

OCFP Office of Child and Family Policy	Department of Children and Family Services	
	Index No: 99-07	Issuance Date: April 2, 1999
	Origin of Request: Central Office of Licensing	
	Distribution: Licensing Staff, Administrative Staff, Office of Child and Family Policy (A,L,P)	
	Key Words: 89 IAC 407, Licensing Standards for Day Care Centers, Outdoor Equipment	
	Approved by:	

Interpretation

Applicable To: **Licensed Day Care Centers**

Policy Citation: 407.390(b): The requirements for outdoor play areas shall be met immediately, except for equipment and protective surfaces installed by the center before the effective date of this Part, and shall fully comply with this Part no later than 36 months after effective date. Fences around play areas which are newly installed or replaced after the effective date of this Part must comply with the requirements of this Section.

407.390(k): There shall be a shaded area in the summer to protect children from excessive sun exposure. Equipment with smooth metal surfaces, such as slides, shall be in an area that is shaded during the summer or shall be placed in a north/south alignment. Equipment permanently affixed on January 1, 1998 shall be accepted if otherwise determined safe. Procedures shall be in place to prevent children from being burned when the metal surface is too hot.

Question: **Does 407.390(k) refer only to metal equipment and their heat capacities or is any equipment permanently affixed prior to 1998 acceptable if determined safe?**

Discussion: Subsection 407.390(k) refers to equipment that has a smooth metal surface that has the potential to cause burns to children if exposed to direct sun light. Equipment with the potential of burning a child, that was permanently affixed on January 1, 1998 shall be accepted if otherwise determined safe.

OCFP	Index No: 99-07	Issuance Date: 4/2/99
	Key Words: 89 IAC 407, Licensing Standards for Day Care Centers, Outdoor Equipment	

In determining the safeness of the equipment, the center must provide an explanation to the Department as to how potential burns from the equipment will be prevented. The sentence "Equipment permanently affixed on January 1, 1998 shall be accepted if otherwise determined safe." does not refer to other equipment. All other equipment not meeting the requirements of the day care center licensing standards shall be replaced according to the requirements of subsection 407.390(b) even if it is permanently affixed.

Response: Subsection 407.390(k) refers to equipment that has the potential to cause burns to children when exposed to direct sunlight. All other equipment not meeting the requirements of 89 Ill. Adm. Code 407 shall be replaced according to subsection 407.390(b).