

# LICENSING RULES FOR CHILD CARE CENTERS

Effective June 4, 2008



**State of Michigan  
Department of Human Services  
Bureau of Children and Adult Licensing**

[www.michigan.gov/michildcare](http://www.michigan.gov/michildcare)

**R 400.5117 (1)****Outdoor play area.**

**(1) The outdoor play area shall be considered an outdoor classroom and an extension of the learning environment.**

## Rationale

Outdoor play affords an opportunity for learning in a different environment. Appropriate outdoor play areas and activities encourage growth in all developmental areas.

## Consultation

Refer to R 400.5106 for more information on programming.

**R 400.5117 (2)****Outdoor play area.**

**(2) Children shall only use age-appropriate equipment.**

## Rationale

A playground should allow children to develop progressively and test their skills by providing a series of graduated challenges. The challenges presented should be developmentally appropriate, to allow a range of safe choices for children.

Children of different ages differ dramatically not only in physical size and ability, but also in their cognitive and social skills. Therefore, playground designs must accommodate these differences with regard to the type, scale and layout of equipment.

Equipment that is sized for larger or older children poses challenges that younger or smaller children may not be able to meet.

## Technical Assistance

According to the Consumer Product Safety Commission's (CPSC) **1997 Edition** of the Handbook for Public Playground Safety, the following playground equipment is not appropriate for use by children under 6 years of age:

- Chain or cable walks.
- Free standing arch climbers.
- Free standing climbing events with flexible components.
- Fulcrum seesaws.
- Log rolls.
- Overhead rings.
- Parallel bars.
- Swinging gates.
- Track rides.
- Vertical sliding poles.

## Consultation

It is recommended that infants and toddlers have a separate outdoor play space with appropriately sized equipment and materials to serve their developmental needs.

Additional information regarding equipment safety can be found on the U.S Consumer Product Safety Commission website ([www.cpsc.gov](http://www.cpsc.gov)).

**R 400.5117 (3)****Outdoor play area.**

**(3) A center operating with children in attendance for 5 or more continuous hours a day shall have an outdoor play area that has at least 1200 square feet. More than 1200 square feet of outdoor play area may be required when the minimum amount is not adequate for the safe and accessible use by the number of children to be cared for by the center.**

## Rationale

Outdoor play affords an opportunity for learning in a different environment and also provides many health benefits. Open spaces in outdoor areas encourage children to develop gross motor skills and fine motor play in ways that may be difficult to duplicate indoors.

## Consultation

Best practice recommends that the outdoor play area accommodate at least 33% of the licensed capacity at one time and that each child has a minimum of 75 square feet of play area.

Staggered scheduling can be used to accommodate all the children over the course of 2 to 3 hours. Every young child should have the opportunity for outdoor gross motor play at least once and preferably twice a day.

Play areas must be sufficient to allow freedom of movement among active children.

**R 400.5117 (4)****Outdoor play area.**

**(4) If outdoor space is not available adjacent to the center, then a park or other outdoor facility may be used. The following shall apply:**

- (a) The area shall be easily accessible by a safe walking route.**
- (b) The play area shall be inspected before each use to ensure that no hazards are present.**
- (c) The location of the alternative outdoor play area shall be specified in writing to the department.**

## Rationale

Assures that the department is aware of any alternative play area not located on center property and that the play area is close by, easily and safely accessed, and safe to use.

## Technical Assistance

The consultant must assess if an alternative play area meets the criteria of the rule by determining the following:

- Location of play area.

- Route to play area including distance and safety.
- Center's plan for getting the children to the play area.
- Center's plan for ensuring the play area is safe prior to the children's arrival.

Centers that utilize a park or other off-site outdoor play area are not required to have these areas inspected by a certified playground safety inspector (CPSI). However, center staff must assure the play area is in "safe condition" prior to EACH time children use this area. See R 400.5117(5) for a description of "safe condition" for an outdoor play area.

Consultation Best practice recommends that the center be equipped with a playground adjacent to the facility.

