



Playing by the Rules | Colorado

A Guide to Rules, Regulations, and Rating Systems
for Outdoor Learning Environments in
Family Child Care Homes



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Family Child Care Homes

Prepared for Early Childhood Health Outdoors (ECHO) Colorado,
an initiative of the National Wildlife Federation

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The intent of *Playing by the Rules/Colorado: A Guide to Rules, Regulations, and Rating Systems for Outdoor Learning Environments in Family Child Care Homes*, from here on “the guide,” is to encourage greater understanding of the regulatory framework for outdoor learning environments in family child care homes regulated by the state of Colorado. The guide is intended to help designers and child care professionals navigate certain documents issued by the State of Colorado and certain other standards or rating systems that are incorporated into them. It is not intended as legal advice. The guide should be considered in conjunction with other existing health, safety, and accessibility measures, guidelines, and standards. The guide does not duplicate or fully incorporate all the language in the laws, regulations, and policies discussed herein. It is not intended to encourage practitioners to overlook or neglect health, safety, or accessibility issues that are not discussed or that are not subject to clear regulation. Neither is the guide intended to be a comprehensive guide to best practices for optimizing safety, accessibility or developmental benefits. A wealth of resources is available to address specific concerns for designing environments to allow all children (and their caregivers) to take advantage of the benefits of outdoor learning environments. The information contained in this document was the most current available at the time it was created.

Project Team

The second edition of the guide was prepared by Daniel Jost. It builds on the first edition, applicable to all types of child care facilities, which Jost co-authored with Nilda Cosco and Robin Moore as an employee of the Natural Learning Initiative, a research, design assistance and professional development unit at North Carolina State University’s College of Design. Both versions were prepared for Early Childhood Health Outdoors Colorado, an initiative of the National Wildlife Federation.

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Introduction

1

1. Introduction

Two 4-year-olds race their tricycles around the looping path, while another pair “frost cupcakes” in the mud kitchen. A girl turns over stones to look for worms, and a boy chases a butterfly. A few months ago, these preschoolers planted a garden. Today, it is filled with tomatoes, kale, yellow squash, and other vegetables. A feast is planned so the preschoolers can taste the vegetables they have grown.

Pretending, racing, exploring, and vegetable tasting are common activities in outdoor learning environments (OLEs) inspired by Early Childhood Health Outdoors (ECHO). ECHO began as a partnership between the National Wildlife Federation, North Carolina State University’s Natural Learning Initiative, and Qualistar with aims to bring nature and outdoor play to every child every day.

ECHO is working to transform how young children play and learn outdoors, for the benefit of our kids, our communities, and our planet. When young children spend time daily in high-quality, well-designed, nature-based outdoor spaces, the benefits are clear: improved physical health and social-emotional development, better cognitive skills, and increased affinity for the outdoors.

So, ECHO facilitates the creation of nature-based outdoor play and learning settings; provides support and resources for

parents, caregivers, and educators to activate these spaces; and advocates for policies to transform outdoor play and learning best practice into common practice.

This guide is part of that work. It aims to help designers, child care professionals, providers, and local policy makers navigate state-level regulations, standards, and rating systems that may influence funding for outdoor learning environments at family child care homes in Colorado.

For most outdoor play and learning settings, only a handful of regulations or rating scale items apply. Yet, finding the relevant language may require sifting through hundreds of pages of unrelated material. This is especially true for non-traditional, nature-based settings. Following in the path of *The Regulatory Framework for Outdoor Learning Environments in Texas Childcare Facilities* released in 2016, this guide, first released in 2019, aimed to make regulatory environment reviews less foreboding (Jost, Cosco, Moore & Cooper, 2016a, 2016b).

We aimed to reduce the cost and effort associated with designing nature play and learning settings and components by making it easier to navigate key regulatory documents. The goal was to help people break through the inertia that can prevent child care facilities from adopting innovative best practices because they think their license or their rating may be negatively impacted. Through reducing the cost and effort involved in creating nature-

based play and learning, we also sought to encourage more equitable access to it.

This revision reflects the latest rule and rating system changes. As with the original guide, this revised version was reviewed by regulators from the Colorado Department of Early Childhood (CDEC). The Colorado Shines Assessment Team, including representatives of CDEC and Spark Learning Lab Colorado who are responsible for rating and assessing child care environments as part of the Colorado Shines program, also reviewed the document. The guide strives to provide an understanding of the rules as they are written and how they are being interpreted.

We have also made changes to the way the guide is organized to make it easier to navigate. Building on feedback from focus groups of child care providers and child care coaches, we are breaking the original guide into separate resources, focused more on specific types of child care facilities. This resource, focused solely on family child care homes, is the first of these.

We have also added new settings and components. There are now charts to help you navigate regulations that affect mud kitchens, birdfeeders and birdbaths, and other new settings.

Promoting Health through Design. A growing body of research suggests that connecting children to nature benefits both their physical



and mental health (Chawla, 2015; American Public Health Association, 2013).

Natural views buffer children's stress and improve their ability to concentrate (Wells and Evans, 2003; Faber Taylor, Kuo, & Sullivan, 2001; Wells, 2000). A short walk in a green urban park can reduce the symptoms of attention deficit disorder (Faber Taylor and Kuo, 2009). Time spent in diverse green spaces exposes children to beneficial microbiomes that support young immune systems (Rook, 2013; Levy, 2012; Hanski et al., 2012). Time outdoors is generally associated with lower rates of nearsightedness and higher levels of physical activity and cardio-respiratory fitness (Dolgin, 2015; Gray et al., 2015).

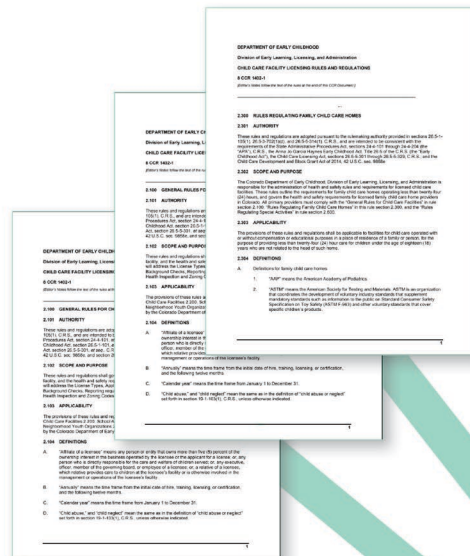
A growing body of research suggests that spending time in natural settings benefits children's physical and mental health.

An environment's ability to encourage physical activity may depend on its design. Some studies show early childhood play areas with a diversity of natural features—such as trees and shrubs—are associated with higher levels of physical activity compared to traditional playgrounds lacking these components (Boldemann et al., 2006). Meanwhile, particular types of manufactured

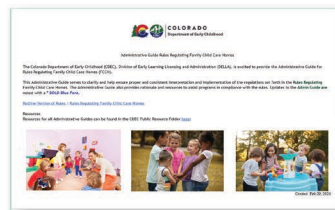
equipment promote physical activity by providing opportunities for climbing, sliding, or swinging where no naturally existing opportunities for these activities occur.

Manufactured, portable equipment such as balls, parachutes, and cloth tunnels can also add value to play and learning areas by extending the range of activities possible. A diversity of natural and manufactured settings and components, fixed features, and loose parts can promote different types of physically active play (Cosco, 2006).

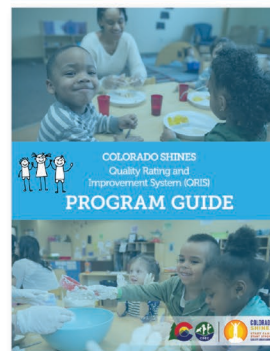
Pathway design also affects physical activity in OLEs. Research shows that OLEs with broad, looping primary pathways where children can use wheeled toys such as tricycles and wagons continuously have higher levels of



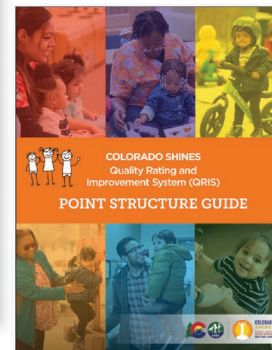
Child Care Facility Licensing
Rules and Regulations
8 CCR 1402-1
(2.100, 2.300, 2.600)



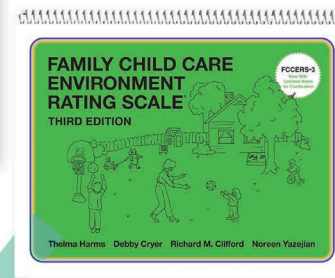
Administrative Guide: Rules
Regulating Family Child
Care Homes



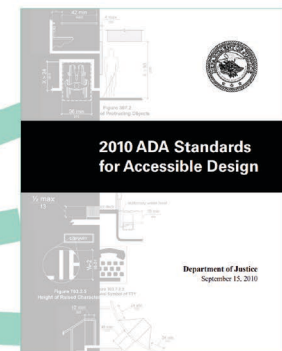
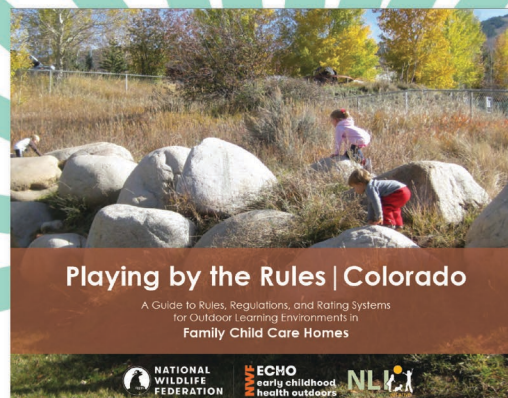
Colorado Shines
Program Guide



Colorado Shines
Points Guide



Family Child Care Environment
Rating Scale, Third Edition
(FCCERS-3)



2010 ADA Standards for
Accessible Design

Nearly 800 pages of state-level regulations, standards, and rating systems were reviewed to produce this document. The aim is to help designers, child care professionals, providers, and local policy makers navigate rules and rating systems that may influence outdoor learning environments in family child care homes in Colorado

physical activity (Cosco, Moore, 2014).

The design of outdoor learning environments may also encourage healthy eating. Studies show that children who participate in fruit and vegetable gardening at child care facilities consume more fruits and vegetables (e.g. Cosco et al, 2022).

Supporting Learning and Development.

Playing in natural environments is not just good for children’s health, it is also associated with improved learning and development. A Norwegian study showed that kindergarteners who played daily on a mostly forested, sloped site significantly improved their gross motor skills—balance, coordination, and agility—compared to kindergarteners who lacked experience in such settings (Fjortoft, 2001).

Additional studies show that natural features also encourage creative and cooperative play (Bell and Dymont, 2006). Components such as sticks, stones, and seed pods collected by children can be repurposed as building materials, used as currency in an imaginary world, and any number of other creative play and learning scenarios.

Rivkin (2000) argues that the “richness and novelty” of experiences perceived outdoors stimulate brain development. A study of seven to nine-year-olds in Barcelona found an association between the level of vegetation within 100 meters of residences lived in since birth and the gray matter volume in areas of their brains associated with

cognitive test scores, working memory, and attentiveness (Dadvand, 2018). A study of Norwegian children found a positive relationship between time spent outdoors in preschool and attention functioning, after correcting for various confounding variables (Ulset, Viatro, Brendgen, Bekkhus, & Borge, 2017). Those children who spent more time outdoors in preschool also showed fewer inattention-hyperactivity symptoms.

Using the Guide. This guide is not meant to be read fully from cover to cover. However, the first five sections (30 pages with lots of pictures), should be read in their entirety—particularly by those creating a new outdoor learning environment or making changes to an existing space.

Section Two, following this introduction, identifies a series of documents that relate to the planning and design of outdoor learning environments in Colorado child care facilities. It discusses the documents that this guide aims to help readers navigate.

Section Three introduces site-level requirements that may affect the overall layout of the outdoor learning environment and the play and learning settings included.

Section Four provides a general review of accessibility regulations relevant to OLEs.

Section Five discusses when features may qualify as playground equipment and when they will need protective or resilient surfacing and use zones.

The majority of the guide presents a series of charts dedicated to specific play and learning settings and components used to create rich play and learning environments. Most readers only need to refer to section introductions and specific items being considered for inclusion.

Section Six contains short descriptions of each setting and component and related design and planning considerations, with references to additional resources. Relevant sections from documents identified in Section 2 are noted.

Most of these documents are government publications in the public domain, so there is no limitation on quoting from them generously. However, a number of proprietary, more restricted documents are included. We do not repeat ASTM playground standards in this guide, we focus on when they do and do not apply to a certain type of feature. This approach seems appropriate to us, as most playground equipment is mass produced and installed based on the manufacturer’s instructions. If you are interested in creating custom playground equipment, we generally recommend hiring a knowledgeable designer and having the equipment inspected by a Certified Playground Safety Inspector once it is installed.

Also, this guide will not help people determine a facility’s score on the proprietary environment rating scales that are part of Colorado’s regulatory environment. It does, however, provide an understanding of how

design and planning of certain settings and features can affect these ratings and how to navigate to relevant parts of the proprietary scales.

Some regulations related to OLE management, common across many different play and learning settings, are unlikely to have a major effect on OLE setting or component design. But an understanding of them may influence overall design or planning in some way. For example, the licensing rules require that all providers and staff members and children who walk independently must wash their hands after “coming in from outdoors” and infants must have their hands washed for them (see 8 CCR 1402-1, section 2.334.). This rule may affect how facilities choose to design transitions between indoors and outdoors in Colorado.

Section Seven summarizes such regulations so repetition for each OLE setting and component is avoided. It also deals with some other less common activities covered by licensing rules in Colorado (e.g. managing swimming, shoreline wading, fishing, and nature studies, etc.) that may affect design and planning.

Section Eight discusses rules and regulations that may provide opportunities for contact with nature beyond licensed spaces.

Finally, an **Appendix** lists helpful resources about managing risks and hazards in naturalized outdoor learning environments. Like all environments, outdoor areas present risks. It is important to balance children’s need

to grow and develop through manageable risk-taking with appropriate protection from hazards that children are not able to perceive (Cooper, 2014; Jost, Yost, Mikus, & Ghiasi Gorveh, 2016).

Children are especially vulnerable to environmental toxins, given their rapidly developing bodies and brains (American Academy of Pediatrics, 2012; Grandjean, 2013; Roberts, Karr & Council on Environmental Health, 2012). Some resources for creating landscapes that minimize exposure to toxins are provided.

Information on rules, regulations, and rating systems contained in this guide was the most current available at the time it was released, in February 2026. Prior to using this guide, refer to appropriate state or federal agencies to determine if document updates have been issued.



Overview of Regulatory Environment

2

2. Overview of Regulatory Environment

The State of Colorado recognizes a variety of types of child care facilities, each of which is regulated differently. This guide focuses on *family child care homes*. These facilities are located in residences and provide care for children under 18 years of age who are not related to the head of the home (8 CCR 1402-1, Section 2.303). (Note that 24-hour care is licensed differently).

Family child care homes generally serve 4 to 12 children. There are a few variations of the license for this type of facility based on the age and number of children served and the experience level of the child care provider. (See 8 CCR 1402-1, Sections 2.306-2.310.)

Requirements specific to family child care homes that hold their programs fully or predominantly outdoors and do not have indoor classrooms are not addressed in this guide. Contact state regulators to learn more about the potential for such programs.

State Licensing Requirements. The Colorado Department of Early Childhood oversees the creation and enforcement of the Child Care Facility Licensing Rules and Regulations (8 CCR 1402-1). These regulations must be followed for a facility to obtain and retain its license to operate. Facilities are monitored primarily through annual inspections. However,

additional investigations may be carried out to ensure children’s health and safety.

All child care facilities are subject to section 2.100 of these rules. Most facility types, including family child care homes, are also required to adhere to section 2.600 of these rules. Family child care homes must also meet requirements in 2.300. Most of the licensing rules related to outdoor learning environments for family child care homes are located in this section.

Licensing requirements for family child care homes are further clarified in *Administrative Guide: Rules Regulating Family Child Care Homes* (Updated June 6, 2024). The document, created by the Colorado Department of Early Childhood, only contains licensing rules chosen to be clarified. It does not serve as a standalone resource. It informed the discussion of licensing requirements for family child care homes in this guide.

Under Colorado Revised Statutes Section §26.5-5-313, a child care facility subject to licensing requirements may seek a waiver to use certain materials in its programs and curriculum that would not otherwise meet the licensing regulations. Such facilities must have policies in place to ensure instructors “are trained in the use of the specific material(s) in a way that provides reasonable, developmental and age-appropriate safety provisions for children.” Also, parents must be notified in writing of the potential safety risks and sign consent forms “acknowledging

awareness of the risks in using the materials” (See 8 CCR 1402-1 Section 2.117).

State Sanitation Requirements. The design and management of outdoor learning environments at many Colorado child care facilities is also regulated by the Colorado Department of Public Health and Environment (CDPHE), which, together with the State Board of Health creates *Rules and Regulations Governing the Health & Sanitation of Child Care Facilities in the State of Colorado* (6 CCR 1010-7). However, family child care homes are not subject to these rules, therefore they are not discussed in this guide.

Accessibility Requirements. Colorado’s general rules for child care facility licensing state that all facilities that are subject to the Child Care Licensing Act are also subject to the Americans with Disabilities Act (ADA) (See 8 CCR 1402-1 Section 2.119). All child care facility outdoor learning environments need to meet the *2010 ADA Standards for Accessible Design* adopted by the U.S. Department of Justice under the authority given to it by ADA. There are differences in how these standards apply to family child care homes, compared to other types of child care facilities. Accessibility requirements are discussed in greater depth in section four of this guide.

Colorado Shines Rating System. Family child care homes enrolling children five years of age

or younger are assigned a rating using the Colorado Shines rating system (See 8 CCR 1402-1, section 2.305(A)(2)). This program is used to assess the quality of child care facilities, to communicate information about quality to parents seeking child care, and to determine the level of funding providers receive for each child whose tuition is subsidized through the Colorado Child Care Assistance Program (CCCAP).

CCCAP helps families with low or no income afford child care. The program is managed jointly by the Colorado Department of Early Childhood and local county departments of social or human services. Each county is required to provide a tiered system of reimbursement that rewards programs for having higher Colorado Shines ratings. The tiers vary from county to county, as do the eligibility requirements for families participating in the program.

However, the rating system used is consistent across the state. Colorado Shines rates facilities at levels between one and five, with five being the highest possible rating. All licensed facilities begin with a Level 1 rating. The procedures for obtaining higher ratings are outlined in the *Colorado Shines Program Guide (2021)* and the *Colorado Shines Quality Rating and Improvement System Point Structure Guide (also known as the Colorado Shines 2021 Points Guide)*.

These resources are available for free online, in a section titled program resources, on coloradoshines.com/. Programs are not



It may be possible to receive a waiver to use equipment or materials that do not meet licensing regulations but provide reasonable safety provisions, such as an embankment slide that only has protective surfacing at its foot.

required to work toward higher quality ratings, however, they are incentivized to do so by additional funding opportunities and information made available to the public.

Facilities may earn a Level 2 rating by registering staff in the state's Professional Development Information System (PDIS),

having 75% of staff participate in online training modules offered by the state, completing a quality indicator assessment, and completing a quality improvement plan (See pages 9 and 31-38 of the *Colorado Shines Program Guide*).

Rating Levels 3-5 are determined using a two-tiered rating system. To achieve these ratings, facilities must meet certain thresholds for the points laid out in the *Colorado Shines Program Guide*. Their average score on one or more Environment Rating Scales must also meet certain thresholds (see table on next page).

The primary way design and planning of outdoor environments can influence Colorado Shines ratings is through the Environment Rating Scales. Each rating scale has a number of items that can be rated higher or lower based on the design and management of the outdoor learning environment.

The Environment Rating Scale used differs based on facility type. Family child care homes are rated using the *Family Child Care Environment Rating Scale, Third Edition* (FCCERS-3). FCCERS-3 is a proprietary publication that can be purchased at various bookstores online or borrowed from your local public library.

Out of the 76 possible points for family child care homes within the *Colorado Shines 2021 Points Guide*, only 4 points are

specifically tied to outdoor learning environments—items 3.2, 5.2, and 5.3.

Item 3.2 awards one point for having a quality improvement goal or goals for the “playground” such as “ensuring inclusion of all children, enhancing teacher/child interaction, expanding [the] outdoor learning environment, increasing opportunities for gross motor play, health and safety, etc.” This goal must be documented in the Quality Improvement Plan in the CO Shines data system.

Item 5.2 awards two points for promoting “positive nutritional practices.” These points are awarded based on how many of the following practices are observed: (1) Having a garden that grows fruits or vegetables or access to a community garden, (2) Serving fresh fruits or vegetables “for children to taste,” (3) Serving meals family style, (4) Participating in the Child and Adult Care Food Program, (5) Receiving Lactation Friendly Child Care (LFCC) Recognition, (6) Offering nutrition classes to families, and (7) “Other documented practices that promote positive nutrition.” Homes will receive one point for providing evidence of at least two practices and two points for providing evidence of at least four practices.

Item 5.4 awards one point when classroom teachers lead children in structured physical activities daily (Note: These activities may be indoors or outdoors, but we include this item so that consideration may be made

Table 1: Scoring for Levels 3-5 of CO Shines Rating System for Family Child Care

	CATEGORIES	TOTAL POSSIBLE POINTS	LEVEL 3	LEVEL 4	LEVEL 5
1.	Workforce Qualifications and Professional Development	22			
2.	Family Partnerships	20			
3.	Leadership, Management & Administration	14			
4.	Learning Environment	15			
5.	Child Health	5			
Minimum points requirement by rating level			27	34	46
Average Environment Ratings Score (FCCERS-3)			At least 3.5 with no classroom below a 3.0	At least 4.5	At least 5.5

Source: Colorado Department of Early Childhood

to facilitate such activities outdoors).

It is also possible that improvement of the outdoor learning environment may be rewarded as part of *Item 3.3*, which awards as many as four points for the “continuous quality improvement in one or more strategic areas.” These areas include health promotion, inclusive teaching and learning, and culturally responsive practices and reducing bias.

The guidelines laid out in the program guide and the scale items laid out in the environment rating scales are not requirements. Facilities do not have to meet them to operate or even to obtain a certain rating. Flexibility is offered for programs to focus on the scale items and associated points that most align with the goals of the child care facility.

Local Laws, Fire Inspections, and Zoning.

Navigating local laws or regulations is beyond the scope of this guide. Licensing rules do not require family child care homes to have annual fire inspections as many other types of child care facilities must (8 CCR 1402-1, Section 2.122(A)). However, they must comply with local planning and zoning requirements in the municipality, city, and/or county where they are located as part of child care facility licensure (See 8 CCR 1402-1, Section 2.122). Written approval from a local zoning department must also be provided when opening or relocating a facility and whenever there is a change to the license. Refer to local jurisdictions to ensure awareness of specific laws or standards at the local level that must be followed.



Site-Level Requirements

3

3. Site-Level Requirements

Before delving into the details of the design and planning process, and, whenever possible, before committing to a location for a new family child care home, it is important to consider site-level requirements that will affect the design for the outdoor learning environment. Regulations will, for example, define the maximum number of children that can be served within an outdoor area of a certain size, which may affect the viability of some sites. In this section, the focus is licensing requirements. Accessibility requirements, which must be considered at both the site-level and at a more detailed level, are discussed in the next section.

This section lays out minimum requirements. Going beyond them in ways that improve the quality of the outdoor learning environment is encouraged.

Note that while this guide discusses Colorado Shines quality rating indicators in Section 6, it does not generally discuss them at the site-level. This editorial decision was made because most of the indicators are within the proprietary environment rating scale FCCERS-3, and thus it would be difficult to introduce them in a way that would be useful and comprehensive without infringing on copyrights.

Bounding/Enclosure. Family child care homes must have play areas enclosed by fences, walls, or natural barriers (such as hedges) (8 CCR 1402-1, section 2.337(A)(2)). The rules state “gates used for emergency evacuation must remain unlocked during child care hours” (8 CCR 1402-1, Section 2.337(D)(5), so the ability to supervise children’s access to gates is important. For more detailed information on the rules for enclosing outdoor learning environments, see p. 59. It may be possible to receive an outdoor hardship waiver if it is not possible to have a fenced play area on site. See p. 18.

Square Footage Requirements. Outdoor play areas for family child care homes must meet specific square footage requirements. “At least seventy-five (75) square feet of useable outdoor play space must be available for each child in care” in family child care homes (8 CCR 1402-1, section 2.337(A)(1)).

The total area is measured within the limits of the fence, wall, or natural barriers that enclose the play area. Remember, square footage requirements in the licensing standards are lower limits. Especially when there are site constraints, such as steep topography or areas deeply shaded by mature trees, larger areas may be needed to provide diverse play and learning settings for children of different ages.

If it is not possible to provide an outdoor space of adequate size at your home, other accommodations will need to be made. See

“Facilities Not Able to Provide Outdoor Space” on p. 18.

Age Appropriateness. The licensing regulations for family child care homes have language discussing the age appropriateness of equipment and materials that children have access to (8 CCR 1402-1, section 2.333).

Two contrasting aspects of age appropriateness affect all types of child care facilities. On the one hand, children must not have access to equipment that presents hazards to someone at their stage of development. On the other hand, children at each stage of development need stimulating play opportunities that allow them to practice existing skills and build new ones.

Child care centers that serve children across an age spectrum often create separate outdoor areas designed for discrete age groups in order to meet various licensing requirements. Programs licensed as family child care homes do not have requirements to separate children of different ages, but their outdoor spaces must be designed to serve the youngest child present.

Choking hazards: Family child care homes must restrict access to choking hazards for children under 3. If older children use a space used by children under 3 years old, it is important to ensure that they do not bring toys or materials that provide choking hazards into the space. Any toy or part of a toy or article for children



Play areas at family child care homes must be enclosed by fences, walls, or natural barriers. If fencing is used, it may be greened to make it less cage-like.

that fits within a choking tester with an inner diameter of 1.25 inches and a depth of 2.25 inches would be a choking hazard. See <https://www.cpsc.gov/FAQ/Small-Parts-and-Choking-Hazard-Labeling-FAQs> for more information on how the federal government defines choking hazards for the purposes of labeling.

Maximum height of equipment. Licensing rules place limits on the height of climbing and sliding equipment and “equipment with attached platforms.” Such equipment for

toddlers cannot exceed 32 inches. Such equipment for preschool and school-age children cannot exceed 6 feet (8 CCR 1402-1, section 2.337(B)(2)).

While there is no rule requiring play equipment for toddlers be separated in family child care homes, the practicalities of supervision would likely encourage laying out this equipment in a way that will allow the provider to prevent toddlers from using climbing and sliding equipment designed for older children.

Design to Facilitate Visual Supervision.

Licensing regulations for family child care homes state, “All parts of the play area must be visible and easily supervised” (8 CCR 1402-1, section 2.337(A)(3)). These regulations do not require that all areas are visible from any particular point within the space, but the adults supervising an area must be able to see into all settings as they move through the OLE. The *Administrative Guide* clarifies: “It is important that all blind spots in the outdoor learning environment are identified and a plan for active supervision is created.” Elsewhere the rules note: “Developmentally appropriate supervision must be provided during outdoor play” (8 CCR 1402-1, section 2.337(C)(2)). The *Administrative Guide* elaborates: “‘Supervision’ means knowing the location and activity of all children at all times while they are in care.”

Shade. Provision of shade is a licensing requirement in family child care homes. 8 CCR 1402-1, section 2.337(A)(4) states “Shade must be available.” Unlike child care centers which require 150 square feet of shade, family child care homes are not required to have a specific amount of shade. Remember, when considering shade cover provided by trees, the licensing staff consider whether shade is provided currently and not if it will be available once trees grow in.

Variety of Play Activities, Materials and

Equipment. Licensing requirements for family child care homes require the provision of

different categories of play materials and equipment. Categories we feel are potentially relevant to outdoor areas are noted here. Section six of this guide notes which categories each type of setting and component covered in this guide fit into. In order for toys and play materials to be counted, the *Administrative Guide* clarifies that “toys and materials must be stored low enough for children to easily access. Containers that children cannot open or reach without assistance are not considered easily accessible.”

“Family child care home **provider-initiated language activity** must be offered daily, such as reading, storytelling, flannel boards, or puppetry” (8 CCR 1402-1, section 2.332(I)).

“The primary provider(s) shall initiate at least one (1) **interactive musical activity** weekly, such as singing, dancing, playing instruments, marching, listening to tapes or recordings, radios, and musical videos” (8 CCR 1402-1, section 2.332(J)).

“A selection of at least five (5) **books** must be available for the group of infants/toddlers in care.” (8 CCR 1402-1, section 2.333(A)).

“A selection of at least ten (10) **books** must be available for all children over two (2) years of age in care and must be organized and accessible to children most of the day. If children over five (5) years of age are in care, books relevant to the age of the child must be included within the ten (10) books.” (8 CCR 1402-1, section 2.333(B)).



Providing playhouses or performance settings with costumes or other props may help satisfy requirements for providing “dramatic play materials.”

“At least three (3) materials must be available to the children that are developmentally appropriate, culturally sensitive, and **represent diversity in ethnicity, race, gender, age, and abilities**. Variety must exist in toys, books, and pictures” (8 CCR 1402-1, section 2.333(C)).

“At least five (5) types of developmentally appropriate **language materials** must be available, such as toy telephones, puppets, story boards, dolls, and pictures.” (8 CCR 1402-1, section 2.333(D)).

“At least five (5) types of age-appropriate **fine motor materials** must be available for use daily which should include at least some of the following: crayons, paper, scissors, non-chokable small building toys,

developmentally appropriate multi-size stringing beads, pegs, sewing cards, and puzzles.” (8 CCR 1402-1, section 2.333(E)).

“Age-appropriate **blocks and accessories** must be accessible for free play daily allowing at least two (2) children to play independently, yet simultaneously” (8 CCR 1402-1, section 2.333(F)).

“At least five (5) types of developmentally appropriate **nature or science related games, materials, or activities** must be available, such as: natural object collections, plants, gardens, pets, magnets, magnifying glasses, and/or science props.” (8 CCR 1402-1, section 2.333(G)).

“At least five (5) types of developmentally appropriate **math or number materials** must be available: counting objects, balance scales, rulers, number puzzles, magnetic numbers, and dominoes” (8 CCR 1402-1, section 2.333(H)).

“At least five (5) types of **art materials** must be available, such as: crayons, pencils, markers, paints, play dough, scissors, and glue. Some art materials must be readily available each day.” (8 CCR 1402-1, section 2.333(I)).

“At least five (5) types of **dramatic play materials** shall be accessible for free play daily such as: backpacks, purses, hats, dress up clothing, housekeeping toys, dolls and accessories, toy telephones, play houses, toy animals, cars and trucks, costumes, and safe jewelry.” (8 CCR 1402-1, section 2.333(K)).

“**Outdoor physical free play materials** must consist of at least five (5) age appropriate

toys and equipment in good repair, such as: push toys, riding toys, tossing toys, climbing equipment, balance boards, swings, slides, balls, toss games, and sports equipment. These must be provided daily except in extreme weather.” (8 CCR 1402-1, section 2.333(L)).

“Materials provided in large homes must be double the requirements for the regular home as listed above when nine (9) or more children are present” (8 CCR 1402-1, section 2.333(M)).

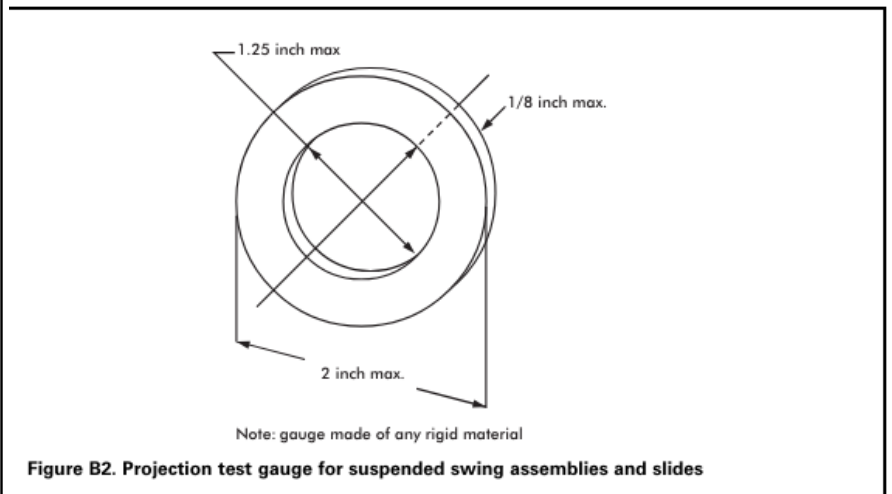
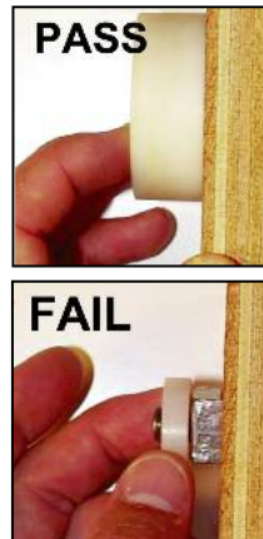
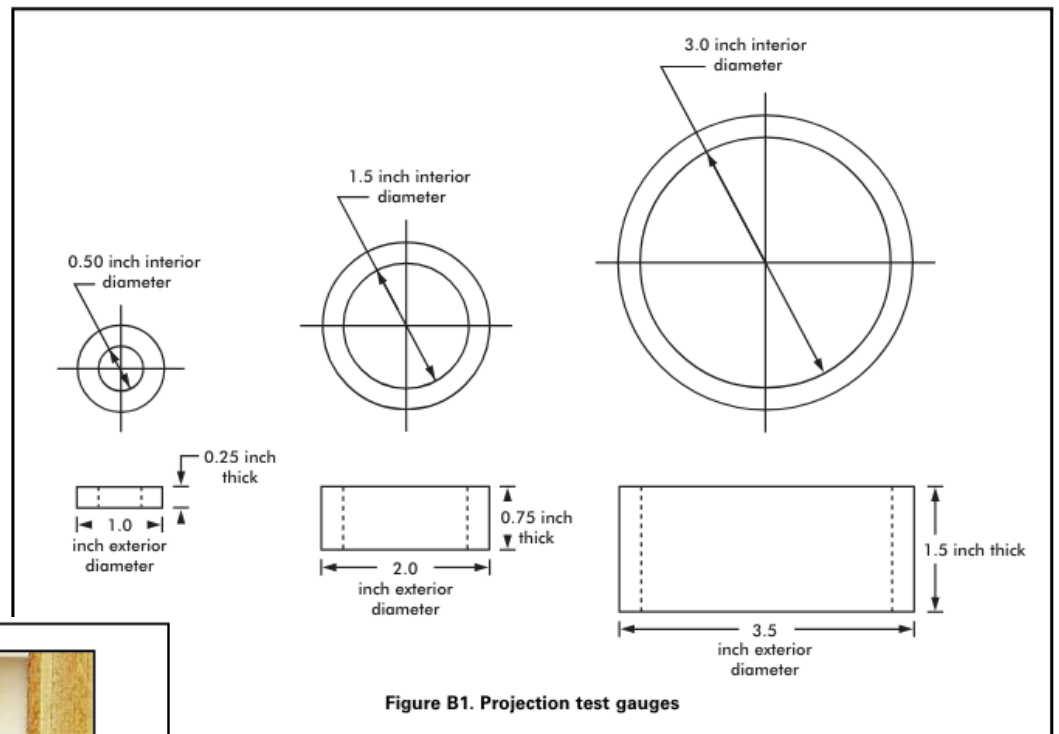
“Some **sand or equivalent dry material or water play** offered to children eighteen (18) months of age or older, indoors or outdoors, at least monthly and year round. If used, food or organic material must be discarded each week.” (8 CCR 1402-1, section 2.333(N)).

Avoid forced participation in activities.

“Children must not be forced to participate in activities; alternate developmentally appropriate activities must always be available.” (8 CCR 1402-1, section 2.332(F)). Note that this might have consequences for the design and location of spaces used for group activities. How can these spaces be located and designed in ways that facilitate the play and supervision of children who choose not to take part in group activities?

Safe and Free of Hazards. Multiple lines in the licensing rules require that the outdoor area is safe and free of hazards, some in a

Figures 1-3: Diagrams from the U.S. Consumer Product Safety Commission show gauges used to test for protrusions on playground equipment and how to use them.



general way, some listing specific hazards or types of features that must be free of them. While the tables in section 6 pull out hazards especially pertinent to specific types of settings, It seems useful to state these rules in this section as well, in case people are evaluating the setting as part of a site improvement plan.

The rules state: “The premises of the family child care home must be kept safe and free from hazards to health at all times” (8 CCR 1402-1, section 2.335(D)). Similar rules are provided specifically for “outdoor equipment, materials, and furnishings,” which also must be “sturdy” (8 CCR 1402-1, section 2.335(Y)).

The rules define “safe” to mean “free of hazards posing danger of injury including, but not limited to, ‘keep out of reach’ items, protrusions, broken items, areas of entrapment, strangulation or choking hazards, insufficient cushioning, poisonous chemicals, etc.” (8 CCR 1402-1, section 2.304(A)(80)).

Choking hazards are discussed above on p. 12. The sorts of features requiring “cushioning” for falls are discussed in Section 5 on p. 25. What it means to have sufficient cushioning is discussed in the section on protective surfacing on p. 101. Here we will briefly discuss what is meant by the terms “protrusions” and “entrapment hazards.”

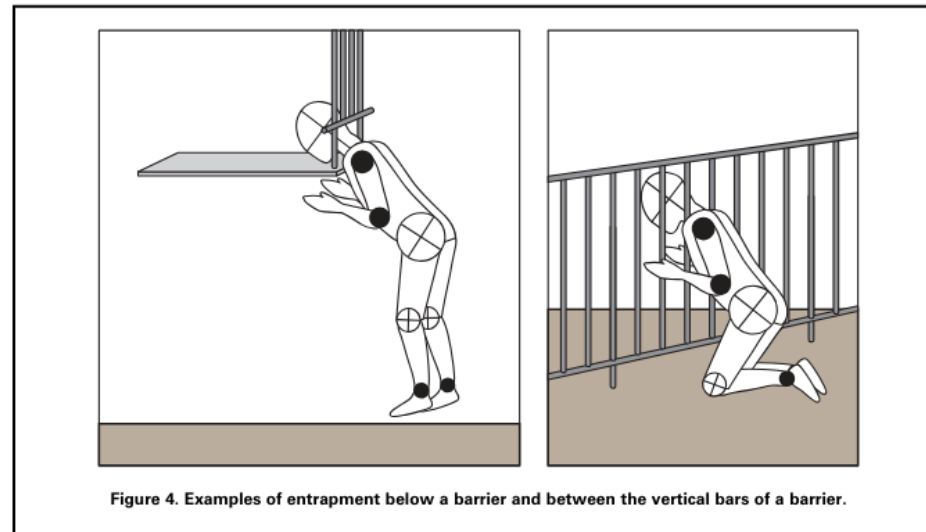


Figure 4. Examples of entrapment below a barrier and between the vertical bars of a barrier.

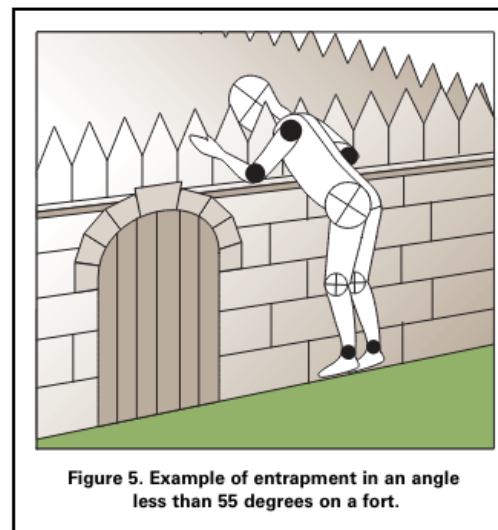


Figure 5. Example of entrapment in an angle less than 55 degrees on a fort.

Figures 4-5: Diagrams from the U.S. Consumer Product Safety Commission show different types of entrapment hazards that must be avoided on playground equipment.

Protrusions. The term protrusion is not defined in the licensing rules. It is most commonly used to describe nuts and bolts and other parts that stick out from the surface of playground equipment or play furnishings in a way that may cause serious injury if a child bumps into them, falls on them, or, in the case of swings, is hit with them.

In its *Public Playground Safety Handbook*, the U.S. Consumer Product Safety

Commission (CPSC) describes three gauges for testing playground equipment for protrusions generally (top right p. 15) and one additional gauge that is used, along with the others, when testing the non-entanglement and protrusion zones of slides and the suspended parts of swings (bottom right p. 15).

For the full procedure see Appendix B (p. 67) of the guide available at: <https://www.cpsc.gov/Playground-Handbook> . The basic idea, shown in the diagrams copied from that resource here, is that if a bolt or other projection sticks out of the surface of playground equipment past the edge of even one of the gauges, it is a protrusion hazard. The first three gauges may also be appropriate for testing play furnishings. However, we would strongly discourage using them on toys or plants on the premises that they were not designed to assess.

Entrapment Hazards. The CPSC's *Public Playground Safety Handbook* defines entrapment as "any condition that impedes withdrawal of a body or body part that has penetrated an opening" (p. 6). For example, if a child is able to slip their legs through an opening, but it is too small for their head to pass through, this would be an entrapment hazard.

When it comes to railings and openings in protective barriers, residential construction has historically used different standards than the standards and guidelines for playground equipment. The licensing rules acknowledge this difference in their rules for family child care homes. The rules state: "Decks that are more than twelve (12) inches high must have or be modified to have a protective railing or other barrier with slats no wider than four (4) inches apart" (8 CCR 1402-1, section 2.337 (A)(5)).

With playground equipment serving preschool and school age children, typical rectangular gaps must be either less than 3.5 inches or greater than 9 inches wide. Typical rectangular gaps in playground equipment for toddlers must be under 3 inches or greater than 9 inches wide for toddler playground equipment to avoid entrapment hazards. If openings are not rectangular or they fall within that range, entrapment testing equipment that matches the CPSC specifications would be used to determine if they created areas of entrapment. Additionally, angles on what CPSC calls "partially bounded openings" like the top

of a picket fence, would typically need to be less than 55 degrees on playground equipment. There are also specific guidelines for openings in flexible climbers. See pages 23-24, 40, 64-66, and 70-76 of CPSC's *Public Playground Safety Handbook* for more information at: <https://www.cpsc.gov/Playground-Handbook>.

Surveying for hazardous materials and debris.

The licensing rules state: "All outdoor play areas shall frequently be surveyed and must be kept safe and free from hazardous materials or debris that could cause harm to children" (8 CCR 1402-1, section 2.337 (D)(2)). This rule may be interpreted broadly, much like the rules about keeping the premises and outdoor equipment safe. However, it specifically encourages removal of the sorts of hazards that are not built into the design but may appear there as the space is used.

One example that may result from normal play is children bringing hard toys into the use zone of playground equipment, so that children falling from the equipment may land on these toys, rather than the softer protective surfacing. At the site level, it may be worth considering how play with loose parts, natural construction play, wheeled toys, and other items could be separated from the use zones of playground equipment, so less management of items migrating into the use zone is necessary.

Lawn Mowers, Grills, Tools, Gas, and Building Scraps. The licensing regulations also include rules that would encourage the storage of certain items in a shed or garage, so they are not accessible to children. The rules note: "Outdoor play space, including areas under decks must be free from safety hazards including, but not limited to, lawn mowers, tools, propane, gasoline, building scraps, and scrap metal," (8 CCR 1402-1, section 2.337 (D)(3)) and "Gas grills with propane tanks must be inaccessible or have a safety on/off knob" (8 CCR 1402-1, section 2.337 (D)(4)). Note that representatives of CDEC have advised that this rule is meant to limit access to tools that would pose a hazard and would not prevent preschool and school age children from participating in flower or vegetable gardening activities with garden tools like shovels, rakes, and hand weeding tools.

Tiered Yards and Window Wells. "Tiered yards that have drop offs of more than twelve inches (12") must have a protective railing or other barrier" (8 CCR 1402-1, section 2.337(A)(6)).

"Window wells accessible to children must have covers that are in good condition and will protect children from falling into the window well. Window well covers must not prevent exiting from a basement window designated as the second exit" (8 CCR 1402-1, section 2.337A8).

Facilities Unable to Provide Outdoor Space.

There is a new exception that is part of the

most recent revision for the family child care home rules and regulations. This is known as the “outdoor space hardship” and is found in 8 CCR 1402-1, section 2.337(A)(17). It allows for the designation of an alternative outdoor space—or indoor gross motor space—that children can use each day.

The rules state: “If an outdoor play space is not directly attached to the family child care home or accessible via secure access, or the family child care home cannot meet outdoor space requirements due to a hardship based on the location of the family child care home, the family child care home must develop a site-specific plan, which will be submitted to the Department for review and approval, that includes the following: (8 CCR 1402-1, section 2.333C).

- 1) Identification of an accessible (appropriate for the age group of children served) alternate outdoor space including a description and approximate square footage of the space;
- 2) A diagram outlining how children will safely travel to and from this location;
- 3) A plan for supervision, including any special staffing requirements, to safely access and utilize the alternate outdoor space that includes:
 - a) Attendance tracking upon arrival to the outdoor space and return to the family child care home;
 - b) Children’s toileting and diapering needs;

- c) Children’s routine and emergency medical needs including the use of first aid kits and accessibility of emergency contact information when not on site at the family child care home;
 - d) Plans for alternate activities if the outdoor space is unavailable; and
 - e) If play equipment or climbing structures are present in the outdoor space, a plan for assessing safety of equipment and supervising age-appropriate play;
- 4) An emergency evacuation plan including the location of a secondary site for reunification with parents in the case of an emergency while at the offsite location and plans for accessing shelter in the case of emergency; and
- 5) A policy that notifies the parent(s) or guardian(s) of the alternate outdoor space.”

The rules continue: “If the outdoor space becomes unusable or the family child care home cannot maintain what was approved in the plan, the primary provider must submit a new plan to the Department within ten (10) calendar days of a change in the usability of such outdoor space.”

And it notes: “Family child care homes licensed prior to March 1, 2024, may not reduce or eliminate existing licensed outdoor

space to qualify for the outdoor space hardship.”

The *Administrative Guide* notes waivers should be submitted through the HUB at: <https://decl.my.site.com/providerhub/s/login/>

A photograph of two young girls riding tricycles on a paved path. The girl in the foreground is blonde with pigtails, wearing a blue t-shirt with a colorful unicorn graphic and blue jeans with heart-shaped patches. She is riding a pink tricycle. The girl behind her has dark hair with a small orange bow, wearing a pink t-shirt and blue shorts, riding a yellow tricycle. They are both smiling at the camera. The background is filled with lush green trees and foliage, suggesting a park or garden setting. The lighting is bright, indicating it's daytime.

Accessibility of Outdoor Learning Environments

4

4. Accessibility of Outdoor Learning Environments

Two sets of U.S. standards apply to the creation of accessible play areas for children in family child care homes. First, the 2010 ADA Standards for Accessible Design issued by the U.S. Department of Justice (DOJ) interpret the federal Americans with Disabilities Act of 1990. Second, ASTM F1951 is a “voluntary standard” issued by ASTM International for determining the accessibility of safety surfacing under and around playground equipment.

In Colorado, all licensed child care facilities are required to meet ADA Standards by section 2.119 of the Child Care Facility Licensing Rules and Regulations. So, compliance with ADA could potentially be enforced by both state licensing inspectors and the DOJ.

There may also be local laws for accessibility that need to be considered. To determine if such laws exist, talk to local regulators charged with approving building plans.

Scope of ADA Standards. The ADA Standards for Accessible Design set minimum accessibility “requirements—both scoping and technical—for newly designed and constructed or altered state and local government facilities, public

accommodations, and commercial facilities” (U.S. DOJ, 2010).

Some of this language is easy to understand. State and local governmental facilities clearly must comply. But what is a public accommodation? As defined in ADA, public accommodations are “[facilities] operated by private [entities] whose operations affect commerce” (Code of Federal Regulations §36.104). Section 36.104 of the Code of Federal Regulations note public accommodations include restaurants, schools, day care facilities, shopping centers, and recreation facilities.

Playgrounds at private residences that are not used for commercial purposes are not required to meet the ADA standards. There are also some exceptions for designated historic properties and religious institutions, including child care facilities operated by religious entities (See [ADA Title III Technical Assistance Manual](#), III-1.5000 and III-4.4200). But most non-residential play areas are required to meet ADA requirements. Many religious institutions choose to do so even when not required.

Commercial facilities located in private residences, such as family child care homes, are also subject to ADA Standards when new construction or alterations to these facilities takes place.

28 CFR part 36, subpart D §36.401 (b)(1-2) states: “(1) When a commercial facility is located in a private residence, the portion of the residence used exclusively as a residence is

not covered by this subpart, but that portion used exclusively in the operation of the commercial facility or that portion used both for the commercial facility and for residential purposes is covered by the new construction and alterations requirements of this subpart.

(2) The portion of the residence covered under paragraph (b)(1) of this section extends to those elements used to enter the commercial facility, including the homeowner’s front sidewalk, if any, the door or entryway, and hallways; and those portions of the residence, interior or exterior, available to or used by employees or visitors of the commercial facility, including restrooms.”

There is an exception in 28 CFR part 36, subpart D §36.401 (c)(1-3) for “structural impracticability.” It notes: “(1) Full compliance with the requirements of this section is not required where an entity can demonstrate that it is structurally impracticable to meet the requirements. Full compliance will be considered structurally impracticable only in those rare circumstances when the unique characteristics of terrain prevent the incorporation of accessibility features.

(2) If full compliance with this section would be structurally impracticable, compliance with this section is required to the extent that it is not structurally impracticable. In that case, any portion of the facility that can be made accessible shall be made accessible to



the extent that it is not structurally impracticable.

