

AN ACT concerning regulation.

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

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

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

Sec. 2.09. "Day care center" means any child care facility which regularly provides day care for less than 24 hours per day for (1) more than 8 children in a family home, or (2) more than 3 children in a facility other than a family home, including senior citizen buildings.

The term does not include:

(a) programs operated by (i) public or private elementary school systems or secondary level school units or institutions of higher learning that serve children who shall have attained the age of 3 years or (ii) private entities on the grounds of public or private elementary or secondary schools and that serve children who have attained the age of 3 years, except that this exception applies only to the facility and not to the private entities' personnel operating the program;

(b) programs or that portion of the program which serves children who shall have attained the age of 3 years

and which are recognized by the State Board of Education;

(c) educational program or programs serving children who shall have attained the age of 3 years and which are operated by a school which is registered with the State Board of Education and which is recognized or accredited by a recognized national or multistate educational organization or association which regularly recognizes or accredits schools;

(d) programs which exclusively serve or that portion of the program which serves 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. 99-143, eff. 7-27-15; 99-699, eff. 7-29-16; 100-201, eff. 8-18-17.)

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