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**R 400.5117 (5)**
**Outdoor play area.**

**(5) An outdoor play area located on the center's premises and all outdoor play equipment shall be maintained in a safe condition and inspected daily before use to ensure that no hazards are present.**

Rationale Regular inspections are critical to prevent deterioration of equipment and the presence of hazardous materials within the play area, and to assure that appropriate repairs are made as soon as possible.

Technical Assistance A "safe condition" means a playground is free from any of, but not limited to, the following:

- Debris.
- Animal waste.
- Dilapidated structures.
- Broken or worn play equipment.
- Building supplies and equipment.
- Glass.
- Sharp rocks.
- Toxic plants.
- Anthills.
- Beehives and wasp nests.
- Unprotected ditches.
- Wells.
- Holes.
- Grease traps.
- Cisterns.
- Cesspools.
- Unprotected utility equipment.

The play area and equipment must be inspected for safety daily. When inspecting equipment, the inspection must include, but not be limited to, checking for the following:

- Visible cracks, bending, warping, rusting, or breakage of any equipment.
- Deformation of open hooks, shackles, rings, links, etc.
- Worn swing hangers and chains.
- Missing, damaged, and loose swing seats.
- Broken supports and anchors.
- Cement support footings that are exposed, cracked or loose in the ground.
- Accessible sharp edges or points.
- Exposed ends of tubing that require covering with plugs or caps.
- Protruding bolt ends that have lost caps or covers.
- Loose bolts and nuts that require tightening.
- Splintered, cracked, or otherwise deteriorating wood.
- Lack of lubrication on moving parts.
- Worn bearings or other mechanical parts or missing rails, steps, rungs, or seats.
- Worn or scattered surfacing material.
- Hard surfaces, especially under swings, slides, monkey bars, etc. where shock-absorbing material has been shifted away from any surface beneath or surrounding play equipment.
- Chipped or peeling paint.
- Shear or crush points, exposed mechanisms, juncture, and moving components.
- Poor drainage that leads to chronic accumulation of water and ice.

A center must not use an area or piece of equipment considered unsafe until repairs have been made or the equipment is removed from the premises.

### **Natural Playgrounds**

A natural playground is an outdoor play area that blends natural materials, features and vegetation. A natural playground may include items such as logs, stumps, and trees. In order to be considered safe, natural playground items:

- Must not be in the use zone of other play ground equipment.
- Must not have an elevated playing surface over 30 inches.
- Must be maintained in safe condition. For example, stumps must not be rotting or have sharp branches sticking off of them.

#### **Consultation**

The center may wish to develop a written checklist to use as a guide for inspections and document observations of problems.

It is recommended that surfacing materials be used under elevated playing surfaces on a natural play ground. Refer to subrules (8) and (9) for more information.

## R 400.5117 (6)

**Outdoor play area.**

**(6) The outdoor play area shall be in a safe location. It shall be protected from hazards, when necessary, by a fence or natural barrier that is at least 48 inches in height.**

## Rationale

Helps ensure proper supervision and protection, prevention of injuries, and control of the area. An effective fence or natural barrier is one that prevents a child from getting over, under, or through it and keeps children from leaving the protected outdoor play area except when supervising adults are present. Although these barriers are not childproof, they provide a layer of protection for children.

## Technical Assistance

Examples of hazards that require a barrier include, but are not limited to:

- Busy roads and streets.
- Parking lots.
- Railroad tracks.
- Electric fences.
- Water hazards such as:
  - Swimming pools.
  - Ponds.
  - Lakes.
  - Canals.
  - Ditches or drains.
  - Streams and rivers.
  - Decorative landscape ponds.

Appropriate barriers include but are not limited to:

- Fences.
- Buildings.
- Hedges.

The center must assure that fences and barriers are:

- Free of ready footing for climbing.
- Free of any openings a child can get through.
- Free of objects near the fence that enable children to climb over the fence.

