

Date of Hearing: April 22, 2026

ASSEMBLY COMMITTEE ON EDUCATION
Darshana R. Patel, Chair
AB 2241 (Boerner) – As Amended March 19, 2026

SUBJECT: School facilities: inclusive school playgrounds

SUMMARY: Establishes the Inclusive Playground Advisory Committee (Committee) within the California Department of Education (CDE) to develop and publish model guidelines for inclusive school playgrounds in the state and requires the CDE to identify any grant programs that fund school playgrounds within the CDE and amend guidelines for those grant programs to prioritize proposed projects that meet the inclusive design standards. Specifically, **this bill:**

- 1) Establishes the California Inclusive School Playgrounds Act.
- 2) Establishes the Committee within the CDE. Requires the Committee to collectively represent a mix of disciplines, perspectives, and experience with a diverse range of disabilities and requires the Committee to consist of all of the following members:
 - a) Two members with demonstrated expertise in disability advocacy or policy, at least one of whom is an advocate for children with disabilities, to be appointed by the Governor;
 - b) One member who is a licensed occupational therapist with experience in pediatric rehabilitation or inclusive play to be appointed by the Governor;
 - c) One member with demonstrated expertise in child development or early childhood education to be appointed by the Governor;
 - d) One member with demonstrated expertise in universal design or accessible architecture to be appointed by the Speaker of the Assembly;
 - e) One member with demonstrated expertise in recreation, parks management, or urban planning, particularly relating to school playground design, to be appointed by the President pro Tempore of the Senate;
 - f) Two parents or guardians of pupils who are individuals with disabilities, one of whom shall be appointed by the Senate Committee on Rules and one of whom shall be appointed by the Speaker of the Assembly;
 - g) One representative of a community-based organization that builds or advocates for the building of inclusive school playgrounds, to be appointed by the CDE.
- 3) Requires the Superintendent of Public Instruction (SPI) to designate a Committee chair from among the members. Requires each member to serve a term of four years,
- 4) Requires the Committee to meet no less than twice per year or more frequently if needed to fulfill its duties.

- 5) Authorizes the Committee to form subcommittees or working groups as needed.
- 6) Requires members of the committee to serve without compensation but authorizes that they be reimbursed for reasonable travel or other expenses incurred in the performance of their duties, as authorized by the CDE's regulations.
- 7) Requires the Committee to do all of the following:
 - a) On or before January 1, 2028, coordinate with the CDE to develop and publish model guidelines for inclusive school playgrounds in the state, and requires guidelines developed to reflect universal design principles and address equipment selection, surfacing, sensory features, safety, and maintenance, and requires in developing the guidelines, the Committee to consider socioeconomic factors, including the needs of underserved, rural, and special needs communities;
 - b) Review proposed inclusive school playground designs submitted by local educational agencies (LEAs) seeking state funding and provide technical feedback to ensure designs meet inclusive design standards. Requires the review process to draw on established standards and local best practices from successful inclusive school playgrounds.
 - c) Requires, in consultation with relevant state and local agencies, recommend requirements or incentives to encourage inclusive features in school playground projects;
 - d) Conduct periodic assessments to identify communities that lack inclusive school playgrounds;
 - e) Collaborate with advocacy and parent organizations to host forums or develop resources on inclusive school playgrounds;
 - f) Educate LEAs about the benefits of inclusive school playgrounds and the inclusive design standards;
 - g) Coordinate with other state agencies to align inclusive school playground efforts with broader accessibility and child development goals; and
 - h) On or before January 1, 2028, and every five years thereafter, submit a report to the Legislature on inclusive school playgrounds that includes, but is not limited to, recommendations on resource allocation.
- 8) Requires, on or before July 1, 2027, to the extent not in conflict with state or federal law, the CDE to identify any grant programs within the CDE that fund school playgrounds and amend guidelines for those grant programs to prioritize proposed projects that meet the inclusive design standards. Requires the CDE collaborate with other state agencies to encourage funding mechanisms for other playgrounds to similarly incentivize projects that meet inclusive design standards.
- 9) Requires the CDE to support the implementation of these requirements with existing funding allowable for these purposes or through grant funding. Authorizes the CDE pursue partnerships to supplement state funding to support implementation.

10) Authorizes the CDE adopt regulations to implement this chapter.

