

ChangeLabSolutions



Shared Use:

Maximizing the Potential of School Facilities



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ChangeLab Solutions

ChangeLab Solutions creates innovative law and policy solutions that transform neighborhoods, cities, and states. We do this because achieving the common good means everyone has safe places to live and be active, nourishing food, and more opportunities to ensure health. Our unique approach, backed by decades of solid research and proven results, helps the public and private sectors make communities more livable, especially for those who are at highest risk because they have the fewest resources.



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ChangeLab Solutions is a non-partisan, nonprofit organization that educates and informs the public through objective, non-partisan analysis, study, and/or research. The primary purpose of this discussion is to address legal and/or policy options to improve public health. There is no intent to reflect a view on specific legislation.

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SPEAKERS



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GUEST SPEAKER



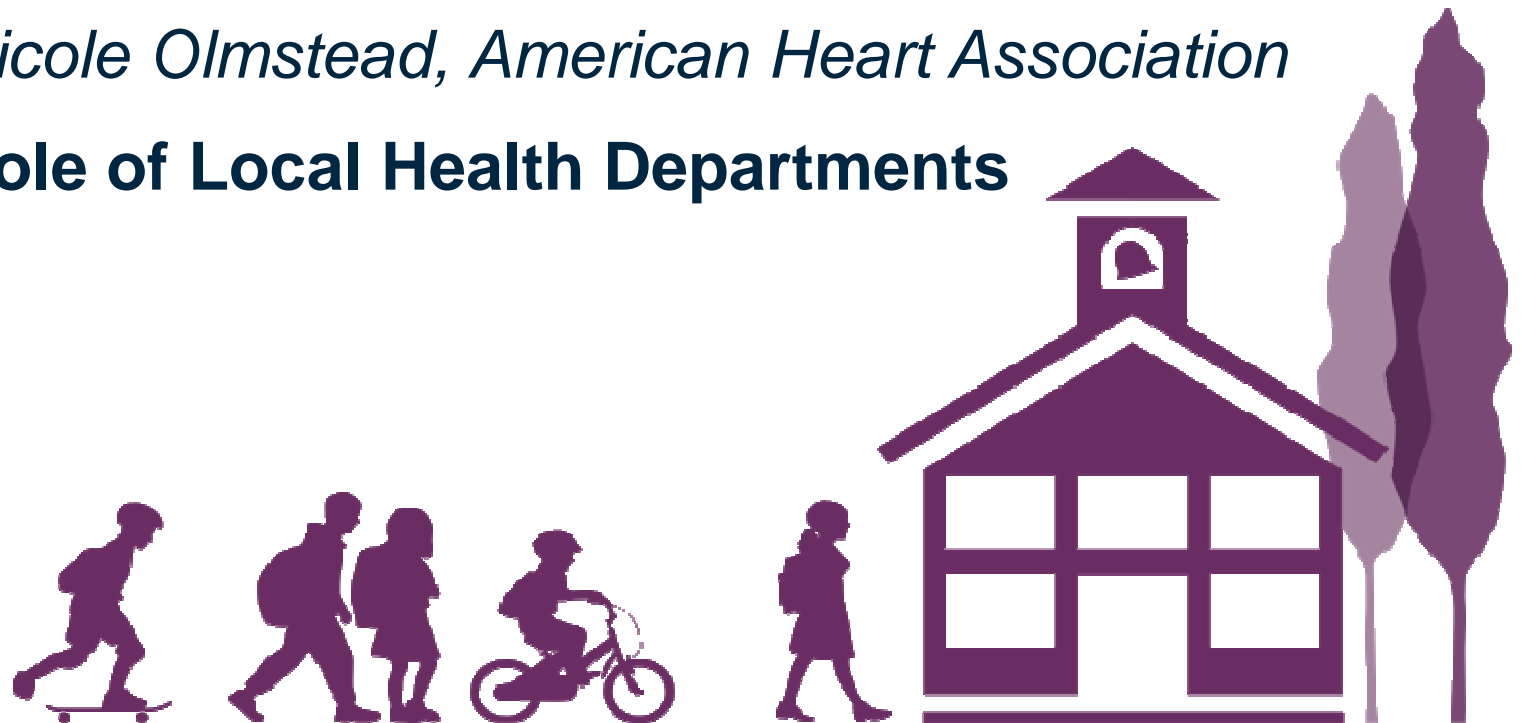
Nicole Olmstead
Government Relations Director
American Heart Association

AGENDA

- 1. Shared Use 101**
- 2. Common Considerations**
- 3. Liability**
- 4. Guest Speaker:**

Nicole Olmstead, American Heart Association

- 5. Role of Local Health Departments**



SHARED USE OCCURS WHEN...

- **Government entities or nonprofit organizations**
- agree to open or broaden **access**
- to **facilities**
- for **community use**



Getting from here...