## Consultation

The following guidelines are recommended for fences:

- Gates that are equipped with self-closing and positive self-latching closure mechanisms.
- The latch or securing device that is high enough or of a type that small children cannot open.
- Play areas that are secured against unauthorized use when the facility is closed.
- Fences that conform to applicable local building codes.

- Fenced areas that have at least two exits, with at least one being remote from the center building.
- Fences and barriers that do not prevent the observation of children by caregivers.
- Openings in fences that are 3 1/2 inches or less to prevent entrapment and discourage climbing.

## R 400.5117 (7)

**Outdoor play area.**

**(7) The equipment in the outdoor play area shall comply with the guidelines of the 1997 edition of the Handbook for Public Playground Safety, PUB No. 325, and is hereby adopted by reference. Copies may be obtained, at no cost, from the Consumer Product Safety Commission (CPSC), Washington, D.C. 20207 ([www.cpsc.gov](http://www.cpsc.gov)) or from the Department of Human Services, P.O. Box 30650, Lansing, Michigan 48909. Documentation of compliance shall be provided to the department upon request, and kept on file in the center. Centers have 2 years from the effective date of these rules to meet the requirements of this rule.**

## Rationale

Each year, approximately 200,000 children are treated in U.S. hospital emergency rooms for playground equipment-related injuries. On average, there are 15 child deaths each year as a result of playground equipment-related incidents. Most injuries are the result of falls to the ground below the equipment.

## Technical Assistance

Compliance with this rule was required by December 6, 2008.

The Playground Equipment Safety Act (1997 PA 16) regulates playground equipment owned and operated by a local unit of government, school district or any other government entity. Because of the limited scope of the Playground Equipment Safety Act, it does not apply to most child care center playground equipment unless the center is operating in a school building. Refer to subrule (14) for more information on the exception to this subrule for school-age programs operating in school buildings.

**Documentation of Compliance/Playground Inspections**

All equipment present on a center playground must comply with the CPSC's **1997 Edition** of the Handbook for Public Playground Safety. This equipment may also comply with the ASTM-F1487 standards of that time or later. Third-party organizations such as the International Play Equipment Manufacturers Association provide verification that specific equipment complies with ASTM-F1487 standards. As a general rule, residential equipment cannot be ASTM-F1487 compliant and commercial equipment can be. In addition to being ASTM-F1487 compliant,

equipment must be installed per the manufacturer's specifications and the CPSC's **1997 Edition** of the Handbook for Public Playground Safety.

**Note:** ASTM-F1148-XY standards are for residential equipment and are not acceptable for child care centers.

Some playground equipment, such as homemade equipment or equipment manufactured prior to ASTM-F1487 standards, will not be certified as ASTM-F1487 compliant. Equipment that is not ASTM-F1487 compliant must meet the guidelines outlined CPSC's **1997 Edition** of the Handbook for Public Playground Safety. A certified playground safety inspector (CPSI) can verify if the equipment meets the handbook guidelines.

This section of technical assistance will use the terms residential equipment (not ASTM-F1487 compliant) and commercial equipment (ASTM-F1487 compliant or meets the guidelines outlined in the CPSC's **1997 Edition** of the Handbook for Public Playground Safety).

All equipment used by children over the age of 2 (24 months) must be commercial equipment and the center must maintain documentation that shows compliance with this subrule. Residential equipment used by children over the age of 2 usually does not meet the guidelines outlined in CPSC's **1997 Edition** of the Handbook for Public Playground Safety. Because residential equipment should not be present on a center playground or, if present, must not be used, a playground inspection is not required for residential equipment.

**Exception:** This subrule does not apply to equipment manufactured for children under the age of 2. See the Playground Equipment for Children Under the Age of 2 section below for more information.

