



Written by [Lenore Skenazy](#) on September 1, 2023

## The Lawyer on the Playground

“Welcome! Play Safe” reads the sign at a Fairfax County Public School playground in Virginia just outside of Washington D.C. It goes on to list a few simple rules — 21, by my count.

First off, the playground should never be used when it’s frozen. Or wet.

There can be no climbing on things like the safety rails (which are... fences?). And kids must not wear any clothing with drawstrings, hoods or toggles when playing — because these could get caught on something. (Ponytails seem grandmothered in.)



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On the slide, children must “take turns,” “sit in an upright position,” and “not climb.” There also must be “No loitering at slide entry or exit.”

Loiter not, little ones!

While she has seen this same sign at a playground for kids ages 6-12, Katie Courtney, a 32-year-old mom of four who brought this sign to my attention, says: “This is literally a playground that’s for 2- to 5-year-olds.” The slide there is about “as tall as an adult.”

Nonetheless, when a child gets up to the top, legally they must hustle their butt right down. This disturbs Courtney, who has her master’s in education and used to teach pre-school.

“Part of the fun of being on the playground is that for three seconds you’re at the top of the slide — you have one moment of being in charge.” And if another kid is right behind you? “How hard is it for a 4-year-old to negotiate, ‘You need to move! You’re blocking everyone else!’?”

Without legal counsel? That’s crazy.

Still, the slide rules (as it were) pale in comparison to the rules for the monkey bars and rings. Kids are not allowed to sit or walk on the monkey bars, nor can they “skip rings or rungs.”

The preschool teacher in Courtney cannot tolerate this. If kids feel ready to skip a ring or rung, she says, they should be allowed to go for it.

“It gives them some confidence in their decision-making,” she says. Force kids to follow rules like that, “and you think you’re protecting your 4-year-old from getting hurt, then all of a sudden you have a 17-year-old who doesn’t know how to make a decision. People my age — 20 to 30 — are having tons of mental health problems. It’s got to be because they haven’t had years of making these tiny little decisions.”

Deciding how to play on the swings is also not left to the little ones. The rules state there can be only one child at a time, they must “sit in an upright position,” and there is to be no “twirling.” Can they jump off?



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Guess.

When she was teaching in D.C., Courtney says, her pre-school had a penchant for rules, too. Kids were there almost 9 hours a day, and about 33% were homeless. Recess was one hour.

Behind the playground was a small, fenced-in area with about 20 trees. No one could run out or sneak in. Nonetheless, each day a teacher was posted there to keep the kids from entering.

Courtney pleaded that kids learning about trees in the classroom should be able to touch them in real life. Eventually, she won!

Can she win on her local playgrounds? I reached out to Fairfax County to ask when and why the signs were erected but did not hear back.

Tony Christopher, executive director of the National Institute for Play, said playgrounds post these signs hoping to “mitigate the liability of the entity responsible for the playground (school, municipality, etc.) in the event they are sued.”

Boston College psychology professor Peter Gray, an expert on free play and co-founder with me of Let Grow, has seen such signs at several playgrounds. “The only restriction that needs to be added to make them complete is ‘No Playing.’”

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