11) Defines the following terms:

- a) “Committee” to mean the Inclusive Playground School Advisory Committee;
- b) “Grant program” to mean any funding or grant program administered by the CDE that is authorized to be used for school playground development;
- c) “Inclusive design standards” to mean the model guidelines for inclusive school playgrounds in the state; and
- d) “Inclusive school playground” to mean an outdoor play area at a public school that is designed and constructed to ensure that pupils who are individuals with physical, sensory, intellectual, or developmental disabilities can play together with nondisabled pupils. An inclusive school playground incorporates universal design features beyond minimum accessibility requirements, including, but not limited to, accessible surfacing and ramps, integrated adaptive swings and equipment, sensory-rich elements, clear wayfinding, shaded quiet areas, and other features enabling physical, cognitive, and social play by pupils who are individuals with disabilities.

EXISTING LAW:

- 1) Requires for playground and field areas, adequate physical education teaching stations to be available to accommodate course requirements for the planned enrollment, requires delivery and utility vehicles to have direct access from the delivery area without crossing over playground or field areas, and for restrooms to be easily accessible from playgrounds and classrooms. (California Code of Regulations, Title 5 (5 CCR) 14030)
- 2) Authorizes school districts to use state school facilities bond funds for construction projects or the purchase of furniture or equipment designed to increase school security or playground safety. (Education Code (EC) 101412)
- 3) Authorizes school district modernization apportionment to be used for an improvement to extend the useful life of, or to enhance the physical environment of, the school, including playground safety improvements. (EC 17074.25)
- 4) Authorizes a school district to use the California Preschool, Transitional Kindergarten, and Full-Day Kindergarten Facilities Grant Program funds awarded for a retrofit project to retrofit an existing school facility to adequately house preschool, transitional kindergarten, and kindergarten pupils, to include playground safety improvements. (EC 17375)
- 5) Establishes the School Facility Program (SFP) under which the state provides general obligation bond funding for various school construction projects, including new construction, modernization, joint-use facilities, and programs to specifically address the construction needs of charter schools, career technical education facilities, and seismic mitigation.

- 6) Requires the CDE to establish standards for use by school districts to ensure that the design and construction of school facilities are educationally appropriate, promote school safety, and provide school districts with flexibility in designing instructional facilities. (EC 17251(c))
- 7) Requires the Department of General Services (DGS), under the police power of the state, to supervise the design and construction of any school building or the reconstruction or alteration of or addition to any school building to ensure that plans and specifications comply with the specified rules and regulations, and to ensure that the work of construction has been performed in accordance with the approved plans and specifications, for the protection of life and property. (EC 17280)
- 8) Requires every teacher in the public schools to hold pupils to a strict account for their conduct on the way to and from school, on the playgrounds, or during recess. Requires a teacher, vice principal, principal, or any other certificated employee of a school district, to not be subject to criminal prosecution or criminal penalties for the exercise, during the performance of his duties, of the same degree of physical control over a pupil that a parent would be legally privileged to exercise but which in no event shall exceed the amount of physical control reasonably necessary to maintain order, protect property, or protect the health and safety of pupils, or to maintain proper and appropriate conditions conducive to learning. (EC 44807)
- 9) Establishes the Americans with Disabilities Act (ADA), a federal civil rights law prohibiting discrimination against individuals with disabilities in all areas of public life, including employment, transportation, public accommodations, and state/local government services. Guarantees equal opportunity for people with disabilities, requiring reasonable modifications and physical access, enforced by the Department of Justice (DOJ). (42 U.S.C. § 12101 et seq. (1990))

FISCAL EFFECT: Unknown

COMMENTS:

Need for the bill. According to the author, “Asm. Boerner is pleased to author AB 2241, a bill that would ensure newly built or renovated playgrounds at public schools are made with inclusivity in mind. Play is a fundamental right for every child, recognized by United Nations (UN) Convention on the Rights of the Child. Federal ADA standards mandate basic accessibility, but do not ensure inclusive play features. Out-of-state and internationally, there are many examples of playground design going above and beyond to create experiences for children which help them grow, both socially, and mentally, as well as in developing their fine motor skills. Current California design for playgrounds is not sufficient to nurture these important skills for our children. AB 2241 would address these issues by ensuring that new and renovated playgrounds on public school campuses are inclusive, accessible, and engaging for children of all abilities, designed by an expert advisory committee and given priority funding.”

