

JAKE'S LAW – ACCESSIBILITY IN PLAYGROUNDS BEST PRACTICES

In New Jersey, Jake's Law is intended to improve access to public playgrounds for children with disabilities by requiring that certain newly constructed and reconstructed playgrounds include accessibility and inclusive play considerations. [Jake's Law P.L. 2018, c. 104](#) was enacted in 2018 to encourage the construction of inclusive playgrounds that meet standards exceeding those required by the Americans with Disabilities Act. The Department of Community Affairs (DCA) adopted regulations for Jake's Law that establish standards for Completely Inclusive Playgrounds (N.J.A.C. 5:23-7.19 & 11.2). For recreation departments, the law is important not only as a design issue, but also as a matter of planning, procurement, operations, and long-term maintenance.

For many public entities, playground projects begin with the recreation department identifying a need for a new playground, replacement of outdated equipment, or renovation of an existing site. Recreation staff may receive resident feedback, evaluate the condition of existing playgrounds, recommend capital improvements, or help pursue grant opportunities.

Although engineers, architects, purchasing staff, attorneys, and public works personnel may all be involved later, recreation leaders are often the department most familiar with how the public will use the playground. Local, practical knowledge makes the recreation department an important participant in ensuring that accessibility and inclusive play opportunities are not treated as secondary concerns.

A key responsibility for recreation leaders is recognizing when a playground project may require review under Jake's Law. At a minimum, the law should be considered whenever an agency is planning a new public playground or a substantial reconstruction or replacement of an existing one.

Recreation departments should be cautious about assuming that a project is only "maintenance" if the work involves replacement of major play structures, redesign of the site, or installation of new surfacing and circulation routes. When in doubt, the department should elevate the question to the broader project team, including legal counsel and design professionals. Early review is important because accessibility requirements are much easier to incorporate at the planning stage than after equipment has been selected or bid documents have been issued.

For recreation leaders, one of the most important practical roles is helping define the project's goals. If the objective is stated only as replacing old equipment or modernizing a park, the project may move forward without enough attention to inclusive use.

Instead, recreation departments should help frame the project to specifically include accessibility, inclusive play, and usability for children and families with varying abilities. This means thinking not only about whether a child can physically enter the play area, but also whether the playground offers a meaningful range of play experiences for users with different needs. Inclusive planning is most effective when it is built into the project scope, internal approvals, grant applications, and design expectations from the beginning.

Recreation leaders should also understand that Jake's Law compliance is rarely the responsibility of a single department. It requires coordination among multiple governmental functions. The recreation department should work with agency counsel for legal interpretation, engineers or architects for technical design, playground consultants or vendors for equipment options, purchasing staff for bid and contract language, public works or facilities personnel for site preparation and maintenance planning, and risk management or insurance contacts where appropriate. This coordination is especially important because accessibility obligations can be affected by site conditions, surfacing choices, circulation routes, equipment layout, and long-term maintenance capabilities. Recreation departments do not need to make these determinations alone, but they should ensure the issue is raised and discussed. Another critical responsibility is making sure that accessibility and inclusion are reflected in written project documents.

Recreation leaders should not rely solely on general vendor assurances that equipment is “inclusive” or “ADA compliant.” Instead, project specifications, bid documents, and design scopes should clearly require attention to Jake’s Law and other applicable accessibility standards.

This written approach is important for several reasons. It helps ensure that bidders understand the agency’s expectations, allows for more meaningful review of proposed designs, and creates a record showing that accessibility was considered during procurement. Where possible, recreation departments should ask for product information, layout details, and supporting documentation showing how accessibility has been addressed.

During the design phase, recreation leaders can provide valuable input by reviewing plans from the perspective of how the playground will function for actual users. They can ask whether children with different abilities can enter and move through the play space, whether accessible surfacing and routes have been incorporated, whether play features are distributed throughout the site rather than segregated, and whether the overall design promotes meaningful participation rather than token accommodation.

Recreation departments may also be well positioned to gather or communicate community input, including feedback from families and residents who can speak to how the playground will be used. While technical compliance review should rest with qualified professionals, operational input from recreation staff can improve the outcome significantly.

Procurement is another area where recreation leaders have a practical role. If playground equipment is purchased through a bid process, cooperative purchasing agreement, or vendor proposal, the recreation department should work with purchasing personnel to confirm that accessibility expectations are clearly stated.

This may include requiring equipment specifications, surfacing details, installation requirements, maintenance information, and confirmation that the proposed design addresses applicable legal and design standards. Without this clarity, proposals may be received that appear attractive from a budget or aesthetics perspective but do not adequately support accessibility or inclusive play. Clear procurement language helps reduce that risk and supports better project oversight.

Documentation is also an important part of the recreation department’s responsibilities. Throughout the project, the department should maintain records that show how accessibility and inclusion were considered. These records may include project descriptions, internal memoranda, meeting notes, design review comments, vendor materials, bid specifications, installation documents, inspection reports, and acceptance records.

Good documentation supports continuity when personnel change, assists with maintenance and replacement decisions later, and helps demonstrate diligence if questions arise regarding the planning process. Recreation leaders do not need to create unnecessary paperwork, but they should ensure that key decisions and supporting materials are retained in an organized way.

The recreation department’s role continues after the playground is installed. Accessibility is not a one-time design achievement; it must be preserved through maintenance and operations. A playground that is properly designed at the outset can become less accessible over time if surfacing settles, routes become obstructed, components wear out, or repairs are made without considering accessibility features. For that reason, recreation leaders should work with maintenance personnel, public works staff, or facilities teams to establish clear responsibility for inspections and corrective action. Accessible routes should remain open and unobstructed, and surfacing should be monitored for wear, displacement, erosion, or other conditions that interfere with use. If repairs or replacements are needed, care must be taken not to undermine the accessibility features that were built into the original design.

Recreation departments should also be aware of common mistakes that can create problems under Jake’s Law. One common issue is assuming that accessibility is exclusively a designer’s or vendor’s responsibility. While design professionals and vendors play a major role, leaders must still ask the right questions and ensure the issue is part of the project scope.

Another mistake is waiting until equipment has already been selected or purchased before considering accessibility obligations. By that point, options may be limited, and costs may increase. Agencies should also avoid relying on broad marketing terms such as “inclusive” without examining what those claims actually mean in the context of the site and project.

Finally, departments should not assume that compliance ends once construction is complete. Poor maintenance can undo much of the benefit of an otherwise compliant playground.

In practical terms, recreation leaders serve as the internal advocates for early planning, cross-department coordination, and long-term usability. They may not be the final legal or technical decision-makers. Still, they are often the officials best positioned to connect the project's public purpose with its day-to-day operational reality. Their responsibilities include identifying projects that may fall under Jake's Law, making sure accessibility and inclusion are recognized as project objectives, coordinating with legal and technical professionals, supporting clear procurement and documentation practices, and helping maintain the playground's accessible features over time.

For recreation departments, the best approach is proactive rather than reactive. When a playground project is first discussed, the department should ask whether the work involves new construction or substantial reconstruction, whether the project should be reviewed under Jake's Law, and whether the project team includes the right legal, technical, procurement, and maintenance participants.

During design and purchasing, the department should ensure accessibility expectations are expressed in writing and reviewed carefully. After installation, the department should help monitor conditions so the playground remains usable for the community it was intended to serve.

Jake's Law is not simply regulatory compliance. It reflects a broader public goal of making playgrounds more welcoming and usable for children of all abilities. Recreation departments are central to that mission because they are responsible for helping shape public recreation spaces in a way that meets community needs.

By raising the issue early, coordinating effectively, documenting decisions, and supporting ongoing maintenance, recreation leaders can help agencies meet both the legal expectations and the public service goals associated with inclusive playgrounds.