**Section 407.40 Purpose and Applicability**

a) The purpose of this Part is to prescribe the minimum standards for licensure as a day care center and to describe how to apply for a license. This Part also establishes requirements for the daily operation of day care centers that serve children. The Child Care Act of 1969 excludes some facilities from the requirement to be licensed. These exclusions from the licensing requirement may be found in Section 2.09 of the Child Care Act of 1969 [225 ILCS 10/2.09] and are explained in Department rules 89 Ill. Adm. Code 377, Facilities and Programs Exempt from Licensure.

b) The licensing standards set forth in this Part are applicable to day care centers as defined in the Child Care Act of 1969 that are also known as child care centers.

c) All the standards of this Part apply to partially exempt programs as defined in Section 407.45 unless the standard states those programs are exempt.

d) Individuals, corporations, associations and groups may write to the Department of Children and Family Services and request a declaratory ruling with regard to the applicability of this Part to their circumstances when the requestor has requested an interpretation from the local licensing authority, but has been unable to obtain such an interpretation or is not satisfied with the response obtained.

e) Such requests for declaratory rulings shall be addressed to the Department of Children and Family Services, Office of Rules and Procedures, 406 E. Monroe Street, Station # 65, Springfield, Illinois 62701, shall fully outline the facts of their inquiry, shall provide names and addresses of any Department staff who have been involved in evaluating the applicability of this Part to their circumstances, and shall include a copy of any written interpretations or directions received from the local licensing authority.

f) The Department may provide declaratory rulings upon receipt of the initial request or may ask the inquirer to provide additional information within 15 days before a declaratory ruling is issued. Failure to provide the additional requested information within the 15-day period will terminate the request for a declaratory ruling.

g) A declaratory ruling regarding the applicability of this Part upon the inquirer will be issued in writing within 60 days after receipt of a complete inquiry which fully states the question and accurately outlines the facts of the inquiry.

h) A request for a declaratory ruling shall not delay the implementation of any licensing enforcement action including but not limited to corrective plans, refusal to renew, revocation or other enforcement activities.

i) *Declaratory rulings shall not be appealable.* (Section 5-150(a) of the Illinois Administrative Procedure Act [5 ILCS 100/5-150(a)])

j) The Department shall maintain as a public record in its principal office and make available for public inspection and copying any such declaratory rulings. The Department shall delete trade secrets or other confidential information from the ruling before making it available to the public. (See Section 5 of the Freedom of Information Act [5 ILCS 140/5].)

(Source: Amended at 28 Ill. Reg. 3011, effective February 15, 2004)