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	Origin of Request: Child Care Center Architect	
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	Key Words: 89 IAC 407, Licensing Standards for Day Care Centers, Elevated Playing Surface, Water Play, Protective Surface.	
Approved by:		

Interpretation

Question: If Kompan's Mermaid's Fountain were to be located within a child care outdoor play area for children 2-5 years-of-age, is it required to be placed on a protective surface?

Applicable To: Licensed Day Care Centers

Policy Citation: Section 407.380 **Equipment and Materials**

- a) Equipment and materials for both indoor and outdoor use shall be appropriate to the age and developmental needs of the children served.
- d) Play materials shall be durable and free from hazardous characteristics, including sharp or rough edges and toxic paint. In areas where infants and toddlers play or sleep, there shall be no objects that are less than 1¼ inches in diameter or that have removable parts of this size.
- g) Equipment, table tops, play materials and classroom surfaces shall be maintained in sound, clean conditions at all times.
 - 2) Water tables and toys used in water tables shall be emptied daily and cleaned with a mild germicidal solution before being air-dried. Children and staff shall wash their hands before using the water table.

Section 407.390 Outdoor Play Area

- h) The outdoor play area shall be arranged so that all areas are visible to staff at all time
- i) 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.

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Discussion: Kompan’s Mermaid’s Fountain™ is an 8-22 inch-high table with funnels, buckets, and troughs for use as a water play surface for children standing next to it. This elevated surface is for use as a conduit for flowing water, not a climbing, swinging, or sliding surface. In Publication Number 325, Handbook for Public Playground Safety, Section 4.4, Equipment to Which Protective Surfacing Recommendations Do Not Apply, the U.S. Consumer Product Safety Commission (CPSC) states, “Equipment that requires a child to be standing or sitting at ground level during play is not expected to follow the recommendations for resilient surfacing. Examples of such equipment are sand boxes, activity walls, play houses or any other equipment that has no elevated designated playing surface.” Section 407.390 applies to playground equipment intended for climbing, swinging, and sliding from which a child could fall. Supervision by staff should ensure that children do not climb, swing, or slide on equipment, furniture, or other structures not intended as elevated playing surfaces.

Response: **If located within a childcare outdoor play area for children 2-5 years-of-age, Kompan’s Mermaid’s Fountain[®] is not required to be placed on a protective surface. This equipment must comply with DCFS Rules regarding playground equipment including, but not limited to, those referenced in this Interpretation.**