

LII > State Regulations > Illinois Administrative Code > Title 89 - SOCIAL SERVICES  
> Part 407 - LICENSING STANDARDS FOR DAY CARE CENTERS  
> Subpart H - FACILITY AND EQUIPMENT  
> **Ill. Admin. Code tit. 89, § 407.370 - Physical Plant/Indoor Space**

## Ill. Admin. Code tit. 89, § 407.370 - Physical Plant/Indoor Space

State Regulations      Compare

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Partially exempt programs are exempt from these standards.

a) Buildings used for day care center programs shall be in good shape and operable and must comply with all applicable fire safety standards.

1) The building housing a center shall be approved prior to occupancy and license renewal by the Illinois Department of Public Health and the Office of the State Fire Marshal or local agencies authorized by those State agencies to conduct inspections on their behalf. Otherwise, inspection and approval shall be in accordance with the regulations of the proper health and fire authorities.

2) Day care centers that provide day care only for school-age children in a building currently being used as a pre-primary, primary, or secondary school do not need to obtain the fire clearance in subsection (a)(1) if the day care center provides written documentation that a fire safety clearance has been received from the responsible party of the Illinois State Board of Education and/or the Regional School Superintendent and that all exit doors for the school remain unlocked. An acceptable fire safety clearance from the Illinois State Board of Education must be in writing and must indicate that the school complies

with the applicable fire safety regulations adopted by the Illinois State Board of Education (23 Ill. Adm. Code 180).

- b) The building or portion of the building to which children from the center have access shall be used only for a program of child care during the hours that the center is in operation. The space used for child care may be shared by other groups or persons outside of the hours of operation.
- c) Infants and toddlers shall be housed and cared for at ground level unless otherwise approved through the exception process below. Travel distance between any point in a room used for infants and toddlers and an exit discharging directly outside shall not exceed 150 feet. Only a fire inspector from the Office of the State Fire Marshal or the Chicago Fire Department's Fire Prevention Bureau may grant an exception to the requirement that infants and toddlers be housed and cared for at ground level.
- d) There shall be sufficient indoor space to conduct the program.
  - 1) There shall be a minimum of 35 square feet of activity area per child in centers for children 2 years of age and older. This space is exclusive of exit passages and fire escapes, which must be clear. This space is also exclusive of administrative space, storage areas, bathrooms, kitchen, space required for equipment that is not used for direct activities with children, and gymnasiums or other areas used exclusively for large muscle activity or active sports.
  - 2) The amount of space required for infants and toddlers shall be determined according to the use of the space for sleep and play purposes.
    - A) Regardless of whether infants play and sleep in the same room or in 2 separate rooms, there shall be a minimum of 25 square feet of play space per child plus a minimum of 30 square feet of sleeping space per child, with at least 2 feet between each crib and the next crib.
    - B) When toddlers play and sleep in the same room using cots that can be stacked, there shall be 35 square feet of space per child. When children are in their cots, there must be a minimum of 2 feet between the cots.
    - C) When toddlers play and sleep in the same room using cribs, there shall be a minimum of 55 square feet per child. When

children are in their cribs, there must be a minimum of 2 feet between the cribs.

D) When toddlers play and sleep in separate rooms, there shall be minimum of 35 square feet of play space per child and a minimum of 30 square feet of sleeping space per child, with at least 2 feet between each cot or crib.

3) Storage space shall be provided for cots, bedding, and other equipment. Cots and cribs shall not be used for storage, including pillows and blankets, except when cots are stacked between uses.

4) One room, no matter how large, shall accommodate only one group, except that room dividers or program equipment at least 3'6" in height may be used to define and separate the space for each group of children up to age 5. Gymnasiums and similar sized areas may accommodate 2 groups, without dividers, when used for large muscle activity and active sports.

5) All rooms or spaces accommodating more than one group shall be provided with an acoustical ceiling or its equivalent in carpeting or wall covering. If carpeting is used to control noise, it shall not be required in water play, painting, and similar areas.

e) The building and indoor space shall be maintained in good repair and shall provide a safe, comfortable environment for the children.