(3) If providing accessibility in conformance with this section to individuals with certain disabilities (e.g., those who use wheelchairs) would be structurally impracticable, accessibility shall nonetheless be ensured to persons with other types of disabilities (e.g., those who use crutches or who have sight, hearing, or mental impairments) in accordance with this section.”

ADA Standards for Play Areas. Under the 2010 ADA Standards, manufactured playground equipment, constructed play features, and

nature play and learning settings are all regulated in the same category, as “play areas.”

The ADA Standards define play area as: “a portion of a site containing play components designed and constructed for children” (U.S. DOJ, 2010). The ADA Standards define “play component,” as “an element intended to generate specific opportunities for play, socialization, or learning.” It explains: “Play components are manufactured or natural; and are stand-alone or part of a composite play structure” (U.S. DOJ, 2010).

Unless the entire property is exempted from complying with ADA, the outdoor

learning environment and all its play, learning, and socialization areas will likely be subject to ADA requirements for play areas. This includes play and learning features designed and constructed with natural materials.

The extent of the ADA standards can seem intimidating at first. The document is 279 pages long. But only a few pages are focused on children’s play areas—Sections 206.2.17, 240 and 1008.

The need for an accessible route. [Section 206.2.17](#) declares that play areas must include an accessible route. In a typical play area with a mix of ground level and elevated play components, “at least one accessible route shall be provided within the play area,” it states in Section 206.2.17.1. “The accessible route shall connect ground level play components required to comply with 240.2.1 and elevated play components required to comply with 240.2.2, including entry and exit points of the play components.”

Notably, home-based child care facilities where the proprietor resides are exempt from meeting the requirements in Section 240 that a certain number of play components need to be at ground level and on an accessible route. However, they are not exempted entirely from the language requiring an accessible route.

Soft contained play structures, a special category of play structure that is fully contained except at their entries, also have specific requirements that need to be considered, in the unlikely event you are

constructing one at a family child care home. These structures are the sort of play structure typically found indoors at a fast-food restaurant, though they are increasingly being designed for outdoor use as well.

Section 206.2.17.2 of the ADA Standards states: “Where three or fewer entry points are provided for soft contained play structures, at least one entry point shall be on an accessible route. Where four or more entry points are provided for soft contained play structures, at least two entry points shall be on an accessible route.”

Section 1008: How to make it accessible.

Section 1008 focuses on *how* to make play areas accessible with answers to questions such as: How wide does the accessible route need to be? How much vertical clearance is required? What is the maximum slope allowed and are handrails required? It also specifies and explains topics such as required dimensions for wheelchair transfer systems, and clearance required under play tables so that children using wheelchairs can use them. Additionally, it refers to some common requirements for accessible routes in Chapter 4 of the ADA Standards.

The 2010 ADA standards can be accessed online at <https://www.ada.gov/law-and-regs/design-standards/2010-stds/>. Those responsible for the layout, grading, or detailing of an OLE will want to carefully review sections 240 and 1008 and sections mentioned within them. Compliance with ADA standards can be

complex and many factors are context specific, requiring careful review and consideration of different options available and each facility’s unique circumstances. Those familiar with the ADA Standards more generally will notice the standards for play areas differ from the standards for other environments in ways that may be more or less restrictive.

ASTM F1951. The other standard for creating accessible play environments is *ASTM F1951: Standard Specification for Determination of Accessibility of Surface Systems Under and Around Playground Equipment*. This standard focuses on how to determine accessibility of protective surface systems in use zones of playground equipment and whether wheelchairs can move forward and turn on them.

What is a use zone? The U.S. Consumer Product Safety Commission *Public Playground Safety Handbook* defines a use zone as “the surface under and around a piece of equipment onto which a child falling from or exiting from the equipment would be expected to land,” and says, “These areas are also designated for unrestricted circulation around the equipment” (CPSC, 2025, p. 7).

Use zone sizes vary by equipment type. This section will not cover the specifics on how to determine use zone dimensions or types of appropriate surfacing. Information may be found in the sections on manufactured playground equipment (p. 94) and protective

surfacing (p. 101). Also, see ASTM F1487 or the CPSC *Public Playground Safety Handbook*.

Protective surfacing is “Shock absorbing (i.e., impact attenuating) surfacing material in the use zone” that conforms with CPSC’s recommendations (CPSC, 2025). This surfacing is provided to minimize serious head injuries that may result from falls from play equipment.

ADA requires protective surfacing that serves as an accessible route to meet the specifications found in ASTM F1951. Some materials that provide an acceptable level of impact attenuation for falls from certain heights like sand or pea gravel, cannot be used as protective surfacing if the use zone also serves as an accessible route. This does not mean such surfacing materials must be entirely eliminated from the use zone, though. In some cases, sand can be integrated with an accessible protective surface in ways that meets ASTM F1951, while providing more play value.

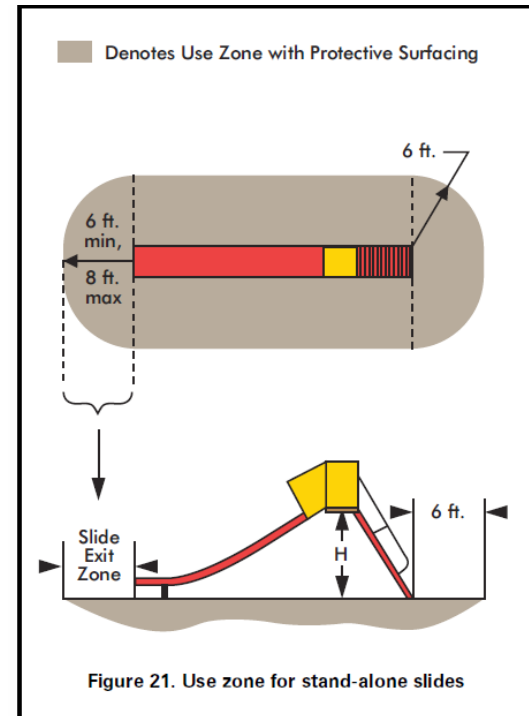
A copy of ASTM F1951 can be purchased online or accessed through a university or public library. However, for common protective surfaces already on the market, verification with the supplier that the material meets ASTM F1951 will typically suffice. And in family childcare homes, it is important to reemphasize that while an accessible route may be required, there are no specific requirements for how many play components

“Advisory 1008.4.2 Clear Floor or Ground Space. Clear floor or ground spaces, turning spaces, and accessible routes are permitted to overlap within play areas. A specific location has not been designated for the clear floor or ground spaces or turning spaces, except swings, because each play component may require that the spaces be placed in a unique location. Where play components include a seat or entry point, designs that provide for an unobstructed transfer from a wheelchair or other mobility device are recommended. This will enhance the ability of children with disabilities to independently use the play component.

When designing play components with manipulative or interactive features, consider appropriate reach ranges for children seated in wheelchairs. The following table provides guidance on reach ranges for children seated in wheelchairs. These dimensions apply to either forward or side reaches. The reach ranges are appropriate for use with those play components that children seated in wheelchairs may access and reach. Where transfer systems provide access to elevated play components, the reach ranges are not appropriate” (U.S. DOJ, 2010).

Table 6: Children’s Reach Ranges

Forward or Side Reach	Ages 3 and 4	Ages 5 through 8	Ages 9 through 12
High (maximum)	36 in (915 mm)	40 in (1015 mm)	44 in (1120 mm)
Low (minimum)	20 in (510 mm)	18 in (455 mm)	16 in (405 mm)



Above: An example of a playground equipment use zone. Use zones vary by equipment type and potentially other factors. Refer to playground manufacturer’s installation instructions and ASTM F1487 (U.S. CPSC, 2025).

Left: Information on reach ranges for children in wheelchairs that may be applied when creating play components along an accessible path.

need to be on an accessible route. You may decide not to have an accessible route that moves through the use zone of playground equipment—in which case this standard would not apply.

It is important to emphasize that the accessibility requirements discussed above and in the rest of this document are minimums. If you want to ensure your facility is accessible to and inclusive of people with disabilities, you may want to refer to guidance on creating inclusive landscapes and play areas that goes beyond meeting the limited requirements for family child care homes.



What Qualifies
as Playground
Equipment?

5

5. What Qualifies as Playground Equipment?

When do logs, boulders, stumps, and decks qualify as playground equipment that is subject to more extensive standards?

The purpose of this section is to clarify what qualifies as playground equipment under national standards. When is it advisable to refer to playground equipment standards or guidelines outside the licensing rules and beyond the scope of this guide, even if compliance is not explicitly required? And when are use zones with protective surfacing required to meet Colorado's licensing rules?

As we discussed in Chapter 2, the latest version of the Family Child Care Environment Rating Scale (FCCERS-3), is used as part of the Colorado Shines rating system. And FCCERS-3 encourages the use of ASTM International's playground equipment standards when evaluating hazards related to playground equipment.

Which ASTM standards are relevant to family child care homes will vary depending on the facility's capacity. ASTM F1148-24, *Standard Consumer Safety Performance Specification for Home Playground Equipment* would be used to identify hazards and best practices for managing them, if the "provider does not care for more than six children under the age of ten that are not residing in the household of the caregiver, and the total

number of children under the age of ten does not exceed ten, including the caregiver's own children" (Section 1.2).

If the facility cares for more children, two different standards could apply depending on the age of the children present: ASTM F1487-25, *Standard Consumer Safety Performance Specification for Playground Equipment for Public Use* covers equipment for children 2-12 years old. Equipment for younger children is covered under ASTM F2373-24 *Standard Consumer Safety Performance Specification for Public Use Play Equipment for Children 6 Months through 23 Months*.

The U.S. Consumer Product Safety Commission also issues guidance on playground equipment design and layout in its *Public Playground Safety Handbook* and its *Outdoor Home Playground Safety Handbook*. The latter provides guidance for "residential child care facilities."

Representatives from CDEC have advised the authors of this guide that the department uses all of these documents to evaluate hazards. However, where lesser standards are explicitly stated in their licensing rules (as with depth of protective surfacing) those rules set the minimum requirement.

All these documents limit their scope to "playground equipment" or "play equipment." But what qualifies as playground equipment? Is every log, boulder, and stump relocated to a child care facility outdoor learning environment considered playground equipment? Is every deck?

The short answer to the second and third questions is no. Logs, boulders, stumps, and decks will not *always* qualify as playground equipment. However, they are *sometimes* considered playground equipment under national standards. And *sometimes*, even when logs, boulders, stumps, and decks are not considered playground equipment under national standards, representatives of CDEC have advised the authors that such items would need to use practices found in playground equipment standards to remove hazards. In-depth information is provided in the remainder of this chapter.

This chapter is presented in three parts. First, the written definitions of playground equipment found in ASTM standards are reviewed. Second, how playground equipment is defined in CPSC guidelines is discussed. Finally, the guide explains the instances in which representatives from CDEC have advised the authors of this guide that they will require use zones and protective or resilient surfacing in family child care homes.

Managers of facilities subject to child care licensing should begin by determining whether the setting or feature they are creating would fall under ASTM or CPSC's definitions of playground equipment. If a log, boulder, stump, or deck appears exempt, they should determine whether it may fall under the slightly different interpretation of what needs a use zone and protective surfacing that representatives from CDEC have advised will be applicable. If there is a potential for

different interpretations about whether something qualifies as playground equipment, designers and providers are encouraged to seek input from licensing specialists in the Colorado Department of Early Childhood.

ASTM Standards. The ASTM playground equipment standards use similar definitions of playground equipment—but they are not exactly the same. ASTM F1487 is the standard that applies to playground equipment for children 2-12 years old at family child care homes with more than six children that don't reside on site. It defines "Public Use Playground Equipment" as a "play structure for use in play areas of schools, parks, child-care facilities, institutions, multiple-family dwellings, private resorts and recreation developments, restaurants, and other areas of public use." It goes on: "Requirements for amusement park equipment, sports use, home playground equipment, toys, soft contained play equipment, and play equipment for children 6 through 23 months are covered in Specifications F698, F1148, F963, F1918, F2373, Guides F846 and F893, and Practices F853 and F1159. Independent loose items intended to be manipulated by the intended users are not covered in this standard" (ASTM F1487-25, 3.1.34 and 3.1.34.1).

Loose parts, whether natural or manufactured, are clearly outside the scope of these standards. Also, public playground equipment is clearly defined as a play structure. But what is a play structure?

ASTM F1487 defines "play structure," as a "free standing structure with one or more components and their supporting members" (3.1.27). ASTM F1487 defines a play component as "any portion" of a play structure "that generates specific activity and cannot stand alone" (3.1.7).

ASTM F2373, the standard for playground equipment serving toddlers 6 months to 23 months old at family child care homes with more than six children that do not reside on site, defines public use play equipment almost identically to the way ASTM F1487 defines playground equipment for older children. "Public use play equipment" is a "play structure," used in "early care and education facilities" and "other areas of public use" (ASTM F2373, 2017, 3.1.39). Under ASTM F2373, a "play structure" is a "free standing structure" with "supporting members" that hold up a play component that "generates specific activity and cannot stand alone." And like the standard for older children, age appropriate loose parts for toddler play would be outside the scope of ASTM F2373, which specifically excludes toys.

ASTM F1148, the standard for homes and small family child care homes, defines "home playground equipment" as "any product in which the support structure remains stationary while the activity is taking place and is intended for a child to perform any of the following activities: climbing, swinging, sliding, rocking, spinning, crawling, or creeping, or combination thereof." Once again, the

definition is limited to structures, that are at least partially "stationary."

Based on the above definitions, natural features that are not play structures may not be considered playground equipment and therefore are not within the scope of ASTM F1487, ASTM 2373, or ASTM F1148. For example, plantings used for play are not play structures, so ASTM's playground standards don't apply. Planted play settings like ornamental grass mazes and wildflower meadows need to be outside the use zone of playground equipment. Otherwise, there are no design considerations within the playground equipment safety standards restricting them.

What types of nature play features would potentially fall under the reach of ASTM F1487, ASTM F2373, and ASTM F1148? Once natural materials such as logs, boulders, stumps and similar natural objects are connected together to create a freestanding structure to generate a specific type of play activity, that play structure would clearly be defined as playground equipment within the scope of the ASTM standards. It does not matter if it is a custom structure or a manufactured structure.



A log, boulder, or stump that has been physically attached to others to create a free-standing play structure (left) is playground equipment under all definitions. Licensing advises it would also consider individual logs, boulders, and stumps to require use zones with protective surfacing if supervisors allow their use for a gross motor play activity (climbing, swinging, sliding down, balancing, or jumping off) where children's feet are 18 inches or more above the adjacent ground surface. However, if such features were used only for non-gross motor activities like storytelling (right), they would not be playground equipment or require use zones or protective surfacing

In a family childcare home serving six or fewer children, if you put together natural materials to create a free standing play structure for climbing, swinging, sliding, rocking, spinning, crawling, or creeping, or combination thereof, it would fall within the scope of ASTM F1148. In a family child care home serving over 6 children, if you put together natural materials to create a

freestanding play structure within a play area, meant to serve children ages 2 to 12 that structure would fit within the scope of ASTM F1487. If it serves children between 6 months and 23 months old, it would fit within the scope of ASTM F2373. The structure on the left of this page would clearly qualify as playground equipment under all of the ASTM playground equipment standards.

There are some other important exceptions to what is considered playground equipment. Products, materials, and site furnishings outside the equipment use zone are clearly excluded from ASTM F1487—the standard for children 2-12. A bench outside the use zone will not need to be surrounded by protective surfacing. The ASTM standards for younger children under 2 also clearly limit

their reach to the play area, which they define as the space designated for play. So, ASTM F2373 would not apply to benches or tables adjacent to a play area.

ASTM F1148 excludes “fitness equipment... unless attached to the play equipment,” “juvenile care products such as, but not limited to, infant swings, playpens/enclosures, beds, or furniture (including outdoor furniture, such as picnic tables, cradle rockers, activity centers being used as walker substitutes, bouncers, jumpers, infant carriers, and products specifically designed for therapeutic use).”

It also excludes a type of play structure the other ASTM Standards do not: playhouses at ground level. It states “Free standing play houses are exempt from this standard where the intent is that the child is standing or seated with their feet on the ground with no climbing, sliding, or swinging activities.”

CPSC Guidelines. The CPSC’s *Outdoor Home Playground Safety Handbook*, last updated in 2005, does not include any definition of “play equipment”—or anything else. It is an 11-page resource focused on homeowners and residential child care providers installing common play structures—e.g. swing sets, climbers, slides, monkey bars, and attached platforms.

The new edition of the CPSC’s *Public Playground Safety Handbook* (2025) is more thorough. It defines “public use playground equipment” as “play structures for use in play

areas of schools, parks, child-care facilities, institutions, multiple-family dwellings, private resorts and recreation developments, restaurants, and other areas of public use” (CPSC, 2025, p. 6).

By using the word “play structures” in the definition, this edition of the handbook provides a lot more clarity than the 2010 edition. If playground equipment is limited to “play structures” that would exclude most planted settings—play meadows, gardens, and grass mazes. It also makes it clear that the CPSC’s handbook is focused on structures and not loose parts or toys.

Like ASTM, CPSC clearly excludes certain types of equipment. The handbook says, “These guidelines are not intended for: amusement park equipment, sports or fitness equipment normally intended for users over the age of 12 years, soft contained play equipment, constant air inflatable play devices for home use, art and museum sculptures (not otherwise designed, intended and installed as playground equipment), equipment found in water play facilities, or home playground equipment.” It also states: “Equipment components intended solely for children with disabilities and modified to accommodate such users” “are not covered by these guidelines” (CPSC, 2025, p. 1-2).

While CPSC does not define play structure, it refers designers and “any others requiring more technical information” to ASTM standards (See p. 1 of CPSC handbook).

Finally, like ASTM, CPSC limits the definition of playground equipment to something which is within the *play area* or *playground area*. These terms, as used in playground standards and guidelines, are not synonymous with outdoor learning environment or the outdoor area of a childcare facility.

Decks and stages are not playground equipment if they are outside the playground area. They are not playground equipment unless they are attached to play components such as climbers, swings, or slides. While a bridge connecting a climber to a slide would be playground equipment, a bridge over a dry creek bed in a garden would not be.

How CDEC Interprets the Definition of Playground Equipment. Based on the authors’ conversations with representatives from CDEC, there is a small but important distinction in the way Child Care Licensing and Administration officials in Colorado use the term playground equipment. Individual logs, boulders, and stumps are not “free standing structures” with “supporting members,” so they would not be considered to be playground equipment by ASTM F1487, ASTM F2373, or ASTM F1148. However, representatives from CDEC advise that licensing specialists may consider them to be playground equipment in certain circumstances. It depends on their height, how they are intended to be used and how their use is supervised. Similarly, licensing specialists may consider decks and bridges outside the

use zone of other playground equipment to be playground equipment if certain activities are allowed.

Section 2.337(B)(1)(a) of the licensing rules for family child care homes, states: “All climbing equipment, sliding equipment, or equipment with attached platforms, eighteen (18) inches or higher must have resilient surfacing of at least six (6) inches in the use zone, see rule section 2.337(B)(3), surrounding the equipment.”

If a climber or slide was created out of a single section of a dead tree or a boulder, under the licensing rules regulating child care centers in Colorado, it would be considered climbing or sliding equipment, and would require a use zone with protective surfacing or resilient surfacing if it was 18 inches or higher off the adjacent ground surface under the language in Section 2.337 (B)(1)(a).

Additionally, representatives from CDEC have advised the authors that logs, boulders, and stumps that are not connected to create structures would still be considered to be playground equipment if supervisors regularly allow their use for a gross motor play activity (climbing, swinging, sliding down, balancing, or jumping off) where children’s feet are 18 inches or more above the adjacent ground surface. Representatives from CDEC advise such play features would require protective surfacing and use zones equivalent to similar stationary playground equipment.

On the other hand, a log, boulder, or stump that is used for sitting or forms of play

where the child’s feet would be in contact with ground (as with a table in a dramatic play area) would not be interpreted to be playground equipment by licensing specialists. If children are jumping off logs or boulders not designed for gross motor play, supervisors would be expected to intervene. However, CDEC has advised a single observation of children using such an area for a gross motor activity would not lead to its designation as playground equipment by CDEC. If they observed such activity, licensing specialists would ask supervisors present about the intended use of these features and how they are typically used.

So, if a stump circle like the one shown on page 32 was used for storytelling, and not gross motor play, Licensing would not consider it to be playground equipment. Such features would, of course, need to be outside the use zone of other playground equipment. They may be subject to other licensing rules. If children were regularly allowed to use the stump circle for gross motor play, even if their primary purpose was for storytelling, it would be treated as playground equipment by Licensing if it was possible to fall 18 inches or more from any stump.

Similarly, if decks or bridges that are not attached to playground equipment provide a risk of falling from an unprotected platform 18 inches or more from the adjacent ground surface, Licensing would require a use zone with resilient surfacing. However, such decks and bridges would not be considered platforms requiring a use zone, even if the

platforms were higher than 18 inches, as long as protective barriers were present to deter jumping and falling.

A photograph of four young children playing in a garden bed. The garden bed is bordered by dark plastic edging and filled with dark soil. One child in a blue and yellow striped shirt is on the left, holding a red shovel. Another child in a purple shirt is in the center, holding an orange shovel. A third child in a white shirt is on the right, holding an orange shovel. A fourth child in a blue shirt is in the foreground, holding a blue shovel. There are several colorful buckets (red, pink, blue) and shovels scattered around the garden bed. A green plant is visible on the left side of the garden bed. The background shows a grassy lawn and a wooden fence.

OLE Settings & Components: Relevant Language in Rules, Regulations and Rating Systems

6

6. OLE Settings and Components:

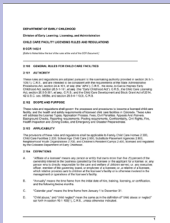
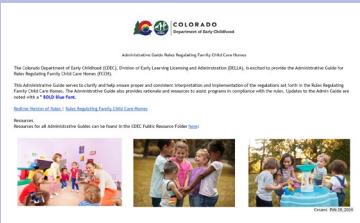
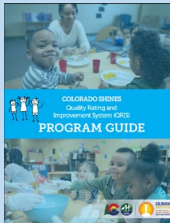
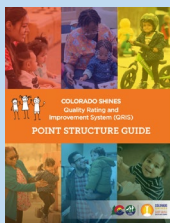
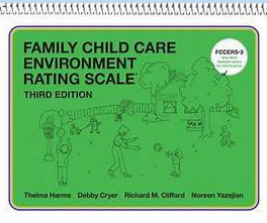
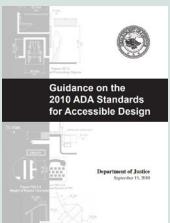
Relevant Language in Rules, Regulations, and Rating Systems

The aim of this section is to help readers navigate rules, regulations, and rating systems instituted by the state of Colorado that pertain to specific OLE settings and components. Readers may review tables related to the settings and components that they are considering for their OLEs. The table below

explains which documents (or sections of documents) licensed family child care homes are required to comply with and which are optional but tied to quality ratings and reimbursements for children from low-income households. It also notes documents that have been used to further clarify guidance in these

tables. The section on licensing rules and regulations includes clarifications from CDEC in *Administrative Guide: Rules Regulating Family Child Care Homes*. And the section on Colorado Shines includes information from resources that raters are encouraged to consult in FCCERS-3.

Table 6: Relevance of Rules Regulations, and Rating Systems to Family Child Care Homes

	Child Care Facility Licensing Rules and Regulations 8 CCR 1402-1 (Sections 2.100, 2.300, 2.600) (February 14, 2025)  	Colorado Shines Quality Rating and Improvement System: Program Guide (2021), Point Structure Guide (2021), and FCCERS-3   	2010 ADA Standards for Accessible Design 
Relevance to Family Child Care Homes	Required	Tied to Rating/Reimbursements if serving children 5 or under	Required
Additional Resources Informing Documents	Administrative Guide for Rules Regulating Family Child Care Homes (February 2024)	Caring for our Children (parts relevant to FCCERS-3) ASTM Playground Standards (as relevant to FCCERS-3)	None

Acoustic/Music Play Settings

Acoustic play settings offer children a chance to express themselves and develop gross motor skills. They may be made by mounting repurposed items—such as pots, pans, or pipes—or manufactured instruments—such as drums, xylophones, bells, chimes, or rattles—onto a fence or low wall. They typically include drumsticks, spoons, or other implements to play the instruments. The implements used to play the instruments may be attached to the feature using a short rope, cable, or chain or they may be loose with storage integrated into the feature (e.g. a cup).

Acoustic play settings typically have few risks or hazards associated with them. Avoid protrusions, sharp edges, and toxic paints and materials. Heavy objects like cast iron skillet should not be allowed to swing and create an impact hazard. Any rope, cable, or chain used should not be long enough to create a strangulation hazard for children on nearby climbing, swinging, or sliding equipment. The CPSC guidelines for playground equipment call for ropes to be tied down at both ends. ASTM F1487-25 allows use of rope, chain, or cable “to attach manipulative components (for example, mallet for chime panel)” on playground equipment at ground level as long as the rope is no more than 24 inches long and attachment point is no higher than 27 inches above grade (See Section 6.6.2.5). If music play is integrated into a deck or playground equipment, refer to those sections as well.

Child Care Facility Licensing Rules and Regulations 8 CCR 1402-1 (Sections 2.100, 2.300, 2.600) (February 14, 2025)	Colorado Shines Quality Rating and Improvement System: Program Guide (2021), Point Structure Guide (2021), and FCCERS-3	
May be designed to meet requirements <i>Design Considerations:</i> §2.335(D): “The premises... must be kept safe and free from hazards to health,” or “posing danger of injury including but not limited to ‘keep out of reach items, protrusions, broken items, areas of entrapment,” (typically gaps 3.5 to 9 inches on fixed equipment designed for play), “strangulation” (See text to left) or “choking hazards” (e.g. parts accessible to children under 3 that fit in a choking tester 1.25 inches in diameter and 2.25 inches long) (§2.304(A)(80)). §2.335(Y): Additionally, “...outdoor equipment, materials, and furnishings must be sturdy...” <i>Mandates Addressed:</i> §2.333(L): Helps meet requirement for “outdoor physical free play materials.” §2.304(A)(80); §2.333(L), §2.335(D), (Y);, <i>Administrative Guide</i>	May contribute to higher rating <i>Design Considerations:</i> FCCERS-3 Item 7 rates “health practices.” Health practices related to musical instruments that may affect the score on Item 7 are interpreted within the notes for Item 17. In the event instruments that are blown into are provided and shared between children, they must be cleaned and sanitized between users or this could result in a reduced rating on Item 7 (See Item 7: 1.1, 3.1, 5.1, 7.1, p.48). So, we would discourage the incorporation of instruments requiring mouthing into a fixed setting where their management would create additional burdens on providers. FCCERS-3 Item 8 rates the safety of outdoor areas. Lower ratings are given for “extreme hazards” that pose a threat to children’s lives or “major hazards” where “the risk of serious injury is very high” (Item 8: 1.2, 3.2, 5.1, p. 30). The highest rating requires no more than “a few minor hazards” (Item 8: 7.1).	One major hazard specifically named in Item 8’s “Notes for Clarification” is “an entrapment hazard on frequently used equipment” (openings between 3.5 and 9 inches that are not bounded on one side by the ground that may allow children’s bodies to pass through while trapping their head) (p. 30). These notes also name children “using highly toxic materials” a major hazard. They also guide users to ERSI’s online resource <i>Playground Safety Reference Guide to Use with the ERS (2025)</i> to identify hazards in the outdoor space. Its section on protrusion hazards cautions against sharp points, corners, and edges that may cut or puncture the skin, and protruding bolts that expose more than two threads. If music play is attached to playground equipment, FCCERS-3 encourages the use of the relevant ASTM standards to identify hazards. This could potentially open these features to more extensive tests for protrusions, as well as standards for ropes used to (Continued on next page)

Colorado Shines Quality Rating and Improvement System: Program Guide (2021), Point Structure Guide (2021) and FCCERS-3	2010 ADA Standards for Accessible Design
attach mallets and other items for striking instruments. ASTM F1487-25 allows use of rope, chain, or cable “to attach manipulative components (for example, mallet for chime panel)” on playground equipment at ground level as long as the rope is no longer than 24 inches and the attachment point is no higher than 27 inches above grade (See Section 6.6.2.5). This limitation would not be applicable when acoustic/music play is not attached to playground equipment or in its use zone. FCCERS-3 Item 17 focuses on music and movement. While most of this item focuses on how the provider manages music and engages with children using musical activities, the item also gives credit for providing “music materials, toys, or instruments,” The highest rating would require at least 10 musical materials that are accessible that are appropriate for the ages served, with at least one of those serving each age group present and different types provided (See Item 17: 1.1, 3.1, 5.1, 7.1). This access could be provided entirely indoors. But it would need to be provided continuously both indoors and outdoors if children spend more than one hour of a 3-hour observation in an outdoor space in order to receive higher ratings (Item 17: 5.1, 7.1 and p. 13). FCCERS-3 Item 32 gives credit for providing “ample and varied play materials accessible for all ages of children in the group,” for free play (Item 32: 1.3, 3.3, 5.1, 5.2). <i>FCCERS-3: Items 7, 8, 17, 32</i>	<i>Considerations:</i> Do not impede accessible route or wheelchair turning area.

Animals: Cats & Dogs

Interacting with cats and dogs not only provides entertainment and learning opportunities for children but may facilitate social interaction and buffer stress. A literature review of 69 studies found interacting with animals (typically dogs) led to improved social behavior, interpersonal interactions, and mood. Children had reduced cortisol levels after petting dogs and lower blood pressure when they were in the presence of dogs. Studies have also shown improved attention and concentration among young children when they are in the presence of dogs (Beetz, Uvnäs-Moberg, Julius & Kotrschal, 2012).

It is important that any pets introduced into child care facilities are known to be friendly towards children. How pets are managed within the OLE will vary based on their training. They must be carefully managed in areas with sand play and moving playground equipment.

Note that there are no ADA requirements related to dogs and cats that serve as pets in child care facilities. So, that section has been removed from this chart to keep it from taking up an extra, unnecessary page.

Caring for Our Children; National Health and Safety Performance Standards; Guidelines for Early Care and Education Programs provides extensive recommendations for managing animals in child care facilities (See: <https://nrckids.org/CFOC/Database/3.4.2>).

Child Care Facility Licensing Rules and Regulations 8 CCR 1402-1 (Sections 2.100, 2.300, 2.600) (February 14, 2025)		Colorado Shines Quality Rating and Improvement System: Program Guide (2021), Point Structure Guide (2021), and FCCERS-3
May be managed to meet requirements. <i>Considerations: §2.335(D):</i> “The premises... must be safe and free from hazards to health.” §2.335(M): “[A]nimal(s)... that are dangerous, and/or pose a potential threat to a child’s safety or health must be confined in a place away from the child care area and inaccessible to children.” §2.335(N): “Any animals... must be vaccinated as required by state law and local ordinance, and proof of vaccination must be available for review...” §2.324(A)(2)(c)(4): “Primary providers, applicant 2, equally qualified providers, qualified substitutes, staff members, and children toddler-aged and older must wash their hands... after... Handling animals or cleaning up animal waste” (See p. 140 for more information on handwashing). §2.335(R): “When around animals, the primary providers, applicant 2, equally qualified providers, all staff, and children must wash hands after	removing dirty clothes or shoes, before eating and drinking, and before preparing food or drinks.” §2.337(D)(1): “Children must be directly and actively supervised near standing water including, but not limited to... animal troughs.” <i>Admin. Guide:</i> “the provider must have line of sight supervision and must not be engaged in any other activity.” §2.335(W): “Children must not be permitted to mistreat animals.” §2.337(A)(7): “All outdoor areas where children may pass or play must be kept free of animal contamination. All animal wastes must be promptly removed and inaccessible to children.” <i>Mandates Addressed: §2.333(G):</i> Helps meet mandate for “nature or science materials” like “pets.” §2.304(A)(80); §2.324(A)(2)(c)(4); §2.333(G); §2.335(D), (M), (N), (R), (W); §2.337(D)(1); §2.337(A)(7))	May contribute to higher rating <i>Considerations:</i> Lowest rating given for FCCERS-3 Item 7 if “animal droppings visible” in licensed space (Item 7: 1.3). FCCERS-3 Item 7 (1.2, 3.2, 5.2, and 7.1) addresses when handwashing occurs—guiding people to <i>Caring for our Children</i>. CFOC’s hand hygiene standard 3.2.2.2, which calls for hand hygiene after “handling animals or cleaning up animal waste.” The ERS scoresheet calls for handwashing “after touching pets or contaminated objects.” FCCERS-3 Item 20 “Nature/science” provides credit for <i>experiences</i> with animals (or plants) indoors (Item 20: 5.3). Having “pets” would count toward providing at least 10 different age-appropriate nature/ science materials (Item 20: 5.1, p. 54). It also rates cleanliness of any animals’ cages (Item 20:7.1). Provider interactions with children related to nature and science are given credit as well (Item 20: 1.3, 3.3, 5.4, 7.3, 7.4). <i>FCCERS-3:</i> Items 7, 20

Animals: Chickens & Ducks

Keeping chickens and ducks in an outdoor enclosure can be fun. It provides children lessons in biology and taking responsibility for other living things. However, chickens and ducks must be managed more carefully than most pets. Outbreaks of salmonella have occurred where these animals are poorly managed. Local laws and zoning can also impact whether chickens and ducks may be raised on a property.

Salmonella may be spread when children try to kiss birds or touch the birds then put their hands near their mouths. Exposure typically leads to unpleasant but not life-threatening symptoms; however young children are more likely to develop serious illnesses, according to the Centers for Disease Control and Prevention (CDC). This led the CDC to advise that chickens and ducks “aren’t suitable for settings with children under 5 years old.” The CDC also recommends against contact for people with compromised immune systems and recommends that others wash their hands thoroughly with soap and water immediately after any contact with poultry, their droppings, or their equipment. For more information, see: <https://www.cdc.gov/healthy-pets/schools-daycares/>.

Child Care Facility Licensing Rules and Regulations 8 CCR 1402-1 (Sections 2.100, 2.300, 2.600) (February 14, 2025)

May be managed to meet requirements

Considerations:

§2.316(B)(36): “[W]ritten policies and procedures must be developed, implemented and followed... and must include at a minimum the following information... The policy on interacting with chickens... including notification to parents or guardians on the risks associated with children under the age of five (5) having access to these animals. The policy must include notification of the national recommendations from the Centers for Disease Control, the American Academy of Pediatrics found in *Caring for Our Children*, and the Colorado Department of Public Health and Environment that chickens... be inaccessible to children under the age of five (5) and are not suitable for school or child care settings with children under the age of five (5). The policy must notify parents or guardians that chickens... are recommended to be inaccessible to children under the age of five (5) due to a higher risk of infection and increased disease severity.”

§2.324(A)(2)(c)(4): “Primary providers, applicant 2, equally qualified providers, qualified substitutes, staff members, and children toddler-aged and older must wash their hands... after... Handling animals or cleaning up animal waste” (See p. 140 for more information on handwashing).

§2.335(D): “The premises... must be kept safe and free from hazards to health.” Safe means “free of hazards posing danger of injury including, but not limited to, “keep out of reach” items, protrusions, broken items, areas of entrapment, strangulation or choking hazards... poisonous chemicals,” (§2.304(A)(80)).

§2.335(M): “[A]nimal(s)... that are dangerous, and/or pose a potential threat to a child’s safety or health must be confined in a place away from the child care area and inaccessible to children.”

§2.335(N): “Any animals in the family child care home must be vaccinated as required by state

law and local ordinance, and proof of vaccination must be available for review by the licensing specialist.”

§2.335(O): “Children over thirty-six (36) months of age having direct physical contact with poultry... must be under the direct supervision of the primary provider, equally qualified provider, applicant 2, or the qualified substitute.” The *Administrative Guide* clarifies: “children under 36 months should not have direct physical contact with poultry...”

§2.335(P): “Primary providers, applicant 2, equally qualified providers, and all staff must wash their hands with water and soap after: touching or handling poultry... feeding or handling their food; after handling animal feces or supplies (for example, cages... water bowls, and toys); and after cleaning the animal’s habitat.”

§2.335(Q): “Children must wash their hands with water and soap after: touching or handling poultry... (Continues next page)

Child Care Facility Licensing Rules and Regulations 8 CCR 1402-1 (Sections 2.100, 2.300, 2.600) (February 14, 2025)		Colorado Shines Quality Rating and Improvement System: Program Guide (2021), Point Structure Guide (2021) and FCCERS-3	2010 ADA Standards for Accessible Design
and feeding or handling their food. Children are prohibited from handling animal feces or cleaning the animal's habitat." §2.335(R): When around animals, the primary providers, applicant 2, equally qualified providers, all staff, and children must wash hands after removing dirty clothes or shoes, before eating and drinking, and before preparing food or drinks. §2.335(S): "Primary providers, applicant 2, equally qualified providers, and all staff must always supervise handwashing for children." §2.335(T): "Primary providers, applicant 2, equally qualified providers, all staff, and children must use hand sanitizer if running water and soap are not available. If only hand sanitizer is used, hands must be washed with soap and water as soon as possible." §2.335(U): "Primary providers, applicant 2, equally qualified providers, and all staff must clean and disinfect all indoor surface areas where poultry, reptiles and amphibians have been that are accessible to children."	§2.335(V): "Chickens... must not be allowed to roam freely through a home or outdoor play area. [All providers, applicant 2, and staff] must always supervise chickens... when outside of their habitat to prevent accidents and contamination." §2.335(W): "Children must not be permitted to mistreat animals." §2.337(D)(1): "Children must be directly and actively supervised near standing water including, but not limited to... animal troughs." The <i>Administrative Guide</i> clarifies: "the provider must have line of sight supervision and must not be engaged in any other activity." §2.337(A)(7): "All outdoor areas where children may pass or play must be kept free of animal contamination. All animal wastes must be promptly removed and inaccessible to children." <i>Mandates Addressed: §2.333(G):</i> Helps meet mandates for "nature or science... materials" such as "pets." §2.304(A)(80); §2.316(B)(36); §2.324(A)(2)(c)(4); §2.333(G) §2.335(D), (M-W); §2.337(A)(7); §2.337(D)(1)	May be managed to contribute to higher rating <i>Considerations:</i> Lowest rating will be given for FCCERS-3 Item 7 "Health practices" if there are "animal droppings visible" in licensed space (Item 7:1.3) Item 7 (1.2, 3.2, 5.2, and 7.1) also addresses handwashing—guiding people to <i>Caring for our Children</i> for specific practices. CFOC's hand hygiene standard 3.2.2.2 calls for hand hygiene after "handling animals or cleaning up animal waste." The ERS scoresheet calls for handwashing "after touching pets or contaminated objects." FCCERS-3 Item 8 rates the safety of outdoor areas, including settings within the licensed space used for science activities. Lower ratings are given for "extreme hazards" that pose a threat to children's lives or "major hazards" where "the risk of serious injury is very high" (Item 8: 1.2, 3.2, 5.1, p. 30). The highest rating requires no more than "a few minor hazards" (Item 8: 7.1). Notes for clarification name children "using highly toxic materials" a major hazard (p. 30). FCCERS-3 Item 20 "Nature/ science" provides credit for <i>experiences</i> with plants or animals indoors—including some experiences that take place through windows (Item 20: 5.3). Having "living things to care for and observe" such as "pets" counts towards providing at least 10 different age-appropriate nature/science materials (Item 20: 5.1, p. 54). The item also rates cleanliness of any animals' cages (Item 20:7.1). Provider interactions with children related to nature and science are given credit as well (Item 20: 1.3, 3.3, 5.4, 7.3, 7.4). <i>FCCERS-3:</i> Items 7, 8, 20	<i>Considerations:</i> Do not locate within accessible route or wheelchair turning area.

Animals: Livestock

Some child care programs are hosted on farms or include outbuildings that house ungulates, such as cows, sheep, goats, pigs, ponies, or horses. Children may be able to feed or pet friendly animals or ride horses or ponies. The benefits of children’s exposure to livestock may be similar to other animals, however aside from horses, it does not appear to have been carefully studied. Horseback riding, though it may appear to be a passive activity can be quite physical—it may encourage muscle development. Therapeutic horseback riding programs have been shown to help children who are developmentally delayed develop gross motor skills (Winchester, Winchester, Kendall, Peters, Sears & Winkley, 2002).

Caring for Our Children: National Health and Safety Performance Standards, Guidelines for Early Care and Education Programs provides some recommendations related to introducing and managing animals in child care facilities (See: <https://nrckids.org/CFOC/Database/3.4.2>). Also see the *Compendium of Measures to Prevent Disease Associated with Animals in Public Settings, 2017* (<http://nasphv.org/Documents/AnimalContactCompendium2017.pdf>). The CDC encourages equestrian helmet use.

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May be managed to meet requirements

Considerations:

§2.335(D): “The premises... must be safe and free from hazards to health.” Safe means “free of hazards posing danger of injury including, but not limited to, “keep out of reach” items, protrusions, broken items, areas of entrapment, strangulation or choking hazards... poisonous chemicals,” (§2.304(A)(80)).

§2.335(M): “[A]nimal(s)... that are dangerous, and/or pose a potential threat to a child’s safety or health must be confined in a place away from the child care area and inaccessible to children.”

§2.335(N): “Any animals in the family child care home must be vaccinated as required by state law and local ordinance, and proof of vaccination must be available for review by the licensing specialist.”

§2.335(W): “Children must not be permitted to mistreat animals.”

§2.324(A)(2)(c)(4): “Primary providers, applicant 2, equally qualified providers, qualified substitutes, staff members, and children toddler-aged and older must wash their hands... after... Handling animals or cleaning up animal waste” (See p. 140 for more information on handwashing).

§2.335®: When around animals, the primary providers, applicant 2, equally qualified providers, all staff, and children must wash hands after removing dirty clothes or shoes, before eating and drinking, and before preparing food or drinks.

§2.337(A)(7): “All outdoor areas where children may pass or play must be kept free of animal contamination. All animal wastes must be promptly removed and inaccessible to children.”

§2.337(D)(1): “Children must be directly and actively supervised near standing water including, but not limited to... animal troughs.” The *Administrative Guide* clarifies: “the provider must have line of

sight supervision and must not be engaged in any other activity.”

For Horseback riding, also see **§2.615**. Note this section does not explicitly apply to family child care homes.

Mandates Addressed: §2.333(G): Helps meet mandate for “nature or science related... materials... [such as]... pets.”

§2.304(A)(80); §2.324(A)(2)(c)(4); §2.333(G); §2.335(D), (M), (N), (R), (W); §2.337(A)(7); §2.337(D)(1); §2.615

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May contribute to higher rating <i>Considerations:</i> Lowest rating will be given for FCCERS-3 Item 7 “Health practices” if “animal droppings visible” in licensed space (Item 7:1.3). FCCERS-3 Item 7 (1.2, 3.2, 5.2, and 7.1) also addresses handwashing—guiding people to <i>Caring for our Children</i> for specific practices. CFC’s hand hygiene standard 3.2.2.2 calls for hand hygiene after “handling animals or cleaning up animal waste.” The ERS scoresheet calls for handwashing “after touching pets or contaminated objects.” FCCERS-3 Item 8 rates the safety of outdoor areas, including settings within the licensed space used for science activities. Lower ratings are given for “extreme hazards” that pose a threat to children’s lives or “major hazards” where “the risk of serious injury is very high” (Item 8: 1.2, 3.2, 5.1, p. 30). The highest rating requires no more than “a few minor hazards” (Item 8: 7.1). The notes for clarification name children “using highly toxic materials” a major hazard (p. 30). FCCERS-3 Item 20 “Nature/ science” provides credit for <i>experiences</i> with plants and animals indoors—including some experiences that take place through windows (Item 20: 5.3). Having “living things to care for and observe counts toward” providing at least 10 different age-appropriate nature/science materials (Item 20: 5.1, p. 54). FCCERS-3 Item 20 also rates cleanliness of any animals’ cages (i.e. living quarters) (Item 20: 7.1). It gives credit for provider interactions with children related to nature and science (Item 20: 1.3, 3.3, 5.4, 7.3, 7.4). <i>FCCERS-3: Items 7, 8, 20</i>	<i>Considerations:</i> Do not locate within accessible route or wheelchair turning area.

Art/Project Settings

Outdoor project settings are typically smaller than an outdoor classroom and are not expected to serve a full class. They provide activities requiring some management of materials during periods of free play. They may be programmed for art and science activities and furnished with easels, tables, or work benches. They usually serve children who are at least toddler age.

Provision of shade and storage is essential to the success of these spaces. The ground surface may be a deck or a paved surface.

The design of project spaces is largely regulated based on the components provided within them. See sections on seating and tables (p. 107), shade structures and devices (p. 111), pathways and paved areas (p.85), storage (p. 115), decks (p. 48), and other relevant features if you are including these features within the space. There are also child care regulations associated with the materials children use for art and science projects in these settings that are covered here. Because project settings provide different play and learning value than a simple deck, table, or shade structure alone, they are assessed differently on environment rating scales.

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May be designed to meet requirements <i>Design Considerations:</i> See design considerations associated with features that make up the project space. §2.332(E): Note that adults supervising children “must encourage individual expression and adult directed projects must be kept to a minimum, allowing children’s work to be varied and individual.” §2.333(J): “Glitter must not be used with children under three (3) years of age.” §2.335(Y): “...outdoor equipment, materials, and furnishings must be sturdy, safe, and free of hazards.” Safe means “free of hazards posing danger of injury including, but not limited to, “keep out of reach” items, protrusions, broken items... strangulation or choking hazards... poisonous chemicals” (§2.304(A)(80)). <i>Mandates Addressed:</i> §2.332(D): “Each child in care must be provided with an opportunity for both group and individual play.” §2.333(I): Art materials provided in project settings would help meet requirements for providing “art materials.” §2.333(E): Certain materials, like “crayons, paper, scissors... developmentally appropriate multi-size stringing beads, pegs, sewing cards,” could also help meet mandate for fine motor materials. §2.304(A)(80); §2.332(D), E; §2.333(E), (I), (J); §2.335(Y)	May contribute to higher rating <i>Design Considerations:</i> FCCERS-3 Item 2 provides credit for the following for furnishings, which may specifically be relevant to furnishings for art/project spaces (1) Having “furniture for play and learning for all ages/abilities of children” present (See Item 2: 1.2, 3.2, 3.3, 5.1). (2) Having furniture that “promotes self-help” like moveable steps and chairs that are personalized to the child’s age or ability (Item 2: 3.3, 7.2). (3) Using child sized tables for play and learning activities—including at least one scaled to toddlers/ preschoolers, if present (Item 2: 3.3, 5.2, 7.1.). It notes: “When picnic tables are used, consider how comfortable they are for the children and whether children can sit safely” (Clarification for 3.3 and 5.2). (4) Providing two different types of furniture that serves specific play activities—such as easels—for toddlers and older children (Item 2: 7.3). (5) Providing some soft furnishings (Item 2: 3.5, 5.2). (6) Having furniture that “is safe, in good repair, and appears clean” (Item 2: 3.3). It rates at the lowest level when furniture could injure child through exposing them to splinters or nails or due to chairs being wobbly (Item 2:1.3). FCCERS Item 7 may be rated higher or lower depending on the cleanliness of spaces and furnishings (Item 7: 1.1, 3.1, 5.1). (Continues on next page)

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FCCERS-3 Item 7 (1.2, 3.2, 5.2, and 7.1) addresses handwashing. The ERS scoresheet for this item calls for handwashing after “messy play.”

FCCERS-3 Item 8 rates the safety of outdoor areas, including outdoor settings used for art activities. Lower ratings are given for “extreme hazards” that pose a threat to children’s lives or “major hazards” where “the risk of serious injury is very high” (Item 8: 1.2, 3.2, 5.1, p. 30). The highest rating requires no more than “a few minor hazards” (Item 8: 7.1). The notes for clarification name children “using highly toxic materials” a major hazard (p. 30). This would include highly toxic art materials. They also name “items providing an immediate choking hazard” as extreme hazards—which could lead to the lowest rating on this item. The notes for clarification also encourage using *Caring for our Children*, Chapter 6, when scoring this item. It includes a list of toys and objects that should not be accessible to children under 3 years old. That list refers to some materials that might be used for art—including “toys with sharp points and edges... Styrofoam objects... rubber or latex balloons, safety pins, marbles, magnets, foam... [and] glitter” (See [CFOC 6.4.1.2](#)).

FCCERS-3 Item 15 rates opportunities for fine motor development, if present. Note that art materials are not considered for this item but other materials used in project settings may be. The highest rating requires continuous access to at least 10 different age-appropriate fine motor materials including at least one interlocking building toy, manipulative, and puzzle when serving preschoolers (See Item 15:5.1, and notes for clarification). This access would need

to be provided both indoors and outdoors if children spend more than one hour of a 3-hour observation in an outdoor space to receive higher ratings (p. 13).

Ratings are higher for facilities that provide fine motor materials that are in good repair (Item 15:1.1), “well-organized” in containers by type (Item 15: 3.2), stored near the setting where children will play with them (Item 15: 3.2), allow children to access them independently (Item 15: 1.1, 3.2, 5.1, 7.1), and include a diversity of options appropriate for each age group present (1.1., 3.1, 5.1, 7.1).

The environment should provide opportunities for providers to engage with children as they use fine motor materials, since these interactions are specifically scored (Item 15:1.3, 3.3, 5.3, 7.3).

FCCERS-3 Item 16 is focused on providing opportunities with art materials. The highest ratings would require those 18 months to 36 months to always have access to at least one art material and preschoolers and older children to have access to at least 5 of two different types (types include drawing, painting, sculpting/modeling, collaging) (Item 16: 1.1, 3.1, 5.1, 7.1). This access would need to be provided both indoors and outdoors if children spend more than one hour of a 3-hour observation in an outdoor space to receive higher ratings (p. 13).

Consider how the design of the setting and adjacent settings might allow for supervision of children who are not interested in art as they engage in alternate activities (Item 16:3.2) and how art/project settings may be controlled to avoid interference from other children (FCCERS-3 suggests the use of gated areas, higher tables, or other means that will discourage younger children from intruding on older children as they make art) (Item 16: 7.2).

Art materials must be non-toxic and age appropriate (e.g. no glitter for infants/toddlers) (Item 16: 1.1). For children under 3, FCCERS-3 calls for using thick crayons, making marker caps inaccessible, and ensuring that children do not have free access to materials that are labeled for older children. Where older children are served, they should always have access to materials (Item 16: 1.1, 3.1, 5.1, 7.1). This might encourage the use of storage spaces that are accessible to preschoolers but not younger children. FCCERS-3 reminds providers that you need paper to use crayons, and this could have an impact on the storage provided, to ensure materials used together are available together.

FCCERS-3 will not count food items like dry macaroni as art materials—to avoid confusion about what is edible—and a lower score will be given if used (Item 16 encourages consideration of their negative potentials in items 7, 8, and 26).

Art activities that involve higher levels of individual expression receive higher ratings (Item 16: 3.5, 5.3). The environment should provide opportunities for providers to supervise and engage with children as they use art materials and discourage their misuse as needed, since these interactions are specifically scored (Item 16:1.2, 3.3, 3.4, 5.2, 5.3, 7.3, 7.4).

FCCERS-3 Item 32 gives credit for providing “ample and varied play materials accessible for all ages of children in the group,” for free play (Item 32: 1.3, 3.3, 5.1, 5.2).

FCCERS-3: Items 2, 7, 8, 15, 16, 26, 32

2010 ADA Standards for Accessible Design

Considerations: Do not impede accessible route or wheelchair turning area.

The following requirements are provided in Section 1008.4.3 related to Play

Tables: “Where play tables are provided, knee clearance 24 inches (610 mm) high minimum, 17 inches deep (430 mm) minimum, and 30 inches (760 mm) wide minimum shall be provided. The tops of rims, curbs, or other obstructions shall be 31 inches (785 mm) high maximum. EXCEPTION: Play tables designed and constructed primarily for children 5 years and younger shall not be required to provide knee clearance where the clear floor or ground space required by 1008.4.2 is arranged for a parallel approach.”

Bird Feeders, Birdbaths, and Birdhouses

Bird feeders, bird baths and bird houses attract wild birds by providing them with food, water, and shelter. Such features provide children a chance to learn about nature. They take many forms and should be selected based on the species you aim to attract. Attract hummingbirds with hummingbird feeders, woodpeckers and other insect-eating birds with suet feeders, and a variety of other species with feeders that hold black oil sunflower seeds.

Feeders, baths, and houses for birds should be in quieter areas, off paths and outside playground equipment use zones where they will not interfere with children's active play. Seed for feeders should be stored in covered containers that keep it dry and free of vermin. The CDC recommends emptying birdbaths weekly, cleaning bird feeders and birdbaths at least monthly, and washing hands after contact to minimize risk of disease. If birdbaths are accessible to children under 3, active supervision may be necessary, unless they have been designed, modified, or managed to prevent drowning. Consider locating these features outside young children's reach or in a way that is inaccessible to young children but still visible to them to reduce handwashing and supervision needed.

NWF has useful resources on bird feeders (<https://www.nwf.org/Garden-for-Wildlife/Food/Supplemental-Feeders>), birdbaths (<https://www.nwf.org/Garden-for-Wildlife/Water/Bird-Bath>), and birdhouses (<https://www.nwf.org/Garden-for-Wildlife/Young/Nesting-Box>).

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May be designed to meet requirements <i>Design Considerations:</i> §2.324(A)(2)(c)(4): "Primary providers, applicant 2, equally qualified providers, qualified substitutes, staff members, and children toddler-aged and older must wash their hands... after... Handling animals or cleaning up animal waste" (See p. 140 for more information on handwashing). §2.335(D): "The premises... must be safe and free from hazards to health at all times" Safe means "free of hazards posing danger of injury including, but not limited to, "keep out of reach" items, protrusions, broken items... strangulation or choking hazards..." (§2.304A80). §2.335(Y): "...outdoor equipment, materials, and furnishings must be sturdy..." §2.335(W): "Children must not be permitted to mistreat animals."	§2.335(R): "When around animals, the primary providers, applicant 2, equally qualified providers, all staff, and children must wash hands after removing dirty clothes or shoes, before eating and drinking, and before preparing food or drinks." §2.337(A)(7): "All outdoor areas where children may pass or play must be kept free of animal contamination. All animal wastes must be promptly removed and inaccessible to children." §2.337(D)(1): "Children must be directly and actively supervised near standing water including, but not limited to... animal troughs." The <i>Administrative Guide</i> clarifies: "the provider must have line of sight supervision and must not be engaged in any other activity." <i>Mandates Addressed:</i> §2.333(G): Helps meet mandate for "nature or science related ... materials or activities" such as "science props." §2.304A80; §2.324(A)(2)(c)(4); §2.333(G); §2.335(D), (W), (Y); §2.337(A)(7); §2.337(D)(1)	May contribute to higher rating <i>Design/Management Considerations:</i> Lowest rating will be given for FCCERS-3 Item 7 "Health practices" if animal droppings are visible (Item 7:1.3). Item 7 (1.2, 3.2, 5.2, and 7.1) also addresses handwashing. The ERS scoresheet for this item calls for handwashing after "touching pets or contaminated objects." This would likely apply to these features. FCCERS-3 Item 8 rates the safety of outdoor areas, including settings within the licensed space used for science activities. Lower ratings are given on FCCERS-3 Item 8 for "extreme hazards" that pose a threat to children's lives or "major hazards" where "the risk of serious injury is very high" (p. 30) or more than "a few minor hazards" are observed (1.2, 3.2, 5.1, 7.1). While not specifically mentioned in FCCERS-3, an <i>unstable</i> bird bath—especially one that is not separated from active play by plantings or barriers—could be identified as a hazard. Bird feeders and bird houses with perches or other protrusions (Continues on next page)

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should also be inaccessible or in quieter areas, separate from playground equipment and gross motor areas to avoid being classified as protrusion hazards under ASTM standards and/or ERSI's <i>Playground Safety Reference Guide to Use with the ERS</i> (2025), a resource on the ERSI website that FCCERS-3 directs people to. FCCERS-3 Item 20 “Nature/ science” provides credit for <i>experiences</i> with animals indoors including when a “provider points out... birds from window” (Item 20: 5.3), so features that attract birds that are placed by a window could help lead to higher rating. It also provides credit for experiences of the natural world outdoors (Item 20: 3.2, 5.2). It also gives credit for provider interactions with children related to nature and science—which these features could facilitate (Item 20: 1.3, 3.3, 5.4, 7.3, 7.4). FCCERS-3 Item 24 rates the safety of the space used for gross motor play (Item 24: 1.2, 3.3, 5.2)—and encourages use of the same resources mentioned in Item 8 to evaluate hazards in areas used for gross motor play. One difference from Item 8 is that to achieve even a minimal rating, the “area for running” must have “no major hazards” Item 24: 3.3). <i>FCCERS-3: Items 7, 8, 20, 24</i>	<i>Considerations:</i> Do not locate within accessible route or wheelchair turning area.

Bridges (not attached to playground equipment)

Bridges punctuate a child’s journey along a path and provide feelings of “connection,” “crossing,” and “rising over.” In OLEs, they may cross a minor swale, a dry creek bed, a sand play setting, or a rain garden. They may provide a change in elevation, become a lookout, offer a base for chase games, or afford an exciting challenge for wheeled toy riders. For infants and toddlers learning to walk, bridges with just a few inches of rise challenge the vestibular sense and encourage development of balancing skills. As an attractive landmark, a bridge also adds visual identity and can serve as a point of reference to an area.

Bridges in OLEs may be purchased from a manufacturer or custom designed by a landscape architect, architect, or engineer. When bridges are not part of a composite play structure, they are not considered to be playground equipment subject to the regulations and standards for protective surfacing. However, they need to be designed to be structurally sound, to meet the same standards for barrier rails as any other deck or raised platform to minimize injury from falls, and to avoid entrapment hazards. Additionally, designing or specifying bridges that are the same width as the paths leading to them on either side is very strongly encouraged to facilitate continuous movement and avoid bottlenecks that need additional supervision.

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May be designed to meet requirements <i>Design Considerations: §2.335(D):</i> “The premises... must be safe and free from hazards to health at all times.” Safe means “free of hazards posing danger of injury including, but not limited to... protrusions, broken items, areas of entrapment...” (§2.304A80). §2.335(Y): “...outdoor equipment, materials, and furnishings must be sturdy...” §2.337(A)(5): “Decks that are more than twelve (12) inches high must have or be modified to have a protective railing or other barrier with slats no wider than four (4) inches apart. For decks installed at ground level with more than a twelve inch (12) gap between flooring and ground, the gap must be inaccessible to children.” §2.337(A)(15): “Walkways must be cleared of snow and ice to provide safe entry and exit from the family child care home.” Licensing advises a bridge would not qualify as playground equipment requiring resilient or protective surfacing if it is not part of a composite play structure and has protective barriers on any drops of 18 inches or more. §2.335(D), (Y); §2.337(A)(5), (15)	May be designed to achieve highest rating <i>Design Considerations: FCCERS-3 Item 8</i> rates the safety of outdoor areas. Lower ratings are given for “extreme hazards” that pose a threat to children’s lives or “major hazards” where “the risk of serious injury is very high” (Item 8: 1.2, 3.2, 5.1, p. 30). The highest rating requires no more than “a few minor hazards” (Item 8: 7.1). One major hazard specifically named in Item 8’s “Notes for Clarification” is “an entrapment hazard on frequently used equipment” (openings between 3.5 and 9 inches that are not bounded on one side by the ground that may allow children’s bodies to pass through while trapping their head) (p. 30). These notes also name children “using highly toxic materials” a major hazard (p. 30). Avoid toxic paints/finishes. The notes also guide users to resources on the ERSI website when assessing “gross motor safety.” An infosheet titled <i>Playground Safety Reference Guide to Use with the ERS</i> (2025) is available there. Its sections on entrapment and protrusion hazards, guardrails, and protective barriers may be used to judge hazards if bridge is regularly used for gross motor play. See: bit.ly/4cPSC6e FCCERS-3 Item 24 rates the safety of the space used for gross motor play (Item 24: 1.2, 3.3, 5.2)—and encourages use of the same resource linked to above to evaluate hazards. One difference from Item 8 is that to achieve even a minimal rating, the “area for running [must have] no major hazards” (Item 24: 3.3). FCCERS-3 Item 25 rates supervision of gross motor play (e.g. (Continues on next page)

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“makes sure that children using wheel toys avoid bumping into obstacles or one another” (Item 25: 1.2, 3.2, 5.2, 7.2). Avoiding bottlenecks through design will reduce supervision needed. Additionally, higher ratings are achieved when a provider “helps children develop new skills and use more challenging equipment.” A bridge may apply for emergent walkers (Item 25: 7.2). <i>FCCERS-3: Items 8, 24, 25</i>	<i>Considerations:</i> None, unless part of the accessible route provided to access outdoor area. If part of the accessible route, see Section 1008 of ADA Standards.

Composting Settings

Composting leaves, non-animal kitchen scraps, and organic waste from the outdoor learning environment is not only environmentally beneficial, it can teach children about decomposition and life cycles. Note that by definition, highly toxic materials are never incorporated into compost settings.

The NLI / NC State University Extension publication *Composting in Childcare Production Gardens* is a useful resource for those interested in learning more about composting in child care facilities. The publication recommends against uncontained ‘compost piles’ and suggests purchasing a compost tumbler or constructing compost bins. It also discusses the types of organic materials that are appropriate for composting. Materials that should not be composted include dirty diapers, dog and cat feces, and animal matter. Including “greens” (high in nitrogen) and “browns” (high in carbon) is emphasized. The guide also offers guidance on integrating composting into lesson plans for young children. *Composting in Childcare Production Gardens* is available at: <https://content.ces.ncsu.edu/childcare-center-production-gardens-7-composting-in-childcare-center-gardens>.

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May be designed to meet requirements <i>Design Considerations:</i> §2.335(D): “The premises... must be safe and free from hazards to health at all times.” Safe means “free of hazards posing danger of injury including, but not limited to “keep out of reach” items, protrusions, broken items, areas of entrapment...” (§2.304(A)(80)). §2.335(F): “All garbage and other wastes must be stored in a manner that is inaccessible to children and disposed of in a manner that does not constitute a health hazard or nuisance.” Contained compost bins or tumblers that are properly managed would not constitute a health hazard or nuisance. §2.304(A)(80); §2.335(D), (F)	May contribute to higher rating <i>Management Considerations:</i> Lowest rating will be given for FCCERS-3 Item 7 “Health practices” if “animal droppings visible” or children are not “protected from [other] observed environmental risks” (1.3). Item 7 (1.2, 3.2, 5.2, and 7.1) also addresses handwashing—guiding people to <i>Caring for our Children</i> for specific practices. CFOC’s hand hygiene standard 3.2.2.2 calls for hand hygiene after “handling the garbage.” (See p. 140 for more on handwashing). FCCERS-3 Item 8 rates the safety of outdoor areas. Lower ratings are given for “extreme hazards” that pose a threat to children’s lives or “major hazards” where “the risk of serious injury is very high” (Item 8: 1.2, 3.2, 5.1, p. 30). The highest rating requires no more than “a few minor hazards” (Item 8: 7.1). Opportunities for entrapment related to compost area gates (i.e. openings between 3.5 and 9 inches that are not bounded on one side by the ground that may allow children’s bodies to pass through while trapping their head) are likely considered a minor hazard for the purposes of FCCERS-3 based on notes for clarification—which distinguish between frequently used equipment and gates (p.30). FCCERS-3 Item 20 gives credit for provider interactions with children related to nature and science. Compost settings may facilitate talking about decomposition (Item 20: 1.3, 3.3, 5.4, 7.3, 7.4). <i>FCCERS-3: Items 7, 8, 20</i>	<i>Considerations:</i> Do not locate within accessible route or wheelchair turning area.

Decks, Stages, and Raised Platforms (not attached to playground equipment)

Decks and raised platforms can be used to provide dry, even surfaces for a variety of purposes without altering the grade of the ground and disturbing existing tree roots. They may serve as spaces for social gatherings, classroom activities, performances, or informal play. Decks may wrap around mature trees to take advantage of their shade or be integrated with constructed shade structures.

When a deck or platform is part of a freestanding play structure that includes slides or climbers, standards for playground equipment would apply. When decks or platforms are not attached to playground equipment, they are not play structures subject to the use zone or protective surfacing standards for playground equipment. However, they must be designed to be structurally sound. Their railings may need to be designed to meet building codes that protect people from falls and young children from entrapment. Check with local government authorities to see if you need a building permit, what they require, and whether you need to involve a licensed professional. Permits are often necessary when the deck is more than 30 inches off the ground or serves as an entry for a building. Small, low, freestanding decks may not require permits, but you will need to verify the rules in your county/municipality. Many Colorado counties provide guidance on designing and detailing simple wood decks online.

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May be designed to meet requirements <i>Design Considerations: §2.335(D):</i> “The premises... must be safe and free from hazards to health.” Safe means “free of hazards posing danger of injury including, but not limited to... protrusions ... areas of entrapment” (See below) (§2.304(A)(80)). §2.337(A)(5): “Decks that are more than twelve (12) inches high must have or be modified to have a protective railing or other barrier with slats no wider than four (4) inches apart. Additionally, for decks in-stalled at ground level with more than a twelve inch (12”) gap between flooring and ground, the gap must be inaccessible to children.” So, decks that function as stages should be under 12 inches. §2.337(A)(15): “Walkways must be cleared of snow and ice to provide safe entry and exit from the home.” Licensing advises a deck, stage, or platform would not require a protective surface if it is not part of	a composite play structure and has protective barriers on any drops of 18 inches or more. §2.335(H): “All stairways must be free from hazards, and open-sided portions that are located more than thirty (30) inches above the floor or grade below must be equipped with banisters or handrails within reach of children. The slats on all railings must be no wider than four (4) inches apart or modified to prevent entrapment.” §2.335(I): “Stairways of more than four (4) steps, in indoor and licensed outdoor areas, that are accessible to children must have gates that prevent access from the area being used when children under two (2) years old are present. The gate may be taken down as long as the family child care home primary provider, applicant 2, equally qualified provider, qualified substitute, or staff member is providing direct supervision of the child who is learning climbing skills on the stairs.” §2.304(A)(80); §2.335(D), (H), (I); §2.337(A)(5); §2.337(A)(15);	May contribute to higher rating <i>Design Considerations:</i> FCCERS-3 Item 8 rates the safety of outdoor areas. Lower ratings are given for “extreme hazards” that pose a threat to children’s lives or “major hazards” where “the risk of serious injury is very high” (Item 8: 1.2, 3.2, 5.1, p. 30). The highest rating requires no more than “a few minor hazards” (Item 8: 7.1). One major hazard specifically named in Item 8’s “Notes for Clarification” is “an entrapment hazard on frequently used equipment” (openings between 3.5 and 9 inches that are not bounded on one side by the ground that may allow children’s bodies to pass through while trapping their head) (p. 30). These notes also name children “using highly toxic materials” a major hazard (p. 30). Avoid toxic paints/finishes.

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The notes also guide users to supplemental resources on ERSI’s website when assessing “gross motor safety.” The website has an info-sheet titled <i>Playground Safety Reference Guide to Use with the ERS</i> (2025). Its sections on entrapment and protrusion hazards, guardrails, and protective barriers may be used to judge hazards if the deck is regularly used for gross motor play. See: bit.ly/4cPSC6e. FCCERS-3 Item 18 gives credit for providing an interest center for block play with a “suitable building surface” (Item 18: 7.1). FCCERS-3 Item 19 gives credit for providing a dedicated, “uncluttered space” for dramatic play near dramatic play materials (Item 19: 7.2). FCCERS-3 Item 24 gives credit for providing at least one soft surface and one hard surface—like a deck—outdoors that permit different play (Item 24: 7.3). It also rates the safety of the space used for gross motor play (Item 24: 1.2, 3.3, 5.2)—and encourages use of the same resource used in Item 8 to evaluate hazards. One difference from Item 8 is that in order to achieve even a minimal rating, the “area for running” must have “no major hazards” Item 24: 3.3). <i>FCCERS-3: Items 8, 18, 19, 24, 26</i>	<i>Considerations:</i> None, unless part of the accessible route provided to access outdoor area. If part of the accessible route, see Section 1008 of ADA Standards.

Dry Creek/Stream Beds and Rain Gardens

Dry creek/stream beds are shallow, linear, manmade depressions in the ground, typically lined with smooth, rounded river rock, that are usually dry at the surface. They are intentionally designed to convey small amounts of runoff from rainfall, snow melt, or water play to a drain or another depression that conveys water beyond the OLE. Children can turn over the stones and see what insects and invertebrates live underneath. Perennial plants adapted to damp soil may grow in the bed between the stones or along the edges to add habitat diversity and sensory richness.

Rain gardens are shallow, manmade planted depressions of various shapes, that are normally dry at the surface, become saturated during storm events but dry out rapidly afterwards. Rain gardens are designed to capture and infiltrate runoff from storms but to not retain standing water beyond 24 hours of the storm event they are designed to accommodate. Most often, water will drain in an hour or two. Sometimes referred to as “low impact development (LID),” and considered a best practice, these and similar features help to recharge aquifers and minimize the load on stormwater infrastructure. They may also serve as onsite educational features. In the licensed parts of child care facilities, we recommend rain gardens be designed to hold no more than three inches of water during the peak of the storm event. Get more information on rain gardens at: <https://watercenter.colostate.edu/rain-garden-resources/>.

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May be designed to meet requirements <i>Design Considerations:</i> §2.335(D): “The premises... must be kept safe and free from hazards to health.” Safe means “free of hazards posing danger of injury including, but not limited to... choking hazards” (§2.304(A)(80)) (e.g. pebbles that fit inside choking tester 1.25 inches in diameter and 2.25 inches long.) §2.337(A)(3): “All parts of the play area must be visible and easily supervised.” The <i>Administrative Guide</i> clarifies: “It is important that all blind spots in the outdoor learning environment are identified and a plan for active supervision is created.” §2.337(D)(1): If feature is designed to fill with standing water during a major storm event and slowly release that water over a 24-hour period, “children must be directly and actively supervised near standing water.” The <i>Administrative Guide</i> clarifies: “the provider must have line of sight supervision and must not be engaged in any other activity.” <i>Mandates Addressed:</i> §2,333(G): Helps meet mandate for “nature or science related ... materials or activities” such as “plants, gardens... or science props.” §2.304(A)(80), §2,333(G), §2.335(D), §2.337(D)(1), §2.337(A)(3)	May contribute to higher rating <i>Design Considerations:</i> FCCERS-3 Item 7 rates handwashing (Item 7: 1.2, 3.2, 5.2, 7.1). The ERS scoresheet for the Item calls for handwashing “after sand, water, [and] messy play” (Scoresheet p.4). FCCERS-3 Item 8 rates the safety of outdoor areas. Lower ratings are given for “extreme hazards” that pose a threat to children’s lives or “major hazards” where “the risk of serious injury is very high” (Item 8: 1.2, 3.2, 5.1, p. 30). The highest rating requires no more than “a few minor hazards” (Item 8: 7.1). The notes for clarification name children “using highly toxic materials” a major hazard (p. 30), so highly toxic plants should be avoided. They name “items providing an immediate choking hazard” as extreme hazards—which could lead to the lowest rating on this item	(p. 30). So, if the setting is accessible to children under 3, any pebbles used in the dry creek bed should be larger than a choking tester (which is 1.25 inches in diameter by 2.25 inches long) or greater than 1.75 inch spheres. Item 8 also rates supervision for safety with the highest rating achievable if “Preschoolers and younger children are usually within sight and easy reach of provider and school-agers are checked regularly” (Item 8: 1.3, 3.3, 5.2) and “spaces used by children are generally... easy for provider to supervise even when doing routine care tasks” (Item 8: 7.2). FCCERS-3 Item 20 “Nature/science” provides credit for observations of children’s experiences of the natural world--living plants or animals--outdoors (Item 20: 3.2, 5.2). This could be satisfied by plants in dry creek/stream beds and rain (Continues next page)

Colorado Shines Quality Rating and Improvement System: Program Guide (2021), Point Structure Guide (2021) and FCCERS-3	2010 ADA Standards for Accessible Design
gardens or worms found under stones in these settings. Providers' interactions with children related to nature and science (like observing worms and insects under rocks) are also given credit (Item 20: 1.3, 3.3, 5.4, 7.3, 7.4). <i>FCCERS-3:</i> Items 7, 8, 20	<i>Considerations:</i> Do not impede accessible route or wheelchair turning area.

Earth Play Settings

Earth play settings provide opportunities for tactile interaction with the surface of the planet, through sifting, digging, stroking, smoothing, and molding—using bare hands, manufactured implements, and found natural objects. A prepared soil mix of equal parts play sand and sphagnum peat moss has been field tested extensively by the Natural Learning Initiative and works well. This mixture retains more moisture than sand, is better for sculpting, and provides a different sensory experience. It does not get muddy like many soils and also remains malleable if allowed to dry out.

Earth play areas may be enclosed with boulders or stumps or placed in custom boxes or manufactured containers. Play value may be increased by adding natural loose parts such as seed pods, sticks, or smooth stones and manufactured loose parts like toy shovels, pails, and plastic animals.

The soil used should not have hazardous levels of lead, inorganic fertilizers, pesticides or other toxic substances. Any sand used in sand/peat mixtures should be play sand, that is tested and prepared for use in play. If stray cats are present in the neighborhood, the soil should be covered in a way that deters them from using the setting as a litterbox but also allows air to enter through it so the setting does not become anaerobic due to lack of oxygen exchange. For more information on creating earth play, see: <https://naturalearning.org/33-earth-play-settings>.

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May be designed to meet requirements <i>Design Considerations:</i> §2.337(A)(16): “If a sand box designated for play is used it must be covered when not in use.” So, earth play settings must also be. The <i>Administrative Guide</i> adds: “There is potential for used sand to contain toxic or harmful ingredients such as tremolite, an asbestos-like substance. Sand that is used as a building material or is harvested from a site containing toxic substances may contain potentially harmful substances... Caregivers/ teachers should be sure they are using sand labeled as a safe play material or sand that is specifically prepared for sandbox use.” It also notes: “Replacement of sand may [be] required to keep it free of foreign material that could cause injury.” §2.335(D): “The premises... must be kept safe and free of hazards” including “‘keep out of reach’ items,” “broken items,” “poisonous chemicals,” and “choking hazards” (§2.304A80) (e.g. pebbles accessible	to children under 3 that fit in a choking tester 1.25 inches in diameter and 2.25 inches long) (§2.304(A)(80)). §2.337(D)(2): “All outdoor play areas shall frequently be surveyed and must be kept safe and free from hazardous materials or debris that could cause harm to children.” §2.333(N): If integrated into earth play, “food or organic material must be discarded each week.” §2.337(D)(1): “Children must be directly and actively supervised near standing water including... buckets.” The <i>Admin. Guide</i> clarifies: “the provider must have line of sight supervision and must not be engaged in any other activity.” <i>Mandates Addressed: §2.333(N):</i> “Some sand or equivalent dry material or water play offered to children eighteen (18) months of age or older, indoors or outdoors, at least monthly and year round.” §2.304(A)(80); §2.333(N); §2.335(D); §2.337(A)(16); §2.337(D)(1), (2); Administrative Guide	May contribute to higher rating <i>Design Considerations:</i> FCCERS-3 Item 7 rates efforts to “decrease the spread of germs” through observing the cleanliness of the space and furnishings (Item 7: 1.1, 3.1, 5.1). Design or management practices that help contain earth play materials may make it easier to rate higher on this item. Lowest rating will be given for Item 7 if “animal droppings visible” or children are not “protected from [other] observed environmental risks” (1.3). Item 7 also rates handwashing (Item 7: 1.2, 3.2, 5.2, 7.1). The ERS scoresheet for the Item calls for handwashing “after sand, water, [and] messy play” (Scoresheet p.4). (Continues on next page)

Colorado Shines Quality Rating and Improvement System: Program Guide (2021), Point Structure Guide (2021), and FCCERS-3			2010 ADA Standards for Accessible Design
FCCERS-3 Item 8 rates the safety of outdoor areas. Lower ratings are given for “extreme hazards” that pose a threat to children’s lives or “major hazards” where “the risk of serious injury is very high” (Item 8: 1.2, 3.2, 5.1, p. 30). The highest rating requires no more than “a few minor hazards” (Item 8: 7.1). The notes for clarification name children “using highly toxic materials” a major hazard (p. 30), They name “items providing an immediate choking hazard” as extreme hazards—which could lead to the lowest rating on this item (p. 30). So, if the setting is accessible to children under 3, any toys or objects integrated with earth play should be larger than a choking tester (which is 1.25 inches in diameter by 2.25 inches long) or greater than 1.75 inch spheres. The notes for clarification also encourage using <i>Caring for our Children</i>, Chapter 6, when scoring this item to identify possible hazards. It includes recommendations related to “sandboxes” beyond those above, Some of those also apply to earth play, including making sure the settings allow for drainage, so they do not become breeding grounds for insects, mold, and bacteria, and covering them when not in use “with a lid or other covering” (See CFOC 6.2.4.1). When referring to CFOC, FCCERS-3 says to “consider whether problems	should be considered major in specific circumstance,” (p. 30). Some recommendations made in CFOC may relate to what FCCERS-3 defines as minor hazards “where the consequences would not be great or an accident is not likely, due, for example, to the nature of supervision... FCCERS-3 Item 15 rates opportunities for fine motor development. Earth and sand play certainly provides opportunities for fine motor development, but they are not, on their own, given any credit on Item 15. For an earth play setting to affect the rating on that item, other fine motor materials would need to be used within it. The highest rating on Item 15 requires continuous access to at least 10 different age-appropriate fine motor materials including at least one interlocking building toy, manipulative, and puzzle when serving preschoolers (See Item 15:5.1, and notes for clarification). This access would need to be provided both indoors and outdoors if children spend more than one hour of a 3-hour observation in an outdoor space to receive higher ratings (p. 13). Ratings are higher for facilities that provide fine motor materials that are in good repair (Item 15:1.1), “well-organized” in containers by type (Item 15: 3.2), stored near the setting where children will play with them	(Item 15: 3.2), allow children to access them independently or are provided to non-mobile children (Item 15: 1.1, 3.2, 5.1, 7.1, 7.2), and include a diversity of options appropriate for each age group present (1.1,, 3.1, 5.1, 7.1). The environment should provide opportunities for the provider to engage with children as they use fine motor materials, since these interactions are specifically scored (Item 15:1.3, 3.3, 5.3, 7.3). FCCERS-3 Item 20 “Nature/ science” gives credit for providing at least 10 different age-appropriate nature/science materials (Item 20: 5.1, p. 54). And sand or water play with toys is required for a good score on this item if 2 to 4-year-olds are present (Item 20: 5.1). Item 20 also provides credit for keeping any earth play setting and toys in “good condition” (Item 20: 7.1). It provides credit for supervising earth play “carefully,” without defining the term (Item 20: 7.2). And it provides credit for provider interactions with children related to nature and science (Item 20: 1.3, 3.3, 5.4, 7.3, 7.4). FCCERS-3 Item 32 gives credit for providing “ample and varied play materials accessible for all ages of children in the group,” for free play (Item 32: 1.3, 3.3, 5.1, 5.2). <i>FCCERS-3: Items 7, 8, 15, 20, 32</i>	<i>Considerations:</i> Do not impede accessible route or wheelchair turning area.

Embankment Scrambles

Embankment scrambles are sloping or stepped play surfaces designed to follow the contour of the underlying ground, with a height no greater than 12 inches above the surrounding finished grade. They are most commonly constructed of smooth stones, vertical logs (milled or unmilled), or recycled automobile tires—set horizontally or embedded parallel to the sloped surface. They are ascended on foot with the hand support. Like embankment slides, embankment scrambles minimize the risk of falling from a height. Embankment scrambles may also provide opportunities for incorporating more vegetation than typical play structures.

Whether or not embankment scrambles require protective surfacing alongside will vary based on the jurisdiction and the insurance adjusters. Some regulations may be interpreted to mean protective surfacing is not required if designed as a cobble pavement with edges less than 18 inches higher than the adjacent surface. It may be appropriate to consider embankment scrambles like an embankment slide under ASTM F1487 and put protective surfacing 6 feet in every direction at the bottom edge of the scramble only. In their recommendations for embankment slides, CPSC and ASTM call for a zone 21 inches on either side and 42 inches above to be free of entanglement and projection hazards (Figure B13, p. 69, [Public Playground Safety Handbook](#)). With an embankment scramble, this same zone should be kept free of woody branches that could catch children’s clothing and hold their weight.

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May be designed to meet requirements <i>Design considerations:</i> §2.337(B)(1)(a): A pavement of cobbles or small boulders integrated with topography would not be considered climbing equipment and would not be subject to requirements in this section that “All climbing equipment, sliding equipment, or equipment with attached platforms, eighteen (18) inches or higher must have resilient surfacing of at least six (6) inches in the use zone, see rule section 2.337(B)(3), surrounding the equipment” Avoid drops 18” or higher between adjacent surfaces (e.g. boulder to boulder or boulder to finished grade) or scramble could be considered to be “climbing equipment,” which requires resilient surfacing in all directions. If scramble had attached platforms or drops greater than 18 inches, it would be	required to be surrounded by “resilient surfacing” on all sides (See sections on playground equipment, p. 94, and protective surfacing p. 101). §2.335(D): “The premises... must be kept safe”—“free of hazards posing danger of injury including but not limited to... protrusions, areas of entrapment” (e.g. openings 3.5 to 9 inches wide) and “strangulation” hazards (e.g. rope used to pull oneself up slope that is not tied down at both ends) (§2.304(A)(80)). §2.335(Y): “...outdoor equipment, materials, and furnishings must [also] be sturdy...” <i>Mandates Addressed:</i> §2.333(L): Helps meet requirement for “outdoor physical free play equipment.” §2.304(A)(80); §2.333(L); §2.335(D), (Y); §2.337(B)(1)(a); Administrative Guide	May contribute to higher rating <i>Design Considerations:</i> FCCERS-3 Item 8 rates the safety of outdoor areas. Lower ratings are given for “extreme hazards” that pose a threat to children’s lives or “major hazards” where “the risk of serious injury is very high” (Item 8: 1.2, 3.2, 5.1, p. 30). The highest rating requires no more than “a few minor hazards” (Item 8: 7.1). One major hazard specifically named in Item 8’s “Notes for Clarification” is “an entrapment hazard on frequently used equipment” (openings between 3.5 and 9 inches that are not bounded on one side by the ground that may allow children’s bodies to pass through while trapping their head) (p. 30). Sources referenced by FCCERS-3 also note the potential for entrapment with angles less than 55 degrees (e.g. between pickets on fences). These notes also name children “using highly toxic materials” a major hazard (p. 30). Avoid toxic paints/finishes. Having a hard surface rather than protective surfacing at the base of an embankment scramble may constitute an extreme hazard that leads to the lowest rating (Item 8: 1.2, p. 30). To identify hazards for Item 8, the notes for clarification also encourage referring to <i>Caring for our Children</i> Chapter 6, ASTM F1487 (relevant for playground equipment serving (Continues on next page)

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children 2 to 12), ASTM F2373 (relevant for play equipment serving children 6 months to 23 months), ASTM F1148 (relevant for playground equipment in homes serving no more than 6 children from outside the house), and supplementary materials for FCCERS-3 on the ERSI website for assessing “gross motor safety.” That website has one relevant info sheet on the subject titled from 2025 titled: <i>Playground Safety Reference Guide to Use with the ERS</i> (See: bit.ly/4cPSC6e). FCCERS-3 does not require compliance with these documents and says to “consider whether problems should be considered major in specific circumstance,” (p. 30). Some recommendations of their recommendations may relate to what FCCERS-3 defines as minor hazards “where the consequences would not be great or an accident is not likely, due, for example, to the nature of supervision.” Using these resources, one could identify ropes used by children to pull themselves up an embankment scramble that are not secured at both ends as strangulation hazards—which are major or extreme in nature. One might also identify protrusion hazards or sharp points, corners, or edges on gross motor features like embankment scrambles, including bolts that expose more than 2 threads, as hazards (with levels varying on the likelihood they will cause serious injury)	The ERS info-sheet specifically encourages locating playground equipment for children 2 and up, at least 6 feet apart from other playground equipment if play surfaces are 30” high or less. CFOC encourages play equipment to be arranged “to facilitate proper supervision by sight and sound” (CFOC 6.2.2). One area where the different documents FCCERS-3 references vary is with playground equipment integrated into embankments. The ERSI info sheet <i>Playground Safety Reference Guide to Use with the ERS</i> notes: “Equipment having a fall height of 18” or less is not required to have protective surfacing.” ASTM playground equipment standards and CFOC’s recommendations for playground equipment would only apply to an embankment scramble if it was designed as a free-standing structure and not a pavement. Section 1.6.1 of ASTM F1487 notes: “New equipment may not specifically fit into the designated types listed in the specification; however, the designer or manufacturer, or both, shall use professional judgment to perform and document a hazard analysis and follow appropriate requirements to mitigate the hazards.” An appendix to the standards discusses how to do such an analysis—during which the setting’s differences in potentials for falling from a climber might be taken into account. CFOC lacks such	nuance and if something qualifies as playground equipment, it recommends a use zone and surfacing. FCCERS-3 Item 25 rates provider’s “supervision of gross motor play.” A number of items encourage supervision of “more challenging equipment” to ensure it is used safely to avoid injury (Item 25: 1.2, 3.2, 5.2). Higher ratings are achieved when a provider “helps children use more challenging equipment” (Item 25:7.2). Whether an embankment scramble is treated as challenging equipment will likely depend on the age of children served, the distance it spans, and its surface. If relatively soft (e.g. tires), potential for injury will be limited and close supervision may not be needed for all but the youngest children. FCCERS-3 Item 32 gives credit for providing “ample and varied play materials accessible for all ages of children in the group,” for free play (Item 32: 1.3, 3.3, 5.1, 5.2). <i>FCCERS-3</i>: Items 8, 24, 25, 32	<i>Considerations</i>: Do not impede accessible route or wheelchair turning area.

Embankment Slides

Embankment slides offer similar play value to traditional slides but provide additional opportunities for adjacent planting and natural shade. The U.S. Consumer Product Safety Commission (CPSC) defines an embankment slide as “a slide that follows the contour of the ground and at no point is the bottom of the chute greater than 12 inches above the surrounding ground.” As the CPSC (2025) notes, this “basically eliminates the hazard of falls from elevated heights,” so it only recommends a use zone with protective surfacing at the foot of the slide.

The slides themselves are typically manufactured playground equipment designed to meet CPSC guidelines and ASTM standards. They may pass over or be set into a variety of different surfaces including turf covered mounds, stairs, or rock scrambles. CPSC and ASTM call for a zone 21 inches on either side of the slide and 42 inches above the chute to be free of entanglement and projection hazards (See Figure B13 on page 69 of CPSC’s [Public Playground Safety Handbook](#)). This zone should be kept free of woody branches that could catch children’s clothing and hold their weight. The standard tests for entanglement and projection hazards were created with metal bolts in mind, and it makes no sense to apply them to leaves or stems that don’t support children’s weight or present any risk of impalement. ASTM also calls for no tree limbs within 84 inches of the slide and any platforms attached to it.

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May be designed to meet requirements

Design Considerations: Use Zone:
For embankment slides, ASTM F1487 and the U.S. Consumer Product Safety Commission only recommend a use zone free of obstacles with protective surfacing at the foot of the slide. (See CPSC’s Handbook for Public Playground Safety 5.3.6.5). It may be possible to create an embankment slide following these national standards in family child care homes in Colorado, however, it would require obtaining a waiver from licensing (See p. 8).

§2.337(B)(3) states “Toddler... sliding equipment... must have a three (3) foot use zone surrounding the equipment. Toddler slides require a six (6) foot use zone extending out from the base of the slide.” And “preschool and school-age... sliding equipment... must have a six (6) foot use zone surrounding the equipment.”

§2.337(B)(1)(a) states “All... sliding equipment... eighteen (18) inches or higher must have resilient surfacing of at least six (6) inches in the use zone...” (See protective surfacing p. 101).

§2.335(D): “The premises... must be kept safe” — “free of hazards posing danger of injury including... protrusions... areas of entrapment” (e.g. openings 3.5 to 9 inches wide) and strangulation... hazards” (e.g. entanglement hazards that may catch clothing (See blurb to left) and ropes not tied down at both ends within reach of a slide (§2.304A80). It must guard against “entrapment” and “strangulation” hazards.

§2.335(Y): “...outdoor equipment, materials, and furnishings must [also] be sturdy...”

§2.337(B)(4): “Metal equipment must be placed in the shade.”

§2.337(B)(5): “All play equipment must be designed to guard against entrapment and strangulation... outdoor play equipment must be correctly assembled, well maintained, and securely stabilized or anchored.”

Mandates Addressed:

§2.333(L): Helps meet requirements for “outdoor physical free play equipment.”

§2.335(D), (Y); §2.333(L);
§2.337(B)(1a), (3)-(5);
Administrative Guide

**Colorado Shines Quality Rating and Improvement System:
Program Guide (2021), Point Structure Guide (2021) and FCCERS-3**

May contribute to higher rating

Design Considerations:

FCCERS-3 Item 8 rates the safety of outdoor areas. Lower ratings are given for “extreme hazards” that pose a threat to children’s lives or “major hazards” where “the risk of serious injury is very high” (Item 8: 1.2, 3.2, 5.1, p. 30). The highest rating requires no more than “a few minor hazards” (Item 8: 7.1).

One major hazard specifically named in Item 8’s “Notes for Clarification” is “an entrapment hazard on frequently used equipment” (openings between 3.5 and 9 inches that are not bounded on one side by the ground that may allow children’s bodies to pass through while trapping their head) (p. 30). Sources referenced by FCCERS-3 also note the potential for entrapment with angles less than 55 degrees (e.g. between pickets on fences) (See ASTM F1487 6.1.4) and in openings larger than 3/8 inch but smaller than 1 inch (CFOC 6.2).

The notes for clarification also name children “using highly toxic materials” a major hazard (p. 30). Avoid toxic paints/finishes.

Based on these notes, having a hard surface rather than protective surfacing at the base of a high

embankment slide may constitute an extreme hazard and get the lowest rating (Item 8: 1.2, p. 30).

To identify hazards for Item 8, the notes for clarification also encourage referring to *Caring for our Children* Chapter 6, ASTM F1148 (relevant for playground equipment in family child care homes serving no more than 6 children from outside the house), ASTM F1487 (relevant for playground equipment in larger facilities serving children 2 to 12), ASTM F2373 (relevant for play equipment in larger facilities serving children 6 months to 23 months), and supplementary materials for FCCERS-3 on the ERSI website for assessing “gross motor safety.” That website has one relevant info sheet on the subject titled, *Playground Safety Reference Guide to Use with the ERS (2025)*. See: bit.ly/4cPSC6e.

FCCERS-3 does not require compliance with these documents and says to “consider whether problems should be considered major in specific circumstance,” (p. 30).

Some of their recommendations may relate to what FCCERS-3 defines as minor hazards “where the consequences would not be great or an accident is not likely, due, for example, to the nature of supervision.”

Using these resources, one could identify ropes near embankment slides that are not secured at both ends as strangulation hazards—which are major or extreme in nature.

One might also identify protrusion hazards or sharp points, corners, or edges on gross motor features like embankment slides, including bolts that expose more than 2 threads, as hazards (with levels varying on the likelihood they will cause serious injury).

The ERSI info sheet specifically encourages locating playground equipment for children 2 and up, at least 6 feet apart from other playground equipment if it is under 30” high.

It also has information on sizing slide exit length and height. See: bit.ly/4cPSC6e.

CFOC encourages play equipment to be arranged “to facilitate proper supervision by sight and sound” (CFOC 6.2.2).

ASTM standards also call for a zone 21 inches on either side of the slide and 42 inches above the chute to be free of entanglement and projection hazards (See Figure B13 on page 69 of CPSC’s Public Playground Safety Handbook, which depicts this and is more freely available).

One key area where the different documents FCCERS-3 references vary is with playground equipment integrated into embankments. The ERSI info sheet *Playground Safety Reference Guide to Use with the ERS (2025)* notes: “Equipment having a fall height of 18” or less is not required to have protective surfacing.” CFOC, does not note differences between embankment slides and other slides—which mirrors the licensing rules (CF)C6.2.2). We would encourage raters to evaluate hazards related to use zone and protective surfacing for embankment slides using the ASTM standards, which call for a 6-8 foot use zone with protective surfacing extending from the bottom of an embankment slide but do not require surfacing on its other sides. These standards are more complete and address a greater diversity of playground equipment not addressed by the others.

FCCERS-3 Item 24 rates areas used for gross motor play. It rates gross motor space based on the safety of equipment using the ERSI info sheet (Item 24: 1.4, 3.4, 5.3). And there would be similar considerations to

(Continues on next page)

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those mentioned in Item 8—though the standard for safety is higher. Scoring a 5 or higher requires no major hazards may be observed related to the gross motor space (Item 24: 5.3). It also rates whether age-appropriate gross motor equipment is accessible—including both portable and stationary equipment (Item 24: 1.4, 3.4, 5.5, 7.4). Its notes state a “slide up to 60 inches high” would be considered appropriate for preschoolers (p. 62). FCCERS-3 Item 25 rates provider’s “supervision of gross motor play.” A number of items encourage supervision of “more challenging equipment” to ensure it is used safely to avoid injury (Item 25: 1.2, 3.2, 5.2). For example, a higher rating may be given if provider “helps child use slide safely.” Additionally, higher ratings are achieved when a provider “helps children use more challenging equipment.” (Item 25:7.2). An example given is a provider who “shows toddlers how to use appropriately sized slide.” So, you may want to consider how the placement of slides may facilitate their supervision. FCCERS-3 Item 32 gives credit for providing “ample and varied play materials accessible for all ages of children in the group,” for free play (Item 32: 1.3, 3.3, 5.1, 5.2). <i>FCCERS-3: Items 8, 24, 25, 32</i>	<i>Considerations:</i> Do not impede accessible route or wheelchair turning area.

Enclosure Systems (Fencing, Walls, Natural Barriers)

Enclosing outdoor learning environments for young children is common sense where the environment borders a busy street, fast moving stream, or similar hazards difficult for young children to perceive or manage. In licensed child care facilities, enclosing of OLES is required to ensure children are protected. These enclosures are often chain-link fences or concrete block walls.

To soften their appearance and add vegetation to OLE edges, fences and walls can be planted with non-poisonous vines. Walls should be planted with vine species that clasp onto a surface. Fences should be planted with twining species that twirl their stems around the fence. Care should be taken to avoid invasive vines that may threaten local ecosystems. Instead, choose native vines that support local pollinators.

Fences and walls can also support interactive play panels that offer different games, artistic activities, or acoustic play (See p. 33).

Opportunities to use hedges or other natural features as part of the enclosure can also help to create a less cage-like, more pleasing environment. See p. 89 for more information if vines, hedges, or other plantings are part of an enclosure system.

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May be designed to meet requirements <i>Design Considerations:</i> §2.337(A)(2): “The outdoor play space must be enclosed with at least a forty-two inch (42) fence with slats no more than four (4) inches apart, or natural barrier. If a natural barrier is used, it must begin no higher than three and one-half inches (3-1/2) from the ground. If the family Child Care home does not have a fenced play space, the provider may apply for an outdoor hardship waiver.” §2.335(D): “The premises... must be safe and free from hazards to health at all times” including “protrusions.” Note entrapment hazards are regulated through the rule above. §2.337(D)(5): Gates used for emergency evacuation must remain unlocked during child care hours. <i>Mandates Addressed:</i> See above. §2.335(D), §2.337(A)(2), §2.337(D)(5)	May contribute to higher rating <i>Design Considerations:</i> Enclosure is rated by FCCERS-3 Item 8 and FCCERS-3 Item 24. In order to earn a rating of 3 or higher on these items, family child care homes must have their “outdoor area fenced.” FCCERS-3 and a handout it directs people to titled “<i>Playground Safety Reference Guide to Use with the ERS</i>” do not discuss enclosures other than fences—which could potentially lead to confusion. Spark Learning Lab Colorado clarified that solid walls will be assessed and credited in the same way that fences are, though hedges and natural barriers are not considered as fencing for the purpose of this item. The ERSI information sheet, <i>Playground Safety Reference Guide to Use with the ERS (2025)</i>, available at: bit.ly/4cPSC6e, lists “requirements for fences” including: (1) They must enclose the space entirely; (2) The fence must be at least 48 inches high; (3) All gate latches should be at least 48” high; (4) Any openings between verticals of fence should be 4” or less; And (5) “A discrete barrier, such as structural bollards, trees, or posts, should be placed no more than 42” apart along any side of the playground which is within 30 feet of streets or parking lots, to prevent a vehicle from accidentally entering the space.” Fences or walls designed to handle vehicular impacts, may not require additional fortification—though it was not totally clear what standards were being used to evaluate this at the time of publication, since ASTM 2049 was withdrawn in early 2026. Seek out guidance. <i>FCCERS-3:</i> Item 8 (1.2), 24 (3.3), ERSI Playground Guidelines	<i>Considerations:</i> Do not impede accessible route or wheelchair turning area.

Fairy Villages

Fairy villages typically occupy a small corner of a garden area that provides homes for elves, fairies, and other imaginary creatures. They facilitate dramatic and pretend play similar to doll houses or playsets with action figures indoors. Children may play alone or with another child. Fairy villages may include hollowed logs, leaves, sticks, moss, ferns, bark, shiny stones, and small toy houses and figurines.

The main consideration when creating fairy villages is to ensure the toys and parts provided are suitable for the age groups that will use the space and will hold up outdoors. If children under 3 are present, the space must be free of toys that would create choking hazards because of their small size or their potential to be broken into smaller pieces—like small marbles. Choking tubes/testers designed to the U.S. Consumer Product Safety Commission’s standards may be purchased online relatively cheaply (\$4-\$10 at the time of publication).

For more information on creating fairy villages, see: <https://naturalearning.org/fairy-villages>.

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May be designed to meet requirements <i>Design Considerations:</i> §2.335(D): “The premises... must be kept safe and free from hazards to health...” or “posing danger of injury including but not limited to ‘keep out of reach items... broken items... choking hazards...” (e.g. parts accessible to children under 3 that fit in a choking tester 1.25 inches in diameter and 2.25 inches long) (§2.304(A)(80)). <i>Mandates Addressed:</i> §2.333(K): Helps meet the requirement that at least 5 “types of dramatic play materials shall be accessible for free play daily” in typical homes (at least 10 types in large homes), such as “dolls and accessories... play houses, toy animals, cars and trucks...” §2.335(D), §2.304(A)(80), §2.333(K)	May contribute to higher rating <i>Design/Management Considerations:</i> FCCERS-3 Item 8 rates the safety of outdoor areas. Lower ratings are given for “extreme hazards” that pose a threat to children’s lives or “major hazards” where “the risk of serious injury is very high” (Item 8: 1.2, 3.2, 5.1, p. 30). The highest rating requires no more than “a few minor hazards” (Item 8: 7.1). “Providing an immediate choking hazard is named as an extreme hazard in Item 8’s “Notes for Clarification” (p. 30). “Using highly toxic materials” is a major hazard (p. 30). Avoid toxic paints/finishes. FCCERS-3 Item 19 provides credit for facilitating dramatic play. To get the highest rating on this indicator, homes must provide materials that may be used by toddlers and preschoolers “for active dramatic play outdoors or in other large area” (Item 19: 7.2). All other indicators related to dramatic play may be accomplished entirely indoors; though, if children	spend more than one hour of a 3-hour observation in an outdoor space, access will need to be provided both indoors and outdoors to receive higher ratings (p. 13). In such cases, fairy gardens may help meet an indicator calling for “some smaller dramatic play toys” (e.g. small toy cars, animals, or people) (Item 19: 3.2). FCCERS-3 provides credit for storing such toys together with toys of similar type (Item 19: 5.2) and in a way that allows them to be consistently accessible to children (Item 19:1.1, 3.1, 5.1, 7.1). Providing opportunities for the provider to enter spaces used for dramatic play and play with children is encouraged, as provider interactions facilitating dramatic play are scored (Item 19: 1.2, 3.3, 5.3, 5.4, 7.4) FCCERS-3 Item 23 provides credit for “promoting acceptance of diversity.” A lower score is given if “negative stereotypes” are present (Item 23: 1.2). To receive high ratings on this indicator requires providing “at least 10 positive examples of diversity” (Item 23: 5.1) and providing “dolls (Continues next page)

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representing at least 3 races” (Item 23: 5.2). These indicators may be met indoors, however Fairy villages offer an opportunity to integrate figurines representing people of different backgrounds outdoors. FCCERS-3 Item 32 gives credit for providing “ample and varied play materials accessible for all ages of children in the group,” for free play (Item 32: 1.3, 3.3, 5.1, 5.2). <i>FCCERS-3: Items 8, 19, 23, 32</i>	<i>Considerations:</i> Do not impede accessible route or wheelchair turning area.

Fruit and Vegetable Gardens

Annual vegetable and permanent fruit gardens engage children in growing their own food, and encourage children to try fruits and vegetables and acquire healthy nutrition habits (Bell and Dymont, 2008). Through gardening, children begin to learn science concepts like growth, decay, life cycles, predation, and pollination, and to experience diverse cultural expressions of food.

Locate vegetable and fruit gardens in areas with direct sunlight (at least 6 hours/day during the gardening season), with access to water for irrigation and, ideally, potable water for washing hands and produce. Vegetable and fruit gardens may be created directly in the ground, in raised beds, and in all types of containers—recycled plastic “kiddie pools,” pots large and small, and manufactured growing bags. Raising beds or providing plant protection railings (see p. 84) helps to stop children from inadvertently running through planting beds. Raised beds also allow more control over the growing medium. Avoid reusing lumber from prior to 2004, as it may contain copper chromate arsenate. Avoid pesticides and fertilizers that may negatively impact health of children or ecosystems. Consider cultural, mechanical, and biological pest control methods. Colorado State University Extension provides resources on alternative pest management: <https://extension.colostate.edu/docs/pubs/garden/xcm221.pdf>. NLI’s resources on gardening in child care created for North Carolina may also have some value in Colorado: <https://naturalearning.org/gardening-series>.

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May be designed to meet requirements <i>Design Considerations:</i> Nothing in the rules would, in a general way, prevent children from consuming fruits and vegetables they grow in fruit and vegetable gardens (See §2.325 for more info on meals and snacks). §2.325(H): “Foods offered shall be age appropriate and not pose a choking hazard.” This limits how some fruits and vegetables (e.g. grapes, grape tomatoes) may be eaten by children under 3. §2.337(D)(3): “Outdoor play space ... must be free from safety hazards including, but not limited to... tools.” However, this would not limit the use of tools for educational activities like gardening. §2.335(D): “The premises... must be kept safe and free from hazards to health,” or “posing danger of injury including but not limited to... choking hazards...” (§2.304(A)(80)) (e.g. stone mulches with pieces that fit in choking tester 1.25 inches in diameter and 2.25 inches long accessible to children under 3). <i>Mandates Addressed:</i> §2.333(G): Helps meet mandate for “nature or science related... materials or activities” such as “plants, gardens” §2.304(A)(80), §2.325(H), §2.335(D); §2.337(D)(3), §2.333(G)	May contribute to higher rating through items in Colorado Shines Program Guide and FCCERS-3 <i>Design Considerations:</i> <u><i>Program Guide/Point Structure Guide:</i></u> Program Guide Item 5.2 awards two points for promoting “positive nutritional practices.” These points are awarded based on how many of the following practices are observed: (1) Having a garden that grows fruits or vegetables or access to a community garden, (2) Serving fresh fruits or vegetables “for children to taste,” (3) Serving meals family style, (4) Participating in the Child and Adult Care Food Program, (5) Receiving Lactation Friendly Child Care (LFCC) Recognition, (6) Offering nutrition classes to families, and (7) “Other documented practices that promote positive nutrition.” Homes will receive one point for providing evidence of at least two practices and two points for providing evidence of at least four practices. <u><i>FCCERS-3:</i></u> FCCERS-3 Item 7 rates handwashing (Item 7: 1.2, 3.2, 5.2, 7.1). The ERS scoresheet for the Item calls for handwashing “after sand, water, [and] messy play” (Scoresheet p.4). (See p. 140 for more information on handwashing). FCCERS-3 Item 8 rates the safety of outdoor areas. Lower ratings are given for “extreme hazards” that pose a threat to children’s lives or (Continues next page)

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“major hazards” where “the risk of serious injury is very high” (Item 8: 1.2, 3.2, 5.1, p. 30). The highest rating requires no more than “a few minor hazards” (Item 8: 7.1). The notes for clarification name children “using highly toxic materials” a major hazard (p. 30). In fruit and vegetable gardens, this might include highly toxic inorganic fertilizers or pesticides. They name “items providing an immediate choking hazard” as extreme hazards—which could lead to the lowest rating on this item (p. 30). So, if the setting is accessible to children under 3, any stone mulches used should be larger than a choking tester (which is 1.25 inches in diameter by 2.25 inches long) or greater than 1.75 inch spheres. While not specifically mentioned in FCCERS-3, the accessibility of potentially dangerous tools or equipment like rototillers may be scored as a major hazard. Gardening tools accessible to children should be age appropriate. Tools not meant for children shouldn’t be accessible when caring for children. FCCERS-3 Item 20 “Nature/ science” provides credit for observations of children’s experiences of the natural world outdoors (Item 20: 3.2, 5.2). It gives credit for providing at least 10 different age-appropriate nature/science materials, such as gardens children can “care for and observe” (Item 20: 5.1, p. 54). If garden is to be counted as a nature/science material that children “care for and observe,” children must be observed caring for it (Item 20: 5.1, p. 54) Item 20 also provides credit for observations of children’s <i>experiences</i> with outdoor plants from a window indoors (Item 20: 5.3), so locating a fruit and vegetable garden very close to a window that children can look out of could help facilitate a higher rating. Providers’ interactions with children related to nature and science are also given credit (Item 20: 1.3, 3.3, 5.4, 7.3, 7.4). FCCERS-3 Item 32 gives credit for providing “ample and varied play materials accessible for all ages of children in the group,” for free play (Item 32: 1.3, 3.3, 5.1, 5.2). <i>Program Guide/Point Structure Guide:</i> Item 5.4; <i>FCCERS-3:</i> Items 7, 8, 20, 32	<i>Considerations:</i> Do not impede accessible route or wheelchair turning area.

Gathering Settings

Gathering settings facilitate social interaction for groups as small as two and as large as a class. They may support informal play and learning as well as formal activities like storytime. They typically have seating that is arranged to facilitate interaction so children and providers can face each other—as opposed to watching someone who is performing or lecturing. Seating areas may include built-in or manufactured benches, chairs, logs, stumps, and boulders. They may be oriented in U-Shapes, L-Shapes, hexagons, squares, or circles.

To the extent they are regulated, gathering areas tend to be regulated based on the other features that may (or may not) be integrated with them—decks, paved areas, shade structures, pathways, seating and tables, etc. Please refer to relevant sections for more information.

When designing and locating gathering settings for group activities like storytelling, consider how the design and location of the setting will facilitate the play and supervision of children who are not interested in the group activity. For example, adult-sized seating within gathering settings may be located so it faces towards other play settings in the OLE, so a provider leading a group activity can continue to monitor children who leave the group.

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May be designed to meet requirements <i>Design Considerations:</i> See design considerations associated with features that make up gathering settings. §2.335(Y): “...outdoor equipment, materials, and furnishings must be sturdy, safe, and free of hazards.” Safe means “free of hazards posing danger of injury including, but not limited to... protrusions, broken items, areas of entrapment...” (§2.304(A)(80)). §2.304(A)(80), §2.335(Y)	May contribute to higher rating <i>Design Considerations:</i> FCCERS-3 Item 2 provides credit for the following for furnishings, which may be relevant. (1) Having “furniture for play and learning for all ages/abilities of children” present (See Item 2: 1.2, 3.2, 3.3, 5.1). (2) Having furniture that “promotes self-help” like moveable steps and chairs that are personalized to the child’s age or ability (Item 2: 3.3, 7.2). (3) Using child sized tables for play and learning activities—including at least one scaled to toddlers/ preschoolers, if present (Item 2: 3.3, 5.2, 7.1.). It notes: “When picnic tables are used, consider how comfortable they are for the children and whether children can sit safely” (Clarification for 3.3 and 5.2). (4) Providing two different types of furniture that serves specific play activities—such as easels—for toddlers and older children (Item 2: 7.3)	(5) Providing some soft furnishings (Item 2: 3.5, 5.2). (6) Having furniture that “is safe, in good repair, and appears clean” (Item 2: 3.3). It rates at the lowest level when furniture could injure child through exposing them to splinters or nails or due to chairs being wobbly (Item 2:1.3). FCCERS-3 Item 7 may be rated higher or lower depending on the cleanliness of spaces and furnishings (Item 7: 1.1, 3.1, 5.1). FCCERS-3 Item 8 rates the safety of outdoor areas. Lower ratings are given for “extreme hazards” that pose a threat to children’s lives or “major hazards” where “the risk of serious injury is very high” (Item 8: 1.2, 3.2, 5.1, p. 30). The highest rating requires no more than “a few minor hazards” (Item 8: 7.1). Group Time: If adding new settings that may be used for group time, be aware that four items include language that would encourage designing and managing those areas (Continues next page)

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so children can leave the group and participate in other activities, while continuing to be adequately supervised. FCCERS-3, Item 13 gives credit for “Provider use of books with children.” It specifically gives credit for “allowing children to leave if not interested” (Item 13, 5.3). FCCERS-3, Item 17 provides credit for thoughtful integration of “music and movement.” Gathering areas may be used for movement/music activities that receive credit such as sing-alongs and dancing (Item 17: 3.4). It specifically provides credit for not forcing children to participate in these activities and providing alternate play opportunities (Item 17: 5.3). FCCERS-3 Item 27 also reinforces the need to allow children to leave group activities if they desire to (Item 27: 3.2). FCCERS-3 Item 33 provides a lower score if there is forced participation in whole group activities (Item 33: 1.1). It provides credit when “children are never forced to participate in group activities” (Item 33: 5.1) and other “satisfying” activities are available during group activities (Item 33: 5.3). It provides credit when “group activities are usually carried out in smaller groups, rather than in one large group” (Item 33:7.2) without penalizing programs where the whole group is small (p. 80). This may drive the creation of smaller gathering settings. (Note that Item 33 is only scored when group time is provided. Group time is not required). <i>FCCERS-3: Items 2, 7, 8, 13, 17, 27, 33</i>	<i>Considerations:</i> Do not impede accessible route or wheelchair turning area.

Gravel Play Area

Gravel play areas may offer some opportunities for sculpting, stacking, filling, dumping, and sorting for children ages 3 and up. The play and learning opportunities will depend on the type and size of gravel used. Smaller sized gravels may provide opportunities for sculpting or drawing lines—like the raked patterns found in Japan’s famous “*karesansui*” or dry landscapes. Larger pebbles may be stacked or laid in patterns. Facilitating sorting would require a diversity of colors, sizes, or materials.

The age of children who use the outdoor space should be considered before implementing a gravel play area. Gravel play would likely need to be excluded from areas serving children under 3 years old. The U.S. Consumer Product Safety Commission bans the sale of many products for children under 3 that have or could easily break into small parts. It defines small parts as “any object that fits completely into a specially designed test cylinder 2.25 inches long by 1.25 inches wide that approximates the size of the fully expanded throat of a child under three years old.” See: <https://www.cpsc.gov/FAQ/Small-Parts>. The materials known as pea gravel, fine gravel, and coarse gravel would all either qualify as or include small parts using this definition. Gravel play areas should also be free of toxic and hazardous materials.

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May be designed to meet requirements <i>Design Considerations:</i> §2.335(D): “The premises... must be kept safe and free from hazards to health...” or “posing danger of injury including but not limited to ‘keep out of reach items... broken items... choking hazards...” (e.g. parts accessible to children under 3 that fit in a choking tester 1.25 inches in diameter and 2.25 inches long) (§2.304(A)(80)). <i>Mandates Addressed:</i> §2.333(N): “Some sand or equivalent dry material or water play offered to children eighteen (18) months of age or older, indoors or outdoors, at least monthly and year round.” §2.335(D), §2.304(A)(80), §2.333(N)	May contribute to higher rating <i>Design Considerations:</i> FCCERS-3 Item 7 rates handwashing (Item 7: 1.2, 3.2, 5.2, 7.1). The ERS scoresheet for the Item calls for handwashing “after messy play” (Scoresheet p.4). (See p. 140 for more information on handwashing). FCCERS-3 Item 8 rates the safety of outdoor areas. Lower ratings are given for “extreme hazards” that pose a threat to children’s lives or “major hazards” where “the risk of serious injury is very high” (Item 8: 1.2, 3.2, 5.1, p. 30). The highest rating requires no more than “a few minor hazards” (Item 8: 7.1). The notes for clarification name children “using highly toxic materials” a major hazard (p. 30), They name “items providing an immediate choking hazard” as extreme hazards—which could lead to the lowest rating on this item (p. 30). So, gravel play should be limited to children 3 and up. FCCERS-3 Item 20 “Nature/ science” gives credit for providing at least 10 different age-appropriate nature/science materials (Item 20: 5.1, p. 54). The rocks in a gravel play area could count as one. FCCERS-3 Item 32 gives credit for providing “ample and varied play materials accessible for all ages of children in the group,” for free play (Item 32: 1.3, 3.3, 5.1, 5.2). <i>FCCERS-3: Items 20, 32</i>	<i>Considerations:</i> Do not locate within accessible route or wheelchair turning area.

Infant Cruising Rails

Infant cruising rails, also sometimes described as infant pull-up bars or infant walking rails, enable infants to self-support as they learn about gravity, and practice balance and standing as a prelude to walking.

Rails may be made of circular cross-sectioned wood, bamboo, and $\frac{3}{4}$ " plastic pipe supported on vertical posts, the sides of raised planters, or other suitable structures.

Rails should be stable. They should be smooth without sharp edges and should not be breakable into smaller pieces that could become choking hazards. Avoid protrusion hazards (parts that stick out and could poke out an eye, etc.). Adjacent surfaces should be relatively soft (e.g. a lawn rather than a paved surface) but do not need to be protective surfaces. It is also important to design such rails to prevent entrapment—with no openings between 3.5 and 9 inches wide.

Information on making pull-up/walking rails can be found in the Natural Learning Initiative's publication on affordable settings and components at: <https://naturalearning.org/03-affordable-settings-and-components>. NLI refers to these features as pull-up bars in that publication.

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May be designed to meet requirements <i>Design Considerations:</i> §2.335(D): "The premises... must be kept safe"—"free from hazards posing danger of injury including but not limited to... protrusions, broken items, areas of entrapment..." (§2.304(A)(80)) (e.g. gaps between 3.5 and 9 inches). <i>Mandates Addressed:</i> §2.333(L): Helps meet requirement for equipment allowing for "outdoor physical free play" for infants. §2.335(D), §2.304(A)(80), §2.333(L)	May contribute to higher rating in areas serving infants <i>Design Considerations:</i> FCCERS-3 Item 8 rates the safety of outdoor areas. Lower ratings are given for "extreme hazards" that pose a threat to children's lives or "major hazards" where "the risk of serious injury is very high" (Item 8: 1.2, 3.2, 5.1, p. 30). The highest rating requires no more than "a few minor hazards" (Item 8: 7.1). The notes for clarification name children "using highly toxic materials" a major hazard (p. 30), They also note an entrapment hazard on frequently used equipment as a major hazard (e.g. gaps between 3.5 inches and 9 inches or 3/8 inch and one inch). FCCERS-3 Item 24 rates whether there is enough age-appropriate gross motor equipment and if it is safe. The notes for clarification state "sturdy things to pull up on" would be appropriate for infants (Item 24: 1.4, 3.4, 5.5). <i>FCCERS-3: Items 8, 24</i>	<i>Considerations:</i> Do not impede accessible route or wheelchair turning area.

Loose Parts Play Settings

The term “loose parts” is used to describe a variety of materials that children can manipulate and build with outdoors. However, the term “loose parts play setting” is increasingly being used in a more specific way--to describe settings with permanent collections of smaller loose parts that can easily be manipulated by children, and stored on shelves in covered bins when they are not in use. Such settings may facilitate open-ended socio-dramatic play, fine motor skills, as well as early science, math, and art skills like counting, sorting, and arranging. This guide covers settings where children can build their own environments at a larger scale in the section on Natural Construction settings.

The loose parts in loose parts play areas may be natural, like pinecones, shells, tree cookies, smoothed sticks, and acorns; or manufactured, like beads, plastic bottles, bottle caps, and more. Nearby plantings may be designed to provide seasonal loose parts like flowers, seedpods, and leaves. Baskets, small pails, toy dump trucks, child-sized wheelbarrows, or push toys may facilitate harvesting. As always, toxic materials should be avoided and loose parts used should not create choking hazards if children under 3 are present. Also, children should be able to access loose parts on their own without the help of an adult to provide opportunities for autonomous play. For more on loose parts play settings, see: <https://naturalearning.org/42-loose-parts-settings>.

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May be designed to meet requirements <i>Design Considerations:</i> §2.335(Y): “...outdoor equipment, materials, and furnishings must be sturdy, safe, and free of hazards” including “‘keep out of reach’ items,” “broken items,” and “choking hazards” (§2.304(A)(80)) (e.g. loose parts that fit in a choking tester 1.25 inches diameter and 2.25 inches long accessible to children under 3). <i>Mandates Addressed:</i> §2.333(G): “Natural object collections” would help meet mandate for “nature or science related ... materials.” §2.333(H): “Counting objects” would help meet mandate for math or number materials. §2.304(A)(80); §2.335(Y); §2.333(G), (H)	May contribute to higher rating <i>Design Considerations:</i> FCCERS-3 Item 8 rates the safety of outdoor areas. Lower ratings are given for “extreme hazards” that pose a threat to children’s lives or “major hazards” where “the risk of serious injury is very high” (Item 8: 1.2, 3.2, 5.1, p. 30). The highest rating requires no more than “a few minor hazards” (Item 8: 7.1). “Providing an immediate choking hazard is named as an extreme hazard in Item 8’s “Notes for Clarification” (p. 30). “Using highly toxic materials” is a major hazard (p. 30). Avoid toxic paints/finishes. FCCERS-3 Item 10 gives credit for changing “toys, materials, and display items to introduce new words or ideas to children,” which may be facilitated through the addition of seasonal loose parts (Item 10: 7.3). Note that the emphasis for this item is on the provider talking about the new experience with the children to introduce new vocabulary.	FCCERS-3 Item 15 rates opportunities for fine motor development, if present. Note that traditional art materials (used for painting, coloring, etc.) are not considered for this item. Ratings are higher for facilities that provide fine motor materials that are in good repair (Item 15: 1.1), “well-organized” in containers by type (Item 15: 3.2), stored near the setting where children will play with them (Item 15: 3.2), allow children to access them independently (Item 15: 1.1, 3.2, 5.1, 7.1), and include a diversity of options appropriate for each age group present (1.1, 3.1, 5.1, 7.1). The environment should provide opportunities for the provider to engage with children as they use fine motor materials, since these interactions are specifically scored (Item 15: 1.3, 3.3, 5.3, 7.3). The highest rating requires continuous access to at least 10 different age-appropriate fine motor materials including at least one interlocking building toy, (Continues next page)

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manipulative, and puzzle when serving preschoolers (See Item 15: 5.1, and notes for clarification). This access would need to be provided both indoors and outdoors if children spend more than one hour of a 3-hour observation in an outdoor space to receive higher ratings (p. 13).

FCCERS-3 Item 18 gives credit for providing opportunities for block play. This may be accomplished entirely indoors, however if children spend more than one hour of a 3-hour observation in an outdoor space, access will need to be provided both indoors and outdoors to receive higher ratings (p. 13). For something to qualify as a block and increase the rating for blocks, most of its sides should be 2 inches or more, it must be stackable but cannot be interlocking (Notes for Clarification on Item 18: 1.1, 3.1, 5.1, 7.1).

The minimum number of blocks to qualify for the credit is no longer clearly defined but is noted to vary by age (Item 18:3.1, 5.1).

Facilities are given credit for providing floor space “out of traffic, with a steady surface” and especially for providing a block-specific interest area with a good building surface,

storage, and “ample space” (Item 18: 3.3, 5.3, 7.3). FCCERS-3 defines this based on the children and providers’ ability to use the spaces and move around them rather than providing minimum sizes.

It gives credit for providing at least 10 accessories that can be used with the blocks including people figurines, animal figurines, and transportation toys (Item 18: 3.2, 5.2, 7.2).

Provider’s engagement with children involved in block play is credited, so spaces should be designed to facilitate this engagement (Item 18: 1.2, 3.4, 5.4, 7.3).

When not in use, blocks and accessories should be “sorted by type” (Item 18: 5.2).

The environment should provide opportunities for the provider to engage with children as they play with blocks, since these interactions are specifically scored (Item 18: 1.2, 3.4, 5.4, 7.4).

FCCERS-3 Item 19 gives credit for facilitating dramatic play. To get the highest rating on this indicator, homes must provide materials that may be used by toddlers and preschoolers “for active dramatic play outdoors or in other large area” (Item 19: 7.2). All

other indicators related to this item may be accomplished entirely indoors; though, if children spend more than one hour of a 3-hour observation in an outdoor space, access will need to be provided both indoors and outdoors to receive higher ratings (p. 13). Some materials provided in loose parts play settings may help meet an indicator calling for “some smaller dramatic play toys” (e.g. small toy cars, animals, or people) (Item 19: 3.2).

FCCERS-3 gives credit for storing such toys together with toys of similar type (Item 19: 5.2) and in a way that allows them to be consistently accessible (Item 19: 1.1, 3.1, 5.1, 7.1).

If a loose parts play area was centered on small toys for dramatic play, and provides adequate space, it may qualify as a dramatic play interest center, which is given credit (Item 19: 7.2), though it would need to provide play props (e.g. pots and pans, play food, costumes) and dramatic play furnishings that are not typically found in a loose parts play area to meet that (Item 19: 3.1, 5.1).

FCCERS-3 Item 20 gives credit for providing at least 10 different age-appropriate nature/science materials, including “natural objects” like “rocks” and “seed pods” (Item 20: 5.1, p. 54)

that are “well organized and in good condition” (Item 20: 7.1, p. 54).

FCCERS-3 Item 21 gives credit for providing opportunities for “math/number” play. This may be accomplished entirely indoors, however if children spend more than one hour of a 3-hour observation in an outdoor space, access will need to be provided both indoors and outdoors to receive the highest rating (Item 21: 7.1, p. 13). In such cases, to receive the highest rating, children present would need to have access to four “number materials” appropriate for their developmental stage. This could include “small objects observed being used in counting activities”—including various loose parts (Item 21: 1.1, 3.1, 5.1, 7.1, p. 56). They will only be counted if they are observed being used for counting (p. 56).

Provider interactions related to math/numbers are key to receive high ratings on that item (Item 21: 1.3, 1.4, 3.3, 3.4, 5.2, 5.3, 5.4, 7.2, 7.3, 7.4).

FCCERS-3 Item 23 gives credit for “promoting acceptance of diversity.” A lower score is given if “negative stereotypes” are present (Item 23: 1.2). (Continues next page)

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To receive high ratings on this indicator requires providing “at least 10 positive examples of diversity” (Item 23: 5.1). These indicators may be addressed indoors; however, loose parts play areas that provide small people offer an opportunity to integrate figurines representing people of different backgrounds outdoors. FCCERS-3 Item 24 provides credit for laying out active play settings so they do not interfere with other activities (Item 24: 7.2). Locating loose parts play settings in ways that encourage the containment of loose parts from entering the use zone of playground equipment would be an example. FCCERS-3 Item 32 gives credit for providing “ample and varied play materials accessible for all ages of children in the group,” for free play (Item 32: 1.3, 3.3, 5.1, 5.2). It also gives credit for providers’ maintenance of play settings to facilitate free play (e.g. picking up and organizing toys “as needed”) (Item 32: 3.4) <i>FCCERS-3:</i> Items 8, 10, 15, 18, 19, 20, 21, 23, 24, 32	<i>Considerations:</i> Do not impede accessible route or wheelchair turning area.

Mounds and Sloping Topography

Mounds and sloping topography may stimulate running. They provide “high ground” where both children and those supervising them can look out over the OLE. Slopes with turf surfaces afford rolling in the summer and winter sledding. Adding elements such as an embankment scramble (see p. 54), an embankment slide (see p. 56), embedded stones, ornamental grasses, and a summit deck (see p. 48) add play value by extending activity choices and more challenging ways of ascending. Mounds may incorporate tunnels that children can crawl through (see p. 118). Sloping topography can also add a variety of possibilities for movement to unitary protective surfacing in the use zone of playground equipment.

Mounds often occupy a relatively large footprint, partly because turf slopes must be gentle enough to avoid excessive wear and erosion. Otherwise, there are few restrictions on the design of mounds. A landscape architect or other professional familiar with grading can help to ensure appropriate topographical profiles, proper drainage, and accessibility. Consideration should be given to how views may be affected by a mound to ensure any equipment or settings requiring supervision are visible. Consider providing mounds of a height that limits young children’s views, encouraging discovery and hiding from other children, while allowing the average adult to see over them. Provide a soft-landing area at the foot of mounds that children will roll or run down.

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May be designed to meet requirements <i>Design Considerations:</i> If embankment scrambles, slides, or tunnels are incorporated, see tables on those items. If it is used for a garden or another activity, see appropriate table. §2.337(A)(3): “All parts of the play area must be visible and easily supervised.” Note: Visibility may be accomplished in a variety of ways including providing ways the supervisor could walk around the mound, creating mounds an adult caretaker could see over, or having a raised area over-looking the area. The <i>Administrative Guide</i> clarifies: “It is important that all blind spots in the outdoor learning environment are identified and a plan for active supervision is created.” §2.337(A)(6): “Tiered yards that have drop offs of more than more than twelve inches (12) must have a protective railing or other barrier.” §2.337(A)(3), (6)	May contribute to higher rating <i>Design Considerations:</i> If embankment scrambles, slides, tunnels, or other items are incorporated, see tables on those items. FCCERS-3 Item 8 rates supervision for safety with the highest rating achievable if “Preschoolers and younger children are usually within sight and easy reach of provider and school-agers are checked regularly” (Item 8: 1.3, 3.3, 5.2) and “spaces used by children are generally... easy for provider to supervise even when doing routine care tasks” (Item 8: 7.2). FCCERS-3 Item 24 gives credit for providing at least one soft surface facilitating gross motor play. A lawn covered mound or slope would qualify (Item 24: 7.3). FCCERS-3 Item 25 rates “supervision of gross motor play.” A number of items focus on supervision to avoid injury (Item 25: 1.2, 3.2, 5.2). For example, a higher rating may be given if provider supervises “more dangerous or challenging equipment” (Item 25:3.2). Additionally, higher ratings are achieved when a provider “helps children use more challenging equipment” (Item 25:7.2). The same indicators also discuss supervising wheeled toy play to avoid collisions (Item 25; 5.2). So, consider how mounds will affect sightlines to challenging equipment and pathways used for wheeled toys. <i>FCCERS-3:</i> Items 8, 24, 25	<i>Considerations:</i> Do not impede accessible route or wheelchair turning area.

Mud Kitchens

Mud kitchens provide opportunities for dramatic play focused on cooking, baking, and eating. They typically include countertops and play sinks with repurposed kitchenware and utensils. Children may create something like “cupcakes” out of sand or soil, then top them with leaves, seedpods, flowers, and other materials harvested from nearby plants.

Kitchenware and utensils used in mud kitchens should be relatively light weight, resistant to rusting, and free of sharp edges. Sand and soil used should be non-toxic. Sand should be play sand and soil used should not include inorganic fertilizers or raw manure. Plants used near these areas should also be non-toxic. Their furniture should be child-sized, stable, and free of sharp corners. When attached to playground equipment, mud kitchens must be designed to follow playground equipment standards. Typically, such settings are developed separately from playground equipment and would not be expected to pass the sort of protrusion test that areas with more fast-moving play would require (and which most sink spouts would not pass—even though they are bent down so they are unlikely to constitute a protrusion hazard). Sinks in mud kitchens are typically not functional. If water is provided as part of the setting, it should be safe to drink.

The National Wildlife Federation has resources on creating mud kitchens at: https://www.nwf.org/-/media/NEW-WEBSITE/Programs/ECHO/How-To-Guides/ECHO_HowTo_MudKitchens.ashx.

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May be designed to meet requirements <i>Design Considerations:</i> §2.335(Y): “...outdoor equipment, materials, and furnishings must be sturdy, safe, and free of hazards.” Safe means “free of hazards posing danger of injury including, but not limited to, “keep out of reach” items, protrusions, broken items, areas of entrapment” (gaps 3.5 to 9 inches), “choking hazards” (e.g. loose parts that fit in a choking tester 1.25 inches diameter and 2.25 inches long accessible to children under 3) and “poisonous chemicals” (§2.304A80). §2.337(A)(16): “If a sand box designated for play is used it must be covered when not in use.” So, cover sand and earth play in mud kitchens when not in use. The <i>Administrative Guide</i> adds: “There is potential for used sand to contain toxic or harmful ingredients such as tremolite, an asbestos-like substance. Sand that is used as a building material or is harvested from a site containing toxic substances may contain potentially	harmful substances...” It calls for “using sand labeled as a safe play material or sand that is specifically prepared for sandbox use.” It also notes: “Replacement of sand may [be] required to keep it free of foreign material that could cause injury.” §2.337(D)(1): “Children must be directly and actively supervised near standing water including, but not limited to...buckets, wading pools, and animal troughs. The <i>Admin. Guide</i> clarifies: “the provider must have line of sight supervision and must not be engaged in any other activity.” §2.337(D)(2): All outdoor play areas shall frequently be surveyed and must be kept safe and free from hazardous materials or debris that could cause harm to children. <i>Mandates Addressed:</i> §2.333(N): “Some sand or equivalent dry material or water play offered to children eighteen (18) months of age or older, indoors or outdoors, at least monthly and year round.” §2.304(A)(80); §2.333(N); §2.335(Y); §2.337(A)(16); §2.337(D)(1), (2); Admin. Guide	May contribute to higher rating <i>Design Considerations:</i> FCCERS-3 Item 2 the following for furnishings, which may be relevant. (1) Having “furniture for play and learning for all ages/ abilities of children” present (See Item 2: 1.2, 3.2, 3.3, 5.1). (2) Having furniture that “promotes self-help” like moveable steps and chairs that are personalized to the child’s age or ability (Item 2: 3.3, 7.2). (3) Using child sized tables for play and learning activities—including at least one scaled to toddlers/ preschoolers, if present (Item 2: 3.3, 5.2, 7.1.). It notes: “When picnic tables are used, consider how comfortable they are for the children and whether children can sit safely” (Clarification for 3.3 and 5.2).

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(4) Providing two different types of furniture that serves specific play activities—such as furniture in dramatic play kitchens—for toddlers and older children (Item 2: 7.3). (5) Providing some soft furnishings (Item 2: 3.5, 5.2). (6) Having furniture that “is safe, in good repair, and appears clean” (Item 2: 3.3). It rates at the lowest level when furniture could injure a child through exposing them to splinters or nails or due to chairs being wobbly (Item 2:1.3). FCCERS-3 Item 7 rates efforts to “decrease the spread of germs” through observing the cleanliness of the space and furnishings (Item 7: 1.1, 3.1, 5.1). Design or management practices that help contain sand/soil/mud in mud kitchens would likely impact this rating. Item 7 also rates handwashing (Item 7: 1.2, 3.2, 5.2, 7.1). The ERS scoresheet for the Item calls for handwashing “after sand, water, [and] messy play” (Scoresheet p.4). FCCERS-3 Item 8 rates the safety of outdoor areas. Lower ratings are given for “extreme hazards” that pose a threat to children’s lives or	“major hazards” where “the risk of serious injury is very high” (Item 8: 1.2, 3.2, 5.1, p. 30). The highest rating requires no more than “a few minor hazards” (Item 8: 7.1). The notes for clarification name children “using highly toxic materials” a major hazard (p. 30). This could include soils containing toxic fertilizers and pesticides in mud kitchens. They name “items providing an immediate choking hazard” as extreme hazards—which could lead to the lowest rating on this item (p. 30). So, if the setting is accessible to children under 3, any toys or objects integrated with earth play should be larger than a choking tester (which is 1.25 inches in diameter by 2.25 inches long) or greater than 1.75 inch spheres. The notes for clarification also encourage using <i>Caring for our Children</i>, Chapter 6, when scoring this item to identify possible hazards. It includes recommendations related to “sandboxes” beyond those listed above. Some of those also apply to mud kitchens, including making sure the settings allow for drainage, so they do not become breeding grounds for insects, mold, and bacteria, and covering them when not in use “with a	lid or other covering” (See CFOC 6.2.4.1). When referring to CFOC, FCCERS-3 says to “consider whether problems should be considered major in specific circumstance,” (p. 30). Some recommendations made in CFOC may relate to what FCCERS-3 defines as minor hazards “where the consequences would not be great or an accident is not likely, due, for example, to the nature of supervision...” FCCERS-3 Item 19 provides credit for facilitating dramatic play. To get the highest rating on this indicator, homes must provide materials that may be used by toddlers and preschoolers “for active dramatic play outdoors or in other large area” (Item 19: 7.2). Providing a mud kitchen outdoors would help a program meet this indicator. All other indicators related to Item 19 may be accomplished entirely indoors; though, if children spend more than one hour of a 3-hour observation in an outdoor space, access will need to be provided both indoors and outdoors to receive higher ratings (p. 13). In such cases, kitchenware, “play foods,” and other	play props that allow children of each developmental stage present “to act out familiar roles” could contribute to higher rating (Item 19: 3.1). FCCERS-3 provides credit for storing such toys together with toys of similar type (Item 19: 5.2) and in a way that allows them to be consistently accessible (Item 19:1.1, 3.1, 5.1, 7.1). A mud kitchen would typically include features that qualify as dramatic play furnishings (Item 19: 5.1) and could help get higher rating for having a dramatic play interest center (Item 19: 7.2) if all requirements for an interest center are met (See definition of play area/interest center on p. 14 of FCCERS-3). FCCERS-3 Item 20 “Nature/ science” gives credit for providing at least 10 different age-appropriate nature/science materials (Item 20: 5.1, p. 54). And sand or water play with toys is required for a good score on this item if 2 to 4-year-olds are present (Item 20: 5.1). Mud kitchens that are outdoors would fulfill this, as long as children have “enough time to allow satisfying play” (p. 54). (Continues next page)
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Item 20 also provides credit for keeping sand and water play settings, including mud-kitchens, in “good condition” (Item 20: 7.1). It provides credit for supervising sand and water play “carefully” without defining the term (Item 20: 7.2). And it also gives credit for provider interactions with children related to nature and science (Item 20: 1.3, 3.3, 5.4, 7.3, 7.4). FCCERS-3 Item 21 gives credit for providing opportunities for “math/number” play. This may be accomplished entirely indoors, however if children spend more than one hour of a 3-hour observation in an outdoor space, access will need to be provided both indoors and outdoors to receive the highest rating (Item 21: 7.1, p. 13). In such cases, to receive the highest rating, children present would need to have access to four “number materials” appropriate for their developmental stage. This could include “graduated measuring cups... if obviously used for math learning”—including those used for pretend play in mud kitchens (Item 21: 1.1, 3.1, 5.1, 7.1, p. 56). Provider interactions related to math/numbers are key to receiving high ratings on that item (Item 21: 1.3, 1.4, 3.3, 3.4, 5.2, 5.3, 5.4, 7.2, 7.3, 7.4). FCCERS-3 Item 32 gives credit for providing “ample and varied play materials accessible for all ages of children in the group,” for free play (Item 32: 1.3, 3.3, 5.1, 5.2). It also gives credit for providers’ maintenance of play settings to facilitate free play (e.g. picking up and organizing toys “as needed”) (Item 32: 3.4) <i>FCCERS-3: Items 2, 7, 8, 19, 20, 21, 32</i>	<i>Considerations:</i> Do not impede accessible route or wheelchair turning area.

Multipurpose Lawns

Multipurpose lawns provide a soft surface for active play, such as ball games and parachute play, and quieter group activities like story time. Combined with mounds or sloping topography, lawns create opportunities for rolling. While lawns play a number of important roles, the truth is most early childhood facilities have too much lawn, which at a certain point becomes a boring monoculture. Lawns are also water intensive and provide limited value as habitat for birds, bees, and other native wildlife.

We recommend designating a multipurpose lawn setting just large enough for active use by one class at a time and converting the remaining space into a variety of play and learning settings. Thus, grassy areas are reduced, irrigation is minimized, biodiversity is increased, and a greater diversity of play and learning is possible.

Multipurpose lawns may have shade trees, gardens, or sloping lawn at their periphery to increase play value. For information on these features, see discussion of trees (p. 114), plantings (p. 82), and mounds/sloping topography (p. 68). Use turf grass species suitable for the amount of shade and rainfall or irrigation available. Avoid pesticides and fertilizers that may impact health of children or ecosystems. Do not fret too much about weeds as they often add play value and general interest for children. Clover and dandelions are classic examples.

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May be designed to meet requirements <i>Design Considerations:</i> None.	May contribute to higher rating <i>Design Considerations:</i> FCCERS-3 Item 20 gives credit for experiences with nature, (“infants placed on blanket on grass”) (Item 20: 1.2, 3.2, 5.2). FCCERS-3 Item 24 gives credit for providing at least one soft surface for gross motor play—like grass (Item 24: 7.3). Having portable equipment that facilitates gross motor play on grass (age appropriate balls, etc.) would also be credited (Item 24: 1.4, 3.4, 5.5, 7.4). Group Time: If adding new settings that may be used for group time, be aware that four items include language that would encourage designing and managing those areas so children can leave the group and participate in other activities, while continuing to be adequately supervised. FCCERS-3 Item 13 gives credit for “Provider use of books with children.” It specifically gives credit for	“allowing children to leave if not interested” (Item 13, 5.3). FCCERS-3 Item 17 gives credit for thoughtful integration of “music and movement.” Multipurpose lawns may be used for movement/music activities that are given credit such as sing-alongs and dancing (Item 17: 3.4). It specifically gives credit for not forcing children to participate and providing alternate play opportunities (Item 17: 5.3). FCCERS-3 Item 27 also reinforces the need to allow children to leave group activities if they desire to (Item 27: 3.2). And FCCERS-3 Item 33 is focused completely on “group time.” It is scored low if there is forced participation in whole group activities (Item 33: 1.1). It gives credit when “children are never forced to participate in group activities” (Item 33: 5.1) and other “satisfying” activities are available during group activities (Item 33: 5.3). <i>FCCERS-3: Items 13, 17, 20, 24, 27, 33</i>	<i>Considerations:</i> Lawn is not an accessible surface. Do not locate in accessible route or wheelchair turning area.

Natural Construction Settings

Natural construction settings allow older preschool and school age children to construct free-form structures. Settings provide opportunities for open-ended socio-dramatic play, construction play, large muscle exercise, and elevated levels of physical activity.

Examples of natural loose parts for construction include straw bales, rounded stones, smoothed sticks or branches, prepared lengths of bamboo, small timbers, tree cookies, corn stalks, or whatever is at hand that is safe to use. Natural loose parts may be combined with manufactured loose parts, including pieces of textile, PVC pipe, and lightweight blocks made of foam, wood, or cardboard (needs to be stored in a dry place). Consider including permanent elements like trees, shrubs, mounds, fences, logs, or armatures that may support children's own structures. Access to dress-up clothes or seasonal loose parts such as flowers, leaves, and seedpods may facilitate imaginative scenarios, as can combining such settings with loose parts play areas that have a more permanent collection of small loose parts.

The area for natural construction play should be separated from playground equipment and managed so construction materials do not migrate to playground equipment use zones. Providers should monitor building to make sure heavy items that may injure children are not used to create unstable overhead structures. For more information, see: https://www.nwf.org/-/media/NEW-WEBSITE/Programs/ECHO/How-To-Guides/ECHO_HowTo_NaturalConstruction.ashx.

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May be designed to meet requirements <i>Design Considerations:</i> §2.335(Y): "...outdoor equipment, materials, and furnishings must be sturdy, safe, and free of hazards" including "'keep out of reach' items," "broken items," and "choking hazards" (§2.304(A)(80)) (e.g. loose parts that fit in choking tester 1.25 inches diameter and 2.25 inches long accessible to children under 3). Any permanent armatures used to support children's constructions would need to be free of protrusions. §2.337(D)(2): "All outdoor play areas shall frequently be surveyed and must be kept safe and free from hazardous materials or debris that could cause harm to children." §2.337(D)(3): "Outdoor play space... must be free from safety hazards including, but not limited to... tools...building scraps, and scrap metal. "Any tools used should be appropriate for children. §2.304(A)(80), §2.335(Y), §2.337(D)(2)	May contribute to higher rating <i>Design Considerations:</i> FCCERS-3 Item 8 rates the safety of outdoor areas. Lower ratings are given for "extreme hazards" that pose a threat to children's lives or "major hazards" where "the risk of serious injury is very high" (Item 8: 1.2, 3.2, 5.1, p. 30). The highest rating requires no more than "a few minor hazards" (Item 8: 7.1). The notes for clarification specifically name children "using highly toxic materials" a major hazard (p. 30), None of the loose parts used should have toxic finishes. Avoid using old pressure treated wood of unknown origin. They name "items providing an immediate choking hazard" as extreme hazards—which could lead to the lowest rating on this item (p. 30). So, if the setting is accessible to children under 3, any toys or objects integrated in natural construction settings should be larger than a choking tester (which is 1.25 inches in diameter by 2.25 inches long) or greater than 1.75 inch spheres.	By choosing natural construction materials that minimize risk (e.g. straw bales) and edging natural construction areas in ways that deter movement of materials into playground equipment use zones, it may be possible to be get credit for having "spaces... set up to avoid safety problems" (Item 8: 7.2). When supervision is needed to ensure risks are managed effectively, FCCERS-3 gives credit for providing supervision (Item 8: 7.3). FCCERS-3 Item 10 provides credit for changing "toys, materials, and display items to introduce new words or ideas to children," which may be facilitated through the addition of seasonal loose parts (Item 10: 7.3). Note that the emphasis for this item is on the provider talking about the new experience with the children to introduce new vocabulary. FCCERS-3 Item 18 gives credit for programs for providing opportunities for block play. This may be accomplished entirely indoors, however if children (Continues next page)

Colorado Shines Quality Rating and Improvement System: Program Guide (2021), Point Structure Guide (2021) and FCCERS-3			2010 ADA Standards for Accessible Design
spend more than one hour of a 3-hour observation in an outdoor space, access will need to be provided both indoors and outdoors to receive higher ratings (p. 13). For something to qualify as a block and increase the rating for blocks, most of its sides should be 2 inches or more, it must be stackable but cannot be interlocking (Notes for Clarification on Item 18:1.1, 3.1, 5.1, 7.1). The minimum number of blocks to qualify for the credit is no longer clearly defined but is noted to vary by age (Item 18:3.1, 5.1). Facilities are given credit for providing floor space “out of traffic, with a steady surface” and especially for providing a block-specific interest area with a good building surface, storage, and “ample space” (Item 18: 3.3, 5.3, 7.3). FCCERS-3 defines this based on the children and providers’ ability to use the spaces and move around them rather than providing minimum sizes. It gives credit for providing at least 10 accessories that can be used with the blocks including people figurines, animal figurines, and transportation toys (Item 18:3.2, 5.2, 7.2). Provider’s engagement with children involved in block play is credited, so spaces should be designed to facilitate this engagement (Item 18: 1.2, 3.4, 5.4, 7.3). When not in use, blocks and accessories should be “sorted by type” (Item 18: 5.2). FCCERS-3 Item 19 gives credit for facilitating dramatic play. To get the highest rating on this indicator, homes must provide materials that	may be used by toddlers and preschoolers “for active dramatic play outdoors or in other large area” (Item 19: 7.2). Natural construction settings where children build forts and use play props for pretend play would help satisfy this indicator. They may facilitate certain pretend play themes discussed in FCCERS-3 better than a simple stage—including play related to construction, farming, and camping. All other indicators related to Item 19 may be accomplished entirely indoors; though, if children spend more than one hour of a 3-hour observation in an outdoor space, access will need to be provided both indoors and outdoors to receive higher ratings (p. 13). In such cases, costumes, hats, and purses for dress-up and other play props that allow children of each developmental stage present “to act out familiar roles” could contribute to higher rating (Item 19: 3.1). FCCERS-3 gives credit for storing such toys together with toys of similar type (Item 19: 5.2) and in a way that allows them to be consistently accessible (Item 19:1.1, 3.1, 5.1, 7.1). A natural construction area used for pretend play could help get higher rating for having a dramatic play interest center if it included both dramatic play props and dramatic play furnishings (Item 19: 7.2) (See p. 14 of FCCERS-3 for further considerations). Provider’s engagement with children involved in dramatic play is credited, so spaces should be designed to facilitate this engagement (Item 19: 1.2, 3.3, 5.3, 5.4, 7.4).	FCCERS-3 Item 21 gives credit for providing opportunities for “math/number” play. This may be accomplished entirely indoors, however if children spend more than one hour of a 3-hour observation in an outdoor space, access will need to be provided both indoors and outdoors to receive the highest rating (Item 21: 7.1, p. 13). In such cases, to receive the highest rating, children present would need to have access to four “number materials” appropriate for their developmental stage. This could include “tape measures” used to measure the height of constructed features (Item 21: 1.1, 3.1, 5.1, 7.1, p. 56). Provider interactions related to math/numbers are key to receive high ratings on that item (Item 21: 1.3, 1.4, 3.3, 3.4, 5.2, 5.3, 5.4, 7.2, 7.3, 7.4). FCCERS-3 gives credit for the use of “hands-on experiences” such as “[helping] child use tape measure to find out how tall block building is” (Item 21: 5.4). This could be done with natural constructions as well. FCCERS-3 Item 32 gives credit for providing “ample and varied play materials accessible for all ages of children in the group,” for free play (Item 32: 1.3, 3.3, 5.1, 5.2). It also gives credit for providers’ maintenance of play settings to facilitate free play (e.g. picking up and organizing toys “as needed”) (Item 32: 3.4) <i>FCCERS-3: Items 8, 10, 18, 19, 21, 32</i>	<i>Considerations:</i> Do not impede accessible route or wheelchair turning area.

Orchards

Orchards are groups of fruit trees. In the context of family child care homes, an “orchard” could contain as few as two or three trees and will rarely contain more than 10 trees. Orchards provide many of the same benefits as other groves—including shade. They also provide fruit that can be incorporated into educational activities, snacks, or meals. Fruit trees may not be planted grove-like in a single location but scattered singly, in duets and trios, wherever space and sunlight are available. Fruiting vines and shrubs may be intermixed with trees.

Orchard trees need to be selected that are adapted to regional climatic and site conditions (sun/shade, soil pH, water/drainage, hardiness). For example, some cherry trees may grow wonderfully on sites with acidic soils but may be short-lived and not particularly productive in soils with a high pH, common in Colorado.

It’s also best to avoid fruit tree varieties known to be highly susceptible to insects, fungi, or diseases that cannot be managed without toxic pesticides. Avoid pesticides and fertilizers that may negatively impact health of children or ecosystems. Consider cultural, mechanical, and biological pest control methods (See: <https://extension.colostate.edu/resource/integrated-pest-management-and-plant-health-care/>). Also, consider the ages of children using the space when choosing mulch to use at the base of trees to avoid creating choking hazards. Certain fruits or their pits may also create choking hazards for young children under 3.

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May be designed to meet requirements <i>Design Considerations:</i> Trees must not be located in the use zone of playground equipment (See 2.337(B)(1)(a)), obscure target on archery range (See §2.609(B)), or be part of bullet-stop on a rifle range (See §2.610(D)). §2.335(D): “The premises... must be kept safe”—“free from hazards posing danger of injury” including “choking hazards” (§2.304(A)(80)) (e.g. stone mulches that fit in choking tester, 1.25 inches in diameter and 2.25 inches long, accessible to children under 3). <i>Mandates Addressed: §2.333(G):</i> Helps meet mandate for “nature or science related... materials or activities” such as “plants, gardens.” §2.337(A)(4): Helps meet mandate that “Shade must be available.” §2.337(A)(4), §2.337(B)(1)(a), §2.304(A)(80), §2.335(D), §2.333(G), §2.609(B), §2.610(D)	May contribute to higher rating through items in Colorado Shines Program Guide and FCCERS-3 <u><i>Program Guide/Point Structure Guide:</i></u> Program Guide Item 5.2 awards two points for promoting “positive nutritional practices.” These points are awarded based on how many of the following practices are observed: (1) Having a garden that grows fruits or vegetables or access to a community garden, (2) Serving fresh fruits or vegetables “for children to taste,” (3) Serving meals family style, (4) Participating in the Child and Adult Care Food Program, (5) Receiving Lactation Friendly Child Care (LFCC) Recognition, (6) Offering nutrition classes to families, and (7) “Other documented practices that promote positive nutrition.” Homes will receive one point for providing evidence of at least two practices and two points for providing evidence of at least four practices.	<u>FCCERS-3:</u> <i>Design Considerations:</i> FCCERS-3 Item 7 rates handwashing (Item 7: 1.2, 3.2, 5.2, 7.1). The ERS scoresheet for the Item calls for handwashing “after sand, water, [and] messy play” (Scoresheet p.4). Hands would need to be washed between such play and fruit picking. (See p. 140 for more information on handwashing). FCCERS-3 Item 8 rates the safety of outdoor areas. Lower ratings are given for “extreme hazards” that pose a threat to children’s lives or “major hazards” where “the risk of serious injury is very high” (Item 8: 1.2, 3.2, 5.1, p. 30). The highest rating requires no more than “a few minor hazards” (Item 8: 7.1). The notes for clarification name children “using highly toxic materials” a major hazard (p. 30). In orchards, this might include highly toxic inorganic fertilizers or pesticides. (Continues next page)

Colorado Shines Quality Rating and Improvement System: Program Guide (2021), Point Structure Guide (2021) and FCCERS-3		2010 ADA Standards for Accessible Design
They name “items providing an immediate choking hazard” as extreme hazards—which could lead to the lowest rating on this item (p. 30). So, if the setting is accessible to children under 3, any stone mulches used should be larger than a choking tester (which is 1.25 inches in diameter by 2.25 inches long) or greater than 1.75 inch spheres. FCCERS-3 Item 20 “Nature/ science” gives credit for children’s experiences of the natural world outdoors—including trees in orchards (Item 20: 3.2, 5.2). It gives credit for providing at least 10 different age-appropriate nature/science materials, such as gardens children can “care for and observe” (Item 20: 5.1, p. 54). If garden is to be counted as a nature/science material that children “care for and observe,” children must be observed caring for it (Item 20: 5.1, p. 54) Item 20 also provides credit for observations of children’s <i>experiences</i> with outdoor plants from a window indoors (Item 20: 5.3), so locating an orchard in sight of a window that children can look out of could help facilitate a higher rating.	Providers’ interactions with children related to nature and science are also given credit (Item 20: 1.3, 3.3, 5.4, 7.3, 7.4). FCCERS-3 Item 24 gives credit for providing shade in the outdoor area (Item 24: 5.4)—which orchards do. <i>Program Guide/Point Structure Guide:</i> Item 5.4; <i>FCCERS-3:</i> Items 7, 8, 20, 24	<i>Considerations:</i> Do not impede accessible route or wheelchair turning area.

Ornamental Grass Mazes

Ornamental grass mazes offer active, highly sensory settings, where children can explore, play hide-and-seek and engage in other chasing games. Ornamental grasses chosen should be soft to the touch and grow high enough to screen views between the young children using the space, while still allowing adults to see over them and into the space.

Ornamental grass mazes should not be located in rain gardens or low-lying areas where they may obscure views of standing water. Take care to select non-invasive species that are native or adapted to the local region. Clumping grasses that do not spread through rhizomes are strongly recommended—as grasses that spread through rhizomes can be difficult to manage. Regional natives often support local ecosystems and should be used if they are available, affordable, and meet other needs. In places where they are hardy, switch grasses (e.g. *Panicum virgatum* ‘Shenandoah’) are excellent choices for sunny areas. Many species of *Carex* (sedges) can tolerate shady conditions. NLI recommends grass mazes be at least 100 square feet. Be sure to leave enough room for children to move between the clumps of grass as they mature. Grasses may be planted in tires to both protect the plants and define circulation spaces more clearly, though this is not necessary (See p. 92 if using this approach). For more information on creating grass mazes, see: <https://naturalearning.org/grass-mazes/>.

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May be designed to meet requirements <i>Design Considerations:</i> §2.335(D): “The premises... must be kept safe and free from hazards” including “choking hazards” (§2.304(A)(80)) (e.g. pebbles that fit in choking tester 1.25 inches in diameter and 2.25 inches long). §2.337(A)(3): “All parts of the play area must be visible and easily supervised.” The <i>Administrative Guide</i> clarifies: “It is important that all blind spots in the outdoor learning environment are identified and a plan for active supervision is created.” Note: Visibility may be accomplished in a variety of ways including having supervisor move through space so their point of view is changing, using species that an adult caretaker could see over, or having a raised area over-looking the space. §2.337(D)(1): “Children must be directly and actively supervised near standing water.” The <i>Administrative Guide</i> clarifies: “the provider must have line of sight supervision and must not be engaged in any other activity.” To avoid this issue, grass mazes should not be located in low-lying areas where there is standing water after storms. <i>Mandates Addressed:</i> §2.333(G): Helps meet mandate for “nature or science related ... materials or activities” such as “plants, gardens... or science props.” §2.335(D), §2.304(A)(80), §2.337(D)(1), §2.337(A)(3), §2.333(G)	May contribute to higher rating <i>Design Considerations:</i> FCCERS-3 Item 8 rates the safety of outdoor areas. Lower ratings are given for “extreme hazards” that pose a threat to children’s lives or “major hazards” where “the risk of serious injury is very high” (Item 8: 1.2, 3.2, 5.1, p. 30). The highest rating requires no more than “a few minor hazards” (Item 8: 7.1). The notes for clarification name children “using highly toxic materials” a major hazard (p. 30). This would include highly toxic fertilizers, pesticides, or plants. Item 8 also rates supervision for safety with the highest rating achievable if “Preschoolers and younger children are usually within sight and easy reach of provider and school-agers are checked regularly” (Item 8: 1.3, 3.3, 5.2) and “spaces used by children are generally... easy for provider to supervise even when doing routine care tasks” (Item 8: 7.2). FCCERS-3 Item 20 “Nature/ science” gives credit for observations of children’s experiences of the natural world outdoors—including ornamental grasses (Item 20: 3.2, 5.2). Item 20 gives credit for observations of children’s <i>experiences</i> with outdoor plants from a window indoors (Item 20: 5.3), so locating an ornamental grass maze or other plantings in sight of a window that children can look out of could help facilitate a higher rating.

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Providers' interactions with children related to nature and science are also given credit (Item 20: 1.3, 3.3, 5.4, 7.3, 7.4). FCCERS-3 Item 25 rates provider's "supervision of gross motor play." A number of items focus on supervision to avoid injury (Item 25: 1.2, 3.2, 5.2). For example, a higher rating may be given if provider supervises "more dangerous or challenging equipment" (Item 25:3.2). The same indicators also discuss supervising wheeled toy play to avoid collisions (Item 25; 5.2). So, consider how ornamental grass mazes will affect sightlines to challenging equipment and pathways used for wheeled toys. <i>FCCERS-3: Items 8, 20, 25</i>	<i>Considerations:</i> Do not impede accessible route or wheelchair turning area.

Outdoor Classrooms

Outdoor classrooms provide spaces, usually covered for use during inclement weather, for managed or self-directed activities. This section only addresses outdoor classrooms within programs that also have indoor classrooms. It does not address fully outdoor programs.

There are few regulations or standards specifically focused on outdoor classrooms in programs that serve children both indoors and outdoors. To the extent they are regulated at all, outdoor classrooms tend to be regulated based on the other features that may be integrated into them—decks (p. 48), shade structures (p. 111), pathways and paved areas (p. 85), seating and tables (p. 107), storage (p. 115), etc. Please refer to relevant sections for more information.

One exception is accessibility standards. Outdoor classrooms, if they are intended to function as classrooms, have different requirements for accessibility than play areas. They may also provide opportunities for meeting mandates and environment rating scale items related to fine motor development and artistic play.

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May be designed to meet requirements <i>Design Considerations:</i> See design considerations associated with features that make up the outdoor classroom. §2.332(E): Note that adults supervising children “must encourage individual expression and adult directed projects must be kept to a minimum, allowing children’s work to be varied and individual.” §2.333(J): “Glitter must not be used with children under three (3) years of age.” §2.335(Y): “...outdoor equipment, materials, and furnishings must be sturdy, safe, and free of hazards.” Safe means “free of hazards posing danger of injury including, but not limited to, “keep out of reach” items, protrusions, broken items... strangulation or choking hazards... poisonous chemicals” (§2.304(A)(80)). <i>Mandates Addressed:</i> §2.332(D): “Each child in care must be provided with an opportunity for both group and individual play.” §2.333(I): Certain materials, like “crayons, paper, scissors... developmentally appropriate multi-size stringing beads, pegs, sewing cards...” could also help meet mandate for “fine motor materials.” §2.333(E): If art materials are provided in outdoor classroom, would help meet requirements for providing “art materials.” §2.304(A)(80), §2.332(D), (E); §2.333(E), (I), (J); §2.335(Y)	May contribute to higher rating <i>Design Considerations:</i> Will vary based on the type of activities they facilitate. Refer to sections on individual features and settings that make up outdoor classroom. FCCERS Item 7 may be rated higher or lower depending on the cleanliness of spaces and furnishings (Item 7: 1.1, 3.1, 5.1). FCCERS-3 Item 8 rates the safety of outdoor areas. Lower ratings are given for “extreme hazards” that pose a threat to children’s lives or “major hazards” where “the risk of serious injury is very high” (Item 8: 1.2, 3.2, 5.1, p. 30). The highest rating requires no more than “a few minor hazards” (Item 8: 7.1). FCCERS-3 Item 15 rates opportunities for fine motor development, if present. The highest rating requires continuous access to at least 10 different age-appropriate fine motor materials including at least one interlocking building toy, manipulative, and puzzle when serving preschoolers (See Item 15:5.1, and notes for clarification). This access would need to be provided both indoors and outdoors if children spend more than one hour of a 3-hour observation in an outdoor space to receive higher ratings (p. 13). Note that art materials are not considered for this item. Ratings are higher for facilities that provide fine motor materials that are in good repair (Item (Continues next page)

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15:1.1), “well-organized” in containers by type (Item 15: 3.2), stored near the setting where children will play with them (Item 15: 3.2), allow children to access them independently (Item 15: 1.1, 3.2, 5.1, 7.1), and include a diversity of options appropriate for each age group present (1.1, 3.1, 5.1, 7.1).

The environment should provide opportunities for provider to engage with children as they use fine motor materials, since these interactions are specifically scored (Item 15:1.3, 3.3, 5.3, 7.3).

FCCERS-3 Item 16 is relevant if outdoor classroom is to be used for art projects. It is focused on providing opportunities with art materials—including crayons, markers, pencils, playdough, paints, paper scraps, and glue—in facilities serving children 18 months and older. Consider how the design of the setting and adjacent settings might allow for supervision of children who are not interested in art as they do their own thing (Item 16:3.2) and how settings used for art may be controlled to avoid interference from other children (FCCERS-3 suggests the use of gated areas, higher tables, or other means that will discourage younger children

from intruding on older children as they make art) (Item 16: 7.2).

Art materials must be non-toxic and age appropriate (e.g. no glitter for infants/toddlers) (Item 16: 1.1). For children under 3, FCCERS calls for using thick crayons, making marker caps inaccessible, and ensuring that children do not have free access to materials that are labeled for older children. Where older children are served, they should always have access to materials (Item 16: 1.1, 3.1, 5.1, 7.1). This might encourage the use of storage spaces that are accessible to preschoolers but not younger children.

FCCERS-3 reminds providers that you can’t use crayons without paper, and this could have an impact on the storage provided, to ensure materials used together are available together.

Item 16 will not count food items like dry macaroni as art materials to avoid confusion about what is edible and will score programs lower if they are used (Item 16 encourages consideration of their negative potentials in **Items 7, 8, and 26**).

Art activities that involve higher levels of individual expression receive higher ratings (Item 16: 3.5, 5.3).

The environment should provide opportunities for providers to supervise and engage with children as

they use art materials and discourage their misuse as needed, since these interactions are specifically scored (Item 16:1.2, 3.3, 3.4, 5.2, 5.3, 7.3, 7.4).

The highest ratings would require those 18 months to 36 months to always have access to at least one art material and preschoolers and older children to have access to at least 5 of two different types (types include drawing, painting, sculpting/modeling, collaging) (Item 16: 1.1, 3.1, 5.1, 7.1). This access would need to be provided both indoors and outdoors if children spend more than one hour of a 3-hour observation in an outdoor space to receive higher ratings (p. 13).

Group Time: FCCERS-3 Items 26 and 32 are scored lower where most activities take place in groups and are provider initiated and gives credit for when children are mainly involved in free play throughout the observation (Item 26: 1.2, 5.5; Item 32: 1.1, 3.1, 5.1, 7.1). So, homes may want to prioritize creating a diversity of settings that serve individuals and small groups rather than an outdoor classroom that serves the entire group at once.

Where outdoor classrooms are created for group activities, multiple

items would encourage designing and managing them in a way that would allow children to leave the group and participate in other activities, while continuing to be adequately supervised.

FCCERS-3 Item 13 provides credit for “Provider use of books with children.” It specifically gives credit for “allowing children to leave if not interested” (Item 13, 5.3).

FCCERS-3 Item 27 also reinforces the need to allow children to leave group activities if they desire to (Item 27: 3.2).

And **FCCERS-3 Item 33** is focused completely on “group time.” It is scored low if there is forced participation in whole group activities (Item 33: 1.1). It provides credit when “children are never forced to participate in group activities” (Item 33: 5.1) and other “satisfying” activities are available during group activities (Item 33: 5.3).

FCCERS-3 Item 32 also gives credit for providing “ample and varied play materials accessible for all ages of children in the group,” for free play (Item 32: 1.3, 3.3, 5.1, 5.2).

FCCERS-3: Items 7, 8, 13, 15, 16, 26, 27, 32, 33, also see features that make up outdoor classroom

**2010 ADA Standards
for Accessible Design**

Considerations: See Advisory 201.3;
206.2.4.

Do not impede accessible route or
wheelchair turning area.

Pathways and Paved Areas

An outdoor learning environment typically provides pathways of different scales. Curvy, looping primary pathways provide opportunities for continuous circulation on tricycles and other wheeled vehicles. They are associated with higher levels of physical activity than straight paths, and those with dead ends (Cosco, 2006). Secondary pathways provide richer networks for walking, running, and exploring on foot.

Primary pathways are typically at least 5 feet wide so two tricycles can pass. Secondary pathways are typically at least 3 feet wide. A variety of surfacing materials, including some engineered wood fibers, decomposed granite, pavers, concrete, and asphalt, may be used to create wheelchair (and stroller) accessible paths that link play and learning settings. The best materials to provide accessible, wheelable surfaces are concrete and asphalt. Although more expensive, pathways properly constructed of these materials will be greatly appreciated by children and teachers and last for decades with minimal maintenance. Deck pathways may also be used where topography or wet ground require (For decks, see p. 48). Secondary pathways are more likely to be surfaced with wood chips, decomposed granite, or stepping stones.

Try to buffer primary pathways from sand areas (to avoid slip hazards) and immovable objects like trees, fences, and walls (that could create wheeled toy obstacles). For more, see: <https://naturalearning.org/primary-pathways>.

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May be designed to meet requirements <i>Design Considerations:</i> §2.337(A)(15): “Walkways must be cleared of snow and ice to provide safe entry and exit from the home.” §2.335(D): “The premises... must be kept safe”—“free from hazards posing danger of injury” including “choking hazards” (§2.304(A)(80)). Pathways that are surfaced with loose materials that could create a choking hazard (e.g. decomposed granite that fits in choking tester 1.25 inches in diameter and 2.25 inches long) must not be accessible to children under 3. Do not create pathways made of asphalt, concrete, pavers, or other materials that are not protective surfacing in the use zone of playground equipment. (See Section 5, p. 25 and playground equipment, p. 94) §2.335(H): “All stairways must be free from hazards, and open-sided portions that are located more than thirty (30) inches above the floor or grade below must be equipped with banisters or handrails within reach of children. The slats on all railings must be no wider than four (4) inches apart or modified to prevent entrapment.” §2.335(I): Stairways of more than four (4) steps, in indoor and licensed outdoor areas, that are accessible to children must have gates that prevent access from the area being used when children under two (2) years old are present. The gate may be taken down as long as the family child care home primary provider, applicant 2, equally qualified provider, qualified substitute, or staff member is providing direct supervision of the child who is learning climbing skills on the stairs.” §2.337(A)(15); §2.335(D), (H), (I); §2.304(A)(80)	May contribute to higher rating <i>Design Considerations:</i> FCCERS-3 Item 8 rates the safety of outdoor areas. Lower ratings are given for “extreme hazards” that pose a threat to children’s lives or “major hazards” where “the risk of serious injury is very high” (Item 8: 1.2, 3.2, 5.1, p. 30). The highest rating requires no more than “a few minor hazards” (Item 8: 7.1). The notes for clarification note that hard surfaces such as “cement” in the use zone of a low climber would be a major hazard (p. 30). So avoid putting pathways and pavements in the use zone of playground equipment—unless they meet ASTM standards for protective surfacing. Concrete, asphalt, and pavers will not. They also name children “using highly toxic materials” a major hazard (p. 30). They name “items providing an immediate choking hazard” as extreme hazards—which could lead to the lowest rating on this item (p. 30). So, if the setting is accessible to children under 3, decomposed granite (Continues next page)

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would not be an appropriate surfacing material. Any loose surfacing materials used should be larger than a choking tester (which is 1.25 inches in diameter by 2.25 inches long) or greater than 1.75 inch spheres. The item also provides credit for having spaces that “are generally set up to avoid safety problems” (Item 8: 7.2). An example that is not explicitly mentioned by FCCERS-3 would be buffering sand or natural construction settings from pathways used by tricycles and other wheeled toys. FCCERS-3 Item 24 also provides credit for designing and managing the space so different types of physical activity are not in conflict. It specifically calls for separating wheeled toy play from “climbing equipment and ball play” (Item 8: 7.2). It also gives credit for providing at least one hard surface for outdoor play (Item 8: 7.3), such as a concrete or asphalt pathway. FCCERS-3 Item 25 rates provider’s “supervision of gross motor play.” A number of items focus on supervision aimed at keeping children safe and avoiding injury (Item 25: 1.2, 3.2, 5.2). For example, a higher rating may be given if the provider “makes sure that children using wheel toys avoid bumping into obstacles or each other” (Item 25: 5.2). So, you may want to consider how the design and placement of a pathway used for wheeled toys facilitates its supervision. FCCERS-3 Item 26 rates supervision of non-gross motor activities and includes indicators focused on provider’s circulation among children (Item 26: 1.3, 3.3, 5.5). Pathways that link settings may facilitate such circulation. <i>FCCERS-3: Items 8, 24, 25, 26</i>	<i>Design Considerations:</i> Play areas in family child care homes must have an accessible route serving the space, though there are no requirements for what play features are connected by that route. The path used by wheeled toys may serve (or help serve) this purpose if it meets the requirements contained in Sections 206.2.17, 240, and 1008. Five feet is the minimum clear width for an accessible route at ground level in play areas with an area of 1000 feet or more (See Section 1008.2.4.1). A clear width of forty-four inches is permitted in smaller areas. For 44” wide paths, at least one turning space complying with Section 304.3 would be required if route exceeds 30 feet. “The clear width of accessible routes shall be permitted to be 36 inches (915 mm) minimum for a distance of 60 inches (1525 mm) maximum provided that multiple reduced width segments are separated by segments that are 60 inches (1525 mm) wide minimum and 60 inches (1525 mm) long minimum.” “Ramp runs connecting ground level play components shall have a running slope not steeper than 1:16” (1008.2.5.1). See other requirements related to handrails on ramps (1008.2.5.3), maximum rise of ramp (1008.2.5.2), accessible routes serving water play components (See 1008.2.3), and turning spaces (1008.4.1).

Performance Settings

Socio-dramatic play has a variety of benefits for children, including strengthening language and executive functioning skills such as self-control, memory, and cognitive flexibility—skills that are correlated with math and reading outcomes. Socio-dramatic play may be encouraged at a variety of scales in many different types of spaces.

Performance spaces differ from other dramatic play areas (like playhouses) as those taking part are on display. Performance settings range in size from a puppet theater to a small stage-like deck with no seating to places that may facilitate productions by school-age groups or group musical activities. Play props such as puppets, costumes, and hats are possibly more important for facilitating dramatic play (and scoring points on environmental assessments) than providing a fancy stage.

Performance spaces do not typically have many considerations beyond those associated with their component parts (See sections on decks and other features as appropriate). When large outdoor performance areas are created that are intended to serve whole classes or groups, these areas will have greater requirements for accessibility than a smaller setting in a play area.

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May be designed to meet requirements <i>Design Considerations:</i> See considerations for decks, platforms, and stages (p.48), seating and tables in OLEs (p. 107), and any other features that make up performance space. §2.335(D): “The premises... must be kept safe” —“free from hazards posing danger of injury” including “‘keep out of reach’ items,” “broken items,” and “choking hazards” (§2.304(A)(80)) (e.g. toys that fit in choking tester 1.25 inches diameter and 2.25 inches long, accessible to children under 3). <i>Mandates Addressed:</i> §2.333(K): If play props are stored within the area and accessible, it can help to meet the requirement that at least 5 “types of dramatic play materials shall be accessible for free play daily” in typical homes (at least 10 types in large homes). Examples: “backpacks, purses, hats, dress up clothing, house-keeping toys, dolls and accessories, toy telephones, play houses, toy animals, cars and trucks, costumes, and safe jewelry.” §2.333(K), §7.702.62F, §2.304(A)(80), §2.335(D)	May contribute to higher rating <i>Design Considerations:</i> FCCERS-3 Item 2 may give credit for having a puppet theater. It calls for providing two different types of furniture that serve specific play activities—such as “dramatic play furniture”—for toddlers and older children (Item 2: 7.3). It also gives credit for: (1) Having “furniture for play and learning for all ages/abilities of children” present (See Item 2: 1.2, 3.2, 3.3, 5.1); (2) Having furniture that “promotes self-help” like moveable steps and chairs that are personalized to the child’s age or ability (Item 2: 3.3, 7.2); and (3) Having furniture that “is safe, in good repair, and appears clean” (Item 2: 3.3). It rates at the lowest level when furniture could injure child—exposing them to splinters or nails or due to being wobbly (Item 2:1.3). FCCERS-3 Item 7 may be rated higher or lower depending on the cleanliness of spaces and furnishings (Item 7: 1.1, 3.1, 5.1). FCCERS-3 Item 8 rates the safety of outdoor areas. Lower ratings are given for “extreme hazards” that pose a threat to children’s lives or “major hazards” where “the risk of serious injury is very high” (Item 8: 1.2, 3.2, 5.1, p. 30). The highest rating requires no more than “a few minor hazards” (Item 8: 7.1). One major hazard specifically named in Item 8’s “Notes for Clarification” is “an entrapment hazard on frequently used equipment” (openings between 3.5 and 9 inches that are not bounded on one side by the ground that may allow children’s bodies to pass through while trapping their head) (p. 30). These notes also name children “using highly toxic materials” a major hazard (p. 30). Avoid toxic paints/finishes. They name “items providing an immediate choking hazard” as extreme hazards—which could lead to the lowest rating on this item (p. 30). Any loose materials used (Continues next page)

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in performance settings should be larger than a choking tester (which is 1.25 inches in diameter by 2.25 inches long) or greater than 1.75 inch spheres if they are accessible to children under 3 years old. FCCERS-3 Item 19 provides credit for facilitating dramatic play. To get the highest rating on this indicator, homes must provide materials that may be used by toddlers and preschoolers “for active dramatic play outdoors or in other large area” (Item 19: 7.2). Providing a performance setting outdoors could help a program meet this indicator. All other indicators related to Item 19 may be accomplished entirely indoors; though, if children spend more than one hour of a 3-hour observation in an outdoor space, access will need to be provided both indoors and outdoors to receive higher ratings on Item 19 (p. 13). In such cases, costumes, hats, and purses for dress-up and other play props that allow children of each developmental stage present “to act out familiar roles” could contribute to higher rating (Item 19: 3.1). FCCERS-3 provides credit for storing such toys together with toys of similar type (Item 19: 5.2) and in a way that allows them to be consistently accessible (Item 19:1.1, 3.1, 5.1, 7.1). FCCERS-3 provides credit for having a dramatic play interest center, and a performance setting may qualify if it includes dramatic play furnishings (Item 19: 7.2; p. 14 of FCCERS-3 for a full definition of what qualifies as an interest center). FCCERS-3 Item 29 is focused on “guiding children’s behavior” and FCCERS-3 Item 30 is focused on “interactions among children.” Both may give credit for having duplicates of the same toy or similar toys (Item 29:7.1; Item 30: 5.3). FCCERS-3 Item 32 gives credit for providing “ample and varied play materials accessible for all ages of children in the group,” for free play (Item 32: 1.3, 3.3, 5.1, 5.2). It also gives credit for providers’ maintenance of play settings to facilitate free play (e.g. picking up and organizing toys “as needed”) (Item 32: 3.4) <i>FCCERS-3: Items 7, 8, 19, 29, 30, 32</i>	<i>Design Considerations for formal assembly areas:</i> While it is unlikely that formal assembly areas would be constructed in a family child care home. If they were, they would be subject to a variety of requirements. See 36.406(f)), and Sections 221 and 802 of ADA Standards). For less formal spaces used during free play: A simple puppet theater or stage-like deck with no seating within a play area will likely just qualify as a play component and not an assembly area. In a family child care home, which is not subject to Section 240 of the ADA Standards, it would simply need to avoid impeding the accessible route and wheelchair turning area(s). There is no requirement that it be on an accessible route.

Plantings: Perennials, Annuals, Shrubs, and Vines

Perennial plants, shrubs, and vines not only add beauty to the OLE but also offer a great variety of opportunities for children to play and learn. Children may express themselves artistically using the flowers, petals, leaves, and seeds found in the garden or use them as props for dramatic play. Equipped with child-sized watering cans, gloves, or tools, children may playfully mirror adult behaviors such as watering and weeding. Plantings may define rooms for activities or nooks for hiding or places for having a moment to oneself. Flowers may create sensory experiences for children as well as attract butterflies, other pollinators, and micro wildlife in general. This section does not fully address fruit or vegetable gardens (See p. 62) or trees (See p. 117), as they are addressed elsewhere.

The key to successful planting is to choose the right plants for the conditions present (sun or shade, soil acidity or alkalinity, soil moisture, etc.) and to irrigate as necessary. Flowering perennial gardens will return year after year if the plants have been selected to fit local conditions and if they receive adequate water from rainfall or irrigation. Plants that present hazards when small quantities are ingested or tasted should be excluded from outdoor learning environments serving infants and toddlers, as should plants with thorns. In areas with little rain, the need for water can be minimized by choosing low-water plants and installing drip irrigation.

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May be designed to meet requirements <i>Design Considerations:</i> §2.337(A)(3): “All parts of the play area must be visible and easily supervised.” The <i>Administrative Guide</i> clarifies: “It is important that all blind spots in the outdoor learning environment are identified and a plan for active supervision is created.” Note: Visibility may be accomplished in a variety of ways including having supervisor move through space so their point of view is changing, using species that an adult caretaker could see over, or having a raised area over-looking space. §2.337(D)(3): “Outdoor play space... must be free from safety hazards including, but not limited to... tools.” However, this would not limit the use of tools for educational activities. §2.335(D): “The premises... must be kept safe and free from hazards to health...” or “posing danger of injury including “choking hazards” §2.304A80 (e.g. stone mulches that fit in choking tester, 1.25 inches in diameter and 2.25 inches long, accessible to children under 3). <i>Mandates Addressed:</i> §2.333(G): Helps meet mandate for “nature or science related... materials or activities” such as “plants, gardens... or science props.” §2.337(A)(3), §2.337(D)(3), §2.333(G), §2.304(A)(80), §2.335(D)	May contribute to higher rating <i>Design/Management Considerations:</i> FCCERS-3 Item 7 rates handwashing (Item 7: 1.2, 3.2, 5.2, 7.1). The ERS scoresheet for the Item calls for handwashing after “messy play” (Scoresheet p.4). (See p. 140 for more information on handwashing). FCCERS-3 Item 8 rates the safety of outdoor areas. Lower ratings are given for “extreme hazards” that pose a threat to children’s lives or “major hazards” where “the risk of serious injury is very high” (Item 8: 1.2, 3.2, 5.1, p. 30). The highest rating requires no more than “a few minor hazards” (Item 8: 7.1). The notes for clarification name children “using highly toxic materials” a major hazard (p. 30). This would include highly toxic fertilizers, pesticides, or plants. They name “items providing an immediate choking hazard” as extreme hazards—which could lead to the lowest rating on this item (p. 30). So, if the setting is accessible to children under 3, any stone mulches used should be larger than a choking tester (which is 1.25 inches in diameter by 2.25 inches long) or greater than 1.75 inch spheres. While not specifically mentioned in FCCERS-3, the accessibility of potentially dangerous tools or equipment like rototillers

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may be scored as a major hazard. Gardening tools accessible to children should be age appropriate. Tools not meant for children shouldn't be accessible when caring for children. FCCERS-3 Item 20 "Nature/ science" gives credit for observations of children's experiences of the natural world outdoors (Item 20: 3.2, 5.2). It gives credit for providing at least 10 different age-appropriate nature/science materials, such as gardens children can "care for and observe" (Item 20: 5.1, p. 54). If garden is to be counted as a nature/science material that children "care for and observe," children must be observed caring for it (Item 20: 5.1, p. 54) Item 20 also provides credit for observations of children's <i>experiences</i> with outdoor plants from a window indoors (Item 20: 5.3), so locating plantings in sight of a window that children can look out of could help facilitate a higher rating. Providers' interactions with children related to nature and science are also credited (Item 20: 1.3, 3.3, 5.4, 7.3, 7.4). <i>FCCERS-3: Items 7, 8, 20</i>	<i>Considerations:</i> Do not locate in accessible route or wheelchair turning area.

Plant Protection Systems

While adults will typically see a flower garden as an edge and make an effort to avoid walking through it. Children are not always so perceptive or so inclined. Sometimes, planting areas are designed for children to enter and explore them, as with a grass maze. But this is not always possible, particularly when working with tender young perennials or vegetables. Too much stomping through the garden can be a major detriment to the plants' health. In these cases, plant protection is a good idea. Plant protection can also be designed to deter children from running through areas where tree roots are deemed a tripping hazard.

A variety of simple plant protection options have been documented, evaluated, and in most cases field tested by NLI. They include dimensioned lumber single or double railings; traditional, two-hole rough-sawn split railings; and rope strung between lumber posts. Remember to avoid any edging with sharp ends or that might create a projection hazard near playground equipment and other highly active areas. Plant protection systems should be outside playground equipment use zones. And ropes should be secured at both ends, with no hanging ropes that could create strangulation hazards. NLI's website has more information on plant protection: <https://naturalearning.org/14-plant-bed-protection>.

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May be designed to meet requirements <i>Design Considerations:</i> §2.335(D): “The premises... must be kept safe”—“free of hazards posing danger of injury including... protrusions” and “areas of entrapment” (§2.304(A)(80)) (gaps 3.5 inches to 9 inches). §2.335(D), §2.304(A)(80)	Would not by itself lead to higher rating but may lead to higher rating in combination with other features. <i>Design Considerations:</i> FCCERS-3 Item 8 rates the safety of outdoor areas. Lower ratings are given for “extreme hazards” that pose a threat to children’s lives or “major hazards” where “the risk of serious injury is very high” (Item 8: 1.2, 3.2, 5.1, p. 30). The highest rating requires no more than “a few minor hazards” (Item 8: 7.1). One major hazard specifically named in Item 8’s “Notes for Clarification” is “an entrapment hazard on frequently used equipment” (openings between 3.5 and 9 inches that are not bounded on one side by the ground that may allow children’s bodies to pass through while trapping their head) (p. 30). These notes also name children “using highly toxic materials” a major hazard (p. 30). Avoid toxic paints/finishes. FCCERS-3 Item 20: It may contribute to rating by protecting plants that contribute to rating (See plantings chart on previous pages). FCCERS-3: Items 8, 20	<i>Considerations:</i> Do not locate in accessible route or wheelchair turning area.

Plants in Containers (Potted Plants, Tire Planters, etc.)

Planting in containers, including grow bags and tire planters offers a quick, affordable way to add new plantings to a facility without the need for digging and soil preparation. Many local mechanics and tire stores will be willing to provide used tires at little or no cost.

Pots may be purchased from a variety of sources. Tire planters may be created using a single tire laid flat on the ground or by bolting together 2 tires. Painting the tires light colors will make them more attractive and help to keep them from heating up during hot summer months and drying out the soil. Drilling holes in their sidewalls ensures water will not build up within and create drainage issues that encourage mosquitoes. A number of USDA publications have discouraged schools from using tires for growing food plants, since there are concerns about them leaching heavy metals that may be absorbed by the vegetables (See: https://www.fns.usda.gov/sites/default/files/foodsafety_schoolgardens.pdf.) More research may be needed to be conclusive. Nonetheless, given the variety of options available for creating planters, using tires for growing vegetables is discouraged. For more information on tire planters, see: <https://naturalearning.org/installing-tire-planters>.

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May be designed to meet requirements <i>Design Considerations:</i> §2.335(D): “The premises... must be kept safe”—“free of hazards posing danger of injury including... choking hazards” (§2.304(A)(80)) (e.g. pebbles that fit in choking tester 1.25 inches in diameter and 2.25 inches long) accessible to children under 3. §2.337(A)(3): “All parts of the play area must be visible and easily supervised.” §2.337(D)(1): If feature is designed to fill with standing water during a major storm event and slowly release that water over a 24 hour period, “children must be directly and actively supervised near standing water.” The <i>Administrative Guide</i> clarifies: “the provider must have line of sight supervision and must not be engaged in any other activity.” <i>Mandates Addressed:</i> §2.333(G): Helps meet mandate for “nature or science related ... materials or activities” such as “plants, gardens ... or science props.” §2.304(A)(80), §2.337(D)(1), §2.337(A)(3), §2.333(G)	May contribute to higher rating <i>Design/Management Considerations:</i> FCCERS-3 Item 7 rates handwashing (Item 7: 1.2, 3.2, 5.2, 7.1). The ERS scoresheet for the Item calls for handwashing after “messy play” (Scoresheet p.4). (See p. 140 for more information on handwashing). FCCERS-3 Item 8 rates the safety of outdoor areas. Lower ratings are given for “extreme hazards” that pose a threat to children’s lives or “major hazards” where “the risk of serious injury is very high” (Item 8: 1.2, 3.2, 5.1, p. 30). The highest rating requires no more than “a few minor hazards” (Item 8: 7.1). The notes for clarification name children “using highly toxic materials” a major hazard (p. 30). This includes toxic fertilizers or pesticides. They name “items providing an immediate choking hazard” as extreme hazards (p. 30). So, if the setting is accessible to children under 3, any stone mulches should be larger than a choking tester (which is 1.25 inches in diameter by 2.25 inches long) or greater than 1.75 inch spheres. Tools not meant for children shouldn’t be accessible when caring for children. FCCERS-3 Item 20 “Nature/ science” provides credit for observations of children’s experiences of the natural world outdoors (Item 20: 3.2, 5.2). It also gives credit for providing at least 10 different age-appropriate nature/science materials, such as gardens children can “care for and observe” (Item 20: 5.1, p. 54). If garden is to be counted as a nature/science material that children “care for and observe,” children must be observed caring for it (Item 20: 5.1, p. 54) Item 20 also gives credit for observations of children’s <i>experiences</i> with outdoor (Continues on next page)

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plants from a window indoors (Item 20: 5.3), so locating plans very close to a window that children can look out of could help facilitate a higher rating. Providers' interactions with children related to nature and science are also credited (Item 20: 1.3, 3.3, 5.4, 7.3, 7.4). <i>FCCERS-3: Items 7, 8, 20</i>	<i>Considerations:</i> Do not locate in accessible route or wheelchair turning area.

Playground Equipment: Manufactured

Manufactured playground equipment is typically designed to provide opportunities for children to develop gross motor skills as well as opportunities for sliding, swinging, and twirling that provide vestibular stimulation. It may also serve as a setting for pretend play and provide opportunities for playing social games or musical instruments integrated with it.

Most new manufactured playground equipment for child care centers is designed to meet standards from ASTM International and/or guidelines from the U.S. Consumer Product Safety Commission (CPSC). There are some differences in which standards or guidelines apply based on the ages of the children served, the type of facility, and the type of equipment. Most home-based child care facilities are within the scope of standards for residential playground equipment (See Section 5, p. 25). Though they may also incorporate equipment designed to the higher standards for public-use playground equipment. There is also a special category of equipment known as soft-contained playground equipment that has its own standards. Work with the manufacturer or sales representative to ensure manufactured equipment is properly located and has adequate protective surfacing. If working with a playground equipment supplier who does not regularly work with child care facilities in Colorado, provide them with a copy of this section, as some of Colorado's child care licensing rules go beyond national standards and guidelines.

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May be designed to meet requirements

Hazard Free Premises (§2.335(D)):

"The premises of the family child care home must be kept safe and free from hazards to health at all times." "'Safe' means free of hazards posing danger of injury including, but not limited to, 'keep out of reach' items, protrusions, broken items, areas of entrapment, strangulation or choking hazards, insufficient cushioning..." (§2.304(A)(80).

§2.335(Y): "...outdoor equipment, materials, and furnishings must be sturdy, safe, and free of hazards."

§2.337(B)(5): "All play equipment must be designed to guard against entrapment and strangulation. Swing sets and other outdoor play equipment must be correctly assembled, well maintained, and securely stabilized or anchored."

The *Administrative Guide* clarifies that potential entrapment hazards "are openings or spaces on equipment between three and one half inches (3-1/2") and nine inches (9"). For example, slats used on platform railings.

Children can become entrapped by entering feet first and the body cannot pass through, or attempt to go head first through any opening. Head entrapments are the most serious when the opening is off the ground.

Children should not wear their bicycle helmets while on playground equipment. There have been head entrapment incidents in which children wearing their bicycle helmets became entrapped in spaces that would not normally be considered a head entrapment.

Strangulation hazards can be avoided by not adding additional ropes on the playground."

"Any climbing rope installed by the manufacturer should always be attached at both ends to avoid strangulation/entanglement.

Gaps between a platform on a climbing structure and the slide pose a potential for entanglement. A child's drawstring from coats, hoodies or sweatshirts can become entangled.

Gaps on slides should be repaired according to the manufacturer's instructions. If a manufacturer is no longer available for recommendations,

then the gap can be corrected in a number of ways, such as applying sealant or applying caulk to the gap."

Trampolines (§2.337(A)(13)): "The use of any trampoline by children in care is prohibited. If there is a trampoline on the property of the family child care home, it must be stored in a way that makes it inaccessible to children." The administrative guide clarifies that mini trampolines may be used for one-on-one therapy if documented on child's IEP.

Use Zone (§2.337(B)(3)): "a. Toddler climbing equipment, sliding equipment, or equipment with attached platforms must have a three (3) foot use zone surrounding the equipment. Toddler slides require a six (6) foot use zone extending out from the base of the slide.

b. Preschool and school-age climbing equipment, sliding equipment, or equipment with attached platforms must have a six (6) foot use zone surrounding the equipment."

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c. Moving equipment must be located toward the edge or corner of a play area or be designed in such a way as to discourage children from running into the path of the moving equipment.” Resilient Surfacing (§2.337(B)(1)): “a. All climbing equipment, sliding equipment, or equipment with attached platforms, eighteen (18) inches or higher must have resilient surfacing of at least six (6) inches in the use zone, see rule section 2.337(B)(3), surrounding the equipment. b. Department-approved resilient surfacing includes loose fill materials such as wood chips, wood mulch, engineered wood fiber, pea gravel, synthetic pea gravel, shredded rubber tires, and sand. Solid unitary materials include poured in place surfacing, approved rubber mats, playground tiles, and artificial turf with built in resilient pad. c. Loose fill resilient surface must be raked regularly to retain its resiliency and to retain a depth of at least six (6) inches. (1) Any newly installed solid unitary materials used for resilient materials must have written documentation from the manufacturer stating the material meets current federal requirements.” (See section on protective surfacing, p. 101, for more details on resilient surfacing requirements). Maximum Height of Equipment (§2.337(B)(2)): “a. The maximum height of toddler climbing	equipment, sliding equipment, or equipment with attached platforms cannot exceed thirty-two (32) inches. b. The maximum height for preschool and school-age climbing equipment, sliding equipment, or equipment with attached platforms must not exceed six (6) feet in height with six (6) inches of department-approved resilient surfacing as listed in rule section 2.337(B)(1).” Metal Equipment (§2.337(B)(4)): Metal equipment must be placed in the shade. Impact Hazards (§2.337(B)(6)): All swings for children three (3) years of age and older must have seats made of flexible material. Ongoing Maintenance and Supervision of Space (§2.337(D)(2)): “All outdoor play areas shall frequently be surveyed and must be kept safe and free from hazardous materials or debris that could cause harm to children.” Mandates Addressed: §2.333(L): “Outdoor physical free play materials shall consist of at least four (4) age appropriate toys and equipment including, but not limited to, the following in good repair: push toys, riding toys, tossing toys, climbing equipment, balance boards, stationary swings, slides, balls, toss games, and sports equipment.” §2.304(A)(80), §2.335(D), (Y); §2.337(A)(13); §2.337(B); §2.337(D)(2); §2.333(L)	May contribute to higher rating <i>Design Considerations:</i> FCCERS-3 Item 8 rates the safety of outdoor areas. Lower ratings are given for “extreme hazards” that pose a threat to children’s lives or “major hazards” where “the risk of serious injury is very high” (Item 8: 1.2, 3.2, 5.1, p. 30). The highest rating requires no more than “a few minor hazards” (Item 8: 7.1). One major hazard specifically named in Item 8’s “Notes for Clarification” is “an entrapment hazard on frequently used equipment” (openings between 3.5 and 9 inches that are not bounded on one side by the ground that may allow children’s bodies to pass through while trapping their head) (p. 30). Sources referenced by FCCERS-3 also note the potential for entrapment with angles less than 55 degrees (e.g. between pickets on fences) (See ASTM F1487 6.1.4) and in openings larger than 3/8 inch but smaller than 1 inch (CFOC 6.2). The notes for clarification also name children “using highly toxic materials” a major hazard (p. 30). Avoid toxic paints/finishes. Based on the item and clarification notes, having a hard surface rather than protective surfacing within the use zone of playground equipment may constitute an extreme hazard (on higher equipment) or major hazard (on lower equipment) (Item 8: 1.2, p. 30). To identify hazards for Item 8, the notes for clarification also encourage referring to <i>Caring for our Children</i> Chapter 6, ASTM F1148 (relevant for playground equipment in family child care homes serving no more than 6 children from outside the house), ASTM F1487 (relevant for playground equipment in larger facilities serving children 2 to 12), ASTM F2373 (relevant for (Continues next page)

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play equipment in larger facilities serving children 6 months to 23 months), and supplementary materials for FCCERS-3 on the ERSI website for assessing “gross motor safety.” That website has one relevant info-sheet on the subject titled *Playground Safety Reference Guide to Use with the ERS (2025)*. See: bit.ly/4cPSC6e.

FCCERS-3 does not require compliance with these documents but says to “consider whether problems should be considered major in specific circumstance,” (p. 30). Some of their recommendations may relate to what FCCERS-3 defines as minor hazards “where the consequences would not be great or an accident is not likely, due, for example, to the nature of supervision.”

Due to the diversity and complexity of standards related to playground equipment that are referenced by Item 8, it is not possible to integrate every standard and recommendation in this guide. A reputable supplier of playground equipment should be able to help you with understanding the standards for manufactured equipment you purchase from them and how they need to be installed to ensure those standards are met. When locating and installing manufactured playground equipment, it is best to work with designers, contractors, and suppliers who are familiar with the ASTM standards. Certified Playground Safety Inspectors are trained to evaluate compliance with ASTM F1487—though they may not be familiar with ASTM standards that may apply to smaller family child care homes serving less than six children. They are not typically trained to evaluate compliance with ASTM F1148.

Item 8 also rates supervision for safety with the highest rating achievable if “Preschoolers and younger children are usually within sight and easy reach of provider and school-agers are checked regularly” (Item 8: 1.3, 3.3, 5.2) and “spaces used by children are generally... easy for provider to supervise even when doing routine care tasks” (Item 8: 7.2).

Item 8 also assesses whether the space is designed “to avoid safety problems”—Getting the highest rating of this item requires a site that is able to be easily supervised, that is “not too crowded,” and that doesn’t have equipment that is “overly challenging” for the children served (Item 8: 7.2). The highest rating is achieved if supervision is adjusted based on risks present, including supervising “climbing equipment” and other “higher risk areas” closely when they are in use (Item 8: 7.3).

FCCERS-3 Item 24 rates areas used for gross motor play. It rates gross motor space based on the safety or dangerousness of equipment using the ERSI info sheet noted in Item 8 (Item 24: 1.4, 3.4, 5.3). And there would be similar considerations to those mentioned in Item 8—though the standard for safety is higher. Scoring a 5 or higher requires no major hazards may be observed related to the gross motor space (Item 24: 5.3).

It also rates whether age-appropriate gross motor equipment is accessible—including both portable and stationary equipment (Item 24: 1.4, 3.4, 5.5, 7.4). Its notes state a “slide up to 60 inches high” and “climbing equipment” would be considered appropriate for preschoolers and “climbing equipment less than 32 inches high” would be

appropriate for toddlers (p. 62).

It also provides credit for laying out active play settings so they do not interfere with other activities—including making sure pathways where wheeled toys are used are separate from climbing areas (Item 24: 7.2).

FCCERS-3 Item 25 rates provider’s “supervision of gross motor play.” A number of items encourage supervision of “more challenging equipment” to ensure it is used safely to avoid injury (Item 25: 1.2, 3.2, 5.2). For example, a higher rating may be given if provider “helps child use slide safely” (Item 25: 5.2). Additionally, higher ratings are achieved when a provider “helps children use more challenging equipment” (Item 25: 7.2). An example given is a provider who “shows toddlers how to use appropriately sized slide.” So, you may want to consider how the placement of slides and other more challenging equipment may facilitate their supervision.

FCCERS-3 Item 32 gives credit for providing “ample and varied play materials accessible for all ages of children in the group,” for free play (Item 32: 1.3, 3.3, 5.1, 5.2).

FCCERS-3: Items 8, 24, 25, 32

**2010 ADA Standards
for Accessible Design**

Considerations: See Advisory 201.3;
206.2.4.

Do not impede accessible route or
wheelchair turning area.

Playground Equipment: Custom-Made

Creating custom playground equipment can provide opportunities for more sculptural, or naturalistic OLEs. It may offer innovative scenarios for play and skill development and additional opportunities for incorporating mature trees or incorporating play equipment into topography, making the OLE more comfortable and verdant. However, creating custom playground equipment usually requires more expertise than other features discussed in this guide.

Custom designed playground equipment, including playground equipment made with natural materials, tends to be subject to the same standards as manufactured equipment (See p. 94). In Colorado child care facilities, custom playground equipment must be inspected by a certified playground safety inspector to ensure it meets CPSC guidelines or ASTM standards. We strongly recommend working with a designer or certified playground safety inspector who has knowledge of the relevant standards whenever creating something that fits into this category. The design considerations are more extensive than can be discussed here.

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May be designed to meet requirements <i>Design Considerations:</i> Custom play structures and free-standing play structures made using natural materials would be required to meet the same requirements as other playground equipment. (See p. 94). <i>Mandates Addressed:</i> Custom play structures and free-standing play structures made using natural materials would help to meet the same mandates as manufactured playground equipment. (See p. 94)	May contribute to higher rating <i>Design Considerations:</i> Custom play structures and free standing play structures using natural materials would be rated using the same criteria as other playground equipment (See p. 94)	<i>Considerations:</i> Do not impede accessible route or wheelchair turning area.

Playhouses (at ground level)

Playhouses are classic play settings that afford a variety of dramatic play opportunities. Through playing “house,” children emulate adult roles and informally learn social and problem-solving skills as they invent rules and apply them to imaginary domestic scenarios.

Playhouses come in many shapes and sizes. They may look like miniature versions of actual houses and be made of similar materials. Or they may be abstract expressions of shelter—created with manufactured or natural materials—that allow children to imagine them as shops or animal dens as well as “homes.” Access to loose parts, such as pots, pans, dishes, and natural loose parts can help facilitate and broaden play scenarios.

Playhouses tend to be at the margins of what is considered to be playground equipment. As freestanding play structures, they would meet the definition of playground equipment in ASTM F1487 (See p. 25). To avoid any confusion over whether they are subject to playground equipment standards for protective surfacing, we recommend not constructing raised floors within playhouses. Both CPSC guidelines and ASTM standards clearly state that protective surfacing is not required for playhouses designed so children’s feet remain in contact with the ground. ASTM goes further to state use zones are not required for such structures.

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May be designed to meet requirements <i>Design Considerations:</i> §2.337(B)(1) and §2.337(B)(3): The latest revision would not require use zones or protective/resilient surfacing for playhouses that are not attached to climbers, slides, or raised platforms. If any of those are attached, follow rules for playground equipment (p. 94). §2.335(Y): “...outdoor equipment, materials, and furnishings must be sturdy, safe, and free of hazards.” “‘Safe’ means free of hazards posing danger of injury including, but not limited to, “keep out of reach” items, protrusions, broken items, areas of entrapment, strangulation or choking hazards, insufficient cushioning...” (§2.304(A)) §2.337(B)(5): “...outdoor play equipment must be correctly assembled, well maintained, and securely stabilized or anchored.” <i>Mandates Addressed:</i> §2.333(K): A playhouse with play props would help to meet requirement for “five types of dramatic play materials... such as... house-keeping toys, dolls and accessories, toy telephones, play houses...” §2.304(A)(80); §2.333(K); §2.335(Y); §2.337(B)(1), (B)(3); §7.702.62F	May contribute to higher rating <i>Design Considerations:</i> FCCERS-3 Item 8 rates the safety of outdoor areas. Lower ratings are given for “extreme hazards” that pose a threat to children’s lives or “major hazards” where “the risk of serious injury is very high” (Item 8: 1.2, 3.2, 5.1, p. 30). The highest rating requires no more than “a few minor hazards” (Item 8: 7.1). One major hazard specifically named in Item 8’s “Notes for Clarification” is “an entrapment hazard on frequently used equipment” (openings between 3.5 and 9 inches that are not bounded on one side by the ground that may allow children’s bodies to pass through while trapping their head) (p. 30). These notes also name children “using highly toxic materials” a major hazard (p. 30). Avoid toxic paints/finishes. They name “items providing an immediate choking hazard” as extreme hazards—which could lead to the lowest rating on this. Any loose materials used to create or furnish playhouses should be larger than a choking tester (which is 1.25 inches in diameter by 2.25 inches long) or greater than 1.75 inch spheres if they are accessible to children under 3 yrs. To identify hazards for Item 8, the notes for clarification also encourage referring to <i>Caring for our Children</i> Chapter 6, ASTM F1148 (relevant for playground equipment in family child care homes serving no more than 6 children from outside the house), ASTM F1487 (relevant for playground equipment in larger facilities serving children 2 to 12), ASTM F2373 (relevant for play equipment in larger facilities serving children 6 months to 23 months), and supplementary materials for FCCERS on the ERSI website for assessing “gross motor safety.” That website has one relevant info sheet on the subject titled <i>Playground Safety Reference Guide to Use with the ERS (2025)</i>. See: https://www.ersi.info/files/uqgd/83d677_71dec43d32d342f1b99efaab38725a03.pdf. (Continues next page)

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FCCERS-3 does not require compliance with these documents but says to “consider whether problems should be considered major in specific circumstance,” (p. 30). Some of their recommendations may relate to what FCCERS-3 defines as minor hazards “where the consequences would not be great or an accident is not likely, due, for example, to the nature of supervision.” ASTM F1148 notes: “Free standing play houses are exempt from this standard where the intent is that the child is standing or seated with their feet on the ground with no climbing, sliding, or swinging activities” (p. 1). Protrusion hazards (such as nuts and bolts that protrude from a playhouse) are discussed in ASTM F1487 and would likely be considered a major or minor hazard under Item 8, depending on their location and the likelihood a child would come into contact with them during active play. See p. 63 of CPSC’s Public Playground Safety Handbook, which is freely available online and mirrors ASTM’s standards to identify protrusion hazards: bit.ly/4ptRXe6. Notably, neither ASTM standard calls for use zones or protective surfacing when a playhouse is designed for children whose feet remain in contact with the ground. Though, such playhouses would need to be outside the use zones of other playground equipment (See ASTM F1487 9.2.1 and ASTM F1148 9.1.2.1). Sharp edges may also constitute a major or minor hazard depending on context based	on their discussion in Chapter 6 of Caring for Children states: “Sharp edges in wood, metal, or concrete should be rounded on all edges. All corners and edges on rigid materials should have a minimum radius of one-quarter inch unless the material thickness is less than one-half inch, in which case the radius should be half the thickness of the material.” It is possible that splinters could also be identified as a hazard—likely minor—based on Caring for our Children, Section 6.2.5. When locating and installing playhouses and other features that may be classified as playground equipment, it is best to work with designers, contractors, and suppliers who are familiar with the ASTM standards. Certified Playground Safety Inspectors are trained to evaluate compliance with ASTM F1487—though they may not be familiar with ASTM standards that may apply to smaller family child care homes serving less than six children. They are not typically trained to evaluate compliance with ASTM F1148. Item 8 also rates supervision for safety with the highest rating achievable if “Preschoolers and younger children are usually within sight and easy reach of provider and school-agers are checked regularly” (Item 8: 1.3, 3.3, 5.2) and “spaces used by children are generally... easy for provider to supervise even when doing routine care tasks” (Item 8: 7.2). FCCERS-3 Item 19 provides credit for facilitating dramatic play. To get the highest	rating on this indicator, homes must provide materials that may be used by toddlers and preschoolers “for active dramatic play outdoors or in other large area” (Item 19: 7.2). Providing a playhouse outdoors would help a program meet this indicator. Other indicators related to Item 19 may be accomplished entirely indoors; though, if children spend more than one hour of a 3-hour observation in an outdoor space, access will need to be provided both indoors and outdoors to receive higher ratings (p. 13). In such cases, kitchenware, “play foods,” and other play props that allow children of each developmental stage present “to act out familiar roles” could contribute to higher rating (Item 19: 3.1). FCCERS-3 provides credit for storing such toys together with toys of similar type (Item 19: 5.2) and in a way that allows them to be consistently accessible (Item 19:1.1, 3.1, 5.1, 7.1). A playhouse would also typically include features that qualify as dramatic play furnishings (Item 19: 5.1) and would help get higher rating for having a dramatic play interest center (Item 19: 7.2). FCCERS-3 Item 32 gives credit for providing “ample and varied play materials accessible for all ages of children in the group,” for free play (Item 32: 1.3, 3.3, 5.1, 5.2). It also credits providers’ maintenance of play settings to facilitate free play (Item 32: 3.4) <i>FCCERS-3: Items 8, 19, 32</i>	<i>Considerations:</i> Do not impede accessible route or wheelchair turning area.

Protective Surfacing

Protective surfacing is the shock-absorbing material used under and around playground equipment. A variety of different types of natural and artificial surfaces are available. Standards for protective surfacing were created with the goal of protecting children against serious head injuries caused by falling from playground equipment. Providing best practices for designing protective surfacing or reviewing research about the highly controversial subject of effectiveness of different surfaces for preventing different types of injuries is beyond the scope of this guide.

Refer to the U.S. Consumer Product Safety Commission's *Public Playground Safety Handbook* to learn about the industry standards for protective surfacing, where it is typically used, how to establish the critical height of equipment, and selecting proper unitary or loose-fill surfacing materials (See Sections 2.4 and 5 at: bit.ly/4ptRXe6).

The accessibility of protective surfacing materials (i.e. whether it meets *ASTM F1951*) may also be a consideration, though family child care homes are exempted from ADA standards that require a certain number of play components to be accessible. It is good practice to shade any dark colored rubber surfaces or avoid dark rubber in areas where it cannot be shaded. Finally, it is a good idea to contact others who have experience with the specific product being considered. Some surfacing materials on the market emit unpleasant chemical odors when they get hot.

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May be designed to meet requirements

Design Considerations: The licensing rules refer to “resilient surfacing” where other rules and standards refer to “protective surfacing.”

§2.337(B)(1): states certain equipment requires “resilient surfacing of at least six (6) inches in the use zone...” Note that this is a minimum requirement and is generally lower than what is suggested by ASTM Standards and CPSC's *Public Playground Safety Handbook*, which states “never maintain less than 9 inches of loose-fill surfacing except for rubber mulch (6 inches recommended). Shallower depths are too easily displaced and compacted” (Section 2.4.2.2).

§2.337(B)(2): “Department-approved resilient surfacing includes loose fill materials such as wood chips, wood mulch, engineered wood fiber, pea gravel, synthetic pea gravel, shredded rubber tires, and sand. Solid unitary materials include poured in place surfacing, approved rubber mats, playground tiles, and artificial turf

with built in resilient pad.”

§2.337(B)(3): “Loose fill resilient surface must be raked regularly to retain its resiliency and to retain a depth of at least six (6) inches. Any newly installed solid unitary materials used for resilient materials must have written documentation from the manufacturer stating the material meets current federal requirements.”

The *Administrative Guide's* interpretation of **§2.337(B)(1)(a)** adds: The family child care home must have documentation from the manufacturer or installer stating that the mat, tile, or poured-in-place surfacing meets ASTM 1292 standards. The documentation must be site-specific.” It also notes: “Freezing temperatures can also freeze the resilient surfacing on your playground, making it no longer protective. If your surfacing is covered in snow and frozen the equipment should be off limits to children.”

Regarding **§2.337(B)(1)(b)**, it states: “Loose fill resilient surfacing can be easily displaced. To ensure the proper minimum depth requirement is maintained,

the materials must be regularly raked and or rototilled back into the use zone area, especially areas under slides and swings.”

The *Administrative Guide's* interpretation of **§2.337(B)(3)(a)** adds: “Research indicates that the resilient surface should only be one type of surfacing.” Licensing advises against mixing protective surfacing in a single piece of playground equipment's use zone in ways that are not approved by manufacturers. (e.g. avoid mixing sand with mulch). This would not prevent the use of wear mats in combination with engineered wood fiber or artificial turf protective surfacing with multiple layers that meets ASTM F1292).

§2.335(D): “The premises...must be kept safe...” Avoid “choking hazards” in areas for children under 3 **§2.304(A)(80)**.

§2.337(D)(2): “All outdoor play areas shall frequently be surveyed and must be kept safe and free from hazardous materials or debris that could cause harm to children.”

§2.304(A)(80), **§2.335(D)**, **§2.337(B)(D)**

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May contribute to higher rating FCCERS-3 Item 8 rates the safety of outdoor areas. Lower ratings are given for “extreme hazards” that pose a threat to children’s lives or “major hazards” where “the risk of serious injury is very high” (Item 8: 1.2, 3.2, 5.1, p. 30). The highest rating requires no more than “a few minor hazards” (Item 8: 7.1). Based on the item and clarification notes, having a hard surface rather than protective surfacing within the use zone of playground equipment may constitute an extreme hazard (on higher equipment) or major hazard (on lower equipment) (Item 8: 1.2, p. 30). A low climber that has “almost enough cushioning to meet the Consumer Product Safety Commission’s requirement for cushioning,” would be a minor hazard (p. 30). Reference CPSC’s <i>Public Playground Safety Handbook</i> for information about the types and depths of loose fill surfacing needed to avoid losing points for hazards associated with protective surfacing (See Table 2 on page 17 especially). Poured or tiled rubber or foam surfaces must meet <i>ASTM F1292</i> to avoid losing points for hazards associated with protective surfacing. This standard is linked to other ASTM standards mentioned as well as the CPSC’s <i>Public Playground Safety Handbook</i>. To identify hazards for Item 8, the notes for clarification also encourage referring to <i>Caring for our Children</i> Chapter 6, ASTM F1148 (relevant for playground equipment in family child care homes serving no more than 6 children from outside the house), ASTM F1487 (relevant for playground equipment in larger facilities serving children 2 to 12), ASTM F2373 (relevant for play equipment in larger facilities serving children 6 months to 23 months), and supplementary materials for FCCERS on the ERSI	website for assessing “gross motor safety.” That website has one relevant info sheet on the subject titled <i>Playground Safety Reference Guide to Use with the ERS (2025)</i>. See: bit.ly/4cPSC6e. <i>Caring for our Children</i> includes standards for inspecting loose fill protective surfacing (See CFOC Section 6.2.5.2). It calls for daily raking of loose fill in heavy use areas (e.g. under swings, at bottoms of slides) to ensure proper depth and to avoid compaction. It calls for removing any foreign materials and debris, including glass and animal feces. It also calls for checking for ice that may compromise the cushioning properties of the system and not using playground equipment when protective surfacing is frozen/compacted and cannot be raked. Follow these recommendations to remove hazards and maximize your score on FCERS-3 Item 8. FCCERS-3 Item 24 rates areas used for gross motor play. It rates gross motor space based on the safety and appropriateness of equipment using the ERSI info sheet noted in Item 8 (Item 24: 1.4, 3.4, 5.3). And there would be similar considerations to those mentioned in Item 8—though the standard for safety is higher. Scoring a 5 or higher requires no major hazards may be observed related to the gross motor space (Item 24: 5.3). <i>FCCERS-3: Item 8, 24</i>	<i>Considerations:</i> Note that “ground surfaces on accessible routes, clear floor or ground spaces, and turning spaces...shall comply with ASTM F1951 (incorporated by reference...). Ground surfaces shall be inspected and maintained regularly and frequently to ensure continued compliance with ASTM F1951.” And “ground surfaces located within use zones shall comply with ASTM F1292 (1999 edition or 2004 edition) (incorporated by reference)” (Section 1008.2.6). The above is only a concern if accessible route goes through the use zone of playground equipment. Family child care homes are not required to provide a certain number of accessible play components, as they are exempted from Section 240 of the ADA Standards.

Quiet Nooks

Quiet nooks are spaces within planted or natural settings that offer one or more children a chance to take a break from active play and immerse themselves in nature. The view of the children may be obscured, but they are not fully hidden and can be supervised as needed. These spaces may have logs, stumps, or boulders that provide seating, or children may sit directly on the ground on a mulched surface. Such spaces provide children an opportunity to calm down, manage sensory inputs, and connect to nature.

The main consideration related to quiet nooks is to make sure they are able to be supervised at whatever level is necessary for the ages of children and risks present. By limiting risks and eliminating hazards within the setting, the need for close supervision may itself be reduced. We recommend avoiding plants that may be toxic if ingested in these settings—even if they are only used by children 3 and up. Any boulders, stumps, or logs used to provide seating in these settings should be free of sharp edges and protrusions and any sealants used on them should be non-toxic. The National Wildlife Federation has more on nooks here:

https://www.nwf.org/-/media/NEW-WEBSITE/Programs/ECHO/How-To-Guides/ECHO_HowTo_HiddenNooks.ashx

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May be designed to meet requirements <i>Design Considerations:</i> §2.335(D): “The premises... must be kept safe”--“free of hazards posing danger of injury including... protrusions... choking hazards” (§2.304A80) (e.g. pebbles that fit in choking tester 1.25 inches in diameter and 2.25 inches long) accessible to children under 3. §2.337(A)(3): “All parts of the play area must be visible and easily supervised.” Note: Children in hidden nooks should be visible from some part of the space. Visibility may be accomplished a variety of ways including having supervisor move through space so their point of view is changing. The <i>Administrative Guide</i> clarifies: “It is important that all blind spots in the outdoor learning environment are identified and a plan for active supervision is created.” §2.304(A)(80), §2.335(D), §2.337(A)(3)	May contribute to higher rating <i>Design Considerations:</i> FCCERS-3 Item 8 rates the safety of outdoor areas. Lower ratings are given for “extreme hazards” that pose a threat to children’s lives or “major hazards” where “the risk of serious injury is very high” (Item 8: 1.2, 3.2, 5.1, p. 30). The highest rating requires no more than “a few minor hazards” (Item 8: 7.1). The notes for clarification name children “using highly toxic materials” a major hazard (p. 30). They name “items providing an immediate choking hazard” as extreme hazards—which could lead to the lowest rating on this item (p. 30). So, if accessible to children under 3, stone mulches used should be larger than a choking tester (which is 1.25 inches in diameter by 2.25 inches long) or greater than 1.75 inch spheres. Item 8 rates supervision for safety highest if “Pre-schoolers and younger children are usually within sight and easy reach of provider and school-agers are checked regularly” (Item 8: 1.3, 3.3, 5.2) and “spaces used by children are generally... easy for provider to supervise even when doing routine care tasks” (Item 8: 7.2). Similar verbiage is found in FCCERS-3 Item 26. FCCERS-3 Item 20 “Nature/ science” provides credit for observations of children’s experiences of the natural world outdoors (Item 20: 3.2, 5.2). It gives credit for providing at least 10 different age-appropriate nature/science materials, such as gardens children can “care for and observe” (Item 20: 5.1, p. 54). Children must be observed caring for garden if it is to be counted for this indicator (Item 20: 5.1, p. 54). <i>FCCERS-3:</i> Items 8, 20, 26	<i>Considerations:</i> Do not locate in a way that blocks an accessible route or wheelchair turning area.

Rain Barrels

Rain barrels capture rainwater from rooftops for use in garden areas. They may help to conserve water and prevent the overflow of sewage into local water bodies where stormwater and sewage systems are combined. They may also help to limit downstream flooding and disruption to creek, stream, and river ecosystems. And, in child care facilities, rain barrels also have educational value.

In the State of Colorado, rain barrels can only be installed at single family houses or a multi-family building with 4 or fewer units. They can be incorporated into family child care homes that meet those criteria. Under Colorado Revised Statue §37-96.5-103, each home is **limited to two rain barrels** and a **maximum combined storage of 110 gallons**. The rainwater captured must be used outdoors on the property where it was captured for purposes such as watering lawns or gardens. It **cannot be used indoors, for drinking, or for other activities that require potable water**, such as water play. The rain barrel must also be above ground and have a lid.

Rain barrels should be emptied at least once per month to prevent them from breeding mosquitoes. Homeowner's associations may place design limits on rain barrels, so check if that's applicable. Colorado State University Extension has more on rainwater collection at: <https://extension.colostate.edu/topic-areas/natural-resources/rainwater-collection-colorado-6-707/>

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May be designed to meet requirements <i>Design Considerations:</i> §2.335(D): “[M]ust be kept safe and free of from hazards to health” and “free of hazards posing danger of injury including... protrusions...” (§2.304(A)(80)). Under HB16-1005, the rain barrel must have a cover. If that cover was removed temporarily for some reason (e.g. maintenance), “children must be directly and actively supervised near standing water.” The <i>Administrative Guide</i> clarifies: “the provider must have line of sight supervision and must not be engaged in any other activity.” §2335(D), §2.304(A)(80); <i>Administrative Guide</i>	May not increase rating or decrease rating if properly designed. <i>Design Considerations:</i> FCCERS-3 Item 8 rates the safety of outdoor areas. Lower ratings are given for “extreme hazards” that pose a threat to children’s lives or “major hazards” where “the risk of serious injury is very high” (Item 8: 1.2, 3.2, 5.1, p. 30). The highest rating requires no more than “a few minor hazards” (Item 8: 7.1). It seems unlikely the hazards explicitly identified in the guide would apply. Though, if a rain barrel was left uncovered and unsupervised in a way that presented a drowning hazard for very young children present, this might be identified as a hazard that lowers the rating. <i>FCCERS-3:</i> Items 8	<i>Considerations:</i> Do not locate within accessible route or wheelchair turning area.

Sand Play Settings

Sand play areas provide opportunities to dig, scoop, pour, sculpt, fill and empty containers, and participate in rich, cooperative imaginative play. In family child care homes that serve a small number of children, the smaller plastic containers sold in many toy stores may be adequate. Where desired, larger settings may be constructed with dimensioned lumber or bounded by stumps or boulders. They may be sized so several small groups of children can play simultaneously.

Access to water increases the play value of sand areas considerably. Water should be potable. NLI recommends that sand areas be located away from primary pathways because sand can create a slip hazard on pavements. Tucking the sand play area in the corner of the site will help to minimize the tendency of sand to “travel” all over the OLE. Enclosing the setting with high edges to keep the sand contained will also help to keep the sand in place. The sand itself should be “play sand” free of fine silica dust that can be harmful if inhaled. Where stray cats are a concern, sand areas should be covered. Covering sand play settings may also be regulated in some contexts. Consider whether the sand play setting will need to be covered and take this into consideration when you lay out the space. For more tips on designing sand play areas, see: https://www.nwf.org/-/media/NEW-WEBSITE/Programs/ECHO/How-To-Guides/ECHO_HowTo_EarthSandPlay.ashx.

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May be designed to meet requirements <i>Design Considerations:</i> §2.337(A)(16): “If a sand box designated for play is used it must be covered when not in use.” The <i>Administrative Guide</i> adds: “There is potential for used sand to contain toxic or harmful ingredients such as tremolite, an asbestos-like substance. Sand that is used as a building material or is harvested from a site containing toxic substances may contain potentially harmful substances... Caregivers/teachers should be sure they are using sand labeled as a safe play material or sand that is specifically prepared for sandbox use.” It also notes: “Replacement of sand may [be] required to keep it free of foreign material that could cause injury.” §2.335(D) and §2.337(D)(2): “The premises... must be kept safe and free from hazards” as well as “hazardous materials and debris” including “keep out of reach’ items,” “broken items,”	“poisonous chemicals,” and “choking hazards” (§2.304(A)(80)) (e.g. pebbles that fit in choking tester 1.25 inches in diameter and 2.25 inches long) accessible to children under 3. If integrated into sand play, “food and/or organic material must be discarded each week.” §2.337(D)(1): “Children must be directly and actively supervised near standing water including, but not limited to ... buckets.” The <i>Administrative Guide</i> clarifies: “the provider must have line of sight supervision and must not be engaged in any other activity.” <i>Mandates Addressed:</i> §2.333(N): “Some sand or equivalent dry material or water play should be offered to children eighteen (18) months of age or older, indoors or outdoors, at least monthly and year round.” §2.304(A)(80); §2.335(D); §2.337(A)(16); §2.337(D)(1), (2); §2.333(N); Administrative Guide	May contribute to higher rating <i>Design Considerations:</i> FCCERS-3 Item 7 rates efforts to “decrease the spread of germs” through observing the cleanliness of the space and furnishings (Item 7: 1.1, 3.1, 5.1). Containing sand play with benches, log sections, or other edging and providing a buffer between the sand play area and the primary pathway may help to minimize opportunities for sand to move around. Lowest rating will be given for Item 7 if “animal droppings visible” or children are not “protected from [other] observed environmental risks” (1.3). Item 7 also rates handwashing (Item 7: 1.2, 3.2, 5.2, 7.1). The ERS scoresheet for the Item calls for handwashing “after sand, water, [and] messy play” (Scoresheet p.4). FCCERS-3 Item 8 rates the safety of outdoor areas. Lower ratings are given for “extreme hazards” that pose a threat to children’s lives or “major hazards” where “the risk of serious injury is very high” (Item 8: 1.2, 3.2, 5.1, p. 30). The highest rating requires no more than “a few minor hazards” (Item 8: 7.1). (Continues next page)

Colorado Shines Quality Rating and Improvement System: Program Guide (2021), Point Structure Guide (2021) and FCCERS-3			2010 ADA Standards for Accessible Design
The notes for clarification name children “using highly toxic materials” a major hazard (p. 30), They name “items providing an immediate choking hazard” as extreme hazards—which could lead to the lowest rating on this item (p. 30). So, if the setting is accessible to children under 3, any toys or objects integrated with sand play should be larger than a choking tester (which is 1.25 inches in diameter by 2.25 inches long) or greater than 1.75 inch spheres. The notes for clarification also encourage using <i>Caring for our Children</i>, Chapter 6, when scoring this item to identify possible hazards. It includes recommendations related to “sandboxes” beyond those listed above, including making sure the settings allow for drainage, so they do not become breeding grounds for insects, mold, and bacteria; covering them when not in use “with a lid or other covering;” and “that the sand used be “washed, free of organic, toxic, or harmful materials.” (See CFOC 6.2.4.1). It also calls for sand used for sand play to be distinct from sand used as a protective surfacing in the use zone of playground equipment. When referring to CFOC, FCCERS-3 says to “consider whether problems should be considered major in specific circumstance,” (p. 30). Some recommendations made in CFOC may relate to what FCCERS-3 defines as minor hazards “where the consequences would not	be great or an accident is not likely, due, for example, to the nature of supervision.” FCCERS-3 Item 15 rates opportunities for fine motor development. Sand play certainly provides opportunities for fine motor development, but it is not, on its own, given any credit on Item 15. For a sand play setting to affect the rating on that item, other fine motor materials would need to be used within it. The highest rating requires continuous access to at least 10 different age-appropriate fine motor materials including at least one interlocking building toy, manipulative, and puzzle when serving preschoolers (See Item 15:5.1, and notes for clarification). This access would need to be provided both indoors and outdoors if children spend more than one hour of a 3-hour observation in an outdoor space to receive higher ratings (p. 13). Ratings are higher for facilities that provide fine motor materials that are in good repair (Item 15:1.1), “well-organized” in containers by type (Item 15: 3.2), stored near the setting where children will play with them (Item 15: 3.2), allow children to access them independently or are provided to nonmobile children (Item 15: 1.1, 3.2, 5.1, 7.1, 7.2), and include a diversity of options appropriate for each age group present (1.1,, 3.1, 5.1, 7.1). The environment should provide opportunities for the provider to engage with children as they use fine motor materials,	since these interactions are specifically scored (Item 15:1.3, 3.3, 5.3, 7.3). FCCERS-3 Item 20 “Nature/ science” gives credit for providing at least 10 different age-appropriate nature/science materials (Item 20: 5.1, p. 54). And sand or water play with toys is required for a good score on this item if 2 to 4-year-olds are present (Item 20: 5.1). Sand play settings that are outdoors would fulfill this, as long as children have “enough time to allow satisfying play” (p. 54). The item gives credit for keeping sand and water play settings in “good condition” (Item 20: 7.1). It also provides credit for supervising sand and water play “carefully” without defining the term (Item 20: 7.2). And it credits provider interactions with children related to nature and science (Item 20: 1.3, 3.3, 5.4, 7.3, 7.4). FCCERS-3 Item 32 gives credit for providing “ample and varied play materials accessible for all ages of children in the group,” for free play (Item 32: 1.3, 3.3, 5.1, 5.2). It also gives credit for maintenance of play settings to facilitate free play (e.g. picking up and organizing toys “as needed”) (Item 32: 3.4). <i>FCCER-3: Items 7, 8, 15, 20, 32</i>	<i>Considerations:</i> Do not impede accessible route or wheelchair turning area.

Seating and Tables

Seating and tables are an important part of many OLE settings including outdoor classrooms and project settings. Seating may also be spread throughout the OLE to provide areas where quiet activities may take place. Seating may be provided using manufactured benches or chairs or natural materials such as boulders and logs.

When using logs or stumps for outdoor seating, hardwoods like cedar, oak, or maple are preferable to softwoods, such as pine, that decompose more quickly. Sharp edges should be avoided.

Child Care Facility Licensing Rules and Regulations 8 CCR 1402-1 (Sections 2.100, 2.300, 2.600) (February 14, 2025)	Colorado Shines Quality Rating and Improvement System: Program Guide (2021), Point Structure Guide (2021) and FCCERS-3	
May be designed to meet requirements <i>Design Considerations: 2.335(Y):</i> “...outdoor... furnishings must be sturdy, safe, and free of hazards.” Safe means “free from hazards posing danger of injury including but not limited to... protrusions, broken items, areas of entrapment...” (§2.304(A)(80)) (i.e. gaps between 3.5 and 9 inches). §2.335(D), (Y); §2.304(A)(80)	May contribute to higher rating <i>Design Considerations: FCCERS-3 Item 2</i> provides credit for the following for furnishings, which may be relevant. (1) Having “furniture for play and learning for all ages/abilities of children” present (See Item 2: 1.2, 3.2, 3.3, 5.1). (2) Using child sized tables for play and learning activities—including at least one scaled to toddlers/ preschoolers, if present (Item 2: 3.3, 5.2, 7.1). It notes: “When picnic tables are used, consider how comfortable they are for the children and whether children can sit safely” (Clarification for 3.3 and 5.2). (3) Providing some soft furnishings (Item 2: 3.5, 5.2). (4) Having furniture that “is safe, in good repair, and appears clean” (Item 2: 3.3). It rates at the lowest level when furniture could injure child through exposing them to splinters or nails or due to chairs being wobbly (Item 2:1.3).	(5) Having furniture that “promotes self-help” like moveable steps and chairs that are personalized to the child’s age or ability (Item 2: 3.3, 7.2). FCCERS-3 Item 7 may be rated higher or lower depending on the cleanliness of spaces and furnishings (Item 7: 1.1, 3.1, 5.1). FCCERS-3 Item 8 rates the safety of outdoor areas. Lower ratings are given for “extreme hazards” that pose a threat to children’s lives or “major hazards” where “the risk of serious injury is very high” (Item 8: 1.2, 3.2, 5.1, p. 30). The highest rating requires no more than “a few minor hazards” (Item 8: 7.1). The guide calls the failure to use safety straps provided on high chairs as a major hazard, and not using safety straps on lower feeding chairs a minor hazard (p. 30). Other hazards not explicitly listed in Item 8 may also affect ratings including protruding nails, sharp edges, and unstable furniture. <i>FCCERS-3: Item 2, 8</i>

2010 ADA Standards for Accessible Design

Considerations: There are currently no requirements for benches in OLEs that are not part of a play component, work surface, or dining area.

“Where dining surfaces are provided for the consumption of food or drink, at least 5 percent of the seating spaces and standing spaces at the dining surfaces shall comply with 902. In addition, where work surfaces are provided for use by other than employees, at least 5 percent shall comply with 902.”

“Dining surfaces and work surfaces required to comply with 902 shall be dispersed throughout the space or facility containing dining surfaces and work surfaces.” (Section 226).

Note that Section 902 provides requirements for dining and work tables, with 902.4 focusing on children. Review this section.

On dining and work surfaces for children’s use, “The tops of tables and counters shall be 26 inches (660 mm) minimum and 30 inches (760 mm) maximum above the finish floor or ground.” (902.4.2) and a table top between 28 and 30 will satisfy requirements for adults as well as children (902.3). For requirements for clear floor space around the tables as well as knee and toe clearance under it, see Sections 902.2 and 902.4.1 and Sections 305 and 306, which they refer to.

Sensory Path or Panels

Sensory paths are designed to provide children with a sensory experience as they walk or crawl over different textured surfaces. Sensory panels serve a similar function but in different locations. They may be set on the ground temporarily--where they can be walked or crawled over—or attached to a wall, fence or structure, where children can explore their tactile properties with their hands.

Sensory paths and panels will have slightly different considerations, based on their location. Permanent paths will need to be slip resistant, and if they are designed to be an accessible route, they will need to meet ADA accessibility requirements related to slope, width, clearance, changes in elevation, railings, and turning opportunities. Temporary panels may have fewer considerations. Panels hung from vertical surfaces need to be secured so that they do not fall and injure children or adults. In all cases, sensory panels should not incorporate protrusion hazards, sharp or pointy edges, or toxic materials. Though, objects that are not rigid, like a panel of artificial turf, should not be tested using protrusion gauges. If they are being used in an area serving children under 3, avoid materials that might break off into small parts that constitute choking hazards.

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May be designed to meet requirements <i>Considerations:</i> §2.335(D): “The premises... must be kept safe and free from hazards to health.” Safe means “posing danger of injury including but not limited to ‘keep out of reach’ items, protrusions, broken items, areas of entrapment” (gaps 3.5 inches to 9 inches) (§2.304(A)(80)). §2.335(D), §2.304(A)(80),	May contribute to higher rating <i>Considerations:</i> FCCERS-3 Item 8 rates the safety of outdoor areas. Lower ratings are given for “extreme hazards” that pose a threat to children’s lives or “major hazards” where “the risk of serious injury is very high” (Item 8: 1.2, 3.2, 5.1, p. 30). The highest rating requires no more than “a few minor hazards” (Item 8: 7.1). The notes for clarification explicitly name children “using highly toxic materials” a major hazard (p. 30), They name “items providing an immediate choking hazard” as extreme hazards—which could lead to the lowest rating on this item (p. 30). So, if the setting is accessible to children under 3, any small parts that are part of or can be broken off sensory panels or paths should be larger than a choking tester (which is 1.25 inches in diameter by 2.25 inches long) or greater than 1.75 inch spheres. FCCERS-3 Item 15 rates opportunities for fine motor development. The item explicitly mentions “textured	toys” as an example of fine motor play appropriate for infants, that may contribute to the rating on this item for facilities serving infants (p. 44). Ratings are higher for facilities that provide fine motor materials that are in good repair (Item 15:1.1), “well-organized” in containers by type (Item 15: 3.2), stored near the setting where children will play with them (Item 15: 3.2), allow children to access them independently or are provided to non-mobile children (Item 15: 1.1, 3.2, 5.1, 7.1, 7.2). The environment should provide opportunities for the provider to engage with children as they use fine motor materials, since these interactions are specifically scored (Item 15:1.3, 3.3, 5.3, 7.3). The highest rating requires continuous access to at least 10 different age appropriate fine motor materials including at least one interlocking building toy, manipulative, and puzzle when serving preschoolers (See Item 15:5.1, and notes for clarification). This access would need to be provided both indoors and outdoors if children spend more than one hour (Continues next page)

Colorado Shines Quality Rating and Improvement System: Program Guide (2021), Point Structure Guide (2021) and FCCERS-3	2010 ADA Standards for Accessible Design
of a 3-hour observation in an outdoor space to receive higher ratings (p. 13). FCCERS-3 Item 32 gives credit for providing “ample and varied play materials accessible for all ages of children in the group,” for free play (Item 32: 1.3, 3.3, 5.1, 5.2). It also gives credit for providers’ maintenance of play settings to facilitate free play (e.g. picking up and organizing toys “as needed”) (Item 32: 3.4). <i>FCCERS-3: Items 8, 15, 32</i>	<i>Considerations:</i> Sensory panels should not be located on an accessible route or wheelchair turning area. Sensory paths will typically be secondary paths off the main accessible route, that would not be required to be accessible in family child care homes. If you are considering installing a sensory path as part of the main accessible route, see table on pathways and paved areas (p. 85).

Shade Structures and Devices (Arbors, Trellises, Pergolas, Shade Sails, Umbrellas)

The cooler shade of a mature tree is typically preferable to the shade from a shade structure. However, on sites where trees have not yet matured or in drier climates with limited water resources, shade structures may be the best option. Shade structures may include arbors, pergolas, or trellises covered in vines, shade sails suspended between poles, or unenclosed structures with roofs that also provide cover from rain. Devices such as umbrellas are also an option. Shade structures and devices may be purchased from a catalogue or custom designed to fit particular spaces. Shade structures may limit children's exposure to harmful UV rays and cool an area, so active play is possible for a larger number of days per year.

While movable shade devices can typically be introduced at will, check with your local building department before constructing permanent shade structures—especially those requiring footers—to make sure you understand whether building permits are required. If you decide to build a custom shade structure, you may want to consult with a landscape architect and/or an engineer to ensure you have adequate footings and structures will be stable. In child care facilities, where children tend to be running around, it is important to ensure that there are no protruding nuts and bolts that may pose hazards.

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May be designed to meet requirements <i>Design Considerations:</i> §2.335(D): “The premises... must be kept safe”—“free from hazards posing danger of injury including but not limited to... protrusions, broken items, areas of entrapment...” (§2.304(A)(80)) (i.e. gaps between 3.5 and 9 inches). §2.335(Y): “...outdoor equipment, materials, and furnishings must be sturdy...” <i>Mandates Addressed:</i> §2.337(A)(4): “Shade must be available.” No specific quantity of shade required. §2.335(D), §2.304(A)(80), §2.337(A)(4)	May be designed to meet requirements <i>Design Considerations:</i> : FCCERS-3 Item 8 rates the safety of outdoor areas. Lower ratings are given for “extreme hazards” that pose a threat to children’s lives or “major hazards” where “the risk of serious injury is very high” (Item 8: 1.2, 3.2, 5.1, p. 30). The highest rating requires no more than “a few minor hazards” (Item 8: 7.1). FCCERS-3 Item 24 gives credit for providing “protection from the elements” including “shade in summer” if any children who are not infants are present (Item 24:5.5). Shade structures and devices may contribute to this. Major hazards in “area for running” or more than 4 minor hazards may lead to lowest score on this item (Item 24:3.3, 5.3). We’d suggest that the best way to avoid deductions related to shade structures and devices is to avoid protrusions, sharp edges/points, and heavy unstable structures, though none of this is explicitly mentioned. Ensure that standalone shade structures that are not integrated into playground equipment are not in the use zone of playground equipment. <i>FCCERS-3: Item 8, 24</i>	<i>Design Considerations:</i> Posts supporting shade structure should not be located within accessible route or wheelchair turning area.

Stationary Natural Features that Are Not Freestanding Structures (Logs, Boulders, Stumps)

Stationary natural play features that are not freestanding structures include logs, boulders, and stumps. They may be used for sitting, balancing, edging, creating habitat, or defining play and learning settings.

Standalone logs, boulders, and stumps are outside of the scope of playground equipment standards and under *ASTM F1487* can be introduced into an OLE without surrounding them with protective surfacing. However, a freestanding structure made of natural materials that is intended for climbing would qualify as playground equipment requiring protective surfacing. In Colorado, Licensing also advises that logs, boulders, and stumps 18 inches or higher that are regularly used for gross motor play should also be treated as playground equipment and designed with protective surfacing surrounding them on all sides from which a fall is possible.

Cooper (2014) provides some advice on how to manage risk and remove hazards in nature play and learning areas that do not include features that qualify as playground equipment. See: https://www.nwf.org/-/media/NEW-WEBSITE/Programs/ECHO/Resources/NaturePlayandLearningPlaces_Ch6_RiskManagement.pdf.

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May be designed to meet requirements

If logs, boulders, or stumps are attached together to create a freestanding play structure, it would be defined as custom playground equipment. Additionally, Licensing advises that standalone logs, boulders, and stumps would be regulated as custom playground equipment if supervisors regularly allow their use for a gross motor play activity (climbing, swinging, sliding down, balancing, or jumping off) where children's feet are 18 inches or more above the adjacent ground surface. If a feature qualifies as playground equipment, see p. 94 for requirements for playground equipment. If it is installed as climbing equipment 18 inches or higher, it must have protective surfacing in the use zone surrounding it (See requirements for protective surfacing, p. 101).

If children are jumping off logs or boulders not designed for gross motor play, supervisors would be expected to intervene. However, Licensing has advised a single observation of children using such an area for a gross motor activity would not lead to its designation as playground equipment.

Stationary natural features would not be considered to be playground equipment and would not be required to be surrounded by protective surfacing, if they are less than 18 inches above the adjacent ground surface or they are not regularly used for gross motor play. A log, boulder, or stump that is used for sitting or forms of play where the child's feet would be in contact with ground (as with a table in a dramatic play area) would not be considered playground equipment.

§2.335(D): Whether or not it is playground equipment, "The premises... must be kept safe"— "free from hazards posing danger of injury including but not limited to... protrusions, broken items, areas of entrapment..." (§2.304(A)(80)) (i.e. gaps between 3.5 and 9 inches).

Mandates Addressed: §2.333(G) or §2.333(L): Depends on use. May help to meet requirement for "nature or science related" materials or "outdoor physical free play materials" in family child care homes.

§2.335D, §2.304A80, §2.333G,L

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**Colorado Shines Quality Rating and Improvement System:
Program Guide (2021), Point Structure Guide (2021) and FCCERS-3**

May contribute to higher rating

Design Considerations: This section only applies to features and settings that meet the definition given on the opposite page. If the primary purpose of a log, boulder, or stump is to serve as a seat or table, see table on seating and tables (p.107). If logs, boulders, or stumps are connected together and purposed in a way that qualifies them as playground equipment, see custom playground equipment (p. 94).

FCCERS-3 Item 2 gives credit for the following for furnishings, which may be relevant to some stationary natural features (e.g. edges that are used for sitting but that is not their primary or only purpose).

(1) Having “furniture for play and learning for all ages/abilities of children” present (See Item 2: 1.2, 3.2, 3.3, 5.1).

(2) Having furniture that “is safe, in good repair, and appears clean” (Item 2: 3.3). It rates at the lowest level when furniture could injure child through exposing them to splinters or nails or due to being wobbly (Item 2:1.3). **FCCERS-3 Item 7** may also be rated higher or lower depending on the cleanliness of spaces and furnishings (Item 7: 1.1, 3.1, 5.1).

FCCERS-3 Item 8 rates the safety of outdoor areas. Lower ratings are given for “extreme hazards” that pose a threat to children’s lives or “major hazards” where “the risk of serious injury is very high” (Item 8: 1.2, 3.2, 5.1, p. 30). The highest

rating requires no more than “a few minor hazards” (Item 8: 7.1).

One major hazard specifically named in Item 8’s “Notes for Clarification” is “an entrapment hazard on frequently used equipment” (openings between 3.5 and 9 inches that are not bounded on one side by the ground that may allow children’s bodies to pass through while trapping their head) (p. 30). Sources referenced by FCCERS-3 also note the potential for entrapment with angles less than 55 degrees (e.g. between pickets on fences) (See ASTM F1487 6.1.4) and in openings larger than 3/8 inch but smaller than 1 inch (CFOC 6.2).

The notes for clarification also name children “using highly toxic materials” a major hazard (p. 30). Avoid toxic paints/finishes.

To identify hazards for Item 8, the notes for clarification encourage referring to *Caring for our Children* Chapter 6 and various playground equipment standards. FCCERS-3 does not require compliance but says to “consider whether problems should be considered major in specific circumstance,” (p. 30). Some of their recommendations may relate to what FCCERS-3 defines as minor hazards “where the consequences would not be great or an accident is not likely, due, for example, to the nature of supervision.”

The main way that playground equipment standards would affect logs, boulders, and stumps that do not qualify as playground equipment is to exclude their placement in the use zone of playground equipment.

Item 8 also rates supervision for safety with the highest rating achievable if “Preschoolers and

younger children are usually within sight and easy reach of provider and school-agers are checked regularly” (Item 8: 1.3, 3.3, 5.2) and “spaces used by children are generally... easy for provider to supervise even when doing routine care tasks” (Item 8: 7.2).

Item 8 assesses whether the space is designed “to avoid safety problems”—Getting the highest rating on this item requires a site that is easy to supervise, that is “not too crowded,” and that doesn’t have equipment that is “overly challenging” for the children served (Item 8: 7.2). The highest rating is achieved if supervision is adjusted based on risks present, including supervising “climbing equipment” and other “higher risk areas” closely when they are in use (Item 8: 7.3).

FCCERS-3 Item 24 rates areas used for gross motor play. It rates gross motor space based on the safety of equipment (Item 24: 1.4, 3.4, 5.3). And there would be similar considerations to those mentioned in Item 8—though the standard for safety is higher. Scoring a 5 or higher requires no major hazards may be observed related to the gross motor space (Item 24: 5.3).

FCCERS-3 Item 25 rates provider’s “supervision of gross motor play,” and if a log, boulder, or stump is being used regularly for gross motor activities, its supervision may affect the rating for this item. A number of indicators related to Item 25 focus

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specifically on supervision to keep children safe and avoid injury (Item 25: 1.2, 3.2, 5.2). For example, a higher rating may be given if provider supervises "more dangerous or challenging equipment" (Item 25:3.2). Additionally, higher ratings are achieved when a provider "helps children use more challenging equipment" (Item 25:7.2). Whether stationary natural features are challenging enough to be worthy of additional supervision will depend on their height and the level of risk and challenge they provide the children using them. A low-lying feature that is only occasionally used for balancing will not need typically as much supervision as a tall climber. Consider how the placement of stationary natural features that provide more challenging gross motor play may facilitate their supervision. FCCERS-3 Item 32 gives credit for providing "ample and varied play materials accessible for all ages of children in the group," for free play (Item 32: 1.3, 3.3, 5.1, 5.2). <i>FCCERS-3: Items 2, 7, 8, 24, 25, 32</i>	<i>Considerations:</i> Should not be located within accessible route or wheelchair turning area.

Storage (Outdoors)

Providing storage in the OLE helps to ensure materials, tools for children, toys, and equipment used to enliven and manage the space are close at hand. Storage can take many forms—including chests that double as benches, shelves in covered areas, plastic bins with lids, cupboards with doors and walk-in sheds.

The main considerations when designing storage areas are what will need to be stored, who will need to access the materials stored (will children be able to access the materials on their own?), and where within the OLE those materials will be used. The closer the materials are to the use location the more likely that they will be brought out on a regular basis.

Materials to be used within the outdoor classroom should be stored within that setting. Sand and earth play toys should be stored in their respective settings. Tricycles and riding toys should be stored in areas along the primary path or made easily accessible to it. Lockable storage should be provided as needed for tools or materials that are not for children's use or that require close supervision.

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May be designed to meet requirements <i>Design Considerations:</i> "Furnishings and equipment in the area approved for child care must be in good repair." §2.333(F): "Age-appropriate blocks and accessories shall be accessible for free play daily allowing at least two (2) children to play independently, yet simultaneously." §2.335(Y): "...outdoor equipment, materials, and furnishings must be sturdy, safe, and free of hazards." Safe means "free of hazards posing danger of injury including, but not limited to, 'keep out of reach' items, protrusions, broken items, areas of entrapment..." (§2.304A80) (gaps between 3.5 and 9 inches). §2.333(K): "[D]ramatic play materials shall be accessible for free play daily such as: backpacks, purses, hats, dress up clothing, house-keeping toys, dolls and accessories, toy telephones, play houses, toy animals, cars and trucks, costumes, and safe jewelry" "'Accessible' means children being able to obtain equipment and materials without adult aid, may be age/development specific." §2.337(A)(3): "All parts of the play area must be visible and easily supervised." The <i>Administrative Guide</i> clarifies: "It is important that all blind spots in the outdoor learning environment are identified and a plan for active supervision is created." So consider how storage can be designed and situated in a way that does not obscure views into play areas. §7.707.922D; §2.333(F), (K); §2.304(A)(80); §2.337(A)(3)	May be designed to meet requirements <i>Design Considerations:</i> FCCERS-3 Item 2 may apply if outdoor storage is furniture. It gives credit for: (1) Having furniture that "promotes self-help" like moveable steps and chairs that are personalized to the child's age or ability (Item 2: 3.3, 7.2). (2) Having furniture that "is safe, in good repair, and appears clean" (Item 2: 3.3). It rates at the lowest level when furniture could injure a child through exposing them to splinters or nails or presents a hazard of flipping over because it is wobbly (Item 2:1.3). FCCERS-3 Item 8 rates the safety of outdoor areas. Lower ratings are given for "extreme hazards" that pose a threat to children's lives or "major hazards" where "the risk of serious injury is very high" (Item 8: 1.2, 3.2, 5.1, p. 30). The highest rating requires no more than "a few minor hazards" (Item 8: 7.1). The notes for clarification specifically name children "using highly toxic materials" a major hazard (p. 30), Various Items, including FCCERS-3 Item 18 (block play) FCCERS-3 Item 19 (dramatic play), and FCCER-3 Item 32 (free play) give credit for providing play materials in a way that is accessible to children in an age appropriate way (Item 19:1.1, 3.1, 5.1, 7.1; Item 32: 1.3, 3.3, 5.1, 5.2). They also call for storing items by type (Item 18: 5.2; Item 19: 5.2). This should be considered when designing storage. FCCERS-3: Items 8, 18, 19, 32.

2010 ADA Standards for Accessible Design

Section 225.2 of the ADA Standards provides the following information on the scope of storage in areas required to be accessible: 1) “Where storage is provided in accessible spaces, at least one of each type shall comply with 811” (225.2). Advisory 225.2: “Types of storage include but are not limited to: closets, cabinets, shelves, clothes rods, hooks, drawers. Where provided, at least one of each type of storage must be in reach ranges specified in 308; however, it is permissible to install additional storage outside the reach ranges.” 2) “Where lockers are provided, at least 5 percent, but no fewer than one of each type, shall comply with 811” (225.2.1), Advisory 225.2.1: “Different types of lockers may include full-size and half-size lockers, as well as those specifically designed for storage of various sports equipment.” 3) “Self-service shelves shall be located on an accessible route complying with 402. Self-service shelving shall not be required to comply with 308” (225.2.2).

Section 811 discusses how storage in accessible areas must be made accessible. It notes: 1) “A clear floor or ground surface complying with 305 shall be provided” (811.2). 2) “Storage elements shall comply with at least one of the reach ranges specified in 308” (308.1). Advisory 308.1 provides the same information on reach range for children under 12 as found in 1008.4.2 (See box on p. 23). 3) “Operable parts shall comply with 309,” which only adds the following to 811: “operable parts shall be operable with one hand and shall not require tight grasping, pinching, or twisting of the wrist. The force required to activate operable parts shall be 5 pounds (22.2 N) maximum” (309.4).

Trees

Individual trees, groves of trees, and tree-like shrubs perform many functions in the outdoor learning environment. They create cool shade in the summer months, help to reduce exposure to harmful UV rays, and keep playground equipment and protective surfaces from overheating. A growing amount of research suggests the many beneficial effects to humans from exposure to forest or woodland settings, including the possibility that green park settings may help children concentrate. Trees also provide play props—helicopters that fly through the air, cones that may be used as “money” for an imaginary world, or leaves to jump in during the fall. Weeping trees may become forts, and low branching and multi-trunk trees may create opportunities for sitting or perching between trunks.

Avoid planting trees with leaves, fruits, flowers, or bark that could be toxic if consumed in small quantities —especially in areas serving children under 3. Avoid planting trees with fruits known to be choking hazards or using stone mulches that fit in a choke tester tube, if serving children under 3.

Trees shading playground equipment should be located and pruned with ASTM standards in mind. Using vase-shaped shade trees near playground equipment minimizes the potential for future overhead obstructions. Mature trees may be incorporated into the decks of playground equipment, just as shade sails are often integrated into composite playground structures.

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May be designed to meet requirements <i>Design Considerations:</i> §2.337(A)(14): “Tree houses must be inaccessible to children in care.” 2.337(A)(3): “All parts of the play area must be visible and easily supervised.” So, consider how trees will affect views. The <i>Administrative Guide</i> clarifies: “It is important that all blind spots in the outdoor learning environment are identified and a plan for active supervision is created.” §2.335(D): “The premises... must be kept safe”—“free from hazards posing danger of injury including... choking hazards... insufficient cushioning...” (§2.304(A)(80)). So,	trees must not be located in the use zone of playground equipment. (§2.337(B)(1), (3): Stone mulch must not fit in a choking tester 1.25 inches in diameter and 2.25 inches long, if accessible to kids under 3. §2.611(C) and §2.612(E): Path to target on archery range and bullet-stop on a rifle range must be free of trees <i>Mandates Addressed:</i> §2.333(G): Helps meet mandate for “nature or science... materials.” §2.337(A)(4): “Shade must be available.” §2.304(A)(80); §2.333(G); §2.335(D); §2.337(A)(4), (14); §2.611(C); §2.612(E); Admin. Guide	May contribute to higher rating FCCERS-3 Item 20 “Nature/science” gives credit for children’s experiences of the natural world outdoors—including trees (Item 20: 3.2, 5.2). It gives credit for observations of children’s <i>experiences</i> with outdoor trees and other plants from a window indoors (Item 20: 5.3), so locating tree in sight of a window that children can look out of could help facilitate a higher rating. Providers’ interactions with children related to nature and science are also credited (Item 20: 1.3, 3.3, 5.4, 7.3, 7.4). FCCERS-3 Item 24 gives credit for “protection from the elements” including “shade in summer” if any children who are not infants are present (Item 24:5.5). Major hazards in “area for running” or more than 4 minor hazards may lead to lowest score on this item (Item 24:3.3, 5.3). Trees should not be in the use zone of playground equipment. <i>FCCERS-3:</i> Items 20, 24	<i>Considerations:</i> Do not locate within accessible route or wheelchair turning area. Vertical clearance of 80 inches must be provided wherever trees overhang accessible routes (See 1008.2).

Tunnels (not attached to playground equipment)

A tunnel can provide a place to hide during a game of hide and seek, a place to gather and talk with one or two other children away from the surrounding excitement of the outdoor learning environment. Tunnels can add new opportunities for chasing games. If made with a round pipe, a tunnel can serve as a place to roll balls to try to get them to defy gravity.