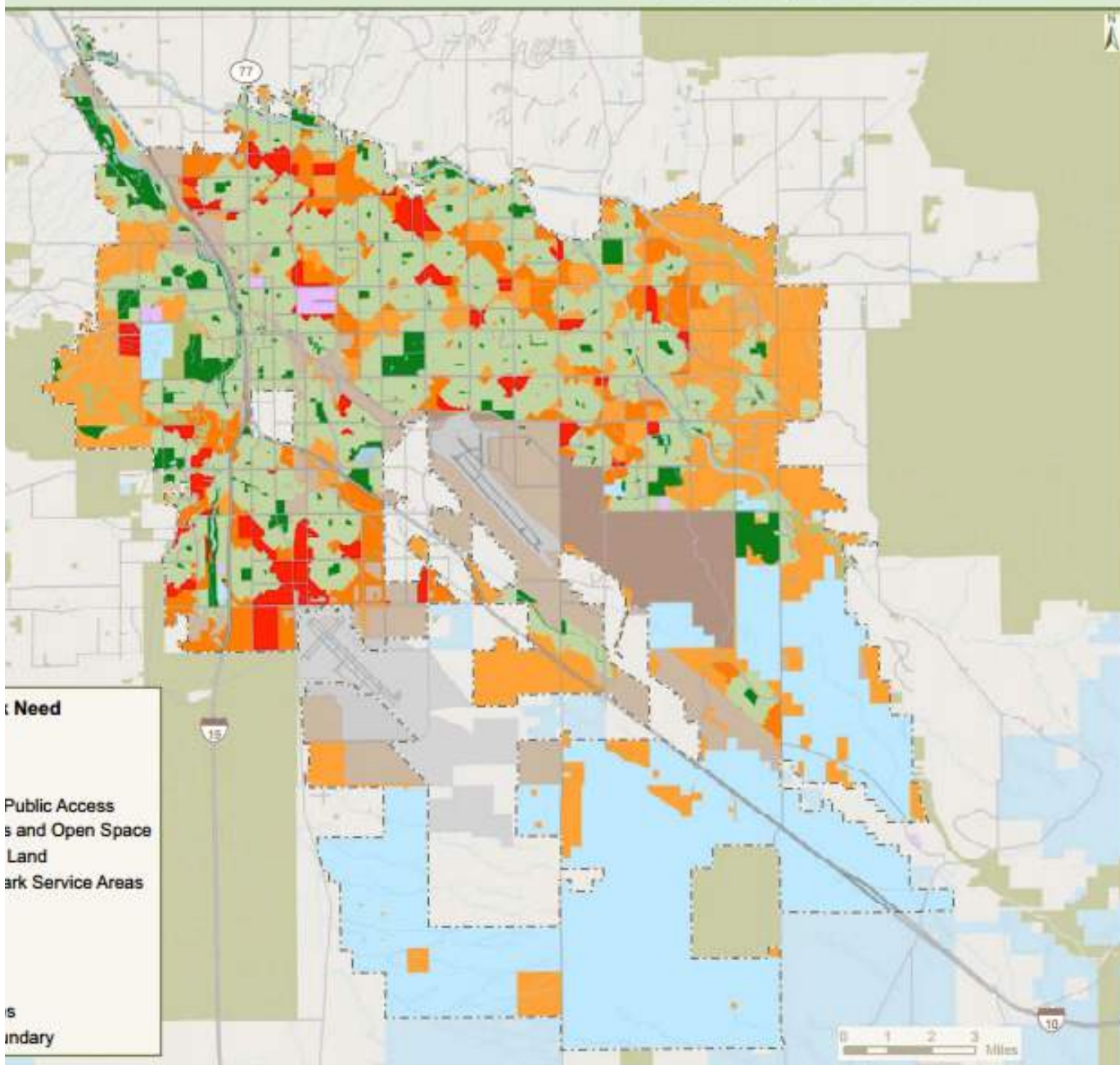




...to here.

WHY SHARED USE?

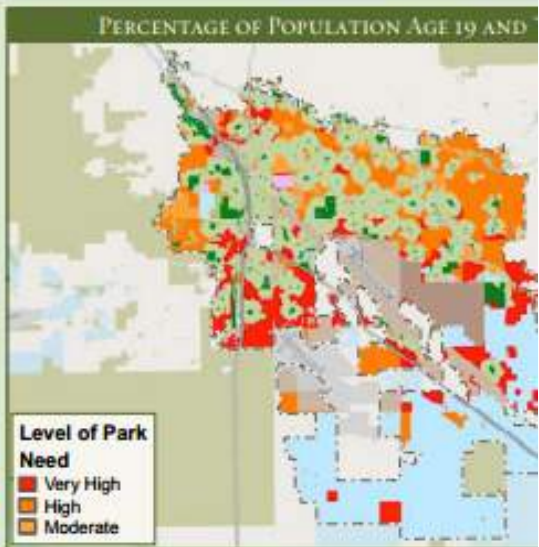
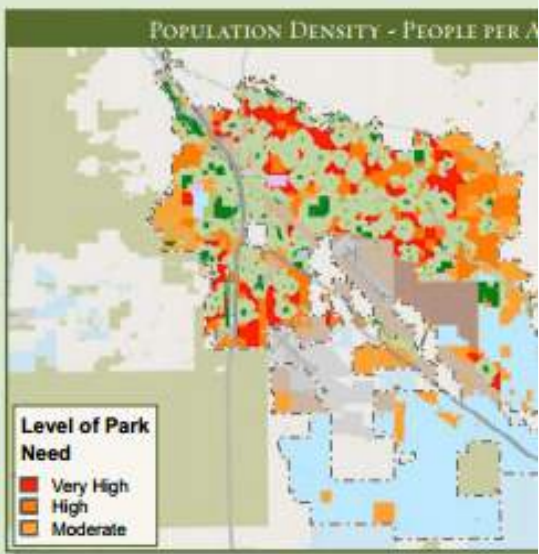
Not enough places to be
physically active