1) Adjustable window shades, drapes, or blinds shall be provided in all rooms where children rest or nap or in rooms that receive direct sunlight while children are present.

A) All new and replacement window coverings shall be cordless (free of external cords in their operation).

B) All window coverings installed on or before August 15, 2014 may remain in place until replaced due to normal wear. Replacement window coverings shall be in compliance with ANSI/WCMA 100.1-2009.

C) Strings and cords (as found on some window coverings) capable of forming a loop greater than 7 1/4" in diameter shall be inaccessible to children.

2) The floors and floor coverings shall be washable and free from drafts, splinters, and dampness.

3) Toxic or lead paints or finishes shall not be used on walls, window sills, beds, toys or any other equipment, materials or furnishings that may be used by children or within their reach. Peeling or damaged paint or plaster shall be repaired promptly to protect children from possible hazards.

A) Lead paint removal shall be in accordance with Illinois Department of Public Health rules (77 Ill. Adm. Code 845.85(b) ).

B) Asbestos shall only be removed by trained and licensed professionals in accordance with the Asbestos Abatement Act [ 105 ILCS 105 ].

4) *Effective January 1, 2013, the center shall be tested for radon at least once every 3 years by a licensed Radon Measurement Professional pursuant to rules established by the Illinois Emergency Management Agency (32 Ill. Adm. Code 422). The report of the most current radon measurement shall be posted next to the center's license, along with 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](http://www.radon.illinois.gov). The center shall provide copies of the report to parents or guardians of children attending the center, upon request. [ 225 ILCS 10/5.8 ]*

5) Any thermal hazards (radiators, hot water pipes, steam pipes, heaters) in the space occupied by children shall be out of the reach of children or be separated from the space by partitions, screens, or other means.

6) Sharp scissors, plastic bags, knives, cigarettes, matches, lighters, flammable liquids, drugs, sharp instruments, power tools, cleaning supplies and any other such items that might be harmful to children shall be kept in areas inaccessible to children. Hazardous items for infants and toddlers also include coins, balloons, safety pins, marbles, Styrofoam<sup>®</sup> and similar products, and sponge, rubber or soft plastic toys.

- 7) All cleaning compounds, pesticides, fertilizers and other potentially hazardous or explosive compounds or agents shall be stored in original containers with legible labels in a locked area that is inaccessible to children.
  - 8) A draft-free temperature of 65° F to 75° F shall be maintained during the winter months or heating season. For infants and toddlers, a temperature of 68° F to 82° F shall be maintained during the summer or air-conditioning months. When the temperature in the center exceeds 78° F, measures shall be taken to cool the children. Temperatures shall be measured at least 3 feet above the floor.
  - 9) If electric fans are used to control temperature, measures shall be taken to assure the safety of the children in the group:
    - A) Stationary fans shall be mounted on the walls (at least 5 feet above the floor) or on the ceiling.
    - B) When portable fans on stands are used, they shall be anchored to prevent tipping.
    - C) All portable fans shall have blade guard openings of less than 1/2 inch and shall be inaccessible to children.
  - 10) Exits shall be kept unlocked and clear of equipment and debris at all times.
  - 11) Electrical outlets within the reach of children shall be covered.
  - 12) The program shall be modified, as needed, when there are adverse conditions caused by weather, heating or cooling difficulties or other problems. When the conditions exceed a 24-hour period, the Department shall be notified regarding program modifications.
- f) Drills for possible emergency situations including fire and tornado shall be conducted.
- 1) A floor plan shall be posted in every room indicating the following:
    - A) The building areas that will provide the most structural stability in case of tornado; and
    - B) The primary and secondary exit routes in case of fire.
  - 2) Drills shall be conducted once a month for fire and twice a year (seasonally) for tornado.

3) Records shall be maintained of the dates and times that fire and tornado drills are conducted.

g) All areas of the center shall receive sufficient light.

1) Areas for reading, painting, puzzles or other close work shall be illuminated to at least 50 to 100 foot candles on the work surface.

