**Section 407.290 Swimming and Wading**

a) Swimming and wading pools shall be appropriately maintained and supervised.

b) All swimming pools and wading pools, whether at the day care center or elsewhere, shall comply with the Illinois Department of Public Health rules 77 Ill. Adm. Code 820 (Illinois Swimming Pool and Bathing Beach Code).

c) All in-ground pools located in areas accessible to the children shall be fenced. The fence shall be at least 5 feet in height and secured with a locked gate.

d) All above-ground pools shall have non-collapsible, non-climbable sidewalls that are at least 4 feet high or shall be enclosed with a fence in accordance with subsection (c) of this Section. When the pool is not in use, steps shall be removed from the pool or otherwise protected to insure they cannot be accessed.

e) When children are swimming, supervision shall include at all times at least one person currently certified as a lifeguard or water safety instructor by the American Red Cross or an equivalent water safety program. If swimming is being done at a pool open to other persons and a lifeguard or lifeguards are provided by the pool or beach operator, an additional lifeguard is not necessary.

f) All adults counted in the staff/child ratio for swimming shall receive basic water safety instruction from a person certified as a lifeguard or water safety instructor per subsection (e) of this Section.

g) The following staff/child ratio shall be maintained when children are swimming, whether at the center or at other public or private swimming pools, lakes or recreational swimming facilities. A minimum of 2 adults must be present at all times.

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| AGE OF CHILDREN | NUMBER OF CHILDREN PER EACH STAFF |
|   |  |
| Infants/toddlers (under 2 years) | 1 |
| Two-year-olds | 2 |
| Three-year-olds | 5 |
| Four-year-olds | 8 |
| Five-year-olds | 8 |
| School-age children from 6 to 8 years of age | 10 |
| School-age children 9 years of age and older | 15 |

h) In addition to the lifeguard and staff required in subsection (g) of this Section, one adult shall be present to serve as bathroom monitor and provide other general out-of-water supervision.

i) Whenever swimming is included in the program of the child care center, the program shall be offered on an optional basis with alternative activities available for children who do not participate in swimming.

(Source: Amended at 34 Ill. Reg. 4700, effective March 22, 2010)