing contained in this Act prevents the disclosure of information or records by a licensed child welfare agency as required under subsection (c-5) of Section 7.4.

(Source: P.A. 94-1010, eff. 10-1-06.)

(225 ILCS 10/15.1 new)

Sec. 15.1. Records; confidentiality; Department of Early Childhood. Every day care center, day care home, and group day care home must keep and maintain such records as the Department of Early Childhood may prescribe pertaining to the admission, progress, health and discharge of children under the care of the day care center, day care home, or group day care home, and shall report relative thereto to the Department of Early Childhood whenever called for, upon forms prescribed by the Department of Early Childhood. All records regarding children and all facts learned about children and their relatives must be kept confidential both by the day care

center, day care home, or group day care home and by the Department of Early Childhood.

(225 ILCS 10/16) (from Ch. 23, par. 2226)

Sec. 16. (a) Subsections (a-1) through (d) do not apply to any circumstances to which Section 16.1 applies.

(a-1) ~~(a)~~ Any child care facility receiving a child for care or supervision from a foreign state or country shall report that child to the Department in the same manner as is required for reporting other children.

(b) A person, agency or organization, other than a licensed child care institution or child welfare agency, may not receive a foreign child without prior notice to and approval of the Department.

(c) In all instances the Department may require a guaranty that a child accepted for care or supervision from a foreign state or country will not become a public charge upon the State of Illinois.

(d) Reports to the Department must be made, as required.

(e) The Department may enter into agreements with public or voluntary social agencies headquartered in states adjacent to the State of Illinois, regarding the placement of children in licensed foster family homes within the boundaries of Illinois, if the agencies meet the standards and criteria required for license as a child welfare agency in Illinois. The agreements may allow foreign agencies to place and

supervise children for whom they have responsibility within the State of Illinois, without regard to subsection (a-1) ~~paragraph (a)~~ of this Section. These agreements must, however, include a requirement that the agencies cooperate fully with the Department in its inquiry or investigation into the activities and standards of those agencies, and provide that the Department may, at any time upon 15 days written notice to an agency by registered mail, void the agreement and require the observance of subsection (a-1) ~~paragraph (a)~~ of this Section.

(Source: P.A. 76-63.)

(225 ILCS 10/16.1 new)

Sec. 16.1. Child from a foreign state or country; Department of Early Childhood.

(a) Any day care center, day care home, or group day care home receiving a child for care or supervision from a foreign state or country shall report that child to the Department of Early Childhood in the same manner as is required for reporting other children.

(b) A person, agency or organization, other than a licensed child care institution, may not receive a foreign child without prior notice to and approval of the Department of Early Childhood.

(c) In all instances the Department of Early Childhood may require a guaranty that a child accepted for care or

supervision from a foreign state or country will not become a public charge upon the State of Illinois.

(d) Reports to the Department of Early Childhood must be made, as required.

(225 ILCS 10/17) (from Ch. 23, par. 2227)

Sec. 17. The Administrative Review Law and the rules adopted pursuant thereto apply to and govern, ~~applies to and governs~~ all proceedings for the judicial review of final administrative decisions of the Department of Children and Family Services and the Department of Early Childhood. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

(Source: P.A. 82-783.)

(225 ILCS 10/18) (from Ch. 23, par. 2228)

Sec. 18. Any person, group of persons, association, or corporation who, with respect to a child care facility other than a day care center, day care home, or group day care home:

(1) conducts, operates, or acts as a child care facility without a license or permit to do so in violation of Section 3 of this Act;

(2) makes materially false statements in order to obtain a license or permit;

(3) fails to keep the records and make the reports provided under this Act;

(4) advertises any service not authorized by license or permit held;

(5) publishes any advertisement in violation of this Act;

(6) receives within this State any child in violation of Section 16 of this Act; or

(7) violates any other provision of this Act or any reasonable rule or regulation adopted and published by the Department for the enforcement of the provisions of this Act, is guilty of a Class A misdemeanor and in case of an association or corporation, imprisonment may be imposed upon its officers who knowingly participated in the violation.

Any child care facility (other than a day care center, day care home, or group day care home) that continues to operate after its license is revoked under Section 8 of this Act or after its license expires and the Department refused to renew the license as provided in Section 8 of this Act is guilty of a business offense and shall be fined an amount in excess of \$500 but not exceeding \$10,000, and each day of violation is a separate offense.

In a prosecution under this Act, a defendant who relies upon the relationship of any child to the defendant has the burden of proof as to that relationship.

(Source: P.A. 103-22, eff. 8-8-23; revised 9-21-23.)

(225 ILCS 10/18.1 new)

Sec. 18.1. Violations; day care center, day care home, or

group day care home. Any person, group of persons, association, or corporation that:

(1) conducts, operates or acts as a day care center, day care home, or group day care home without a license or permit to do so in violation of Section 3.01 of this Act;

(2) makes materially false statements in order to obtain a license or permit;

(3) fails to keep the records and make the reports provided under this Act;

(4) advertises any service not authorized by license or permit held;

(5) publishes any advertisement in violation of this Act;

(6) receives within this State any child in violation of Section 16.1 of this Act; or

(7) violates any other provision of this Act or any reasonable rule or regulation adopted and published by the Department of Early Childhood for the enforcement of the provisions of this Act,

is guilty of a Class A misdemeanor and, in the case of an association or corporation, imprisonment may be imposed upon its officers who knowingly participated in the violation.

Any day care center, day care home, or group day care home that continues to operate after its license is revoked under Section 8 or 8a of this Act or after its license expires and the Department of Early Childhood refused to renew the license

as provided in Section 8 or 8a of this Act is guilty of a business offense and shall be fined an amount in excess of \$500 but not exceeding \$10,000. Each day of violation is a separate offense.

In a prosecution under this Act, a defendant who relies upon the relationship of any child to the defendant has the burden of proof as to that relationship.

ARTICLE 99. NONACCELERATION, SEVERABILITY,

AND

EFFECTIVE DATE

Section 99-1. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

Section 99-5. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 99-99. Effective date. This Act takes effect upon becoming law, except Article 95 takes effect on July 1, 2026.