Level of Park Need

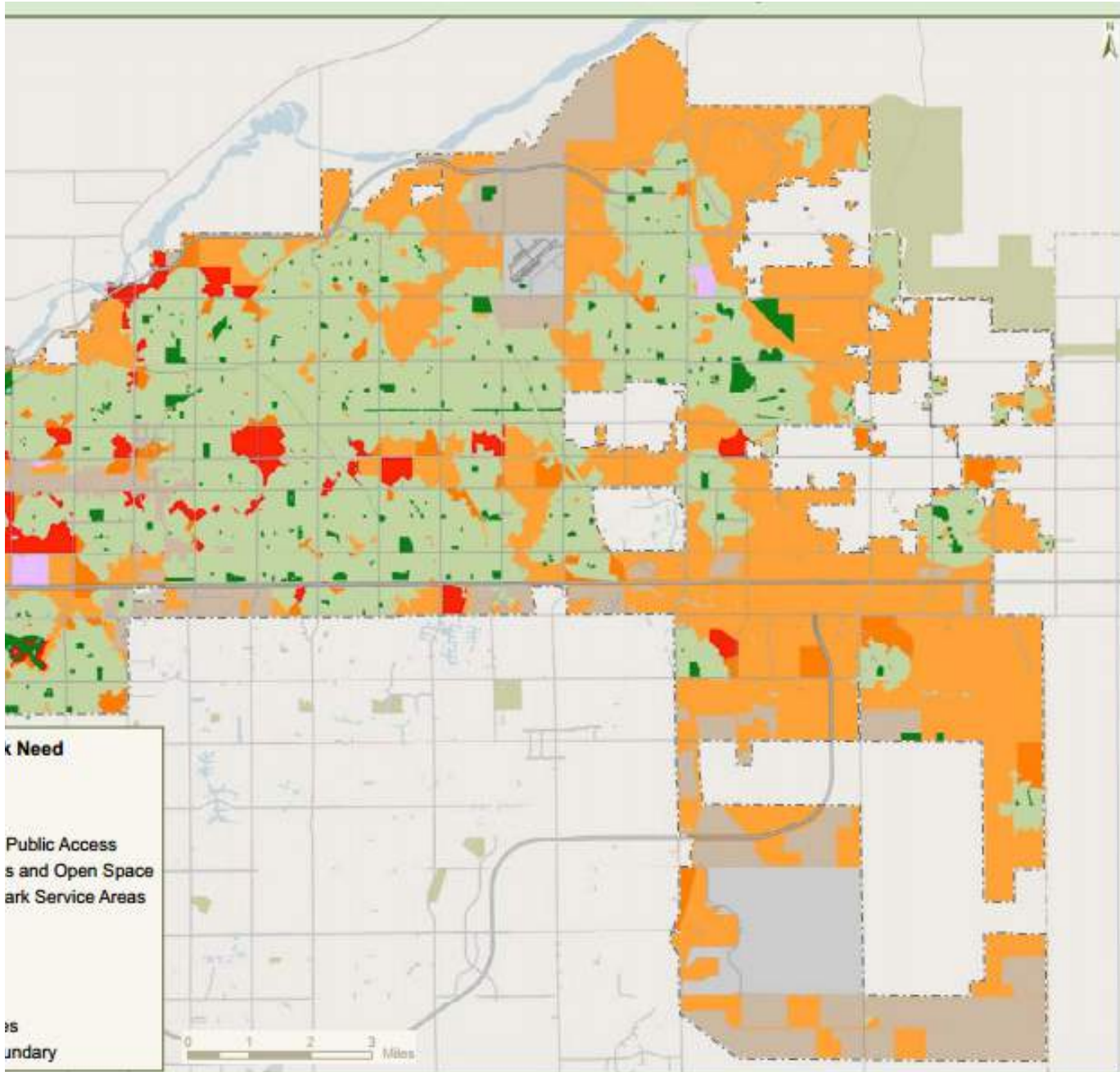
Public Access to Parks and Open Space
 Land Use
 Park Service Areas

City Boundary



The Public Land ParkScore® index analyzes public access to parks and open space. The analysis incorporates a two-step process: 1) to determine where there are gaps in park availability, and 2) to create a geographic profile to identify gaps with the most urgent need. Scores are based on a demographic 1/4 mile service area (1/4

percentage of households with income less than 75% of city median income (Tucson less than \$25,000), and population density (people per acre). The combined level of park need result shown on the large map combines the three demographic profile results and assigns the following weights:



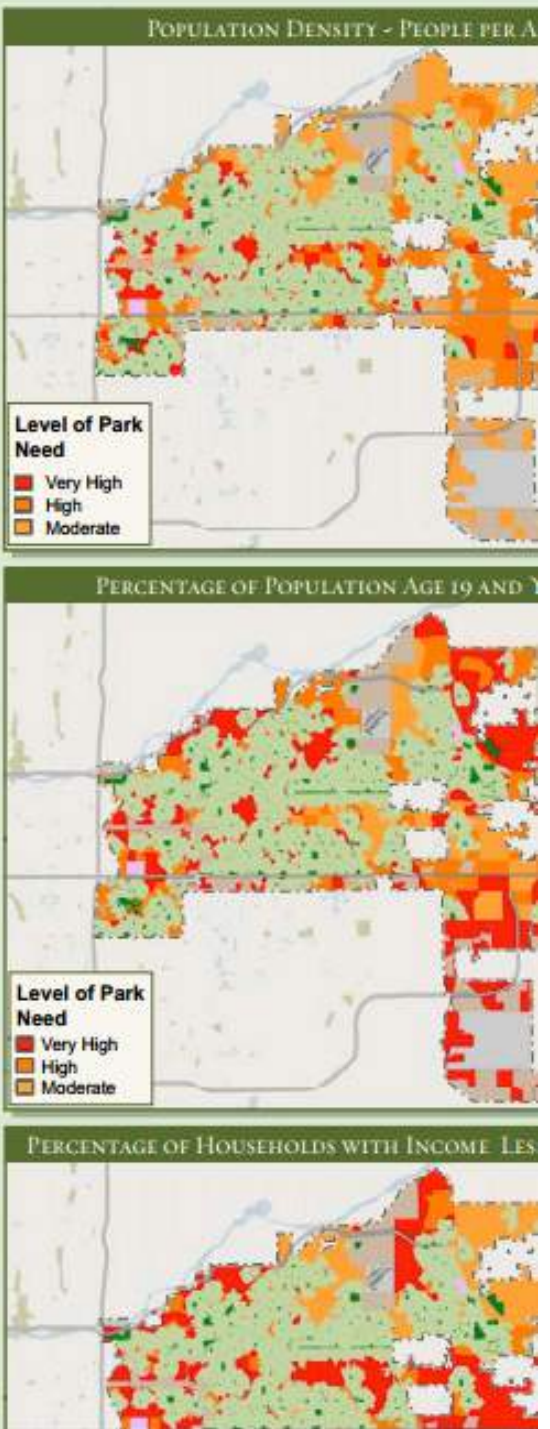
Level of Park Need

Public Access to Parks and Open Space
Park Service Areas

City Boundary

The Public Land ParkScore® index analyzes public access to parks and open space. The analysis incorporates a two-step process: 1) it determines where there are gaps in park availability, and 2) it uses geographic profile to identify gaps with the most urgent need. The results are based on a dynamic 1/2 mile service area (10

percentage of households with income less than 75% of city median income (Mesa less than \$35,000), and population density (people per acre). The combined level of park need result shown on the large map combines the three demographic profile results and assigns the following weights:



POPULATION DENSITY - PEOPLE PER ACRE

Level of Park Need

- Very High
- High
- Moderate

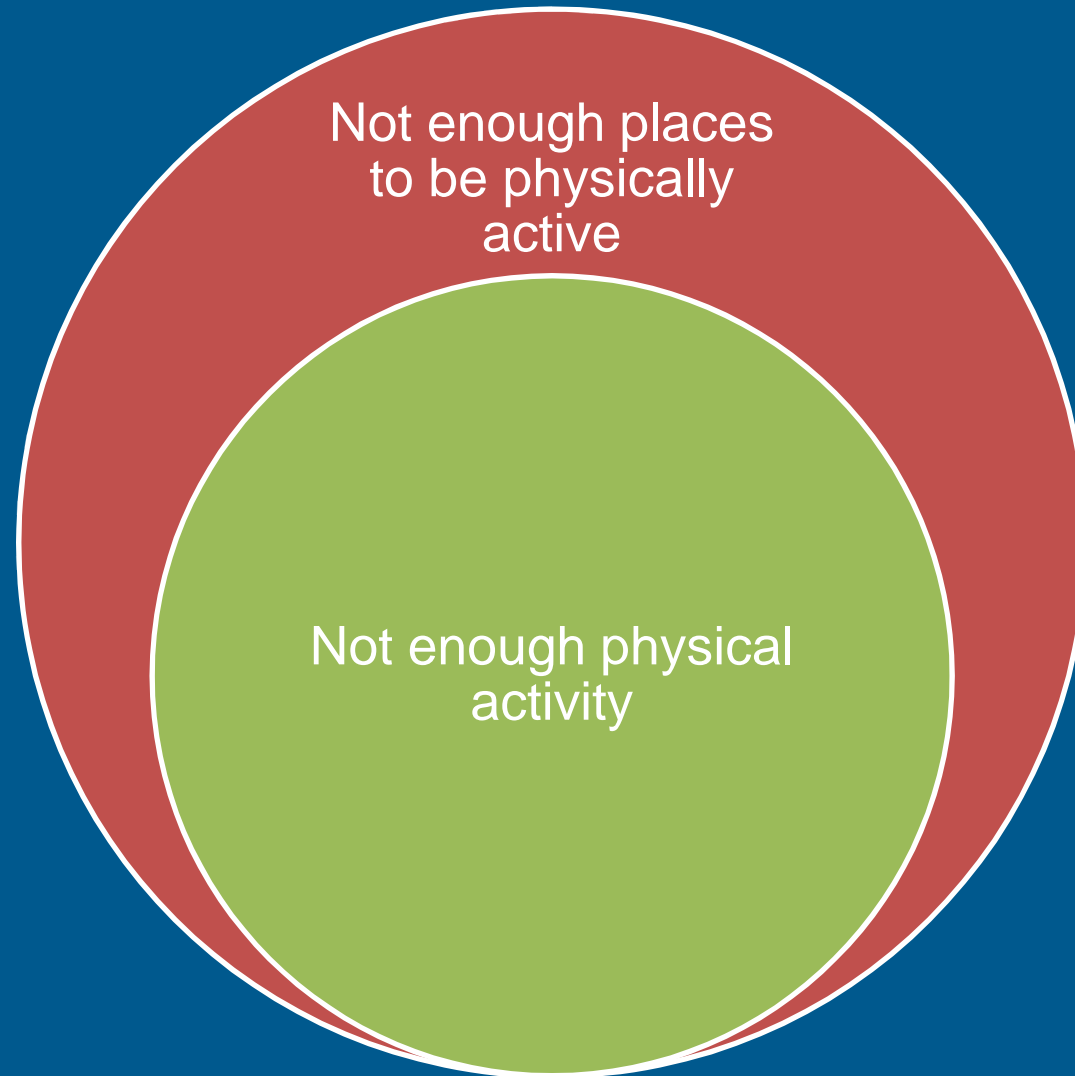
PERCENTAGE OF POPULATION AGE 19 AND UNDER