Compliance with this subrule must be verified by at least one of the following:

- A written statement or certificate from the equipment manufacturer **and** installer stating that the equipment was manufactured and installed in compliance with the CPSC's **1997 Edition** of the Handbook for Public Playground Safety. **Note:** The installer must be a CPSI and does not have to be on the list of CPSIs approved by the department.
- An inspection report, including the Playground Inspection Certification Summary (BCAL-5047), from a CPSI (on the list of CPSIs approved by the department) documenting compliance with the CPSC's **1997 Edition** of the Handbook for Public Playground Safety. **Note:** All equipment present on the playground must be documented on the BCAL-5047, even if not inspected (such as equipment manufactured for children under the age of 2).



- A written statement from the licensee that the equipment will not be used if verification of compliance with the CPSC's **1997 Edition** of the Handbook for Public Playground Safety cannot be obtained.

See the General Information on Playground Inspections section below for more information on the list of CPSIs approved by the department.

**Note:** Inspections cannot be finalized when the ground is frozen. If a playground inspection is initiated when the ground is frozen, a follow-up inspection must occur after the ground thaws to assess the safety of surfacing.

### Equipment Altered/Installed After a Playground Inspection

If the licensing consultant learns that a child care center has altered or added equipment to an outdoor play area after a certified playground inspection has been completed, the child care center must provide at least one of the following:

- A written statement or certificate from the equipment manufacturer **and** installer stating that the equipment was manufactured and installed in compliance with the CPSC's **1997 Edition** of the Handbook for Public Playground Safety. **Note:** The installer must be a CPSI and does not have to be on the list of CPSIs approved by the department.
- An inspection report, including the Playground Inspection Certification Summary (BCAL-5047), from a CPSI (on the list of CPSIs approved by the department) documenting compliance with the CPSC's **1997 Edition** of the Handbook for Public Playground Safety. **Note:** All equipment present on the playground must be documented on the BCAL-5047, even if not inspected (such as equipment manufactured for children under the age of 2).
- A written statement from the licensee that the equipment will not be used if verification of compliance with the CPSC's **1997 Edition** of the Handbook for Public Playground Safety cannot be obtained.

See the General Information on Playground Inspections section below for more information on the list of CPSIs approved by the department.

**Note:** Inspections cannot be finalized when the ground is frozen. If a playground inspection is initiated when the ground is frozen, a follow-up inspection must occur after the ground thaws to assess the safety of surfacing.

### Playground Equipment for Children Under the Age of 2

Any equipment manufactured for and used by children under the age of 2 is not addressed in CPSC's **1997 Edition** of the Handbook for Public Playground Safety and is not inspected. Equipment manufactured for and used by children under the age of 2 may be residential equipment.

This type of equipment is often made in one piece, is portable and can be used indoors or outdoors.

**Note:** Equipment manufactured for children under the age of 2 cannot be modified for use by children over the age of 2 or to meet the requirements of this subrule.

Portable equipment for children under the age of 2 must be out of the use zone for other playground equipment.

### General Information on Playground Inspections

Regardless of age of equipment, status of license or age of intended user, the consultant is required to conduct a general playground safety and maintenance assessment.

When obtaining a playground inspection, centers must use CPSIs approved by the department. A list of CPSIs approved by the department can be found on the department's website at [www.michigan.gov/michildcare](http://www.michigan.gov/michildcare).

Refer to the CPSC's **1997 Edition** of the Handbook for Public Playground Safety (Publication 325) for additional information. It should be noted that Publication 325 has been recently updated by the CPSC. However, when inspecting child care centers, licensing rules require that the equipment in the outdoor play area comply with the CPSC's **1997 Edition** of the Handbook for Public Playground Safety.

Refer to subrule (14) for more information on the exception to this subrule for school-age programs operating in school buildings.

[Examples](#) of acceptable and unacceptable playground equipment for child care centers.

### Variance Request

If the center can demonstrate compliance with a later edition of the CPSC's Handbook for Public Playground Safety, a variance may be requested.

#### Consultation

When selecting a CPSI, centers may want to consider the following:

- Experience of the CPSI.
- Fees (initial and re-inspection).
- If the CPSI insured.
- Recommendation from other centers.
- If the CPSI works for a playground equipment manufacturer.

