Kansas Administrative Regulations

Department of Health and Environment

Article 4.—Maternal and Child Health—Child Care Centers and Preschools.

28-4-437. Child care centers: outside area.

(a) Each child care center shall have at least 60 square feet of outdoor play space on the premises for each child using the space at a given time. The total outdoor space shall accommodate not less than one-half of the licensed capacity, or shall include a minimum of 750 square feet, whichever is greater.

(b) The boundaries of outdoor play space shall be enclosed with a fence not less than four feet high.

(c) The outdoor play space shall be located to provide both sunshine and shade.

(d) The outdoor play space shall be well drained and free of hazards.

(e) Outdoor play equipment that is safely constructed and in good repair shall be available and placed in an area free of health, safety, and environmental hazards.

(f) Children shall not be allowed access to a trampoline.

(g) Climbing equipment and swings shall be either anchored in the ground with metal straps or pins or set in cement to prevent movement of the equipment and swings.

(h) All surfaces under and around climbing equipment and swings shall meet the following requirements:

(1) Impact-absorbent surfacing material shall be installed in each use zone under and around anchored equipment over four feet in height, including climbing equipment, slides, and swings.

(2) Impact-absorbent surfacing material shall consist of material intended for playground use, including shredded bark mulch, wood chips, fine sand, fine gravel, shredded rubber, unitary surfacing material, or synthetic impact material.

(3) Hard-surfacing materials including asphalt and concrete shall not be used in any use zone. Hard-packed dirt shall be covered with an impact-absorbent surfacing

material as specified in paragraph (h)(2). This requirement shall apply regardless of the height of the climbing equipment, slides, and swings.

(4) Surfaces made of loose material shall be maintained by replacing, leveling, or raking the material.

(i) Swings shall not have wooden or metal seats.

(j) Teeter-totters and merry-go-rounds designed for school-age children shall not be used by children under five years of age.

(k) Sandboxes shall be maintained in a safe and sanitary condition.

(l) The play area shall be arranged so that staff can actively supervise each child at all times.

(m) Staff shall actively engage in the supervision of children utilizing the play area.

(n) Each child shall have access to outdoor equipment and materials in sufficient quantity to allow for at least one self-led activity appropriate to the child's age level.

(o) There shall be bathroom facilities accessible to the play area.

(Authorized by K.S.A. 2025 Supp. 65-508; implementing K.S.A. 2025 Supp. 65-508 and K.S.A. 2025 Supp. 65-539; effective May 1, 1983; amended May 1, 1984; amended Aug. 2, 2024; amended Sept. 4, 2026.)

***** Authenticated Kansas Administrative Regulation *****