Level of Park Need

- Very High
- High
- Moderate

PERCENTAGE OF HOUSEHOLDS WITH INCOME LESS THAN 75% OF CITY MEDIAN INCOME

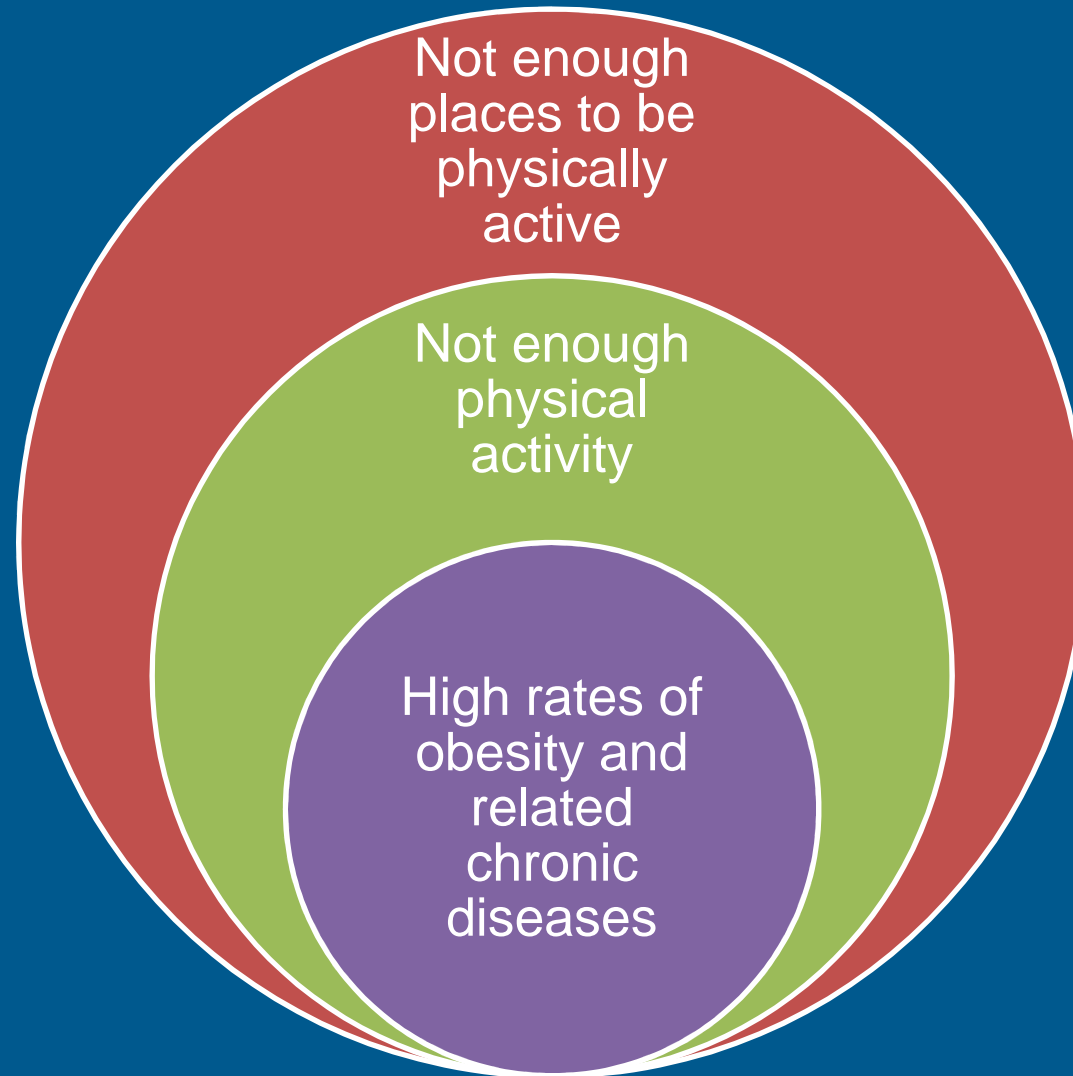
WHY SHARED USE?