A major consideration with tunnels at ground level is to ensure they are structurally sound and can be supervised by adults. Can an adult reach a child who is in the tunnel without getting stuck? Can those maintaining the space get in to clean up any accumulated debris? If the outside of a tunnel is designed to encourage climbing, then it would qualify as a climber, a type of playground equipment, and would need to follow standards and regulations for climbers (see tables for playground equipment). If a tunnel goes through a mound, it would be best to have a barrier rail at the top if a platform or bridge would need a barrier rail at that height (See Table 4 on p. 30 of CPSC's *Handbook for Public Playground Safety*). If a thin material is used to create a tunnel, it is best to add faceplates at each end to keep children from bumping their heads on sharp edges when entering.

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May be designed to meet requirements <i>Design Considerations:</i> §2.335(D): “The premises... must be kept safe”—“free from hazards posing danger of injury including but not limited to... protrusions... areas of entrapment” (§2.304(A)(80)) (gaps between 3.5 and 9 inches). 2.337(A)(3): “All parts of the play area must be visible and easily supervised.” The <i>Administrative Guide</i> clarifies: “It is important that all blind spots in the outdoor learning environment are identified and a plan for active supervision is created.” Children in tunnels must be visible from some part of space and tunnel must be large enough so provider can enter to reach child if needed. §2.335(D); §2.304(A)(80); 2.337(A)(3)	May contribute to higher rating <i>Design Considerations: FCCERS-3</i> Item 8 rates the safety of outdoor areas. Lower ratings are given for “extreme hazards” that pose a threat to children’s lives or “major hazards” where “the risk of serious injury is very high” (Item 8: 1.2, 3.2, 5.1, p. 30). The highest rating requires no more than “a few minor hazards” (Item 8: 7.1). One major hazard specifically named in Item 8’s “Notes for Clarification” is “an entrapment hazard on frequently used equipment” (openings between 3.5 and 9 inches that are not bounded on one side by the ground that may allow children’s bodies to pass through while trapping their head) (p. 30). Sources referenced by FCCERS-3 also note the potential for entrapment with angles less than 55 degrees (e.g. between pickets on fences) (See ASTM F1487 6.1.4) and in openings larger than 3/8 inch but smaller than 1 inch (CFOC 6.2). The notes for clarification also name children “using highly toxic materials” a major hazard (p. 30). Avoid toxic paints/finishes.	Item 8 rates supervision for safety highest if “Pre-schoolers and younger children are usually within sight and easy reach of provider and school-agers are checked regularly” (Item 8: 1.3, 3.3, 5.2) and “spaces used by children are generally... easy for provider to supervise even when doing routine care tasks” (Item 8: 7.2). Similar verbiage is found in FCCERS-3 Item 26. FCCERS-3 Item 24 provides credit for “protection from the elements” including “shade in summer” if any children who are not infants are present (Item 24:5.5). Major hazards in “area for running” or more than 4 minor hazards may lead to lowest score on this item (Item 24:3.3, 5.3). FCCERS-3 Item 25 rates provider’s “supervision of gross motor play.” A number of indicators in Item 25 focus specifically on supervision to keep children safe and avoid injury (Item 25: 1.2, 3.2, 5.2). For example, a higher rating may be given if provider supervises “more dangerous or challenging (Continues next page)

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equipment” (Item 25:3.2). Additionally, higher ratings are achieved when a provider “helps children use more challenging equipment” (Item 25:7.2). Tunnels not tied to climbers where children are walking or crawling at ground level are unlikely to be particularly challenging or need continuous supervision. FCCERS-3 Item 32 provides credit for providing “ample and varied play materials accessible for all ages of children in the group,” for free play (Item 32: 1.3, 3.3, 5.1, 5.2). <i>FCCERS-3: Items 8, 24, 25, 32</i>	<i>Considerations:</i> Should not be located within accessible route or wheelchair turning area.

Vine Conicals & Other Child-Scale Shade Structures

Cone-shaped trellises for growing vines and other child-scale shade structures provide nooks for socialization, dramatic play, and small group gathering. Cones covered with annual vegetables like beans or permanent fruiting vines may add interest to a vegetable garden. Or structures may be covered with a weather resistant fabric to shade the interior. The supporting structure can be made with bamboo poles, steel rods, dimensioned lumber or long straight sticks.

Twine is frequently used to provide support for twirling plants. Note that entrapment is less of a concern with vine conicals than raised equipment because children use them while their feet are in contact with the ground. However, given the unpredictability of children's behavior, the best way to avoid entrapment is to make sure the perimeter of all openings created by the twine are less than 17 inches or greater than 28 inches (following CPSC's guidance on preventing entrapment hazards in flexible climbers; see Figure 13, p. 40 of their *Public Playground Safety Handbook*). The easiest solution may be to purchase netting with square openings no more than 4 inches or greater than 7 inches. The Natural Learning Initiative has a number of good resources on creating conicals. For info on conicals generally, see:

<https://naturalearning.org/07-conicals/>. For more on constructing vine conicals, see: <https://naturalearning.org/download/26700/?tmstv=1730401378>.

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May be designed to meet requirements <i>Design Considerations: 2.337(A)(3):</i> "All parts of the play area must be visible and easily supervised." Children in such structures should be visible from some part of the space. The <i>Administrative Guide</i> clarifies: "It is important that all blind spots in the outdoor learning environment are identified and a plan for active supervision is created." §2.335(D): "The premises... must be kept safe"—"free from hazards posing danger of injury including but not limited to... protrusions, broken items, areas of entrapment ..." (§2.304(A)(80)). (See summary of CPSC's guidelines for preventing entrapment in flexible openings in the blurb to the left). <i>Mandates Addressed: §2.333(K):</i> Helps meet requirement for at least 4 "types of dramatic play materials for free play" (8 in large homes). 2.337(A)(4): "Shade must be available." No specific quantity of shade required. §2.335(D); §2.304(A)(80); §2.337(A)(3)-(4); §2.333(K)	May contribute to higher rating through items in Colorado Shines Program Guide and FCCERS-3 <i>Design Considerations: Program Guide/Point Structure Guide:</i> Program Guide Item 5.2 awards two points for promoting "positive nutritional practices." These points are awarded based on how many of the following practices are observed: (1) Having a garden that grows fruits or vegetables or access to a community garden, (2) Serving fresh fruits or vegetables "for children to taste," (3) Serving meals family style, (4) Participating in the Child and Adult Care Food Program, (5) Receiving Lactation Friendly Child Care (LFCC) Recognition, (6) Offering nutrition classes to families, and (7) "Other documented practices that promote positive nutrition." Homes will receive one point for providing evidence of at least two practices and two points for providing evidence of at least four practices.	<u>FCCERS-3:</u> FCCERS-3 Item 7 rates handwashing (Item 7: 1.2, 3.2, 5.2, 7.1). The ERS scoresheet for the Item calls for handwashing "after sand, water, [and] messy play" (Scoresheet p.4). (See p. 140 for more information on handwashing). FCCERS-3 Item 8 rates the safety of outdoor areas. Lower ratings are given for "extreme hazards" that pose a threat to children's lives or "major hazards" where "the risk of serious injury is very high" (Item 8: 1.2, 3.2, 5.1, p. 30). The highest rating requires no more than "a few minor hazards" (Item 8: 7.1). One major hazard specifically named in Item 8's "Notes for Clarification" is "an entrapment hazard on frequently used equipment" (openings between 3.5 and 9 inches that are not bounded on one side by the ground that may allow children's bodies to pass through while trapping their head) (p. 30). Sources referenced by FCCERS-3 also (Continues next page)

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note the potential for entrapment with angles less than 55 degrees (e.g. between pickets on fences) (See ASTM F1487 6.1.4) and in openings larger than 3/8 inch but smaller than 1 inch (CFOC 6.2). Item 8 rates supervision for safety highest if “Pre-schoolers and younger children are usually within sight and easy reach of provider and school-agers are checked regularly” (Item 8: 1.3, 3.3, 5.2) and “spaces used by children are generally... easy for provider to supervise even when doing routine care tasks” (Item 8: 7.2). Similar verbiage is found in FCCERS-3 Item 26. Item 19 provides credit for facilitating dramatic play. To get the highest rating on this indicator, homes must provide materials that may be used by toddlers and preschoolers “for active dramatic play outdoors or in other large area” (Item 19: 7.2). Providing a vine conical that can be used for pretend play outdoors would help a program meet this indicator. FCCERS-3 Item 20 “Nature/ science” gives credit for observations of children’s experiences of the natural world outdoors—including living vines found on a vine conical (Item 20: 3.2, 5.2).	FCCERS-3 Item 20 gives credit for observations of children’s experiences with outdoor plants from a window indoors (Item 20: 5.3), so locating a vine conical in sight of a window that children can look out of could help facilitate a higher rating. Providers’ interactions with children related to nature and science are also credited (Item 20: 1.3, 3.3, 5.4, 7.3, 7.4). FCCERS-3 Item 23 gives credit for “promoting acceptance of diversity.” A lower score will be given if materials evoke “negative stereotypes” (Item 23: 1.2). It states: “When historical cultural traditions are represented, the images must be balanced with non-traditional representations” (Item 23: 1.2, 3.2, p. 60). While use of teepees or tepee-like structures would not automatically lead to lower ratings, such items should be introduced with care, as encouraging negative stereotypes of indigenous people could lead to lower ratings on this item. Homes may receive the lowest rating for “some toys that show ‘Cowboys and Indians’ only fighting and not doing more constructive activities” (Item 23: 1.2, 3.2, p. 60). <i>Program Guide/Point Structure Guide:</i> §5.2; <i>FCCERS-3:</i> Items 7, 8, 19, 20, 23 <i>Considerations:</i> Should not be located within accessible route or wheelchair turning area.

Water Play: Hands-in

Hands-in water play settings typically contain interconnected components designed for children to interact with water using natural and manufactured loose parts. Hands get wet, sometimes other parts of the body do too from children splashing, but the body is not immersed or sprayed with water. Examples include water tables and raised channels that allow children to manipulate water flow. These features may be constructed of metal, wood, plastic, concrete, stone, or a combination of materials. They may be mass produced or custom made.

Water must be potable (safe to drink) to meet local health codes. In child care facilities water is usually supplied directly by a garden hose, via an elevated reservoir filled by a hose or faucet, or via a hand-operated pump. Water may exit directly to a ground drain or into a rain garden (see p. 52). In public facilities catering to young children such as nature centers, botanical gardens, zoos, and museums, where demand for water play is much larger and continuous through the summer season, recirculation systems are used to conserve water. They are larger and far more costly because filtering, pumping, and water treatment are required (as for a swimming pool), along with additional public health requirements and approvals.

Children under 3 need close supervision near any type of standing water. A 2012 study by the U.S. Consumer Product Safety Commission found 91% of all reported injuries and deaths involving submersion of children 0-5 that did not take place in a pool or spa were children under 3. They did not identify a single fatality or injury associated with water tables.

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May be designed to meet requirements <i>Design Considerations: §2.337(A)(10):</i> “Water used by children in play areas... must be drained and equipment must be cleaned and disinfected at the end of each day” §2.337(D)(1): “Children must be directly and actively supervised near standing water including, but not limited to, fountains, buckets, wading pools, and animal troughs.” The <i>Administrative Guide</i> clarifies: “the provider must have line of sight supervision and must not be engaged in any other activity.” §2.335(D): “The premises... must be kept safe and free from hazards to health.” Safe is defined as “free of hazards posing danger of injury including, but not limited to... protrusions, broken items...” (§2.304A80). <i>Mandates Addressed: §2.333(N):</i> “Some sand or equivalent dry material or water play should be offered indoors or outdoors at least monthly and year round.” Note the <i>Administrative Guide</i> clarifies that “water beads,” are prohibited in licensed facilities. This recalled product that was sometimes used for sensory play expands when exposed to water or the digestive system and “can be deadly if swallowed.” §2.333(N); §2.335(D); §2.304(A)(80); §2.337(A)(10), (D)(1)	May contribute to higher rating for spaces serving children 2-years and older <i>Design Considerations: FCCERS-3 Item 7</i> rates handwashing (Item 7: 1.2, 3.2, 5.2, 7.1). The ERS scoresheet for the Item calls for handwashing before and after water play (Scoresheet p.4). FCCERS-3 Item 8 rates the safety of outdoor areas. Lower ratings are given for “extreme hazards” that pose a threat to children’s lives or “major hazards” where “the risk of serious injury is very high” (Item 8: 1.2, 3.2, 5.1, p. 30). The highest rating requires no more than “a few minor hazards” (Item 8: 7.1). The notes for clarification name having an uncovered outlet accessible to children close to a water table where children are playing on a wet floor as a major hazard (p. 30). They name children “using highly toxic materials” a major hazard (p. 30), They name “items providing an immediate choking hazard” as extreme hazards—which could lead to the lowest rating on this item (p. 30). So, if the setting is accessible to children under 3, any toys or objects integrated with water play should be larger than a choking tester (which is 1.25 inches in diameter by 2.25 inches long) or greater than 1.75 inch spheres. The notes for clarification also encourage using <i>Caring for our Children</i>, Chapter 6, when scoring this item to identify possible hazards. It includes recommendations related to “water play tables” beyond those listed above (See CFCO 6.2.4.2). It calls for supervision of communal (Continues next page)

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water tables. With more traditional water tables, it calls for changing the water used in water tables after each group, OR designing them in a way that they have “freely flowing fresh potable water” (CFOC 6.2.4.2). It discourages the use of cups and bottles that children might be tempted to drink from in water play (CFOC 6.2.4.2). It also encourages caregivers to prevent children from using water tables if they have cuts or sores on their hands, keep children from drinking from the water table, to dry the surface under and around the water table during and after play, and wash and sanitize the basin and all toys used in a water table at the end of each day (CFOC 6.2.4.2). When referring to CFOC, FCCERS-3 says to “consider whether problems should be considered major in specific circumstance,” (p. 30). Some recommendations made in CFOC may relate to what FCCERS-3 defines as minor hazards “where the consequences would not be great or an accident is not likely, due, for example, to the nature of supervision.” FCCERS-3 Item 15 rates opportunities for fine motor development. The item explicitly mentions “containers to fill and dump” as an example of fine motor play appropriate for infants. Ratings are	higher for facilities that provide fine motor materials that are in good repair (Item 15:1.1), stored near the setting where children will play with them (Item 15: 3.2), allow children to access them independently or are provided to non-mobile children (Item 15: 1.1, 3.2, 5.1, 7.1, 7.2). The environment should provide opportunities for the provider to engage with children as they use fine motor materials, since these interactions are specifically scored (Item 15:1.3, 3.3, 5.3, 7.3). The highest rating requires continuous access to at least 10 different age appropriate fine motor materials including at least one interlocking building toy, manipulative, and puzzle when serving preschoolers (See Item 15:5.1, and notes for clarification). This access would need to be provided both indoors and outdoors if children spend more than one hour of a 3-hour observation in an outdoor space to receive higher ratings (p. 13). FCCERS-3 Item 20 “Nature/ science” gives credit for providing at least 10 age-appropriate nature/science materials (Item 20: 5.1, p. 54). And sand or water play with toys is required for a good score on this item if 2 to 4-year-olds are present (Item 20: 5.1). Water play settings that are outdoors would fulfill this, as long as children have “enough time to allow satisfying play”	(p. 54). Item 20 provides credit for keeping water play settings in “good condition” (Item 20: 7.1). It also provides credit for supervising sand and water play “carefully” without defining the term (Item 20: 7.2). And it gives credit for provider interactions with children related to nature and science (Item 20: 1.3, 3.3, 5.4, 7.3, 7.4). FCCERS-3 Item 32 gives credit for providing “ample and varied play materials accessible for all ages of children in the group,” for free play (Item 32: 1.3, 3.3, 5.1, 5.2). It also gives credit for providers’ maintenance of play settings to facilitate free play (e.g. picking up and organizing toys “as needed”) (Item 32: 3.4) <i>FCCERS-3: Items 7, 8, 15, 20, 26, 32</i>	<i>Considerations:</i> Should not be located within accessible route or wheelchair turning area.

Water Play: Sprinklers and Spraying Features that Do Not Pool Water

The distinguishing characteristic of these features is that children soak their whole bodies, but do not immerse themselves in water to do so. In family child care homes, such settings are typically created with a domestic lawn sprinkler or a sprinkler designed for water play connected to a garden hose. Water does not pool to any significant extent, so there is almost no drowning risk. However, these features do not allow for swimming skill development that can lead to reduction in risks in the long run.

In child care facilities, sprinklers and spraying features must use potable water. Some garden hoses contain lead. When purchasing a new hose for sprinkler play, look for a hose sold as a “drinking water hose” or that notes it is lead free. Such hoses are widely available for RVs and campers.

Sprinklers are often operated in lawn settings to minimize injuries from falls. Permanent spray pads typically use non-slip paving or resilient rubber surfaces.

Spraying features that recirculate water, widely used in public parks, are rare in child care settings due to their cost. If water is recirculated, it is typically treated to meet the same quality standards as swimming pools.

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May be designed to meet requirements <i>Design Considerations:</i> §2.337(A)(10): “Water used by children in play areas... must be drained and equipment must be cleaned and disinfected at the end of each day.” §2.335(D): “The premises... must be kept safe and free from hazards to health.” Safe is defined as “free of hazards posing danger of injury including, but not limited to... protrusions, broken items...” (§2.304(A)(80)). <i>Mandates Addressed:</i> §2.333(N): “Some sand or equivalent dry material or water play should be offered indoors or outdoors at least monthly and year round.” §2.337(A)(10); §2.333(N); §2.335(D); §2.304(A)(80)	May contribute to higher rating for spaces serving children 2 years and older <i>Design Considerations:</i> FCCERS-3 Item 7 rates handwashing (Item 7: 1.2, 3.2, 5.2, 7.1). The ERS scoresheet for the Item calls for handwashing before and after water play (Scoresheet p.4). (See p. 140 for more information about handwashing) FCCERS-3 Item 8 rates the safety of outdoor areas. Lower ratings are given for “extreme hazards” that pose a threat to children’s lives or “major hazards” where “the risk of serious injury is very high” (Item 8: 1.2, 3.2, 5.1, p. 30). The highest rating requires no more than “a few minor hazards” (Item 8: 7.1). The notes for clarification name having an uncovered outlet accessible to children close to a water table where children are playing on a wet floor as a major hazard (p. 30). Having an uncovered outlet in proximity to a sprinkler would likely also be seen as a major hazard.	FCCERS-3 Item 20 “Nature/ science” gives credit for providing at least 10 age-appropriate nature/science materials (Item 20: 5.1, p. 54). And sand or water play with toys is required for a good score on this item if 2 to 4-year-olds are present (Item 20: 5.1). Water play settings that are outdoors would fulfill this, as long as children have “enough time to allow satisfying play” (p. 54). Item 20 gives credit for keeping water play settings in “good condition” (Item 20: 7.1). It also gives credit for supervising sand and water play “carefully” without defining the term (Item 20: 7.2). FCCERS-3 Item 24 notes major hazards in “area for running” or more than 4 minor hazards may lead to lowest score on this item (Item 24:3.3, 5.3). Having “good drainage” is credited (Item 24: 5.4). FCCERS-3 Item 25 rates provider’s “supervision of gross motor play.” A number of indicators related to Item 25 focus specifically on supervision to keep children safe and avoid injury (Item 25: 1.2, 3.2, (Continues next page)

Colorado Shines Quality Rating and Improvement System: Program Guide (2021), Point Structure Guide (2021) and FCCERS-3	2010 ADA Standards for Accessible Design
5.2). For example, a higher rating may be given if provider supervises “more dangerous or challenging equipment” (Item 25:3.2). Consider how water play may be located to facilitate supervision. FCCERS-3 Item 32 gives credit for providing “ample and varied play materials accessible for all ages of children in the group,” for free play (Item 32: 1.3, 3.3, 5.1, 5.2). It also gives credit for providers’ maintenance of play settings to facilitate free play (e.g. picking up and organizing toys “as needed”) (Item 32: 3.4) <i>FCCERS-3: Items 7, 8, 20, 24, 25, 32</i>	<i>Considerations:</i> Should not be located within accessible route or wheelchair turning area.

Water Play: Portable Wading Pools

Portable wading pools are shallow containers designed to be filled with water and emptied after each use. They provide small children a chance to cool off, to be physically active, to get used to being immersed in water, to practice floating, and play at swimming skills. Portable wading pools are an inexpensive alternative to permanent wading pools.

The CDC (2016) and *Caring for Our Children; National Health and Safety Performance Standards; Guidelines for Early Care and Education Programs* advise against (but do not regulate) the use of small plastic or inflatable wading pools that do not treat or filter water in child care facilities, due to concerns about spreading waterborne illnesses. Portable wading pools are regulated to minimize sanitation hazards rather than prohibited outright in Colorado child care facilities. In family child care homes, the pools must be drained, cleaned, and disinfected at the end of each day. Active supervision is required due to drowning risks associated with pooling water. CDC provides information on managing “kiddie pools” at: <https://www.cdc.gov/healthy-swimming/safety/inflatable-plastic-kiddie-pools.html>

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May be designed to meet requirements <i>Design Considerations:</i> §2.335(Y): “...outdoor equipment, materials, and furnishings must be sturdy, safe, and free of hazards.” Safe is defined as “free of hazards posing danger of injury including, but not limited to... protrusions, broken items...” (§2.304A80). §2.337(A)(10): “Water used by children in play areas, including wading pools, must be drained and equipment must be cleaned and disinfected at the end of each day.” §2.337(D)(1): “Children must be directly and actively supervised near standing water including, but not limited to, fountains, buckets, wading pools, and animal troughs.” The <i>Administrative Guide</i> clarifies: “the provider must have line of sight supervision and must not be engaged in any other activity.” <i>Mandates Addressed:</i> §2.333(N): “Some sand or equivalent dry material or water play should be offered indoors or outdoors at least monthly and year-round.” §2.304(A)(80), §2.333(N), §2.335(Y), §2.337(A)(10), §2.337(D)(1)	Will likely not contribute to higher rating for FCCERS-3. May lead to lower rating. While not explicitly mentioned in FCCERS-3 itself, strong language discouraging their use in a resource the rating system encourages using to identify hazards would likely lead some to identify them as hazards. <i>Considerations:</i> FCCERS-3 Item 7 rates efforts “to decrease the spread of germs” and it encourages the use of <i>Caring for Our Children</i> for “additional information on specific health related standards” (Item 7: 1.1, 3.1, 5.1, 7.1, p. 28). FCCERS-3 Item 8 rates the safety of outdoor areas. Lower ratings are given for “extreme hazards” that pose a threat to children’s lives or “major hazards” where “the risk of serious injury is very high” (Item 8: 1.2, 3.2, 5.1, p. 30). The highest rating requires no more than “a few minor hazards” (Item 8: 7.1). Its notes for clarification also encourage using <i>Caring for our Children</i>, Chapter 6, when scoring this item to identify possible hazards. <i>Caring for Our Children</i> states “Portable wading pools should not be permitted” (CFOC 6.3.5.3). It explains: “Small portable wading pools do not permit adequate control of sanitation and safety, and they promote transmission of infectious diseases” (CFOC 6.3.5.3). If portable wading pools are used, consider the following: FCCERS-3 Item 7 rates handwashing (Item 7: 1.2, 3.2, 5.2, 7.1). The ERS scoresheet for the Item calls for handwashing before and after water play (Scoresheet p.4). FCCERS-3 Item 8 may be used to identify other hazards (Item 8: 1.2, 3.2, 5.1, p. 30). (Continues next page)

Colorado Shines Quality Rating and Improvement System: Program Guide (2021), Point Structure Guide (2021) and FCCERS-3	2010 ADA Standards for Accessible Design
Proximity of a wading pool to an uncovered outlet would likely be considered a major hazard—as with a water table (p. 30). They name children “using highly toxic materials” a major hazard (p. 30), They name “items providing an immediate choking hazard” as extreme hazards—which could lead to the lowest rating on this item (p. 30). So, if the setting is accessible to children under 3, any toys or objects integrated with water play should be larger than a choking tester (which is 1.25 inches in diameter by 2.25 inches long) or greater than 1.75 inch spheres. It is possible other parts of <i>Caring for our Children</i>, Chapter 6, may be used when scoring this item to identify possible hazards. Refer to Section 6.3 of that document if the portable wading pool is filtered in some way. FCCERS-3 Item 20 “Nature/ science” gives credit for providing at least 10 age-appropriate nature/science materials (Item 20: 5.1, p. 54). And sand or water play with toys is required for a good score on this item if 2 to 4-year-olds are present (Item 20: 5.1). Water play settings that are outdoors would fulfill this, as long as children have “enough time to allow satisfying play” (p. 54). Item 20 gives	credit for keeping water play settings in “good condition” (Item 20: 7.1). It also gives credit for supervising water play “carefully” without defining the term (Item 20: 7.2). FCCERS-3 Item 25 rates provider’s “supervision of gross motor play.” A number of indicators related to Item 25 focus specifically on supervision to keep children safe and avoid injury (Item 25: 1.2, 3.2, 5.2). For example, a higher rating may be given if provider supervises “more dangerous or challenging equipment” (Item 25:3.2). Consider how water play may be located to facilitate supervision. FCCERS-3 Item 32 gives credit for providing “ample and varied play materials accessible for all ages of children in the group,” for free play (Item 32: 1.3, 3.3, 5.1, 5.2). It also gives credit for providers’ maintenance of play settings to facilitate free play (e.g. picking up and organizing toys “as needed”) (Item 32: 3.4) <i>FCCERS-3: Items 7, 8, 20, 25, 32</i> <i>Considerations:</i> Should not be located within accessible route or wheelchair turning area.

Water Play: Permanent Wading Pools and Naturalistic Settings for Wading (up to 18 inches deep)

Permanent wading pools provide small children a chance to cool off, to be physically active, and practice floating and other swimming skills. They are considerably more expensive than portable wading pools and require extensive maintenance.

Pools must be secured to prevent children from accessing them when they are not in use, and strict supervision ratios apply when they are in use to minimize drowning risks. They may also be subject to regulations and standards beyond those for child care facilities that are not fully addressed in this guide. In Colorado, permanent wading pools that are not at private residences must be constructed and operated in compliance with the *Swimming Pool and Mineral Bath Regulations*, 5 CCR 1003-5. *Caring for Our Children; National Health and Safety Performance Standards; Guidelines for Early Care and Education Programs* (2019) provides a variety of recommendations related to wading pools in child care (See https://s3.amazonaws.com/elib-prod/files/pubs/CFOC4%20pdf-%20FINAL_small.pdf, See Standards 1.1.1.5, 2.2.0.4, 9.4.1.6 (q), and Section 6.3). The CDC also has recommendations for healthy swimming at: <https://www.cdc.gov/healthywater/swimming/index.html>.

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May be designed to meet requirements <i>Design Considerations:</i> §2.337(A)(9): “Swimming pools, permanent wading pools, and above ground pools located on the property of the family child care home must be enclosed with a five foot (5’) fence and a locked gate.” The <i>Administrative Guide</i> adds that: “Approval for use of the pool must be listed as a condition of the child care license.” §2.337(A)(10): “Water used by children in play areas, including wading pools must be drained and equipment must be cleaned and disinfected at the end of each day.” This likely would not apply to permanent wading pools separated from play areas by a fence. §2.337(D)(1): “Children must be directly and actively supervised near standing water including... wading pools.” The <i>Administrative Guide</i> clarifies:	“the provider must have line of sight supervision and must not be engaged in any other activity.” §2.335(D): “The premises... must be kept safe and free from hazards to health” Safe is defined as “free of hazards posing danger of injury including, but not limited to... protrusions, broken items, areas of entrapment...” (openings between 3.5 and 9 inches) and “poisonous chemicals” (§2.304(A)(80)). Also, see requirements for managing swimming (p. 148). <i>Mandates Addressed: §2.333(N):</i> “Some sand or equivalent dry material or water play should be offered indoors or outdoors at least monthly and year round.” §2.304(A)(80); §2.333(N); §2.335(D); §2.337(A)(9)-(10); §2.337(D)(1); Admin. Guide	May contribute to higher rating when serving children 2 years and older <i>Design Considerations: FCCERS-3 Item 7</i> rates handwashing (Item 7: 1.2, 3.2, 5.2, 7.1). The ERS scoresheet for the Item calls for handwashing before and after water play (Scoresheet p.4). FCCERS-3 Item 8 rates the safety of outdoor areas. Lower ratings are given for “extreme hazards” that pose a threat to children’s lives or “major hazards” where “the risk of serious injury is very high” (Item 8: 1.2, 3.2, 5.1, p. 30). The highest rating requires no more than “a few minor hazards” (Item 8: 7.1). Having children playing near an unfenced swimming pool is specifically called out as an extreme hazard. The notes for clarification name having an uncovered outlet accessible to children close to a wet floor as a major hazard (p. 30). They name children “using highly toxic materials” a major (Continues next page)

Colorado Shines Quality Rating and Improvement System: Program Guide (2021), Point Structure Guide (2021) and FCCERS-3	2010 ADA Standards for Accessible Design
hazard (p. 30), This would include pool cleaning chemicals. The notes for clarification also encourage using <i>Caring for our Children</i>, Chapter 6, when scoring this item to identify possible hazards. Section 6.3 of that document focuses on “Water Play Areas (Pools, etc).” It includes recommendations for fencing stationary wading pools, providing safety covers when not in use, pool drain covers, posting pool safety rules, supervising pool pump, lifesaving equipment, storing chemicals, electrical safety, pool water temperature, water quality, among other items. FCCERS-3 Item 20 “Nature/ science” gives credit for providing at least 10 age-appropriate nature/science materials (Item 20: 5.1, p. 54). And sand or water play with toys is required for a good score on this item if 2 to 4-year-olds are present (Item 20: 5.1). Water play settings that are outdoors would fulfill this, as long as children have “enough time to allow satisfying play” (p. 54). Item 20 gives credit for keeping water play settings in “good condition” (Item 20: 7.1). It also gives credit for supervising water play “carefully” without defining the term (Item 20: 7.2). FCCERS-3 Item 25 rates provider’s “supervision of gross motor play.” A number of indicators related to Item 25 focus specifically on supervision to keep children safe and avoid injury (Item 25: 1.2, 3.2, 5.2). For example, a higher rating may be given if provider supervises “more dangerous or challenging equipment” (Item 25:3.2). <i>FCCERS-3: Items 7, 8, 20, 25</i>	<i>Considerations:</i> “At least one accessible means of entry shall be provided for wading pools. Accessible means of entry shall comply with sloped entries complying with 1009.3.” At family child care homes, these requirements would only apply if the wading pool was considered to be part of the child care facility or a shared space used by the facility at the time it was constructed/ altered. 242.3

Water Play: Swimming Pools and Swimming Areas (more than 18 inches deep)

Provision of swimming pools and swimming areas is rare in child care facilities serving preschool age children. They require intense maintenance and supervision—particularly for younger children who are less likely to have swimming skills and may not be able to stand in all parts of the pool. For facilities serving older school-age children, swimming pools may support part of the program.

No attempt is made here to provide advice on constructing or managing swimming pools. Those constructing pools should hire experienced professionals who are familiar with local codes and national standards. Pools may be subject to additional regulations beyond those for child care facilities that are not fully addressed in this guide. In Colorado, permanent swimming pools that are not at private residences must be constructed and operated in compliance with the *Swimming Pool and Mineral Bath Regulations*, 5 CCR 1003-5. Also see: <https://www.cdc.gov/healthywater/swimming/index.html>.

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May be designed to meet requirements <i>Design Considerations:</i> §2.337(A)(9): “Swimming pools, permanent wading pools, and above ground pools located on the property of the home must be enclosed with a five-foot (5’) fence and a locked gate.” The <i>Administrative Guide</i> adds that: “Approval for use of the pool must be listed as a condition of the child care license.” §2.337(A)(11): “All hot tubs must have bolted and securely locked covers. All children in care are prohibited from using hot tubs.” §2.337(D)(1): “Children must be directly and actively supervised near standing water...” The <i>Administrative Guide</i> clarifies: “the provider must have line of sight supervision and must not be engaged in any other activity.”	§2.335(D): “The premises... must be kept safe and free from hazards to health.” Safe is defined as “free of hazards posing danger of injury including, but not limited to...protrusions, broken items, areas of entrapment...” (openings between 3.5 and 9 inches) and “poisonous chemicals” (§2.304A80). Also, see requirements for managing swimming (p. 148). <i>Mandates Addressed:</i> §2.333(N): “Some sand or equivalent dry material or water play should be offered to children eighteen (18) months of age or older, indoors or outdoors, at least monthly and year round.” §2.304(A)(80); §2.333(N); §2.335(D); §2.337(A)(9), (11); §2.337(D)(1)	May contribute to higher rating when serving children 2 years and older <i>Considerations:</i> FCCERS-3 Item 7 rates handwashing (Item 7: 1.2, 3.2, 5.2, 7.1). The ERS scoresheet for the Item calls for handwashing before and after water play (Scoresheet p.4). FCCERS-3 Item 8 rates the safety of outdoor areas. Lower ratings are given for “extreme hazards” that pose a threat to children’s lives or “major hazards” where “the risk of serious injury is very high” (Item 8: 1.2, 3.2, 5.1, p. 30). The highest rating requires no more than “a few minor hazards” (Item 8: 7.1). Having children playing near an unfenced swimming pool is specifically called out as an extreme hazard. The notes for clarification name having an uncovered outlet accessible to children close to a wet floor as a major hazard (p. 30). They name children “using highly toxic materials” a major hazard (p. 30), This would include pool cleaning chemicals. The notes for clarification also encourage using Caring for our Children, Chapter 6, when scoring this item to identify possible hazards. Section 6.3 of that document focuses on “Water Play Areas (Pools, etc).” It includes recommendations for fencing stationary wading pools, providing safety covers when not in use,

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pool drain covers, posting pool safety rules, supervising pool pump, lifesaving equipment, storing chemicals, electrical safety, pool water temperature, water quality, among other items. FCCERS-3 Item 20 gives credit for keeping water play settings in “good condition” (Item 20: 7.1). It also gives credit for supervising sand and water play “carefully” without defining the term (Item 20: 7.2). FCCERS-3 Item 25 rates provider’s “supervision of gross motor play.” A number of indicators related to Item 25 focus specifically on supervision to keep children safe and avoid injury (Item 25: 1.2, 3.2, 5.2). For example, a higher rating may be given if provider supervises “more dangerous or challenging equipment” (Item 25:3.2). <i>FCCERS-3: Items 7, 8, 20, 25</i>	<i>Considerations:</i> At family child care homes, these requirements would only apply if the pool was considered to be part of the child care facility or a shared space used by the facility at the time it was constructed/alterd. If a new pool is being constructed for use in a child care facility, it would need to meet requirements as outlined in Sections 242 (See: https://www.ada.gov/law-and-regs/design-standards/2010-stds/#242-swimming-pools-wading-pools-and-spas) and 1009 (See: https://www.ada.gov/law-and-regs/design-standards/2010-stds/#1009-swimming-pools-wading-pools-and-spas).

Wheeled Toys: Tricycles, Bicycles, Scooters, Skateboards, Rollerblades, and Child-Propelled Riding Toys

Bicycles, tricycles, and other self-propelled riding toys help children to develop gross motor skills and provide opportunities for engaging in physical activity. During periods of free play, such vehicles may become part of elaborate dramatic play sequences linking several settings and/or children may circle around the primary path.

While children using bicycles must wear helmets in some types of child care facilities, there are no similar rules related to tricycles and riding toys, due to their greater stability. Helmet use in outdoor learning environments may, in fact, present a hazard if the helmet continues to be worn on climbing or sliding equipment. The U.S. Consumer Product Safety Commission warns that a helmet can create entrapment and strangulation hazards in combination with climbing or sliding equipment. See: <https://www.cpsc.gov/content/after-recent-death-cpsc-warns-against-wearing-bike-helmets-on-playgrounds>. As it is often difficult to control children's movement between different settings during free play, a child could move un-noticed from trike to slide or climber.

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May be designed to meet requirements <i>Design Considerations:</i> §2.335(D): "The premises ... must be kept safe"—"free from hazards posing danger of injury including but not limited to... broken items..." (§2.304(A)(80)). 2.337(C)(4): "Children must wear protective equipment when riding a scooter, bicycle, balance bike, skateboard, or rollerblades." Protective equipment means the use of "protective head equipment" (§2.304(A)(66)). Wrist, knee, and elbow pads are no longer explicitly required. There is no helmet requirement for tricycles or the wheeled riding toys often used by toddlers. The <i>Administrative Guide</i> adds: "Children should not wear bicycle helmets while on playground equipment. There have been recent head entrapment incidents in which children wearing bicycle helmets became entrapped in spaces that	would not normally be considered a head entrapment." §2.337(C)(5): "Motorized riding toys are not permitted." 2.316(B)(11): "[W]ritten policies and procedures must be developed, implemented and followed... and must include at a minimum the following information... How and by whom children are supplied with appropriate clothing and equipment necessary to participate in indoor and outdoor activities, including activities that require protective equipment." <i>Mandates Addressed:</i> §2.333(L): May help meet requirement for "outdoor physical free play materials... in good repair" such as "push toys, riding toys." §2.304(A)(66), (80); §2.316(B)(11); §2.333(L); §2.335(D); 2.337(C)(4); Administrative Guide	May contribute to higher rating <i>Design Considerations:</i> FCCERS-3 Item 8 rates the safety of outdoor areas. Lower ratings are given for "extreme hazards" that pose a threat to children's lives or "major hazards" where "the risk of serious injury is very high" (Item 8: 1.2, 3.2, 5.1, p. 30). The highest rating requires no more than "a few minor hazards" (Item 8: 7.1). To identify hazards for Item 8, the notes for clarification encourage referring to <i>Caring for our Children</i> Chapter 6. FCCERS-3 does not require compliance with the document but says to "consider whether problems should be considered major in specific circumstance" (p. 30). Some of their recommendations may relate to what FCCERS-3 defines as minor hazards "where the consequences would not be great or an accident is not likely, due, for example, to the nature of supervision." Caring for Our Children Section 6.4.2.2 advises: "All children one year of age and over should wear properly fitted and approved helmets while riding toys with wheels (tricycles, bicycles, etc.) or using any wheeled equipment (rollerblades, skateboards, etc.). Helmets should be removed as soon as children (Continues next page)

Colorado Shines Quality Rating and Improvement System: Program Guide (2021), Point Structure Guide (2021) and FCCERS-3		2010 ADA Standards for Accessible Design
stop riding the wheeled toys or using wheeled equipment." It also advises that helmets should meet CPSC standards and makes it clear helmets should be replaced regularly--and should not be used after a crash, when cracked, or when they cannot be secured properly. Spark Learning Lab Colorado advises that if children are using riding toys without helmets on a hard surface and moving at a walking pace, it would likely be identified as a minor hazard. If children are using wheeled toys on a hard surface without helmets while moving fast, going downhill, or crashing into each other, this would be identified as a major hazard. FCCERS-3 Item 24 rates areas used for gross motor play. It rates gross motor space based on the safety of equipment (Item 24: 1.4, 3.4, 5.3). And there would be similar considerations to those mentioned in Item 8—though the standard for safety is higher. Scoring a 5 or higher requires no major hazards may be observed related to the gross motor space (Item 24: 5.3). It also rates whether age-appropriate gross motor equipment is accessible—including both portable and stationary equipment (Item 24: 1.4, 3.4, 5.5, 7.4). It notes that for toddlers, this would include “riding toys without pedals or large push-pull wheel toys”(p.62). For preschoolers it would include “tricycles” and “other riding toys,” and for school-age children this would include “bicycles and other riding equipment.” It also gives credit for laying out active play settings so they do not interfere with other activities—including making sure pathways where wheeled toys are used are separate from climbing areas (Item 24: 7.2).	FCCERS-3 Item 25 rates provider’s “supervision of gross motor play.” A number of indicators in Item 25 focus specifically on supervision to keep children safe and avoid injury (Item 25: 1.2, 3.2, 5.2). For example, a higher rating may be given if provider “makes sure that children using wheel toys avoid bumping into obstacles or one another” (Item 25:5.2). Additionally, higher ratings are achieved when a provider “helps children develop new skills and use more challenging equipment” and specifically gives the example of preschoolers learning to use bicycles (Item 25:7.2). FCCERS-3 Item 29 is focused on “guiding children’s behavior” and FCCERS-3 Item 30 is focused on “interactions among children.” Both may provide credit for having duplicates of popular toys—like wheeled toys (Item 29:7.1; Item 30: 5.3). FCCERS-3 Item 32 gives credit for providing “ample and varied play materials accessible for all ages of children in the group,” for free play (Item 32: 1.3, 3.3, 5.1, 5.2). It also gives credit for providers’ maintenance of play settings to facilitate free play (e.g. picking up and organizing toys “as needed”) (Item 32: 3.4) <i>FCCERS-3: Items 8, 24, 25, 29, 32</i>	2010 ADA Standards for Accessible Design do not apply, as they are manufactured products and not constructed facilities

Wildlife Gardens: Attracting Birds, Butterflies, and Other Pollinators

Wildlife gardens provide birds, butterflies, and other flying creatures with food, water, cover, and habitat to raise young. Wildlife gardens may also serve as places for children to play and learn. As with similar flower gardens, children may use flowers, petals, leaves, and seeds as dramatic play props or as motivation for early science activity, or as the stimulus for artistic expression.

Wildlife gardens are distinguished from other flower gardens because the plants are chosen to attract specific types of wildlife. Choose plants adapted to the site conditions (sun/shade, soil acidity/alkalinity, soil moisture, etc.). The National Wildlife Federation *Native Plant Finder* can help identify regional native host plants for butterflies and moths. (See: <https://www.nwf.org/NativePlantFinder/>).

Engage children in helping to “make a home for animals.” Armed with child-sized watering cans, gloves, and hand tools, children will love to help—especially watering. The planting design may include quiet nooks, where children can observe the comings and goings of flying critters (See p. 103).

Plants that present hazards when consumed at doses expected should be excluded from outdoor learning environments serving infants and toddlers.

Child Care Facility Licensing Rules and Regulations 8 CCR 1402-1 (Sections 2.100, 2.300, 2.600) (February 14, 2025)		Colorado Shines Quality Rating and Improvement System: Program Guide (2021), Point Structure Guide (2021) and FCCERS-3
May be designed to meet requirements <i>Design Considerations:</i> §2.337(A)(12): “Decorative ponds in the designated play area must have childproofing grates to prevent risk of drowning when there is no fence.” §2.337(D)(1): “Children must be directly and actively supervised near standing water including, but not limited to, fountains, buckets, wading pools, and animal troughs.” The <i>Administrative Guide</i> clarifies: “the provider must have line of sight supervision and must not be engaged in any other activity.” §2.337(A)(3): “All parts of the play area must be visible and easily supervised.” Note: Visibility may be accomplished a variety of ways including having supervisor move through space, using species that an adult caretaker could see over, or having a raised area overlooking the area. The <i>Administrative Guide</i> clarifies: “It is important that all blind spots in the outdoor learning environment are identified and a	plan for active supervision is created.” §2.335(W): “Children must not be permitted to mistreat animals.” §2.335(D): “The premises... must be safe and free from hazards to health” or “posing danger of injury including... choking hazards...” (§2.304A80) (e.g. stone mulch must not have pieces that fit in a choking tester 1.25 inches in diameter and 2.25 inches long) if accessible to children under 3. §2.337(A)(7): “All outdoor areas where children may pass or play must be kept free of animal contamination. All animal wastes must be promptly removed and inaccessible to children.” <i>Mandates Addressed: §2.333(G):</i> Helps meet mandate for “nature or science related... materials or activities” such as “plants, gardens... or science props.” §2.337(A)(3), (7), (12); §2.337(D)(1), (7), (12) §2.335(D), (W); §2.304(A)(80); §2.333(G)	May contribute to higher rating FCCERS-3 Item 20 “Nature/science” gives credit for observations of children’s experiences of the natural world outdoors (Item 20: 3.2, 5.2). It gives credit for providing at least 10 different age-appropriate nature/science materials, such as “butterfly gardens” children can “care for and observe” (Item 20: 5.1, p. 54). <i>Design Considerations:</i> FCCERS-3 Item 7 rates handwashing (Item 7: 1.2, 3.2, 5.2, 7.1). The ERS scoresheet for the Item calls for handwashing after “messy play” (Scoresheet p.4). (See p. 140 for more information on handwashing). Lowest rating will be given for Item 7 “Health practices” if “animal droppings visible” in licensed space (Item 7:1.3). (Continues next page)

Colorado Shines Quality Rating and Improvement System: Program Guide (2021), Point Structure Guide (2021) and FCCERS-3	2010 ADA Standards for Accessible Design
FCCERS-3 Item 8 rates the safety of outdoor areas. Lower ratings are given for “extreme hazards” that pose a threat to children’s lives or “major hazards” where “the risk of serious injury is very high” (Item 8: 1.2, 3.2, 5.1, p. 30). The highest rating requires no more than “a few minor hazards” (Item 8: 7.1). The notes for clarification name children “using highly toxic materials” a major hazard (p. 30). In gardens, this might include highly toxic inorganic fertilizers or pesticides. They name “items providing an immediate choking hazard” as extreme hazards—which could lead to the lowest rating on this item (p. 30). So, if the setting is accessible to children under 3, any stone mulches used should be larger than a choking tester (which is 1.25 inches in diameter by 2.25 inches long) or greater than 1.75 inch spheres. While not specifically mentioned in FCCERS-3, the accessibility of potentially dangerous tools or equipment like rototillers may be scored as a major hazard. Gardening tools accessible to children should be age appropriate. Tools not meant for children should not be accessible to them. FCCERS-3 Item 20 gives credit for observations of children’s <i>experiences</i> with outdoor plants, birds, and butterflies from a window indoors (Item 20: 5.3), so locating a wildlife garden or other plantings in sight of a window that children can look out of could help facilitate a higher rating. Providers’ interactions with children related to nature and science also get credit (Item 20: 1.3, 3.3, 5.4, 7.3, 7.4). If garden is to be counted as a nature/science material that children “care for and observe,” children must be observed caring for it (Item 20: 5.1, p. 54). <i>FCCERS-3:Items 7, 8, 20</i>	<i>Considerations:</i> Should not be located within accessible route or wheelchair turning area.



Left: Children hunt for butterflies in a wildlife garden.

Right: A child looks at a monarch butterfly (Photo Credit: Elizabeth Patton).





Managing OLEs and Outdoor Activities

7

7. Managing OLEs and Outdoor Activities

Section 7 focuses on the management of outdoor learning environments and outdoor activities that may connect children to nature—both within and outside of the licensed child care OLE.

The section discusses Colorado licensing requirements on the amount of time children should spend outdoors involved in gross motor play. It lays out handwashing requirements that could affect how children use the outdoor learning environment and how any handwashing facilities provided would need to be designed.

Supervision is discussed in a limited way in this section with a focus is on how rules and rating items related to supervision and visibility may affect the design and planning of OLEs. Rules and rating items related to adult-child interactions are not covered here in depth.

Pest management and sunscreen application are also discussed—as it is helpful to understand how design solutions and management approaches to pest control and sun protection might be considered in concert.

Other rules discussed here deal with managing activities that are more risky or complicated than those offered by a typical

child care facility—like swimming and shoreline nature studies.

Colorado has considered and regulated a variety of activities child care facilities may organize either on or off site beyond the topics discussed here. Section 2.600 of the Social Service Rules for Child Care Facility Licensing lays out *Rules Regulating Special Activities* in certain types of child care facilities, including family child care homes. There are rules for using watercraft on flatwater (2.608), as well as rules for using watercraft on Class I and Class II moving water (2.609), and even for white water rafting on Class III and IV Rivers (2.610). There are rules for managing archery (2.611), riflery (2.612), ax-throwing (2.613) and knives (2.614)—all of which would seem unlikely to be incorporated into a child care facility. However, seasonal day camps are regulated as school-age child care centers in Colorado. There are also rules for horseback riding (2.615); rock climbing (2.616 and 2.617); high and low challenge courses and ziplines (2.618), hiking (2.619), and backpacking and camping (2.620). Child care centers, family child care homes, and school-age child care centers must all comply with section 2.600 if they offer any of the aforementioned activities.



Right: A water pump can enliven and extend the range of play and learning opportunities in a sand play area and may provide an opportunity for handwashing outdoors.

**Child Care Facility Licensing Rules and Regulations
8 CCR 1402-1 (Sections 2.100, 2.300, 2.600)
(February 14, 2025)**

§2.337(C)(1): “The family child care home must include outdoor play for all ages each day except when the severity of weather, including temperature extremes, makes it a health hazard, or when a child must remain indoors as indicated in writing by a health care provider or in a health care plan.”

§2.333(O): “Daily physical gross motor activities, with or without equipment or materials, must be provided outdoors or indoors to children for no less than sixty (60) minutes total for full-day family child care homes. Activities do not have to occur all at once.”

§2.333(L): “Outdoor physical free play materials must consist of at least five (5) age appropriate toys and equipment in good repair, such as: push toys, riding toys, tossing toys, climbing equipment, balance boards, swings, slides, balls, toss games, and sports equipment. These must be provided daily except in extreme weather.”

§2.316(B)(23): Written policy must include: “Daily outside play time including during periods of inclement or hot weather” (See §2.316) The Administrative Guide clarifies: “During inclement weather, outdoor time can be substituted with indoor gross motor play” and provides a link to the *Child Care Weather Chart*: <https://www.c-uphd.org/documents/wellness/weatherwatch.pdf>. It also notes: “Best Practice states children ages 1 to 3 shall engage in no less than [60–120] minutes of moderate to vigorous physical activity per day of child care, including no fewer than two structured or caregiver/teacher/adult-led activities or games that promote movement.”

§2.333(L), (O); §2.337(C)(1); §2.316(B)(23); Admin. Guide

**Colorado Shines Quality Rating and Improvement System:
Program Guide (2021), Point Structure Guide (2021) and FCCERS-3**

FCCERS -3 Item 24 rates opportunities for “gross motor” play outdoors. While the previous version (FCCERS-R) called for providing at least one hour of outdoor play each day, FCCERS-3 is focused on what can be observed in 3 hours—so the time outdoors to receive the highest rating was shortened to accommodate providers that break up time outdoors into morning and afternoon blocks. FCCERS-3 gives its highest rating if “Outdoor area is observed being used for at least 30 minutes, weather permitting, or indoor space is used if weather does not permit...” (Item 24: 5.1) and “infants are taken outdoors for gross motor play” (Item 24: 7.1). A minimal rating requires children 12 months and over are observed in “some gross motor space” for at least 20 minutes during the observation (Item 24: 3.2).

According to FCCERS-3, weather permits going outdoors as long as it is not actively raining or snowing and there is no public health warning related to temperature (See p. 14) (i.e. between 20 and 90°F). Other reasons for canceling or delaying time outdoors may include “unavoidable health hazards” like high pollution or “uncontrollable mosquitoes” (p. 14). If it is possible to delay outdoor play, rather than cancelling it, the rating system gives credit for doing that (p. 14). When weather permits outdoor play, it is not possible to receive more than a minimal rating on this Item 24 if outdoor space is never used (Item 24: 5.3, 5.4).

FCCERS-3 Item 25 rates provider’s “supervision of gross motor play.” One group of indicators focuses on whether provider “encourages children’s gross motor activity” (Item 25: 1.1, 3.1, 5.1, 7.1) through actions such as “[taking] children outdoors” (Item 24, 3.1).

FCCERS-3 Item 27 includes an indicator focused on providers’ responses to “children’s nonverbal cues” and taking children who are restless outdoors is an example given (Item 27: 7.2). And **FCCERS-3 Item 29** gives credit for taking children outdoors to keep them from running inside as a positive way of managing children’s behavior.

FCCERS-3 Item 31 rates “program structure” and gives credit when “active and quiet play is varied to meet children’s needs” (Item 31: 3.4).

FCCERS-3 Item 32 rates opportunities for “free play,” where children can choose what and who they play with and “as far as possible, manage play independently” (p. 78). The highest rating requires that “free play occurs throughout the observation,” and that at least some free play occurs *outdoors* when weather permits (Item 32: 7.1). But it does not set a minimum amount of time free play must take place outdoors (p. 78).

FCCERS-3: Items 24, 25, 31, 32

Child Care Facility Licensing Rules and Regulations
8 CCR 1402-1 (Sections 2.100, 2.300, 2.600)
(February 14, 2025)

§2.324(A): “1. Primary providers, applicant 2, equally qualified providers, qualified substitutes, staff members, and children must wash their hands using the following procedures:

- a. Moisten hands with warm running water;
- b. Apply soap;
- c. Rub hands vigorously until a soapy lather appears;
- d. Continue washing for at least twenty (20) seconds outside of the water, rubbing areas between fingers, around nail beds, under fingernails, under jewelry and the backs of hands;
- e. Rinse hands under warm running water until they are free of soap and dirt; and
- f. Dry hands with a disposable towel, a clean cloth towel laundered after use, or a mechanical drying device.

2. Primary providers, applicant 2, equally qualified providers, qualified substitutes, staff members, and children toddler-aged and older must wash their hands at the following times:

- a. Upon arrival for the day

- b. Before and after:
 - 1) Preparing food or beverages;
 - 2) Eating, handling food, or feeding a child;
 - 3) Giving medication, applying a medical ointment or cream, or administering first aid; and
 - 4) Setup or use of sensory materials.

- c. After:
 - 1) Using the toilet or assisting a child with toileting;
 - 2) Diapering each child;
 - 3) Handling body fluids;
 - 4) Handling animals or cleaning up animal waste;
 - 5) Coming in from outdoors;
 - 6) Cleaning or handling garbage; and
 - 7) At any other time the hands become soiled.

3. Infants must have their hands washed with:

- a. Soap and running water;
- b. A clean cloth that contains soap and is laundered after each use; or
- c. The use of soap and warm water solution dispensed from a clean spray bottle, followed by a rinse before drying with a clean cloth or disposable towel.

4. Infants hands must be washed:

- a. Before and after meals and snacks; and
- b. After:
 - 1) Having their diaper changed;
 - 2) Coming in from outdoors; and
 - 3) Whenever their hands become soiled.

5. Hand washing areas should promote self-help skills to include, but not be limited to, sturdy and age-appropriate step stools, soap, and single-use or disposable towels accessible to children.

6. Hand washing areas shall be routinely disinfected when visibly dirty and after any use of the area for tasks other than hand washing including immediately after the sink is used to clean tanks, feeders, water containers and any equipment used by pets or animals.

7. Hand sanitizers and wipes are not acceptable alternatives to hand washing except on outings where running water may be unavailable. Alcohol based hand sanitizers shall not be used for children under three (3) years of age.

Child Care Facility Licensing Rules and Regulations 8 CCR 1402-1 (Sections 2.100, 2.300, 2.600) (February 14, 2025)	Colorado Shines Quality Rating and Improvement System: Program Guide (2021), Point Structure Guide (2021) and FCCERS-3
§2.335(P): “Primary providers, applicant 2, equally qualified providers, and all staff must wash their hands with water and soap after: touching or handling poultry... feeding or handling their food; after handling animal feces or supplies (for example, cages... water bowls, and toys); and after cleaning the animal’s habitat.” §2.335(Q): “Children must wash their hands with water and soap after: touching or handling poultry... and feeding or handling their food. Children are prohibited from handling animal feces or cleaning the animal's habitat.” §2.335(R): When around animals, the primary providers, applicant 2, equally qualified providers, all staff, and children must wash hands after removing dirty clothes or shoes, before eating and drinking, and before preparing food or drinks. §2.335(S): “Primary providers, applicant 2, equally qualified providers, and all staff must always supervise handwashing for children.” §2.335(T): “Primary providers, applicant 2, equally qualified providers, all staff, and children must use hand sanitizer if running water and soap are not available. If only hand sanitizer is used, hands must be washed with soap and water as soon as possible.” §2.324(A), §2.335(P)-(T)	FCCERS-3 rating stresses handwashing as part of “health practices.” Handwashing practices generally align with the <i>Social Services Rules Child Care Facility Licensing</i> (8 CCR 1402-1, on previous page). One additional consideration is staff must wash their hands separately from children’s hands to receive credit for handwashing. See FCCERS-3 Item 5 if serving meals or snacks outdoors. Surfaces used to serve food must be able to be sanitized. FCCERS-3 Item 7, “Health practices,” includes a number of indicators related to handwashing (Item 7: 1.2, 3.2, 5.2, 7.1) and directs to <i>Caring for Our Children</i> for more specifics on proper handwashing practices. For more information on when handwashing should be performed see: https://nrckids.org/CFOC/Database/3.2.2.1. If you are considering locating a handwashing station outdoors, see handwashing procedure at: https://nrckids.org/CFOC/Database/3.2.2.2 and related standards linked there. Item 7 also considers whether interactions with teacher are negative or positive during activities related to health like handwashing. If handwashing stations are provided outdoors, consider locating handwashing stations where the early childhood educators may be most likely to see and positively encourage these activities through counting or song (Item 7: 1.4, 3.5, 5.5, 7.2). All handwashing stations must have warm running water (per Licensing Rules). <i>FCCERS-3: Items 5, 7</i>

Hydrating Children	Child Care Facility Licensing Rules and Regulations 8 CCR 1402-1 (Sections 2.100, 2.300, 2.600) (February 14, 2025)	Colorado Shines Quality Rating and Improvement System: Program Guide (2021), Point Structure Guide (2021) and FCCERS-3
	§2.335(K): “Drinking water obtained from a source other than a regulated public water system must be tested annually for total coliform, e. Coli bacteria, and nitrate, at a minimum. The results must be in compliance with rule section 11.45 of the “Colorado Primary Drinking Water Regulations” located in 5 CCR 1002-11. Results must be maintained and available for review. The Colorado Primary Drinking Water Regulations (January 14, 2023), are herein incorporated by reference. No later editions or amendments are incorporated. These rules are available at no cost from the Colorado Department of Public Health And Environment, 4300 Cherry Creek Drive South Denver, CO 80246; or at www.sos.state.co.us. These rules are also available for inspection and copying at the Department, 710 S. Ash Street, Bldg. C, Denver, Colorado 80246, during regular business hours.” §2.335(K)	FCCERS-3 Item 5 stresses children should be offered water on hot days, after participating in physical activity, and when requested—with the exception of infants who it says should not be served water but may be offered additional formula or breast milk. Directs to page 167 of <i>Caring for Our Children</i> for more information about how to provide water (3.1). <i>FCCERS-3: Items 5</i>

Pest Control

Pest control refers to a variety of methods used to manage undesirable weeds, rodents, insects, fungi, and other creatures defined as pests. Certain pests can be vectors for disease, and regulators may require them to be controlled at child care facilities. However, much of the management of so-called pests in American landscapes is aesthetic and unnecessary. Misunderstanding often exists regarding beneficial, indigenous animal life that is always part of a healthy habitat and has educational value.

Careful consideration of how to control pests—and whether they need to be controlled at all—is especially important in child care OLEs and other environments serving children. Children are in closer contact with ground surfaces and plants than adults. Toddlers will taste things adults wouldn't. Children's developing bodies and brains are especially vulnerable to toxins (American Academy of Pediatrics, 2012; Grandjean, 2013; Roberts, Karr & Council on Environmental Health, 2012). A recent review of existing research published in *Pediatrics* showed children's exposure to residential herbicides was associated with significantly higher risk of leukemia (Chen, Chang, Tao, & Lu, 2015). Some pesticides also pose risks to pollinators and other wildlife. Research has shown neonicotinoid pesticides negatively impact bees (Wood & Goulson, 2017).

Prompted by the pioneering efforts of Rachel Carson, integrated pest management (IPM) was developed as a research-based approach that focuses on cultural, mechanical, and biological pest control methods. Least toxic pesticides are used and only as a last resort. Colorado State University Extension offers useful resources (<https://extension.colostate.edu/docs/pubs/garden/xcm221.pdf>). The U.S. Environmental Protection Agency also has resources (including webinars) useful for understanding what is meant by an integrated approach to pest management: <https://www.epa.gov/ipm/webinars-about-integrated-pest-management>.

Child Care Facility Licensing Rules and Regulations 8 CCR 1402-1 (Sections 2.100, 2.300, 2.600) (February 14, 2025)

§2.336(C)(11): “Flammable or combustible items must be stored in a locked area remote from the kitchen, at least three (3) feet from the furnace, hot water heater or any other heating device. These items include, but are not limited to... insecticides”

§2.336(C)(11)

Colorado Shines Quality Rating and Improvement System: Program Guide (2021), Point Structure Guide (2021) and FCCERS-3

FCCERS-3 Item 7 on health practices gives its lowest score if pesticides are sprayed in front of children (Item 2: 1.3).

FCCERS-3 Item 8 would also provide a low score on safety if toxic substances like pesticides were accessible to children (Item 8: 1.2, 3.2, 5.1, 7.1).

Shoreline Wading, Fishing, and Nature Studies	Child Care Facility Licensing Rules and Regulations 8 CCR 1402-1 (Sections 2.100, 2.300, 2.600) (February 14, 2025) §2.320(A)(11): “An admission record must be completed for each child prior to or at the time of the child’s admission and updated annually, or when any changes occur, unless otherwise specified in these rules. The admission record must include... Written authorization for special activities as defined in rule section 2.600 of the ‘Rules Regulating Special Activities.’” §2.607: “A. If a program has shoreline activities such as wading, fishing, ecology or nature studies, the program must have written policies and procedures which include staff qualifications safety requirements, and staff-to-child ratios. B. Prior to participating in shoreline activities staff members must read and be instructed on the policies and procedures. C. The staff-to-child ratio while participating in shoreline activities must be at least one to ten (1:10). Note: CDEC explained that this rule is intended for child care centers. Family child care homes must follow their specific ratios/capacities. “D. If children are permitted to wade in water that is more than twenty-four (24) inches deep, a certified lifeguard must be present and on duty. E. Before children are permitted to wade in water that is more than twenty-four (24) inches deep, swimming skills must be evaluated by properly trained swimming activity leaders. See rule section 2.606(A)(2). If determined by swimming staff, children must be wearing a United States Coast Guard approved personal flotation device sized appropriately to the activity and weight of the individual.” §2.320(A)(11), §2.607	Colorado Shines Quality Rating and Improvement System: Program Guide (2021), Point Structure Guide (2021) and FCCERS-3 FCCERS-3 Item 8 gives credit when supervision is adjusted based on relative risks (Item 8: 7.3) FCCERS-3 Item 20 notes water play must be “supervised carefully” (Item 20: 7.2). FCCERS-3 Item 25 rates provider’s “supervision of gross motor play.” A number of indicators related to Item 25 focus specifically on supervision to keep children safe and avoid injury (Item 25: 1.2, 3.2, 5.2). For example, a higher rating may be given if provider supervises “more dangerous or challenging equipment” (Item 25:3.2). <i>FCCERS-3: Item 8, 20, 25</i>
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Sun Protection	Child Care Facility Licensing Rules and Regulations 8 CCR 1402-1 (Sections 2.100, 2.300, 2.600) (February 14, 2025)	Colorado Shines Quality Rating and Improvement System: Program Guide (2021), Point Structure Guide (2021) and FCCERS-3
	§2.321(B)(11): “Topical preparations such as... sunscreen... may be administered to children with written parent and/or guardian authorization.” §2.321(D): “1. The primary provider must obtain written authorization and instructions from the parent(s) or guardian(s) for the application of sunscreen to their children's sun exposed skin prior to outdoor play, year-round. The authorization must include instructions for the application of full-spectrum UVA/UVB rating sunscreen with an SPF of thirty (30) or greater; or the use of alternative forms of sun protection approved by the parent(s) or guardian(s), which may include but is not limited to: hats, long sleeves, umbrellas, and tents. 2. The primary provider, applicant 2, equally qualified provider, qualified substitutes, or staff members must apply sunscreen, have the parent(s) and/or guardian(s) apply sunscreen, or use an alternative form of sun protection for children approved by the parent(s) or guardian(s), prior to children going outside. Sunscreen must be reapplied as directed by the product label. 3. When supplied for an individual child, the sunscreen must be labeled with the child's first and last name. 4. If sunscreen is provided by the primary provider, parent(s) and or guardian(s) must be notified in advance, in writing, of the type of sunscreen the primary provider will use. 5. Children over four (4) years of age may apply sunscreen to themselves under the direct supervision of the primary provider, applicant 2, equally qualified provider, qualified substitute, or staff member. 6. Sunscreen must not be applied to infants under six (6) months of age. Infants under six (6) months must be kept out of direct sunlight while outdoors.” §2.316(B)(24): “Use of and how often sunscreen is applied, including authorization for use of sunscreen, and how infants or children are protected from sun exposure without the use of sunscreen” must be covered in written policies (See §2.316) §2.321(D), §2.321(B)(11), §2.316(B)(24)	FCCERS-3 gives lowest rating on Item 7, “Health practices,” if “sun screen not used when needed” (Item 7:1.3) Sun protection practices generally align with 8 CCR 1402-1. <i>FCCERS-3: Item 7</i>

Supervision rules aside from ratios that may affect planning of OLEs	Child Care Facility Licensing Rules and Regulations 8 CCR 1402-1 (Sections 2.100, 2.300, 2.600) (February 14, 2025)			Colorado Shines Quality Rating and Improvement System: Program Guide (2021), Point Structure Guide (2021) and FCCERS-3
	§2.327(A): “The primary provider, applicant 2, equally qualified providers, and/or qualified substitutes must supervise all children by sight and/or sound and know the location and the activity of all children, both indoors and outdoors, at all times while they are in care.” §2.328(A): “Children must be provided a developmentally appropriate environment.” §2.328(B): “The primary provider, applicant 2, equally qualified provider, qualified substitute, and all staff members must provide for children’s appropriate care and well-being, taking into consideration the individual needs of each child.” §2.328(C): “Throughout the day, each child must have frequent, individual personal contact and attention from the primary provider, applicant 2, equally qualified provider, qualified substitute, and staff members, such as being held, rocked, taken on walks inside and outside the	family child care home, talked to, read to, and sung to” §2.328(F): “Children leaving the family child care home for school or other activities must be dressed appropriately to protect the health and safety of children for the weather.” §2.328(G): “The primary provider, applicant 2, equally qualified provider, qualified substitute, and staff members must respond promptly to the needs of a child, including, but not limited to: crying, toileting, hunger, and thirst. §2.328(H): “The primary provider, applicant 2, equally qualified provider, qualified substitute, and staff members must investigate whenever children cry and must try to verbally or physically soothe the child..” §2.328(I): “The primary provider, applicant 2, equally qualified provider, qualified substitute, and staff members must develop/provide an environment	that minimizes the risk to children from hurting themselves or each other.” §2.337(C)(2): Developmentally appropriate supervision must be provided during outdoor play §2.337(D)(1): Children must be directly and actively supervised near standing water including, but not limited to, fountains, buckets, wading pools, and animal troughs. The <i>Administrative Guide</i> clarifies: “the provider must have line of sight supervision and must not be engaged in any other activity.” §2.337(D)(2): All outdoor play areas shall frequently be surveyed and must be kept safe and free from hazardous materials or debris that could cause harm to children. (Note: This section does not include every supervision rule, including information on supervision ratios) §2.327(A); §2.328(A)-(C), (F)-(I); §2.337(C)(2), (D)(1), (D)(2)	Ratings for FCCERS-3 rate supervision in multiple categories. Indicators related to supervision and adult-child interaction unlikely to have design/planning implications are not discussed in this section. FCCERS-3 Item 7, “Health practices,” considers whether interactions with teacher are negative or positive during activities like handwashing. If a handwashing area is provided outside, consider locating it where the early childhood educators may be most likely to see and positively encourage these activities. FCCERS-3 Item 8 rates supervision for safety with the highest rating achievable if “Preschoolers and younger children are usually within sight and easy reach of provider and school-agers are checked regularly” (Item 8: 1.3, 3.3, 5.2) and “spaces used by children are generally... easy for provider to supervise even when doing routine care tasks” (Item 8: 7.2).). The highest rating is achieved if supervision is adjusted based on risks present, including supervising “climbing equipment” and other “higher risk areas” closely when they are in use (Item 8: 7.3). (Continues next page).

**Colorado Shines Quality Rating and Improvement System:
Program Guide (2021), Point Structure Guide (2021) and FCCERS-3**

FCCERS-3 Item 11, “Responding to children’s communication” rates providers communications with children during the observation. While it does not lay out specific requirements for any environment and bases its evaluation on communication observed, its notes for clarification state: “In order to respond to children’s communication, the provider must frequently be close enough that the children can communicate with her easily. This is especially true for non-mobile children but even for mobile children the provider should be observed circulating around the space in order to be close enough to perceive children’s communication attempts... If the provider cannot see the children well enough to supervise them, then it is also unlikely that she will be able to respond to the children’s attempts to communicate” (p. 36). Providing opportunities for the provider to circulate and have sightlines to communicate with children as they do would seem to facilitate higher scores on this item.

FCCERS-3 Item 25 rates provider’s “supervision of gross motor play.” A number of items focus on supervision aimed at keeping children safe and avoiding injury (Item 25: 1.2, 3.2, 5.2). For example, a higher rating may be given if provider supervises “more dangerous or challenging equipment” (Item 25:3.2). Additionally, higher ratings are achieved when a provider “helps children use more challenging equipment” (Item 25:7.2). So, this may effect how you choose to locate such equipment and provide sightlines to it. The same indicators also

discuss supervising wheeled toy play to avoid collisions between children and between children and other “obstacles” (Item 25; 5.2), which may encourage sightlines to pathways used for wheeled toy play, as well as wider, looping paths with limited obstacles directly adjacent to them and fewer opportunities for conflict.

FCCERS-3 Item 26 rates supervision of play and learning that does not involve gross motor activities—which the item defines to include art, sand play, and fine motor play outdoors. It gives credit for when “provider generally circulates among children who are in free play” (Item 26:1.3, 3.3, 5.5). Whether design (of features like pathways) would be useful to facilitate this may depend on the provider and their sensibilities and abilities. The item’s indicators also encourage supervision that “is adjusted appropriately for different ages and abilities (Ex: younger or more impulsive children are usually within sight and easy reach)” (Item 26:1.1, 3.1, 5.1). Younger is not defined but likely refers to infants and toddlers here. This could have implications for how settings are located and where sightlines are most necessary.

FCCERS-3 Item 28. To score “good” or higher on this item, “the provider must encourage gentle touches when children are being rough with one another” (Item 28:5.3). So, if any play settings or materials might be expected to encourage rougher play (e.g. a space base with toy lightsabers), sightlines to provide such supervision would be desirable.

FCCERS-3 Item 29 is focused on “guiding children’s behavior” and **FCCERS-3 Item 30** is focused on “interactions among children.” Both may provide credit for having duplicates of the same toy or similar toys (Item 29:7.1; Item 30: 5.3).

FCCERS-3 Item 30 gives credit for opportunities “for children to play alone or in small groups with little if any interference from other children,” including protecting older children’s play from more impulsive younger children (Item 30: 1.3, 3.3, 5.3).

FCCERS-3 Item 32 gives credit for provider’s facilitation of free play and positive interactions with children during free play (Item 32: 1.2, 3.2, 5.3, 7.2, 7.3). It gives credit for providers’ maintenance of play settings to facilitate free play (e.g. picking up and organizing toys “as needed”) (Item 32: 3.4).

FCCERS-3: Item 7, 11, 25, 26, 28, 29, 30, 32

Child Care Facility Licensing Rules and Regulations
8 CCR 1402-1 (Sections 2.100, 2.300, 2.600)
(February 14, 2025)

§2.320(A)(11): “An admission record must be completed for each child prior to or at the time of the child's admission and updated annually, or when any changes occur, unless otherwise specified in these rules. The admission record must include... Written authorization for special activities as defined in rule section 2.600 of the ‘Rules Regulating Special Activities.’”

§2.337(A)(9)(a): “With written permission of the parent(s) or guardian(s), children in care may be permitted to use the permanent pool in the presence of an adult who holds a current Red Cross basic lifeguarding certificate or equivalent, and is actively responsible for lifeguarding protection.” The *Administrative Guide* adds that: “Approval for use of the pool must be listed as a condition of the child care license.”

§2.606: “A. Qualifications:

1. The swimming instructor must meet the following qualifications:
 - a. Hold a current Red Cross lifeguard training certificate or equivalent training certificate from a nationally recognized organization.
 - b. Ten (10) hours of documented experience indicating knowledge and skill in lifeguarding.
 - c. If the child care program is offering swimming instruction, the swimming instructor must hold a current Red Cross water safety instructor certificate or equivalent certificate from a nationally recognized organization.

2. Swimming activity leaders must be at least eighteen (18) years of age and meet the following qualifications:

- a. Hold a current Red Cross lifeguard training certificate or equivalent certificate from a nationally recognized organization; and,
- b. Must be trained as outlined in rule section 2.605(F)(1) by a swimming instructor.

B. At any time the swimming area is open, there must be an individual with a current Red Cross lifeguard training certificate or equivalent training certificate from a nationally recognized organization present at the swimming area for each thirty (30) children in the water.

C. The staff-to-child ratio while swimming must be one to ten (1:10).

1. The swimming instructor or activity leaders do not count in the staff-to-child ratio for supervision of children.” [NOTE: CDEC advised us this rule is for a child care center that has higher ratio. Family child care homes must follow their specific ratios/capacities]

“D. The swimming area must be off limits when the swimming instructor or swimming activity leaders are not present.

E. If the program uses a pool for which they are not responsible, the program must provide a qualified lifeguard if the pool does not provide one.

F. Swimming area rules and emergency procedures must be posted in a visible location at the swimming area.

G. The swimming pool or swimming area shall meet the standards of the Colorado Department of Public Health and Environment (CDPHE), as defined in 5 CCR 1003-5 (December 15, 2020), herein incorporated by reference. No later editions or amendments are incorporated. These regulations are available from the Colorado Department of Public Health and Environment at no cost at <http://bit.ly/407n4Sv> . These recommendations are also available for public inspection and copying at the Colorado Department of Early Childhood, 710 S. Ash St., Denver, CO 80246, during regular business hours.

H. If children are permitted to swim in a lake or pond, swimming areas must be clearly designated.

§2.320(A)(11), §2.337(A)(9)(a), §2.606

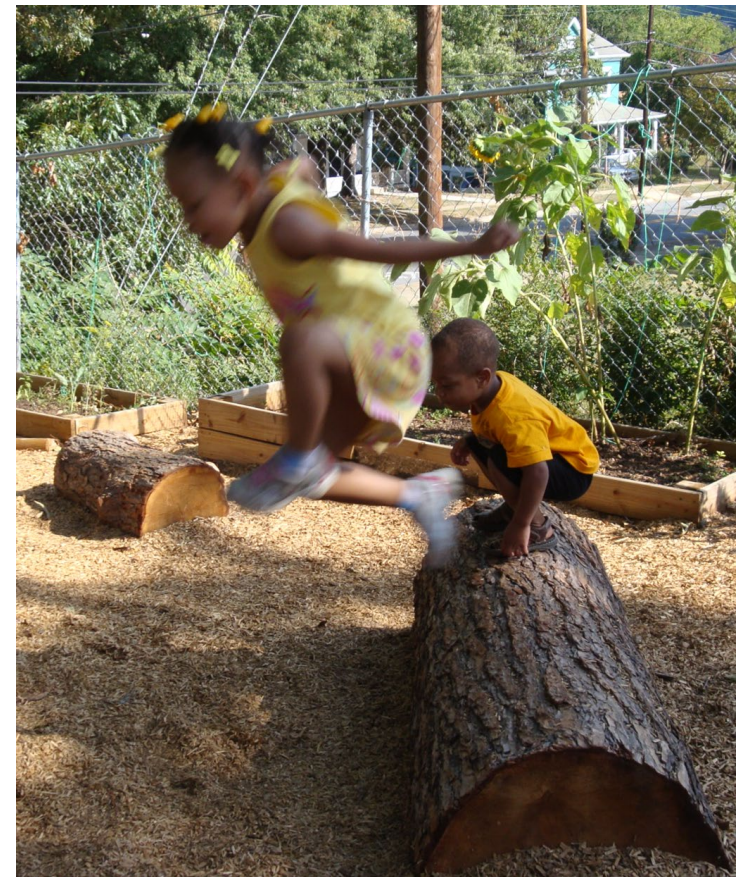
**Colorado Shines Quality Rating and Improvement System:
Program Guide (2021), Point Structure Guide (2021) and
FCCERS-3**

FCCERS-3 Item 8 gives credit for when supervision is adjusted based on relative risks (Item 8: 7.3)

FCCERS-3 Item 20 notes water play must be “supervised carefully” (Item 20: 7.2).

FCCERS-3 Item 25 rates provider’s “supervision of gross motor play.” A number of indicators related to Item 25 focus specifically on supervision to keep children safe and avoid injury (Item 25: 1.2, 3.2, 5.2). For example, a higher rating may be given if provider supervises “more dangerous or challenging equipment” (Item 25:3.2).

FCCERS-3: Item 8, 20, 25



Above: Natural features like lawn-covered mounds can facilitate gross motor activity in an outdoor learning environment. **Right: Left:** A log may be used for sitting, balancing or jumping off of. Logs are discussed in the section on stationary natural features.



Beyond the Licensed Space

8

Child Care Facility Licensing Rules and Regulations 8 CCR 1402-1 (Sections 2.100, 2.300, 2.600) (February 14, 2025)

§2.337(C)(4): “Children must wear protective equipment when riding a scooter, bicycle, balance bike, skateboard, or roller-blades.” Protective equipment means the use of “protective head equipment” (§2.304(A)(66).

§2.316(B)(11): “[W]ritten policies and procedures must be developed, implemented and followed... and must include at minimum the following information... How and by whom children are supplied with appropriate clothing and equipment necessary to participate in indoor and outdoor activities, including activities that require protective equipment.”

§2.320(A)(11): “An admission record must be completed for each child prior to or at the time of the child’s admission and updated annually, or when any changes occur, unless otherwise specified in these rules. The admission record must include... Written authorization for special activities as defined in rule section 2.600 of the ‘Rules Regulating Special Activities.’”

§2.615: Biking on Public Roads or Mountain Trails

“If Children’s Resident Camps, School-Age Child Care Centers, or Neighborhood Youth Organizations offer bicycling trips, the following rules must be complied with:

A. Staff Qualifications

1. The biking instructor must meet the following qualifications:
 - a. Hold a current Department-approved First Aid certification; and

- b. Six (6) hours of documented experience indicating knowledge and skill in biking specific to the biking activities taking place, and must be familiar with state laws about bicycling; be knowledgeable about the type of bicycling terrain where the bicycle trips will occur; know how to make simple bicycle repairs; how to properly fit a bike and select necessary equipment; and have documented experience of engaging in the activity within the past two (2) years.

2. Biking activity leaders must be at least eighteen (18) years of age and meet the following qualifications:

- a. Hold a current Department-approved First Aid certification; and
- b. Biking activity leaders must be trained as outlined in rule section 2.605(F)(1) by a biking instructor; and c. Three (3) hours of experience specific to the biking activities taking place.

3. Biking Staff must be at least sixteen (16) years of age and meet the following qualifications:

- a. Must be trained as outlined in rule section 2.605(F)(1) by a biking instructor; and
- b. One and a half (1.5) hours of experience specific to the biking activities taking place.

B. Supervision and Ratios

1. For every eight (8) bikers there must be at least one (1) biking instructor or biking activity leader present.” (Note: CDEC advised: This rule is intended for resident camps and school age programs. The ratio would not change for FCCH providers.)

2. At least two (2) biking staff must accompany a group while biking. One (1) must be a biking activity leader.

3. Biking groups may divide up as long as bikers are always with one (1) activity leader and activity leaders are in visual, verbal or electronic (radio or wireless communication) contact with each other.

C. The program must have written safety procedures of bike trips, including the written policies for evacuating a child that becomes sick or injured on a bike trip. Staff and children must be trained on the safety procedures and policies.

D. Each rider shall wear head protection specifically designed for the type of biking activity according to ASTM F1447-18 standards while riding as defined and explained by ASTM international at <https://www.astm.org/f1447-18.html> (June 25, 2018), herein incorporated by reference. No later editions or amendments are incorporated. These resources are available at no cost from ASTM International at ASTM.org. These resources are also available for public inspection and copying at the Colorado Department of Early Childhood, 710 S. Ash St., Denver, CO 80246, during regular business hours.

E. The bicycle shall be equipped with brakes in working condition. Bicycles must be properly maintained, inspected prior to each bicycling trip, and adjusted to the size of the child riding the bicycle.

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F. Equipment must be maintained and replaced per manufacturers' recommendations.

G. If the program allows children to use their own bicycles the biking staff or supervisor must inspect the bike to verify that the bicycle is appropriate for the activity, in good condition, properly maintained, and adjusted to the size of the child riding the bicycle prior to participating.

H. An appropriate bicycle repair kit must be taken on each trip.

I. The biking supervisor or staff must instruct children as to emergency procedures, safe riding practices, and road and trail etiquette.

J. The biking supervisor or staff shall evaluate each child as to their physical capability to participate in the planned bicycling trip, keeping in mind the trip length, terrain, altitude of the trip, and weather conditions.

K. An itinerary of the biking trip and a list of all participants on the biking trip must be kept at the program."

\$2.605 (B): "There shall be written policies and procedures that reflects the purpose of the program, including a list of activities. The policies and procedures must be provided to parents or guardians."

\$2.605 (C): "Parents must be given the opportunity to indicate to a program whether they do not want their child to participate in a special activity.

\$2.605 (F): "The instructor for each special activity must be at least eighteen (18) years of age (unless otherwise defined in this rule section and is responsible for overseeing the special activity, as well as setting standards for the selection and training of activity leaders and staff.

1. The qualified instructor of each special activity must:

a. Provide annual training and orientation for all staff participating in the activity in the operating, safety, emergency, and supervision procedures of the activity.

1. Documentation of training must include the following:

(a) Title of training.

(b) Date and clock hours of training.

(c) The name or signature of the trainer, or other approved method of verifying the identity of trainer or entity.

b. Assign duties to activity leaders and staff members.

c. Assure that all necessary equipment is complete, in good repair, and safe to use.

d. Assure that environmental hazards are not severe enough to cause danger to children."

\$2.605(G): "Safety plans and rules shall be reviewed with participants at the beginning of each activity."

\$2.605(H): "All staff must be familiar with safety plans and rules for each activity they will be supervising."

\$2.605(I): "First Aid supplies shall be available at each special activity. The contents of each kit shall be adequate for the number of children and appropriate for the type of activity."

\$2.605(J): "The staff to child ratio for each type of program must be followed according to rules for that license type unless the ratio is different for the specified activity, in which case the activity staff to child ratio should apply. See rule sections 2.500 regulating School-Age Care Centers, 2.200 regulating Child Care Centers, 2.400 regulating Children's Resident Camps, and 2.300 regulating Family Child Care Homes."

\$2.605(K): "There must be a staff member with current Department-approved First Aid and CPR training at each activity location.

1. If any activity is more than thirty (30) minutes from emergency medical services, at least one (1) staff member with the group must hold a current Wilderness First aid Training certification."

\$2.605(L): "If a child requires medication while away from the program, there must be at least one (1) staff member present with the group with current Department-approved medication administration training who has been delegated by a registered nurse or physician to administer medications. The program must not exclude children with health conditions requiring medications from participating in these activities.

1. For family child care homes participating in special activities rule section 2.321(C)(2) regarding medication administration and mediation delegation apply."

Child Care Facility Licensing Rules and Regulations 8 CCR 1402-1 (Sections 2.100, 2.300, 2.600) (February 14, 2025)	Colorado Shines Quality Rating and Improvement System: Program Guide (2021), Point Structure Guide (2021) and FCCERS-3
§2.605(M): “No child shall be forced to participate in any activity.” §2.605(O): “The program must have a plan to address emergency situations while participating in the activity.” §2.605(P): “A qualified staff member must be present supervising observers at the activity site and maintaining the ratios as defined at the specific ruleset the program is licensed as.” §2.316(B)(11), §2.320(A)(11), §2.337(C)(4), §2.605(B, C, F-P), §2.621	Providing a group activity that children cannot opt out of, could lead to an inadequate rating on FCCERS-3 Item 33 (Item 22: 1.1, 5.1). If you provide children an opportunity to bike outside the OLE in a group, you may consider how you might provide ways to opt out of this group activity.

Field Trips to Natural Parts of Property Outside Licensed Space

Child Care Facility Licensing Rules and Regulations 8 CCR 1402-1 (Sections 2.100, 2.300, 2.600) (February 14, 2025)

No rule prevents providers from preserving a part of the property outside of the enclosed licensed space in a naturalized state and taking children there on regular field trips or excursions.

§2.316(B)(13)-(14): “The written policies and procedures must be developed, implemented and followed... and must include at a minimum the following information...

13. Field Trips and Excursions

a. Scheduled field trips and excursions away from the family child care home require advanced notice by written or electronic methods, which must include: locations, estimated times of attendance, and a phone number to contact the family child care home provider during the trip; and written permission from the parent(s) or guardian(s) for each scheduled trip or excursion.

b. Unscheduled field trips or excursions away from the family child care home require notification upon departure to the parent(s) or guardian(s) via written or electronic methods, which must include: locations, estimated times of attendance, and a phone number to contact the family child care home provider during the trip.

c. Routine field trips and excursions, such as daily transportation provided by the family child care home to and/or from care, require annual authorization by written or electronic methods, which must include departure and arrival times

to and from the family child care home; and pick up and drop off times and locations.”

14. Transportation availability, vehicle restraint requirements, and seating capacities”

§2.320(A)(9): “An admission record must be completed for each child prior to or at the time of the child's admission and updated annually, or when any changes occur, unless otherwise specified in these rules. The admission record must include ... Written authorization for field trips and excursions can occur on a daily, weekly, monthly, or seasonal basis.

a. Scheduled field trips and excursions away from the family child care home require advanced notice by written or electronic methods, which must include: locations, estimated times of attendance, and a phone number to contact the family child care home provider during the trip; and written permission from the parent(s) or guardian(s) for each scheduled trip or excursion.

b. Unscheduled field trips or excursions away from the family child care home require notification upon departure to the parent(s) or guardian(s) via written or electronic methods, which must include: locations, estimated times of attendance, and a phone number to contact the family child care home provider during the trip.

c. Routine field trips and excursions, such as daily transportation provided by the family child care home to and/or from care, require annual authorization by written or electronic methods, which must include departure and arrival times to and from the family child care home; and pick up and drop off times and locations.”

§2.324(A)(2)(c)(5): “Primary providers, applicant 2, equally qualified providers, qualified substitutes, staff members, and children toddler-aged and older must wash their hands... after... Coming in from outdoors” (See p. 140 for more information on handwashing).

§2.337(C)(3): Children playing in an unfenced area or any other outdoor play area outside of the approved fenced play area must be under direct supervision at all times.

§2.316(B)(13-14); §2.320(A)(9);
§2.324(A)(2)(c)(5); §2.337(C)(3)

Colorado Shines Quality Rating and Improvement System: Program Guide (2021), Point Structure Guide (2021) and FCCERS-3

FCCERS-3 Item 20 “Nature/ science” gives credit for experiences of the natural world outdoors, including when children “go for walk” or go to a park or other natural area during the observation period (Item 20: 3.2, 5.2). Providers’ interactions with children related to nature and science are also considered. (Item 20: 1.3, 3.3, 5.4, 7.3, 7.4). These could occur outside the licensed space in situations where a provider is not able to provide access to living plants or animals in the designated OLE.



Appendices

9

Interview Participants and Reviewers

Our grateful thanks to the following individuals for participating in interviews related to the original report and/or reviewing an early draft of the guide in 2018.

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Winchester, P., Kendall, K., Peters, H., Sears, N., & Winkley, T. (2002). The effect of therapeutic horseback riding on gross motor function and gait speed in children who are developmentally delayed. *Physical & occupational therapy in pediatrics*, 22(3-4), 37-50.

Resources

State Requirements for Colorado's Family Child Care Homes

Department of Early Childhood, Division of Early Learning, Licensing, and Administration
8 CCR 1402-1 2.100 General Rules for Child Care Facilities by Colorado Department of Early Childhood (2023, December 15):
<https://drive.google.com/file/d/1gS25OpPw-QHStsxWN87-L0dad7jyWyb/view>

Department of Early Childhood, Division of Early Learning, Licensing, and Administration
8 CCR 1402-1 2.300 Rules Regulating Family Child Care Homes by Colorado Department of Early Childhood (2025, February 14):
<https://drive.google.com/file/d/1xmg1EIOcuFDvBA5vPRAM03XfJtV-xo/view>

Department of Early Childhood, Division of Early Learning, Licensing, and Administration
8 CCR 1402-1 2.600 Rules Regulating Special Activities by Colorado Department of Early Childhood (2025, February 14):
<https://drive.google.com/file/d/15skd7xOtCBpS7yKyRM71HflxhBjIMO-J/view>

2010 ADA Standards for Accessible Design by U.S. Department of Justice (2010):
<https://www.ada.gov/regs2010/2010ADASTandards/2010ADASTandards.htm>

References for Interpreting State Requirements for CO Child Care Facilities

Administrative for Special Activities by Colorado Department of Early Childhood (2025): <https://docs.google.com/document/d/1wHV61b1KepWySmrOY3Dq6GgUklhR1CzDwhCUDkQnk0/edit?tab=t.0>

Administrative Guide: Rules Regulating Family Child Care Homes by Colorado Department of Early Childhood (2024):
<https://docs.google.com/document/d/1yftartJkMTudmD9Xa5VEmzJQJ-aKAUhvykYIyZ-RePE/edit?tab=t.0>

ASTM F1951 – 21: Standard Specification for Determination of Accessibility of Surface Systems Under and Around Playground Equipment. West Conshohocken, PA: ASTM International: <https://compass.astm.org/content-access?contentCode=ASTM%7CF1951-21%7Cen-US>

Guidance on the 2010 ADA Standards for Accessible Design by U.S. Department of Justice (2010): <https://www.ada.gov/regs2010/2010ADASTandards/Guidance2010ADASTandards.htm>

Food Safety for Vegetable Gardens: Tips for Schools, Child Care and Long Term Care Facilities by Colorado Department of Public Health and Environment (2018):
https://www.colorado.gov/pacific/sites/default/files/DEHS_IEPU_FoodSafetyGardens_Jan2018.pdf

Interpretive Memo No. 14-08: Determining 'Approved Source' for Raw, Uncut Fruits and Vegetables by Colorado Department of Public Health and Environment (2014):
https://www.colorado.gov/pacific/sites/default/files/DEHS_RetailFood_IM1408_ProduceSuppliers.pdf

Public Playground Safety Handbook by U.S. Consumer Product Safety Commission (2025):
<https://www.cpsc.gov/Playground-Handbook>

Voluntary Guidelines Tied to Ratings and Public Funding for CO Child Care Facilities

Colorado Shines Quality Rating and Improvement System (QRIS) Program Guide by Colorado Department of Early Childhood (2021). Retrieved from:
https://drive.google.com/file/d/10-MyvrZUyOSa_YGfOcJUY6vc-3wml9wu/view.

Colorado Shines Quality Rating and Improvement System (QRIS) Point Structure Guide by Colorado Department of Early Childhood (2021). Retrieved from: <https://drive.google.com/file/d/189UdZVL-aPUaao0ZISK20UZAT78x1WLn/view>.

Family Child Care Environment Rating Scale: Third Edition. By Thelma Harms, Debby Cryer, Richard M. Clifford & Noreen Yazejian (2019). (Print publication available from Teachers College Press.)

FCCH Evidence Document by Colorado Department of Early Childhood (2025). *FCCH Evidence Document*. Retrieved from: https://docs.google.com/spreadsheets/d/1W_3qoUfBdlkpitDFmJD5IUPyyj6K41A2/edit?gid=2116378434#gid=2116378434.

Additional Resources Referred to in FCCERS-3 That May Inform Rating

ASTM 1148 – 24 Standard Consumer Safety Performance Specification for Home Playground Equipment by ASTM International (2024): <https://compass.astm.org/content-access?contentCode=ASTM%7CF1148-24%7Cen-US>.

ASTM F1487 – 25 Standard Consumer Safety Performance Specification for Playground Equipment for Public Use by ASTM International (2025). <https://doi.org/10.1520/F1487-25>.

ASTM 2373 – 24 Standard Consumer Safety Performance Specification for Public Use Play Equipment for Children 6 Months through 23 Months by ASTM International (2025). <https://compass.astm.org/content-access?contentCode=ASTM%7CF2373-24%7Cen-US>.

Caring for Our Children: National Health and Safety Performance Standards and Guidelines for Early Care and Education Programs, Fourth Edition by American Academy of Pediatrics, American Public Health Association, and National Resource Center for Health and Safety in Child Care and Early Education (2019): https://s3.amazonaws.com/elib-prod/files/pubs/CFOC4%20pdf-%20FINAL_small.pdf

Playground Safety Reference Guide to Use with ERS (2025, October) by ERSI Environment Rating Scales Institute https://www.ersi.info/files/ugd/83d677_71dec43d32d342f1b99efaab38725a03.pdf

Grants for Child Care OLEs

Contact your local water authority to learn if grants are available for converting water intensive turf areas into low-water plantings, creating rain gardens, or implementing other water conserving measures.

Health and Wellness Benefits

Associated with Access to Nature

American Public Health Association Policy Statement: *Improving Health and Wellness Through Access to Nature*: <https://www.apha.org/policies-and-advocacy/public-health-policy-statements/policy-database/2014/07/08/09/18/improving-health-and-wellness-through-access-to-nature>.

Chawla, Louise (2015). Benefits of nature contact for children. *Journal of Planning Literature*, 30(4), 433-452. Doi: <https://doi.org/10.1177/0885412215595441>.

The Great Outdoors: Advocating for Natural Spaces for Young Children by Mary Rivkin and Deborah Schein (2014). Book published by the National Association for the Education of Young Children.

Nature Education

Bringing School to Life: Place-Based Education Across the Curriculum by Sarah K. Anderson (2017). Book published by Rowman and Littlefield.

The Coombes Approach: Learning through an Experiential and Outdoor Curriculum by Susan Rowe and Susan Humphries (2012). Book published by Bloomsbury Publishing.

Into the Field: A Guide to Locally Focused Learning by Claire Leslie Walker, John Tallmadge, and Tom Wessels (1999). Book published by Orion.

Learning is in Bloom: Cultivating Outdoor Explorations by Ruth Wilson (2016). Book published by Gryphon House.

Nature and Young Children: Encouraging Creative Play and Learning in Natural Environments (3rd Ed) by Ruth Wilson (2018). Book published by Routledge.

Nature Education edited by Daniel R. Meier and Stephanie Sisk-Hilton (2013). Book published by Routledge.

Small Wonders: Nature Education for Young Children by Garrett, Linda and Thomas, Hannah (2005). Book published by Vermont Institute of Natural Science.

Designing Places for Nature Play and Learning at Child Care Facilities and School Grounds

Asphalt to Ecosystems: Design Ideas for Schoolyard Transformation by Sharon Gamson Danks (2010). Book published by New Village Press.

Caring Spaces, Learning Places: Children's Environments that Work by Jim Greenman (2017). Book published by Exchange Press.

Green Schoolyards America
<http://www.greenschoolyards.org>

Evergreen (Canada)
<https://www.evergreen.ca/tools-publications/?subject=286&type=291&page=1>

International School Grounds Alliance
<http://www.internationalschoolgrounds.org>

Learn and Play Out: How to Develop Your Primary School's Outside Space by Learning Through Landscapes (2013). Book published by David Fulton Books.

Learning Through Landscapes (U.K.)
<https://www.ltl.org.uk/>

Learning with Nature Idea Book: Creating Nurturing Outdoor Spaces for Children by Nature Explore, a collaborative project of Arbor Day Foundation and Dimensions Educational Research Foundation (2007). Book published by Arbor Day Foundation.

Natural Learning: The Live History of an Environmental Schoolyard by Robin C. Moore and Herb H. Wong (1997). Book published by MIG Communications.

Natural Learning Initiative:
<https://naturalearning.org/>

Natural Playscapes by Rusty Keeler (2008). Book published by Exchange Press.

Nature Play and Learning Places: Creating and Managing Places where Children Engage with Nature by Robin C. Moore with Allen Cooper (2014).

Play for All Guidelines—Planning, Design and Management of Outdoor Play Settings for All Children by Robin Moore, Susan Goltsman, and Daniel Iacofano (1992). Book published by MIG Communications.

Playing Outdoors: Spaces and Places, Risk and Challenge by Helen Tovey (2007). Book published by McGraw Hill/Open University Press.

Seasons of Play by Rusty Keeler (2016). Book published by Gryphon House.

Managing Risks Related to Natural and Naturalistic Features in OLEs

Chapter 6 of *Nature Play and Learning Places: Creating and Managing Places where Children Engage with Nature* by Robin C. Moore with Allen Cooper (2014).

FireWise Plant Materials—6.305 by F. C. Dennis, Colorado State University Extension (2012): <http://extension.colostate.edu/topic-areas/natural-resources/firewise-plant-materials-6-305/>

Get a Heads Up on Equestrian Helmet Safety, Centers for Disease Control and Prevention, https://www.cdc.gov/headsup/pdfs/helmets/headsup_helmetfactsheet_equestrian_508.pdf

Submersions Related to Non-Pool and Non-Spa Products, 2012 Report by Kevin Gipson for the U.S. Consumer Product Safety Commission: <https://www.cpsc.gov/~link/a41131e1b6754605a61c25ea73a86389.pdf>

Managing Risk Related to Playground Equipment

ASTM F1487-17: Standard Consumer Safety Performance Specification for Playground Equipment for Public Use: https://compass.astm.org/EDIT/html_annot.cgi?F1487+17

ASTM F2223-15: Standard Guide for ASTM Standards on Playground Surfacing (2015): <http://dx.doi.org/10.1520/F2223-15>.

ASTM F2373-11 (2017): Standard Consumer Safety Performance Specification for Public Use Play Equipment for Children 6 Months through 23 Months by ASTM International (2017): [https://compass.astm.org/EDIT/html_annot.cgi?F2373+11\(2017\)](https://compass.astm.org/EDIT/html_annot.cgi?F2373+11(2017))

Public Playground Safety Handbook (2025) by U.S. Consumer Product Safety Commission: <https://www.cpsc.gov/Playground-Handbook>.

Planting to Encourage Play

Plants for Play: A Plant Selection Guide for Children's Outdoor Environments by Robin C. Moore (2002). Book published by MIG Communications.

Planting for Fire Resistance

FireWise Plant Materials—6.305 by F. C. Dennis, Colorado State University Extension (2012): <http://extension.colostate.edu/topic-areas/natural-resources/firewise-plant-materials-6-305/>

Planting Rain Gardens

Building a Rain Garden in Colorado by Colorado Stormwater Center, Colorado State University (2014): <http://stormwatercenter.colostate.edu/wp-content/uploads/2013/05/Colorado-Rain-Garden-Guide1.pdf>

Planting for Pollinators/Wildlife

Bringing Nature Home: How You Can Sustain Wildlife with Native Plants by Douglas W. Tallamy. Book published by Timber Press.

Native Plant Finder by National Wildlife Federation (for finding native plants that support native butterflies and moths): <http://www.nwf.org/NativePlantFinder/>

Native Plants Database by the Lady Bird Johnson Wildflower Center (national database with 9,380 native plants that can be searched by state, habit, light and moisture requirements, height, and bloom time/color): <https://www.wildflower.org/plants/>

Colorado Native Plant Society Resources for Gardening with Native Plants (including local resources for low water landscapes): <https://conps.org/gardening-with-native-plants/>

The Living Landscape by Rick Darke and Doug Tallamy (2016). Book published by Timber Press.

Shade Planning

Shade Planning for America's Schools, developed for the Centers for Disease Control and Prevention by ORC Macro (2008): https://www.cdc.gov/cancer/skin/pdf/shade_planning.pdf

Sustainable Landscape Design

Sustainable Sites Initiative <http://www.sustainablesites.org/projects>

U.S. Environmental Protection Agency Resources on Low Impact Development <https://www.epa.gov/polluted-runoff-nonpoint-source-pollution/urban-runoff-low-impact-development>