It is best practice to have a maintenance inspection on playground equipment every two or three years to assure that equipment continues to be in safe condition.

Use the 2008 Edition of the CPSC's Handbook for Public Playground Safety to inspect the safety of playground equipment for children under the age of 2.

Refer to the National Program for Playground Safety website ([www.playgroundsafety.org](http://www.playgroundsafety.org)) for additional resources, including kits on proper playground supervision. Also refer to the National Recreation and Park Association, National Playground Safety Institute website ([www.nrpa.org/content/default.aspx?documentId=5129](http://www.nrpa.org/content/default.aspx?documentId=5129)) for additional resources.

Refer to the International Play Equipment Manufacturers Association website for list of ASTM-F1487 compliant products ([www.ipema.com/Products/default.aspx?Type=F1487](http://www.ipema.com/Products/default.aspx?Type=F1487)).

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**R 400.5117 (8) (a-b) Outdoor play area.**

- (8) The surface materials and use zones in the outdoor play area shall comply with the guidelines of the Handbook for Public Playground Safety, PUB No. 325, referenced in subrule (7) of this rule. In addition, the following shall apply:**
- (a) Protective surfaces such as wood mulch, double shredded bark mulch, uniform wood chips, fine or coarse sand, pea gravel, rubber or rubber foam mats or tiles, poured in place urethane and rubber compositions shall be provided in areas where climbing, sliding, swinging, or other equipment from which a child might fall is located.**
  - (b) Loose-fill surfacing material shall not be installed over concrete.**

**Rationale**

The surface under and around playground equipment can be a major factor in determining the injury-causing potential of a fall. A fall onto a shock-absorbing surface is less likely to cause a serious injury than a fall onto a hard surface.

A US Consumer Product Safety Commission study of playground equipment related injuries treated in U.S. hospital emergency rooms indicated that the majority resulted from falls from equipment to the ground surface below the equipment.

Head impact injuries present a significant danger to children. Falls onto a shock-absorbing surface are less likely to cause serious injury because the surface is yielding so peak deceleration and force are reduced.

**Technical Assistance**

Equipment used for climbing must not be placed over, or immediately next to, hard surfaces such as asphalt, concrete, dirt, or grass. All pieces of playground equipment must be surrounded by a shock-

absorbing surface. This material may be either unitary or the loose-fill type as defined by the CPSC's **1997 Edition** of the Handbook for Public Playground Safety.

Equipment that requires a child to be standing or sitting on the ground during play is not expected to follow the recommendations for shock-absorbing surfacing. Examples of such equipment are sand boxes, activity walls, play houses or any other equipment that has no elevated designated playing surface. If the piece of equipment has an elevated playing surface, regardless of the height the play surface is off the ground, it must meet the requirements of this subrule.

Consultation It is recommended that shock-absorbing materials be placed under equipment used by children under the age of 2.

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**R 400.5117 (8) (c)**
**Outdoor play area.**

**(8) The surface materials and use zones in the outdoor play area shall comply with the guidelines of the Handbook for Public Playground Safety, PUB No. 325, referenced in subrule (7) of this rule. In addition, the following shall apply:**

**(c) If children's wheeled vehicles and pull toys are used, then a suitable surface shall be provided for their use.**

Rationale The use of wheeled vehicles and pull toys is an important large muscle activity for children and requires an appropriate surface.

Technical Assistance The area used for wheeled vehicles and pull toys must have a flat, smooth, non-slippery surface, such as grass, pavement, and asphalt. If the surfacing material on a playground is not suitable for wheeled equipment, such as pea gravel, mulch, or sand, the center may utilize an area adjacent to the center such as a parking lot or a walkway, providing the area is safe. The area used for wheeled vehicles and pull toys must be free of standing water when in use.

