

**10A NCAC 09 .0605      OUTDOOR LEARNING ENVIRONMENT IN CHILD CARE CENTERS**

- (a) Outdoor play equipment shall be age and developmentally appropriate.
- (b) For outdoor play structures purchased or installed on or after September 1, 2017 the provider shall maintain manufacturer's instructions on file electronically or in paper format.
- (c) Separate play areas or time schedules shall be provided for children under two years of age unless fewer than 15 children of any age are in care.
- (d) If a center shares playground space with another center that serves children, a separate play area or time schedule shall be provided for each center.
- (e) Children shall not be allowed to play on outdoor equipment that is too hot to touch.
- (f) Children shall not be allowed to be bare-footed while outdoors if equipment or surfacing is too hot to touch.
- (g) Any openings in equipment, steps, decks, handrails, and fencing shall be smaller than 3 ½ inches or greater than 9 inches to prevent entrapment.
- (h) All upright angles shall be greater than 55 degrees to prevent entrapment and entanglement.
- (i) The outdoor play area shall be protected by a fence. The height shall be a minimum of four feet and the top of the fence shall be free of protrusions. The requirement disallowing protrusions on the tops of fences shall not apply to fences six feet high or above. The fencing shall exclude fixed bodies of water such as ditches, quarries, canals, excavations, and fish ponds. Gates to the fenced outdoor play area shall remain closed while children occupy the area.
- (j) All stationary outdoor equipment more than 18 inches high shall be installed over protective surfacing. Footings which anchor equipment shall not be exposed. Protective surfacing shall be either:
  - (1) loose surfacing material, including wood mulch, double shredded bark mulch, uniform wood chips, fine sand, coarse sand, and pea gravel, except that pea gravel shall not be used if the area will be used by children under three years of age. Loose surfacing material shall not be installed over concrete; or
  - (2) other materials that have been certified by the manufacturer to be shock-absorbing protective material in accordance with the American Society for Testing and Materials (ASTM) Standard F 1292, may be used if installed, maintained, and replaced according to the manufacturer's instructions. This standard is incorporated by reference and does include subsequent editions. This standard may be found online at <https://www.astm.org/Standards/F1292.htm> for a cost of sixty-five dollars (\$65.00).
- (k) The depth of the loose surfacing material shall be based on the critical height of the equipment, which is defined as the maximum height that a child may sit, or stand, as follows:
  - (1) equipment with a critical height of 5 feet or less shall have 6 inches of loose surface materials;
  - (2) equipment with a critical height of more than 5 feet, but less than 7 feet, shall have 6 inches of loose surfacing material, except for sand;
  - (3) equipment with a critical height of 7 feet to 10 feet shall have 9 inches of any of the loose surfacing material, except for sand; and
  - (4) when sand is used as a surfacing material for equipment with a critical height of more than 5 feet, 12 inches shall be required.
- (l) Protective surfacing shall cover the area under and around equipment where a child may fall, referred to as the fall zone. The area for fall zones is as follows:
  - (1) for stationary outdoor equipment used by children under two years of age, the protective surfacing shall extend beyond the external limits of the equipment for a minimum of three feet, except that protective surfacing shall be required at all points of entrance and exit for any structure that has a protective barrier; and
  - (2) for stationary outdoor equipment used by children two years of age or older, the protective surfacing shall extend beyond the external limits of the equipment for six feet;
- (m) Exceptions to Paragraph (l) of this Rule are as follows:
  - (1) Fall zones may overlap around spring rockers, and around equipment that is more than 18, but less than 30 inches in height. If there are two adjacent structures and one is more than 18, but less than 30 inches in height, the protective surfacing shall extend a minimum of nine feet between the two structures.
  - (2) Swings shall have protective surfacing that extends two times the length of the pivot point to the surface below. The surfacing shall be to the front and rear of the swing.