Key provisions of the bill. This bill would require the CDE to establish a Committee, composed of specified experts in accessible playgrounds or individuals with disabilities, charged with developing model guidelines for inclusive California public school playgrounds. The developed guidelines would be required to reflect universal design principles and address equipment selection, surfacing, sensory features, safety, and maintenance. Further, the Committee would be required to:

- Review proposed inclusive school playground designs submitted by LEAs seeking state funding;
- Recommend requirements or incentives to encourage inclusive features in school playground projects;
- Conduct periodic assessments to identify communities that lack inclusive school playgrounds;
- Collaborate with advocacy and parent organizations to host forums or develop resources on inclusive school playgrounds;
- Educate LEAs about the benefits of inclusive school playgrounds and the inclusive design standards;
- Coordinate with other state agencies to align inclusive school playground efforts with broader accessibility and child development goals; and
- Starting January 1, 2028, and every five years thereafter, submit a report to the Legislature on inclusive school playgrounds that includes recommendations on resource allocation.

Federal disabilities law includes accessibility standards for playgrounds. The ADA is a federal law providing protection against discrimination on the basis of a disability, ensuring equal access and benefit to all people. In 2010, the DOJ published revised regulations the ADA adopted Standards for Accessible Design (Standards). The Standards set minimum requirements – both scoping and technical – for newly designed and constructed or altered state and local government facilities, public accommodations, and commercial facilities to be readily accessible to and usable by individuals with disabilities. The Standards include requirements related to path of travel, and surfaces under and around playground equipment. Related to accessible playgrounds, a common interpretation of the Standards is that once a child is in the play area, they must be able to access the play equipment by either moving out of their mobility device onto the playground structure (such as a transfer station) or by direct play structure access in their mobility device (such as a ramp). ***The Committee may wish to consider*** that many school facilities and playgrounds may be older than the implementation dates required by the Standards. The Standards and this bill do not require all playgrounds to be updated, rather only playgrounds that are new or meet the specific definition of altered.

Many school districts follow private sector playground equipment safety standards for insurance purposes. The American National Standards Institute (ANSI) issues performance specifications and standards that impact business in many sectors, ranging from construction to agriculture, including playground equipment for public use. The *Playground Equipment for Public Use Standard (ASTM F1487-21)* is a performance specification that addresses safety and performance standards for various types of public playground equipment. Specifically, the document encompasses equipment for the 5th percentile 2-year-old through the 95th percentile 12-year-old range. To limit the possibility of falls on public playground equipment, ASTM F1487-21 specifies installing handrails, guardrails, and barriers on different surfaces, including stairways, ramps, stepladders, and platforms to help obstruct how falls can occur. The document

also includes guidance on the design of ramps and accessible openings. The Standard also includes guidance on ways to limit other hazards.

Universal Design Principles. This bill would require the Committee to coordinate with the CDE to develop and publish model guidelines for inclusive school playgrounds, and requires the guidelines to reflect universal design principles. The 7 Principles of Universal Design (Principles) were developed in 1997 by a working group of architects, product designers, engineers, and environmental design researchers. The purpose of the Principles is to guide the design of environments, products, and communications. Principle 1 is that the design is useful and marketable to people with disabilities, and guidelines include:

- 1a. Provide the same means of use for all users: identical whenever possible; equivalent when not;
- 1b. Avoid segregating or stigmatizing any users;
- 1c. Provisions for privacy, security, and safety should be equally available to all users; and
- 1d. Make the design appealing to all users.

Available research demonstrates that children with disabilities cannot fully participate in playgrounds because of inadequate adaptations. A 2023 American Journal of Occupational Therapy review of existing research on the relationship between key areas of development and accessible play settings for children with disabilities, *Occupational Injustice and the Right to Play: A Systematic Review of Accessible Playgrounds for Children With Disabilities*, found that eight studies reported that social participation, play participation, and motor skills development were negatively affected despite playgrounds being labeled accessible. Children with disabilities have decreased engagement in activities that provide opportunities for play, social participation, and motor skills development. A 2017 Children, Youth and Environments review, *Systematic Review of Evidence-Based Practices for Inclusive Playground Design*, reports that children with disabilities are often unable to fully engage with their peers and environment as a result of barriers in playground structure and design. In 2019, 65% of caregivers for children with disabilities reported that their child could not fully participate in playgrounds because of inadequate adaptations (Stanton-Chapman & Schmidt, 2019), despite the Standards.