**Note:** The area used for wheeled vehicles and pull toys must be outside the use zone for other playground equipment.

## R 400.5117 (9)

## Outdoor play area.

(9) The compressed depth of the surface material that is required shall be based on the critical fall height of the equipment. All of the following applies to [uncompressed] surfacing material:

- (a) Six inches of approved surfacing material is required for equipment with a critical fall height of up to 7 feet.
- (b) Nine inches of approved surfacing material is required for equipment with a critical fall height of 7 feet to 10 feet.
- (c) When sand is used as a surfacing material, 12 inches of sand is required for equipment with a critical fall height of 5 to 10 feet.

## Rationale

The surface under and around playground equipment can be a major factor in determining the injury-causing potential of a fall. A fall onto a shock-absorbing surface is less likely to cause a serious injury than a fall onto a hard surface.

A U.S. Consumer Product Safety Commission study of playground equipment related injuries treated in U.S. hospital emergency rooms indicated that the majority resulted from falls from equipment to the ground surface below the equipment.

Head impact injuries present a significant danger to children. Falls onto a shock-absorbing surface are less likely to cause serious injury because the surface is yielding so peak deceleration and force are reduced.

## Technical Assistance

Hard surfacing materials, such as asphalt or concrete are unsuitable for use under and around playground equipment of any height even if covered with loose-fill shock-absorbing material. Earth surfaces such as soils and hard packed dirt must not be used because of wear and environmental conditions can reduce their effectiveness in absorbing shock during a fall.

According to the **1997 Edition** of the Handbook for Public Playground Safety (Publication 325), the amount of loose-fill surfacing material needed is based on the critical fall height of the piece of equipment and the amount varies depending on whether the playground has **uncompressed** or **compressed** loose-fill surfacing material.

If using the **uncompressed depth**, subrules (a) - (c) of this rule apply. **Note:** Subrule (c) of this rule indicates that 12 inches of sand will protect to up to 10 feet. However, new research has shown that sand only protects to a critical fall height of four feet or less.

If using the **compressed depth**, there must be at least 9 inches of compressed loose-fill surfacing material to protect varying critical fall heights depending on the material. Refer to the chart below for the critical fall heights that different loose-fill surfacing materials will protect up to when they are **compressed**:

Minimum Compressed Loose-Fill Surfacing Depths		
Inches of	Loose-Fill Material	Protects to Fall Height (feet)
9	Wood Chips	10
9	Double Shredded Bark Mulch	7
9	Engineered Wood Fibers	6
9	Fine Gravel	6
9	Medium Gravel	5

### Description of Loose-Fill Surfacing Material

(Handbook for Public Playground Safety, 1997 Edition, Appendix D)

- Wood Chips** - Random sized wood chips, twigs, and leaves collected from a wood chipper being fed tree limbs, branches, and brush.
- Double Shredded Bark Mulch** - Similar to shredded mulch commonly used by homeowners to mulch shrubs and flower beds.
- Engineered Wood Fibers** - Relatively uniform sized shredded wood fibers from recognized hardwoods. Sample contained no bark or leaves.
- Fine Sand** - Particles of white sand purchased in bags marked "play sand." The material was passed through wire-cloth screens of different sizes in accordance with ASTM Standard Method C136-84a.
- Coarse Sand** - Sample was obtained from a supplier to the landscaping and construction trades.
- Fine Gravel** - Sample was obtained from a supplier to the residential landscaping market. Gravel particles were rounded and were generally less than 3/8 inch in diameter.
- Medium Gravel** - Particles were rounded as found in river washed or tumbled stone.

Consultation

Because loose-fill surfacing materials become compressed quickly, it is recommended that centers base the maximum critical fall heights for a piece of equipment on the **compressed** depth of loose-fill surfacing materials.

**Note:** Research has shown that sand only protects to a fall height of four feet or less. It is recommended that sand only be used under pieces of equipment that have a fall height of four feet or less.

## R 400.5117 (10)

**Outdoor play area.**

**(10) The depth of the loose-fill surface material shall be restored to its required depth when it has moved or become packed.**

## Rationale

Weather conditions and frequency of use may cause the material to be worn away or become disbursed. Maintenance is necessary to assure adequate depth by redistributing materials or by adding additional material.