- (3) Tot swings shall have protective surfacing that extends two times the length of the pivot point to the bottom of the swing seat. The surfacing shall be to the front and rear of the swing. Tot swings are defined as swings with enclosed seats.
  - (4) Tire swings shall have protective surfacing that extends a distance of six feet plus the measurement from the pivot point to the swing seat and six feet to the side of the support structure.
- (n) Swing seats shall be made of plastic or soft or flexible material.
- (o) Elevated platforms shall have a guardrail or a protective barrier, depending upon the height of the platform and the age of children in accordance with this Paragraph that will have access to the piece of equipment. Guardrails shall prevent inadvertent or unintentional falls off the platform. The critical height for a platform with a guardrail is the top of the guardrail. Protective barriers shall prevent children from climbing over or through the barrier. The critical height for a platform with a protective barrier is the platform surface. All sides of platforms shall be protected except for the area which allows entry or exit. Measurements for the guardrails and protective barriers are as follows:
- (1) Equipment used exclusively by children under two years of age:
    - (A) Protective Barriers – an elevated surface that is more than 18 inches above the underlying surface shall have a protective barrier. The minimum height of the top surface of the protective barrier shall be 24 inches.
    - (B) Critical Height – the maximum critical height of a platform or elevated play surface shall be no greater than 32 inches.
  - (2) Equipment used exclusively by children two years of age up to school age:
    - (A) Guardrails - an elevated surface that is more than 20 inches and no more than 30 inches above the underlying surface shall have a guardrail. The minimum height of the top surface of the guardrail shall be 29 inches and the lower edge shall be no more than 23 inches above the platform.
    - (B) Protective Barriers - an elevated surface that is more than 30 inches above the underlying surface shall have a protective barrier. The minimum height of the top surface of the protective barrier shall be 29 inches.
  - (3) Equipment used by children two years of age and older:
    - (A) Guardrails - an elevated surface that is more than 20 inches and no more than 30 inches above the underlying surface shall have a guardrail. The minimum height of the top surface of the guardrail shall be 38 inches and the lower edge shall be no more than 23 inches above the platform.
    - (B) Protective Barriers - an elevated surface that is more than 30 inches above the underlying surface shall have a protective barrier. The minimum height of the top surface of the protective barrier shall be 38 inches.
  - (4) Equipment used exclusively by school-age children:
    - (A) Guardrails - an elevated surface that is more than 30 inches and no more than 48 inches above the underlying surface shall have a guardrail. The minimum height of the top surface of the guardrail shall be 38 inches and the lower edge shall be no more than 26 inches above the platform.
    - (B) Protective Barriers - an elevated surface that is more than 48 inches above the underlying surface shall have a protective barrier. The minimum height of the top surface of the protective barrier shall be 38 inches.
- (p) Composite structures that were installed between January 1, 1989 and January 1, 1996 according to manufacturer's instructions that met existing safety standards for playground equipment at the time of installation and received approval from the Division, may continue to be used.
- (q) Following completion of playground safety training as required by Rule .1102(e) of this Chapter, a monthly playground inspection shall be conducted by an individual trained in playground safety requirements. A trained administrator or staff person shall make a record of each inspection using a playground inspection checklist provided by the Division. The checklist shall be signed by the person who conducts the inspection and shall be maintained for 12 months in the center's files for review by a representative of the Division. The playground inspection checklist may be found online at <https://ncchildcare.ncdhhs.gov/providers/credent.asp>. The playground inspection includes a checklist of items related to safety, surfacing, and equipment quality.
- (r) Trampolines shall be prohibited, except for supervised use of a mini fitness trampoline for single person use.
- (s) Inflatables shall be prohibited except when used during a special event such as a celebration, festival, party, or family engagement event. A staff member shall be able to hear and see all children using inflatables at all times. For

purposes of this Rule, an inflatable shall mean an air-filled structure designed to allow users to bounce, slide, or climb in. The inflatable device uses air pressure from one or more blowers to maintain its shape. Examples include bounce houses, moon walkers, giant slides, and bouncers.

*History Note: Authority G.S. 110-85; 110-91(6); 143B-168.3;  
Temporary Adoption Eff. October 1, 1997;  
Eff. October 29, 1998;  
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