Several state agencies are involved in K-12 school construction funding and approval, although no state agency is solely responsible for playground design requirements. Public school construction in California is a complex and multifaceted process with the goal of providing school facilities that are safe both for students and staff. It can take several years to build or modernize a school. The following agencies have responsibilities for the necessary components of building, modernizing, and maintaining public school facilities, but the ***Committee may wish to consider*** that no state agency is solely responsible for playground design requirements.

- ***CDE School Facilities Planning Division.*** The CDE reviews public school sites and plans to determine if they meet Title 5 regulatory standards. The review includes areas such as: standards for school site selection, procedures for site acquisition, standards for the development of plans for the design and construction of school facilities, educational

specifications, site layout, playground and field areas, delivery and utility areas, future expansion, placement of buildings, classrooms, specialized classrooms and areas, laboratories, gymnasium, shower/lockers, auxiliary areas, lighting, acoustical, plumbing, year-round education; Americans with Disabilities Act, and child care. As it relates to playgrounds, the CDE Title 5 regulatory standards establish where on a school site a playground should be located (for example, away from vehicle and delivery areas and in proximity to bathrooms). Kindergarten play yard design is required to provide a variety of activities for the development of large motor skills. However, the Title 5 regulations do not contemplate required components of playgrounds, including playground design.

- *Division of the State Architect (DSA)*. The DSA is involved in three phases of school construction projects: 1) plan review and approval, 2) construction oversight, and 3) project closing and certification. The DSA reviews projects for structural, fire/life safety and accessibility requirements. As it relates to playgrounds, the DSA reviews school plans related to the accessible path of travel from a structure to a playground, and the review of a shade structure if a playground utilizes one.
- *Office of Public School Construction (OPSC)*. The OPSC administers and implements the state school facilities programs for the State Allocation Board (SAB). The OPSC is also charged with the responsibility of verifying that all applicant school districts meet specific criteria based on the type of funding which is being requested.
- *State Allocation Board*. The SAB is responsible for determining the allocation of state resources including proceeds from general obligation bond issues and other designated state funds used for the new construction and modernization of public school facilities. The SAB is a ten member body comprised of the Department of Finance, the Director of the DGS, the SPI, three Senators, three Assemblymembers, and a Governor's appointee. The SAB is also charged with the responsibility for the administration of the State School Facility Program, including apportioning state funds to school districts for construction, modernization and repair of public K-12 school facilities, adopting policies, and overseeing school facility programs. As it relates to playgrounds, state bond funds may be used for playgrounds.

School districts may use state school facility bond funds for school playgrounds, but there are no specific state funding opportunities for TK-12 playgrounds. This bill would require the CDE to identify any grant programs within the CDE that fund school playgrounds and amend guidelines for those grant programs to prioritize proposed projects that meet the inclusive design standards. The construction and rehabilitation of public TK-12 facilities are funded by a combination of state and local general obligation (GO) bonds, developer's fees, and local assessments such as Mello-Roos community facilities districts. State school facilities bond funds, which support the SFP, provided most recently through Proposition 2 (2024), authorize the use of these funds to be used for playgrounds installed as a part of a new construction project, or to modernize existing playgrounds. State bond funds are allocated pursuant to the SFP and administered by the OPSC under the direction of the SAB.

Under the SFP, the New Construction program requires a 50% match from LEAs, unless the LEA qualifies for financial hardship, which pays up to 100% of project costs. Modernization funds are awarded at 60% with a 40% match. SFP grant size is calculated based on the number of students to be served (new construction), or classrooms that need to be modernized

(modernization), and supplemental funding is not provided for classrooms. School districts often exceed the local match minimum requirements to complete projects that include all desired components, including additional structures and resources such as gymnasiums, kitchens, libraries, cafeterias, and playgrounds. Additional local funding may come from local school bonds or developer fees.