## Technical Assistance

If the material becomes disbursed through use, additional material must be added to restore the required depth.

The surface materials must not be loosened if they become packed if the depth of the surface material is based on the **compressed depth**.

## Consultation

- When loose-fill materials are used, it is recommended that there be a perimeter border of some kind around the use area to contain the material.
- Centers are also encouraged to attach markers to the equipment support posts that indicate the correct level of loose-fill protective surfacing material under and around the equipment.

## R 400.5117 (11)

**Outdoor play area.**

**(11) Trampolines shall not be used by children in care.**

## Rationale

Trampolines present a safety hazard and have the potential for serious injury according to the American Academy of Pediatrics and the Consumer Product Safety Commission

## Technical Assistance

Trampolines of all sizes are prohibited, even with parental permission.

Bounce houses and other similar types of equipment are also prohibited, as they present the same hazards as a trampolines.

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**R 400.5117 (12)****Outdoor play area.**

**(12) There shall be a shaded area in the summer to protect children from excessive sun exposure.**

## Rationale

Exposure to sun is needed, but children must be protected from excessive exposure. It is estimated that 80% of a person's lifetime sun damage occurs before the age of 18 years. Individuals who suffer from severe childhood sunburns are at increased risk for skin cancer. It can take less than 10 minutes for a child's skin to burn. Practicing sun-safe behavior during childhood is the first step in reducing the chances of getting skin cancer later in life.

## Technical Assistance

If shade from trees is not available, a tent, awning, or other simple shelter from the sun must be available. There are no requirements for the shade area size.

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**R 400.5117 (13)****Outdoor play area.**

**(13) Centers licensed prior to the promulgation of these rules shall have 1 year from the effective date of these rules to comply with subrules (8) and (9) of this rule.**

## Rationale

Allows centers adequate time to bring their playground surfaces and use zones into compliance with the licensing rules.

## Technical Assistance

Compliance with this rule was required by December 6, 2007.

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**R 400.5117 (14)****Outdoor play area.**

**(14) School-age child care centers operating in school buildings approved by the Michigan department of education shall be exempt from subrules (7), (8) and (9) of this rule, provided the licensee inform parents, in writing at the time of enrollment, if the center plans to use a public school's outdoor play area and equipment that does not comply with this rule.**

## Rationale

If children who attend the school during the day use a school playground, it is reasonable to allow school-age children attending a before or after school child care program at the same location to use that same playground.

Assures that parents are aware that a school playground is not required to meet the same playground safety regulations that other licensed centers are required to meet.



**Technical  
Assistance**

The center must document how they have provided written notice to the parents.

If the center has a pre-school or younger age program, children pre-school age and younger children cannot use the playground equipment unless is complies with subrules (7), (8) and (9) of this rule.

The following examples are provided to demonstrate that it is difficult to tell if a piece of equipment is appropriate for use by a child care center solely by its size. You must verify with the manufacturer that a piece used for children over the age of 2 is considered commercial equipment. When using residential equipment for children under the age of 2, you must verify with the manufacturer the ages for which a residential piece is appropriate or recommended. As noted in the technical assistance, residential equipment is appropriate for use at a center when manufactured for and used by children under the age of 2.

Examples of residential playground equipment that **is not acceptable** for child care centers:



These climbers are examples of residential equipment and **are not acceptable** for child care centers.



Example of residential equipment that **is acceptable** for use at child care centers when used by children under the age of 2 (The manufacturer specifies that this piece of equipment can be used by children age 1.5 to 3.):



**Note:** The CPSC's 1997 Edition of the Handbook for Public Playground Safety recommends that equipment for pre-school age children be separated from equipment for school-age children.

Playhouses, without climbers or slides, **are acceptable** for use at child care centers:



Examples of commercial playground equipment that **are acceptable** for child care centers:



