

<b>OCFP</b> <b>Office</b> <b>of</b> <b>Child and</b> <b>Family</b> <b>Policy</b>	<b>Department of Children and Family Services</b>	
	<b>Index No: 99-01</b>	<b>Issuance Date: April 2, 1999</b>
	<b>Origin of Request: Central Office of Licensing</b>	
	<b>Distribution: Licensing Staff, Administrative Staff, Office of Child and Family Policy (A,L,P)</b>	
	<b>Key Words: 89 IAC 407, Licensing Standards for Day Care Centers, Outdoor Equipment; Infant, Toddler, and Special Needs Swings</b>	
	<b>Approved by:</b>	

### Interpretation

**Applicable To:** Day Care Centers

**Policy Citation:** 407.390(i)(1): Protective surfaces (wood mulch, bark mulch, wood chips, sand, gravel, rubber mats, etc) shall be provided in areas where climbing, sliding, swinging or other equipment from which a child might fall is located.

- 1) The protective surface shall extend at least six feet beyond the perimeter of the equipment, except for swings.
  - A) For single-axis (traditional) swings, the protective surface shall extend both forward and backward a distance of at least two times the height measured from the supporting bar.

**Question:** Do existing single-axis infant, toddler, and special needs swings need to have protective surfaces a distance of two times the height both forward and backward?

**Discussion:** Subsection 407.390(i)(1)(A) requires that a single-axis (traditional) swing have a protective surface under the swing both forward and backward at least two times the height of the swing. This requirement is supported by the American Safety and Testing Measurement Standards (ASTM).

Rule 407 is silent regarding infant, toddler and special needs enclosed

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swings. The ASTM standards indicate that for swings with enclosed seats, the use zone may be less because “users cannot intentionally exit out of enclosed swing seats”. The types of enclosed swing seats available varies and some swings are not as safely enclosed as others, therefore, subsection 407.390(i)(1)(A) shall be followed for all swings unless a declaratory ruling is requested by a day care center and information from the manufacturer of the enclosed swing is provided to the Department showing that the enclosed swing seat is safe and meets the guidelines of the ASMT standards.

**Response: Day care centers must maintain a protective surface a distance of two times the height both forward and backward for single-axis infant, toddler, and special needs swings. The resilient surface must meet the requirements in Section 407.390.**