Inclusive Early Education Expansion Program (IEEEP). AB 210 (Committee on Budget), Section 13, Statutes of 2022, established the IEEEP grant is to increase access for young children birth to five years old in inclusive early care and education programs. Authorized grant purposes included adaptive and universal design facility renovations, adaptive equipment, and professional development. Programs can use Inclusive Early Education Expansion Program (IEEEP) funds to purchase any adaptive equipment that is a tool, device, or machine that is used to help with any task associated with daily living (for example adaptive and instructional materials, changing tables, adaptive furniture, adaptive playground equipment, and feeding equipment). Approximately \$116 million in competitive funds available to LEAs from 2003-27. IEEEP funds were established to support California State Preschool Program (CSPP) students (primarily 3- and 4-year-old) and not for the purposes of Transitional Kindergarten (TK). However, if the TK and CSPP are comingled in the same classroom, then IEEEP funding can be used for both students and staff.

Arguments in support. The Special Education Local Plan Administrators (SELPA) Association of California writes, “We recognize that access to safe, inclusive, and developmentally appropriate play environments is not ancillary, it is essential to student growth, social integration, and overall well-being. AB 2241 thoughtfully acknowledges that compliance with minimum accessibility standards alone is insufficient and instead promotes a more comprehensive vision grounded in universal design and meaningful inclusion.

We strongly support the bill’s establishment of an Inclusive School Playground Advisory Committee to guide this work. The inclusion of educators, experts, and parents of students with disabilities will ensure that the development of model guidelines reflects both lived experience and best practices. The requirement that these guidelines be developed and published by January 1, 2028, and that they address critical elements such as accessible surfacing, adaptive equipment, sensory-rich features, and safety considerations, represents a significant step toward standardizing inclusive design across California’s schools.

We also appreciate the bill’s emphasis on equity, including the directive to consider the needs of underserved, rural, and special needs communities in the development of guidelines and statewide planning efforts. SELPAs, the member LEAs and families we represent, frequently see disparities in access to inclusive facilities, and this bill provides a framework to begin addressing those gaps in a meaningful and systemic way.

Recommended Committee Amendments. *Staff recommends that the bill be amended* as follows:

- Add to the following members to required membership of Inclusive Playground Advisory Committee to add additional representatives with the experience and perspective of public school facilities:

- Four representatives from school districts, county offices of education, or charter schools with school facilities and accessible playground experience, two of whom shall be appointed by the President pro Tempore of the Senate and two of whom shall be appointed by the Speaker of the Assembly;
- The State Architect or their designee; and
- The executive officer of the Office of Public School Construction or their designee.
- Authorize the CDE, rather than require the Inclusive Playground Advisory Committee, to review proposed inclusive school playground designs submitted by LEAs seeking state funding and provide technical feedback to ensure designs meet inclusive design standards. Encourage the review process to draw on established standards and local best practices from successful inclusive school playgrounds.
- Remove from the activities of the Inclusive Playground Advisory Committee the required periodic assessments to identify communities that lack inclusive playgrounds.
- Remove the requirement for the CDE to identify any grant programs within the CDE that fund school playgrounds and amend guidelines for those grant programs to prioritize proposed projects that meet the inclusive design standards. Remove the requirement for the CDE to collaborate with other state agencies to encourage funding mechanisms for other playgrounds to similarly incentivize projects that meet inclusive design standards.
- Remove the authorization for the CDE to pursue partnerships to supplement state funding to support the implementation of this bill.
- Authorize the State Board of Education, rather than the CDE, to issue regulations related to the model guidelines.

Related legislation. AB 247 (Muratsuchi), Chapter 81, Statutes of 2024, makes changes to the existing SFP and establishes the Kindergarten Through Grade 12 Schools and Local Community College Public Education Facilities Modernization, Repair, and Safety Bond Act of 2024 in the amount of \$10 billion to be approved by the voters for the November 2024 statewide ballot.

SB 515 (Stern), Chapter 489, Statutes of 2023, limits the cost of complying with the requirement to provide an accessible path of travel to a free-standing, open-sided shade structure project to 20% of the adjusted construction cost, as defined, of the shade structure project.

AB 210 (Committee on Budget), Section 13, Statutes of 2022, established the Inclusive Early Education Expansion Program (IEEEP) grant is to increase access for young children birth to five years old in inclusive early care and education programs. Authorized grant purposes included adaptive and universal design facility renovations, adaptive equipment, and professional development. Current grants conclude in 2027.

REGISTERED SUPPORT / OPPOSITION:

Support

American Academy of Pediatrics, California
California Foundation for Independent Living Centers
East Bay Legislative Coalition
SELPA Administrators of CA
Tehama County SELPA

Opposition

None on file

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