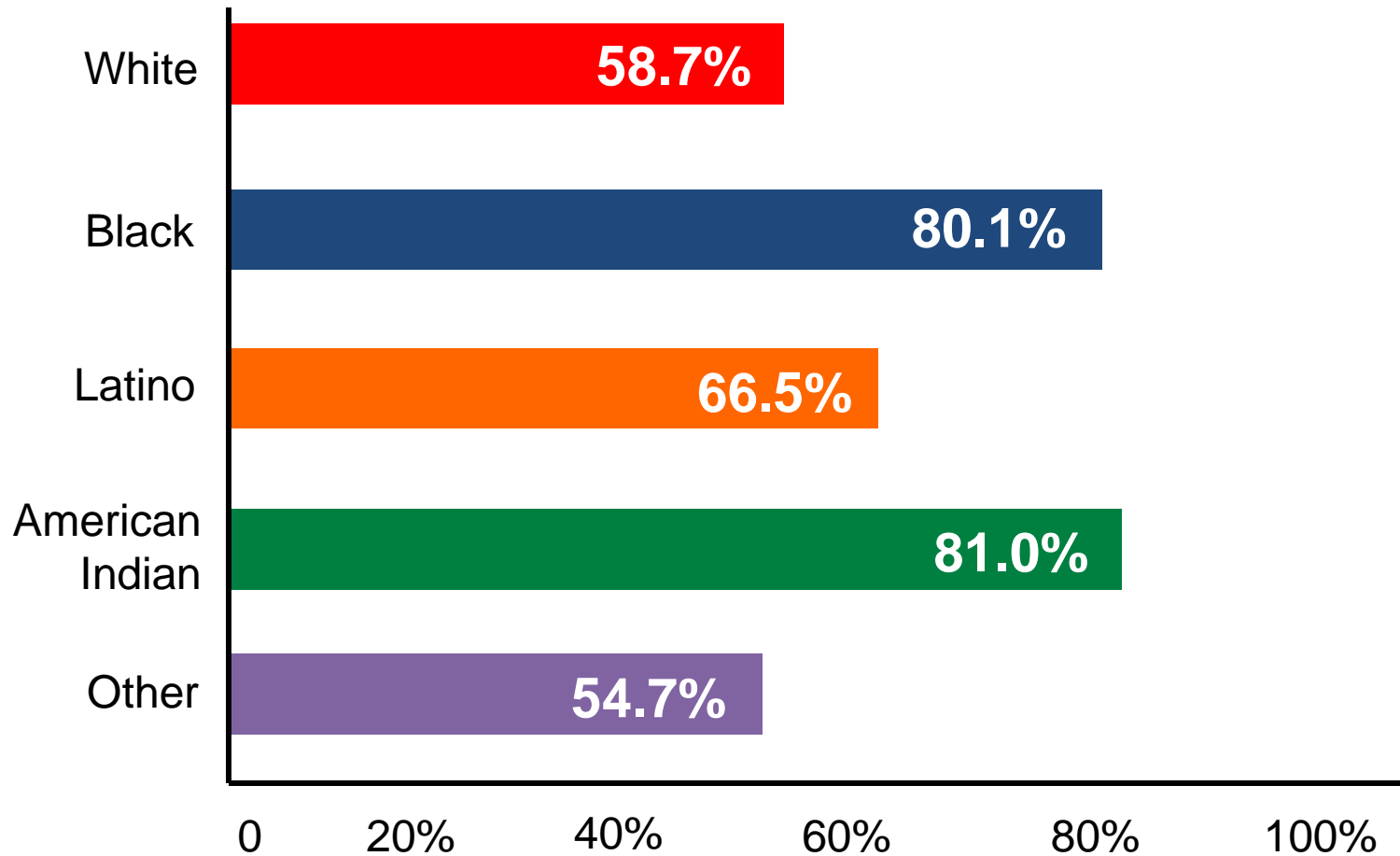


More kids are physically active after school
when they have **access to a schoolyard**

WHY SHARED USE?

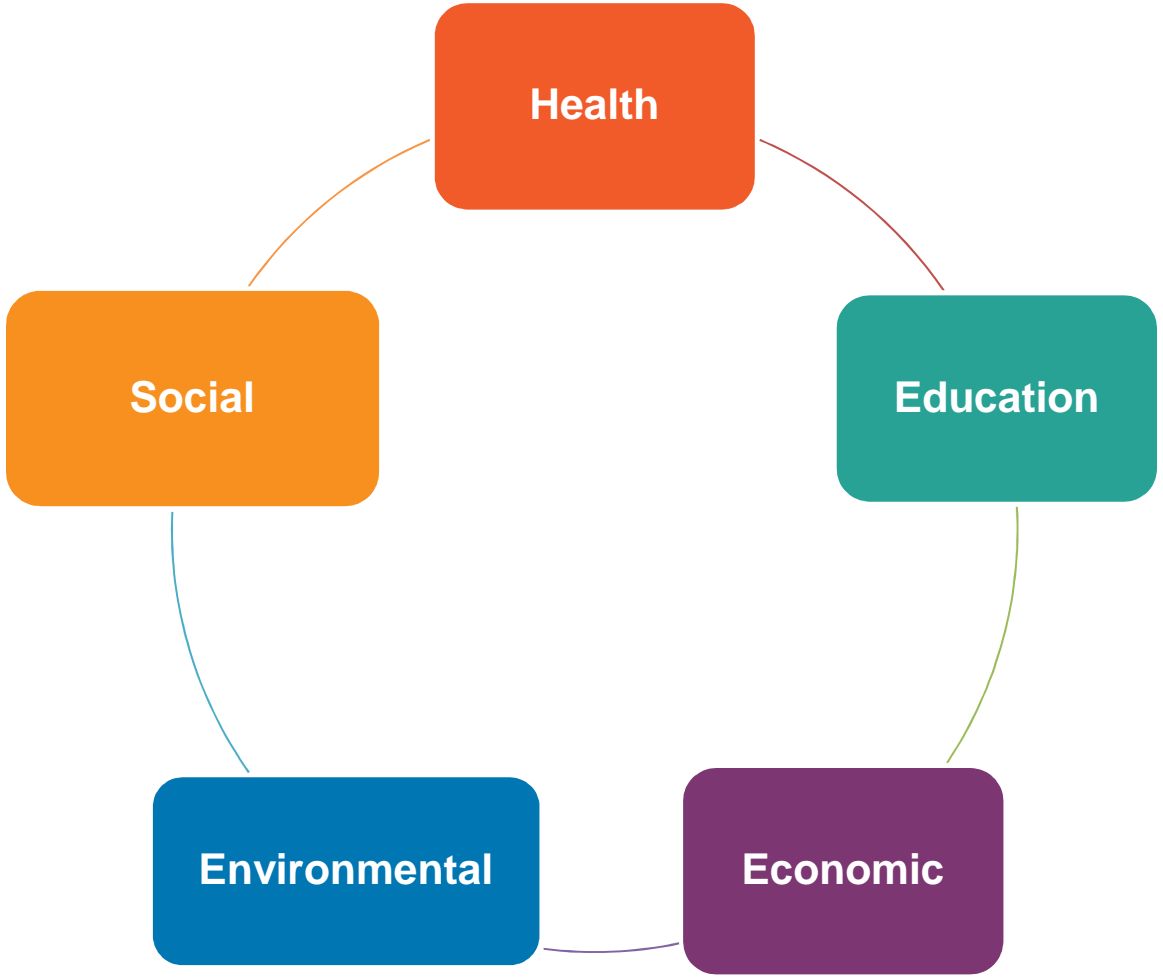


PERCENT OF ADULTS IN ARIZONA WHO ARE OVERWEIGHT OR OBESE



Source: KCMU analysis of the Centers for Disease Control and Prevention (CDC)'s Behavioral Risk Factor Surveillance System (BRFSS) 2013 Survey Results.

BENEFITS OF RECREATIONAL SPACE AND PHYSICAL ACTIVITY



**Shared use is a strategy for providing
recreational space
where it is needed most**



WHERE DOES SHARED USE HAPPEN?



HOW DOES SHARED USE HAPPEN?

1) No Agreement or Policy



2) Informal Agreement or Policy



3) Formal Agreement or Policy



Shared Use with Schools



www.nplanonline.org



What is a Joint Use Agreement? A Fact Sheet for Parents, Students, and Community Members

Most communities have separate places for children and their families to play. In Schools, children play on school property. But many children also play on their parents' property, such as in their backyards, on their own property, or in their neighborhoods.

Most states have laws that give school districts the right to use school property for other purposes, such as for community events. Some states also have laws that give school districts the right to use school property for other purposes, such as for community events.

The fact sheet provides information about how school districts can share property with the community. It also provides information about how to get a joint use agreement.

March 2009

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TO PREVENT CHRONIC DISEASE

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SCHOOL DISTRICT SHARED USE AGREEMENTS

1: Unlocking the Gates



2: Indoor & Outdoor Access



3: Nonprofit Partnerships



4: Reciprocal Access



SCHOOL DISTRICT OPEN USE POLICY



MOVING BEYOND THE SCHOOLYARD



COMMON CONSIDERATIONS

Liability and Insurance

Sustainability

Funding and Resources

Implementation

Facilities Management



Liability Basics

A successful negligence claims requires...

- Duty
- Breach
- Causation
- Damages



To Reiterate

NO LIABILITY unless...

- Someone did not act with reasonable care

AND

- That carelessness caused an injury



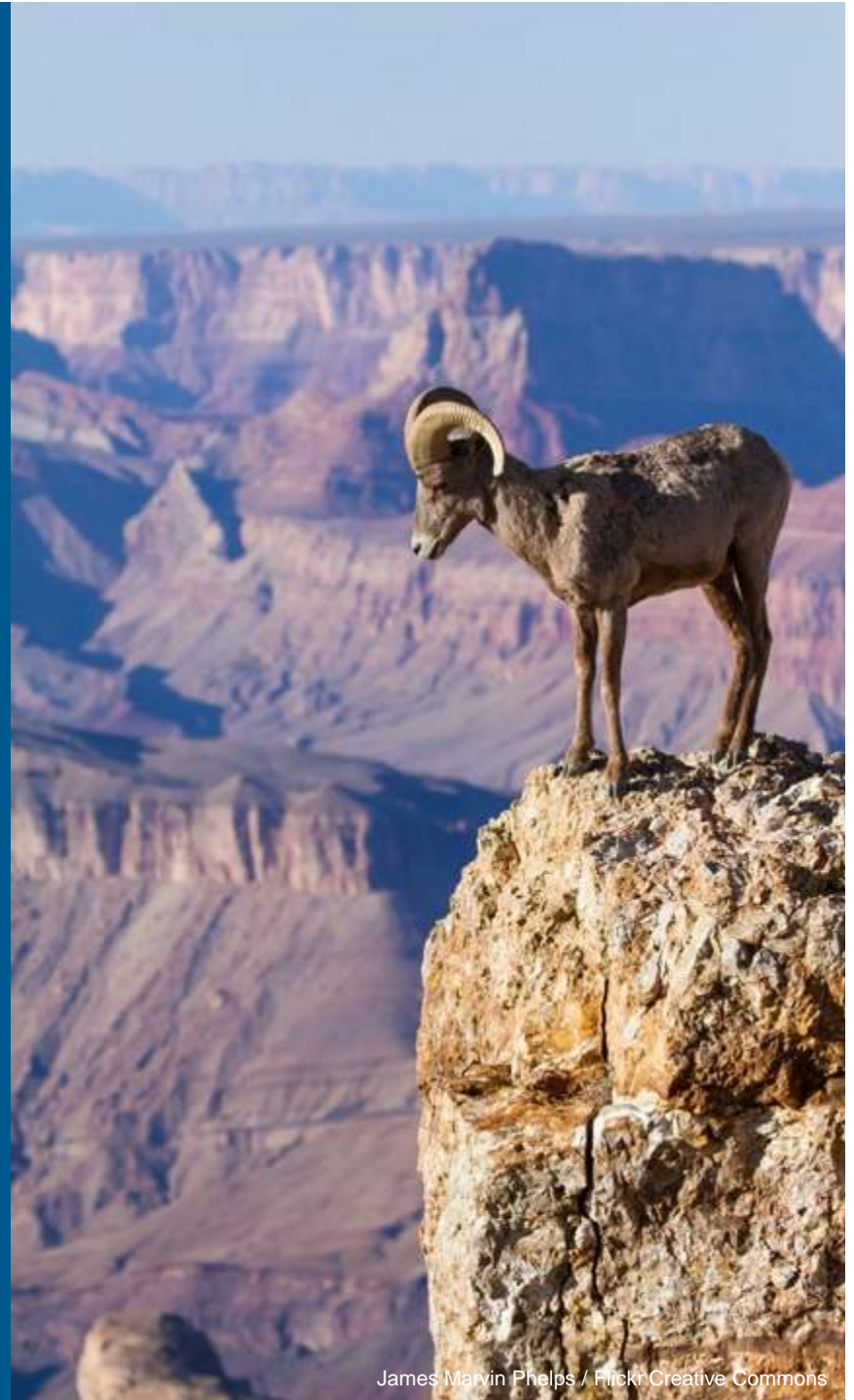
Immunity

- No damages regardless of actions
- But...