2) Areas for general play, such as housekeeping and block building, shall be illuminated to at least 30 to 50 foot candles on the surface.

3) Stairways, walkways, landings, driveways and entrances shall be illuminated to at least 20 foot candles on the surface.

h) A safe and sanitary water supply shall be maintained. If a private water supply is used instead of a public water supply, the center shall supply written records of current test results indicating that the water supply is safe for drinking in accordance with the standards specified for non-community water supplies in the Drinking Water Systems Code (77 Ill. Adm. Code 900). New test results must be provided prior to relicensing. If nitrate content exceeds 10 parts per million, bottled water must be used for infants.

i) Any day care center currently licensed as of January 1, 2019 shall submit a survey provided by its day care licensing office that includes the construction date of the building in which the center operates. The construction date for new day care center applicants is captured on the CFS 597 form.

j) Any day care center serving children under 6 years of age housed in a building constructed on or before January 1, 2000 shall be subject to lead in water testing by an IEPA laboratory or an IEPA-certified laboratory. A current list of certified laboratories can be obtained by contacting the Day Care Information Line at 1-877-746-0829, or can be accessed online through

<https://sunshine.dcf.illinois.gov/Content/Licensing/LeadTesting.aspx>.

Water sampling guidelines followed by certified laboratories may also be accessed through this link. Test results and mitigation plans, when required, shall be submitted to the local licensing office within 120 days after notification of test results of 2.01 ppb or above.

1) All lead in water test results (at, above or below 2.01 ppb) shall be posted in the center in a visible location and submitted by the applicant or licensee directly to the local licensing office.

2) A mitigation plan shall be made available to parents and submitted to the local licensing office if test results indicate the presence of lead for each drinking water supply with a result of 2.01 ppb or above and shall specify:

A) Interim measures the applicant/licensee will take to ensure a safe drinking water supply during mitigation;

B) Mitigation plan start and planned completion dates;

C) Retesting dates to include one test to occur no later than six months following the completion of a mitigation plan and a second test no later than one year from the completion of a mitigation plan;

D) Each drinking water source that tested at 2.01 ppb or above and the planned mitigation activity for each source. Examples of acceptable mitigation strategies include, but are not limited to, installation of mechanical flushing devices, replacement of lead-based lines or fixtures, or reverse osmosis filters installed at affected drinking water fixtures; and

E) In extenuating circumstances in which mitigation cannot be readily undertaken (e.g., lead in the municipal water source), alternative external sources of water that tests below 2.01 ppb, such as bottled water with that test result, may be used subject to Department approval.

3) Following successful mitigation that results in two consecutive tests below 2.01 ppb, further testing is only required if there has been any change to the water profile of the building, including but not limited to replacement of the hot water heater, change in the water source, or change to, or replacement of, the water service lines.

4) The Department reserves the right to require testing upon suspicion of the day care center misrepresenting the construction date of the building, submitting false or altered testing results, failing to follow mitigation remedies, or committing other actions that may compromise the health and welfare of children. Any center facility that fails to insure testing and reasonable mitigation action when necessary may be subject to enforcement action, up to and including revocation of, or refusal to renew, the license.

k) There shall be no smoking or use of tobacco products in any form in the child care center or in the presence of children while on the playground or engaged in other activity away from the center.

l) Major cleaning shall not be done while children are present.

m) Basement or cellar windows used or intended to be used for ventilation, and all other openings to a basement or cellar, shall not permit the entry of rodents.

n) Openings to the outside shall be protected against the entrance of flies or other flying insects by doors, windows, screens, or other approved means.

o) Any extensive extermination of pest or rodents shall be conducted by a licensed pest control operator under the direct observation of a staff member to insure that residue is not left in areas accessible to children.

p) Pesticide Application

1) Chemicals for insect and rodent control shall be applied in minimum amounts and shall not be used when children are present in the facility. Toys and other items mouthed or handled by the children must be removed from the area before pesticides are applied. Children must not return to the treated area within 2 hours after a pesticide application or as specified on the pesticide label, whichever time is greater. Over-the-counter products may be used only according to package instructions. Commercial chemicals, if used, shall be applied by a licensed pest control operator and shall meet all standards of the Department of Public Health (Structural Pest Control Code, 77 Ill. Adm. Code 830). A record of any pesticides used shall be maintained at the facility.

