

2008 Kentucky Licensing Regulations: Playgrounds



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Kentucky has implemented new regulations, effective July 1, 2008. It was expected that programs be in full compliance of these new regulations no later than October 1, 2008. With the revised regulations, some changes in regulation and interpretive guidelines were made in the area of Playgrounds.

What do the regulations say about Playgrounds for Certified Family Child Care Providers?

The regulations regarding playgrounds for Certified providers are found in 922 KAR 2:100, Section 10, numbers 14 – 19. These regulations state the following:

- The outdoor play area is to be free from unavoidable danger or risk
- Each child must be under direct supervision of the provider
- Stationary play equipment in the outdoors must be securely anchored, developmentally and appropriate for the age group using it, and safe.

What do the regulations say about Playgrounds for Licensed Providers (Type I and Type II)?

Regulations for Type I and Type II licensed providers are found in 922 KAR 2:120 Health and Safety, section 4, numbers 18-26. These regulations state the following:

- The outdoor play area is to be fenced to keep children safe, unless the program is located on the premises of a public or state-accredited school and is used for after school child care. The fence must be constructed of safe materials, in good condition,



- and be stable.
- The outdoor play area must have 60 square feet per child (this is separate from the indoor requirement of 35 square feet per child)
- The outdoor play area must be free from litter, glass, rubbish, and flammable materials.
- The outdoor play area must be safe from hazards, well-drained, well-maintained, and in good repair.
- The outdoor play area must be visible to staff at all times.
- The playground must include a protective surface under equipment that is used for climbing, swinging, and sliding and must have appropriate fall zones.
- Climbing equipment and other large pieces of equipment must be securely anchored.
- Crawl spaces must be short and wide enough to allow an adult access as well as a child.
- Sandboxes must be kept cleaned, must be designed to allow drainage, checked for vermin and other debris before use, and must be covered when not used.
- Licensed providers may not use portable wading pools, should not have natural bodies of water within the play area, and may not use unfiltered, non-disinfected containers.

What exactly does this mean for all providers?

All providers, certified and licensed, need to be well-versed in the requirements for playgrounds. There is a resource referenced within the Interpretive Guidelines that will be used when programs are being monitored. This resource, *Public Playground Safety Handbook*, published by the Consumer Product Safety Commission (CPSC), is available to you free of charge by the CPSC. You can access this resource by visiting their website at www.cpsc.gov. Go to the “Press Room” and look at their publication lists. You will find an index where you can choose “Playground Safety” and at the bottom of the page, you will find the document under technical documents and handbooks. You can also contact CPSC by phone at 800-638-2772 to request the publication.

It is also crucial that all providers ensure that they have appropriate surfacing under their play equipment and that the fall zones be accurate and well-maintained. Any piece of equipment designed for a child to climb, such as a climber, slide, swing, balance beam, etc.

requires a protective surfacing under and around it so that if the child falls, the surface can help break the fall in an effort to prevent major injuries from occurring.

Equipment like swings, climbers, and slides have very specific fall zone requirements that must be adhered to in order to prevent injury from occurring on playgrounds. The *Public Playground Safety Handbook* referenced above outlines the approved kinds of surfacing materials, along with the specific measurements and information for fall zones.

Is there anything else I need to know about the revised regulations and playgrounds?

The revised regulations tell licensed providers that if they do not have an outdoor play area, then they must

have access to an area indoors that can be used for play. This indoor area must be at least 60 square feet per child, be well-ventilated and heated, and include equipment that can be used for gross motor play. Just as you include protective surfacing outdoors, you must include a protective surface for equipment used for climbing. This type of surface would include a protective mat at least two inches (2”) thick.

Are there other outdoor issues that I need to know about?

The revised regulations address the use of swimming pools and trampolines, specifically 922 KAR 2:100, numbers 17-19 for Certified Providers and 922 KAR 2:120, number 25 for Licensed providers. Information regarding the type of pool, height of walls, etc. is all found in the regulations, while additional requirements are also provided in the Interpretive Guidelines for all providers regarding the use of pools in early care and education.

The regulations for Certified providers specifically state that trampolines are not to be used by children in care, while the Interpretive Guidelines provide additional information.

Who can help us understand how to meet these new regulations?

Staff members from of the Child Care Resource & Referral have been trained in playground safety and are available to visit your program free of charge to offer assistance and information. This technical assistance is not only available in the area of playground safety, but CCR&R staff are also available to provide additional assistance with understanding all of the new regulations as well as developmentally appropriate practices within the field of early care and education. Feel free to contact the CCR&R at ccrr.expert@wku.edu or by phone at 1-800-621-5908.

