

Recommendations

Playground Injury Exercise

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The Colorado Governmental Immunity Act (CGIA) was enacted to shield taxpayers from increased taxes by limiting tort lawsuits against public entities. However, the immunity granted by the CGIA can be waived in certain situations. One waiver of immunity applies to a dangerous condition of a public facility located in a park or recreation area maintained by a public entity.

In 2014, the Colorado Supreme Court ruled that an entire playground, considered as a whole, can qualify as a public facility under the CGIA. And in 2017, the Colorado Supreme Court held that a non-negligently constructed and maintained piece of playground equipment cannot be a “dangerous condition” under the CGIA. As a result, schools have increased liability exposure related to the maintenance and safety of their playgrounds, and proper installation, inspection, and maintenance of playground equipment are imperative to ensuring a safe environment and preserving immunity under the CGIA, thereby limiting Member exposure.

Playground Inspections - Your playground and equipment should be inspected daily. Do a quick visual sweep to ensure that trash and debris are removed. Schools should keep playgrounds in good condition by inspecting and maintaining the equipment throughout the year. Any conditions that are unsuitable should be reported to the maintenance department immediately and affected areas may be restricted from use.

Supervision - While it is impossible to completely prevent accidents from occurring on playgrounds, good supervision can help reduce the risk of injury. Establish supervision guidelines, rules, and procedures to help overcome the challenge of controlling the play environment. Watch for unsafe behavior such as standing on a slide. It is important for students to know the playground rules and why they are being enforced. There should be an adequate amount of supervision to allow for response to an injury without leaving other students unsupervised.