2) Before a child is enrolled, the day care center shall provide a summary of its pest management plan and uses of pesticides to the child's parents or guardians. The center shall notify all parents or guardians before a pesticide application, or maintain a registry of parents or guardians who wish to receive written notification of when the facility will receive a pesticide application and send a written notification to them. Notification of the intended date of the application of the pesticide, which may be in the form of newsletters, bulletins, calendars, or other written communication methods presently used by the center, must be given at least 2, but not more than 30, days before the pesticide application. When economically feasible, the center must adopt an Integrated Pest Management (IPM) program as defined in Section 3.25 of the Structural Pest Control Act [ 225 ILCS 235/3.25 ],

involving the cooperation between day care staff and pest control personnel or other specialists to use a variety of non-chemical methods as well as pesticides, when needed, to reduce pest infestations to acceptable levels and to minimize children's exposure to pesticides.

3) Prior notice of pesticide application is not required if the application is due to an immediate threat to health or property, in which case the pesticide must be immediately applied. Children shall not be present during the application and shall not return to the treated area within 2 hours after a pesticide application or as specified on the pesticide label, whichever time is greater. If such a situation arises, the appropriate day care center personnel must sign a statement describing the circumstances that gave rise to the health threat and ensure that written notice is provided to parents or guardians as soon as practicable.

4) *Pesticides subject to notification requirements shall not include antimicrobial agents, such as disinfectants, sanitizers, or deodorizers, or insecticide baits and rodenticide baits* (Section 10.3 of the Structural Pest Control Act).

q) All garbage and refuse shall be collected daily and stored in a manner that will not permit the transmission of disease, create a nuisance or a fire hazard or provide harborage for insects, rodents or other pests.

1) An adequate number of covered, durable, water-tight, insect and rodent-proof garbage and refuse containers shall be provided for use.

2) Garbage and refuse containers used to discard diapering supplies, food products or disposable meal service supplies shall be tightly covered and lined with plastic. Contents shall be covered immediately or removed for discarding.

r) The center shall be cleaned daily and kept in a sanitary condition at all times.

1) The center shall provide necessary cleaning and maintenance equipment.

2) Toys, table tops, furniture and other similar equipment used by children shall be washed and disinfected when soiled or contaminated with matter such as food, body secretions or excrement.

3) Cleaning equipment, cleaning agents, aerosol cans and other hazardous chemical substances shall be labeled and stored in a space

designated solely for this purpose. These materials shall be stored in a locked place that is inaccessible to children.

- s) Kitchen sinks used for food preparation shall not be used as hand-washing lavatories nor counted in the total number of hand-washing lavatories required.
- t) There shall be means for communication in emergencies.
- 1) An operable non-coin telephone shall be on the premises, easily accessible for use in an emergency and for other communications.
  - 2) A list of emergency telephone numbers, such as the fire department, police department, poison control and emergency medical treatment, along with the full address of the day care center, shall be posted next to each telephone.
  - 3) In facilities where communication between groups is difficult due to the design of the day care center, operation in multiple buildings on the same site or on multiple floors, an intercom or a written plan for other effective means of communication between groups shall be provided.
  - 4) During hours of operation and at all times that children are present, there shall be a means for parents of enrolled children to have direct telephone contact with a center staff person.
- u) The center shall provide reasonable, private accommodations for breastfeeding mothers who may want to breastfeed during hours of operation, including a private area with an electrical outlet for mothers to pump their breast milk, and shall notify parents of these accommodations.

## Notes

Ill. Admin. Code tit. 89, § 407.370

Amended at 34 Ill. Reg. 4700, effective March 22, 2010

Amended at 38 Ill. Reg. 17293, effective 8/1/2014 Amended at 43 Ill. Reg. 224, effective 1/1/2019