LIABILITY IN ARIZONA

- **Recreational User Statute**
(ARS § 33-1551)
- **School Immunity**
(ARS §§ 15-183, 15-1105)
- **BUT** no protection for gross negligence or intentional misconduct



Managing Risk - Shared Use

1. Reasonably safe environment
2. Shared use agreements
3. Awareness of legal protections in state law





Shared Use in Arizona



Introduction

- American Heart Association/American Stroke Association
 - Mission: Building healthier lives, free of cardiovascular disease and stroke
- 2020 Impact goal
 - Reduce death and disability from stroke and heart disease by 20% by 2020
- Arizona
 - Greater Phoenix Division
 - Southwest Division
 - Nicole Olmstead – Government Relations Director

Shared Use History - Arizona

- 2012: Worked with schools, school districts, and the Arizona School Board Association on why school grounds are not open for community use
 - Liability was primary reason for locked gates
 - Cost of additional wear and tear was secondary reason
 - Arizona Risk Retention Trust (insurer behind schools) advised schools to keep gates locked
- Partnered with Children's Action Alliance to introduce legislation to limit liability

Shared Use History - Arizona

- SB 1059 (2013)
 - Specified that schools have immunity from liability for use of school grounds by recreational users
 - Did not include pools and other aquatic features
 - Defined recreational user
 - Defined exterior school grounds as “park” during non-school hours and gave same protections as other city/state parks
 - Unintended consequence: Made schools responsible for students on their way to and from school

Shared Use History - Arizona

- Late 2013 – 2014
 - Schools continued not to open their grounds because they felt that SB 1059 did not offer enough liability protection
 - One School in Santa Cruz County realized that they were responsible for students on their way to and from school regardless of mode of transportation
 - Result – some schools stopped walking school buses
- Clearly identified need to fix this error

Shared Use History - Arizona

- 2014
 - Sen. Kelli Ward (District 5)
 - Ran fix to the original shared use bill
 - Ran legislation that clearly limited liability
 - Both bills passed and were effective on July 15, 2014

Okay, so now what?

Shared Used Implementation

- Roosevelt Project
 - Maricopa County Department of Public Health is conducting a study to examine the potential health impact of opening up District-owned properties
 - Health Impact Assessment will help analyze how increased access to school grounds can increase opportunities for physical activity
 - Study is occurring from November 2014 – May 2015
 - Results being presented to Governing Board prior to the end of the school year

Shared Use Implementation

- Washington Elementary School District
 - Community use is scheduled and everyone who uses the grounds must complete a facility use agreement
 - Nominal fee charged
 - District sponsor required for indoor use
- Tempe Elementary School District
 - Allows for community use of school grounds, but in limited situations
 - Not all school campuses

Perceived Barriers to Shared Use Implementation and How to Overcome

- Concerns about vandalism/increased damage
 - Increased presence of community members deters
- Concerns about the maintenance of equipment
 - Schools must maintain their equipment for student use anyway
- Concerns about the need to have additional school personnel present while groups are using the grounds
 - Community use of grounds does not need additional personnel present because other adults typically are

Why is Shared Use so Important?

- Schools are typically a center of a community and thus can help bring communities together and create stronger neighborhoods
- Everyone needs a safe place to be physically active
- Opening school grounds to the community may strengthen support for government expenditures on school infrastructure and improvements

Questions

- Contact Information
 - Nicole Olmstead
 - Government Relations Director, AHA/ASA
 - Nicole.Olmstead@heart.org
 - 602-414-5346

ROLE OF LOCAL HEALTH DEPARTMENTS



A CHECKLIST FOR LOCAL HEALTH DEPARTMENTS

- ✓ Identify community and school needs
- ✓ Inventory properties
- ✓ Education and outreach
- ✓ Bring partners together



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RESOURCES: SCHOOL SHARED USE

Playing Smart
Maximizing the Potential of School and Community Property Through Joint Use Agreements

nplan | ChangeLab Solutions | **PLAYING SMART**

Liability for Use of School Property After Hours
An Overview of California Law

California law offers strong protection against liability for school districts that open their property to the community after hours. This fact sheet explains the different protections afforded by state law to help districts minimize their risk of liability.

Some school districts may be reluctant to open school property to the community after hours, concerned about the legal risks and any costs in case of injury or property damage. California law, however, gives school districts strong protection against liability. By proactively maintaining their property, carrying insurance, and requiring formal groups (like sports leagues) who use their property to maintain insurance—and by entering into formal joint use agreements with local governmental entities—districts can minimize their risk.

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JOINT USE AGREEMENT 1
Opening Outdoor School Facilities for Use During Non-School Hours

Checklist for Developing a Joint Use Agreement (JUA)

Many communities lack safe, adequate places for children and their families to exercise and play. Schools might have a variety of recreational facilities – grassy areas, playgrounds, fields, courts, tracks – but many districts close their property to the public after school hours because of concerns about costs, vandalism, security, maintenance, and liability in the event of injury.

Most states currently have laws that encourage or even require schools to open their facilities to the community for recreation or other civic uses. Nonetheless, school officials may be reluctant to do so, cautious about the expense in terms of increasingly tight budgets. The good news is that city, county, and state governments can partner with school districts through what are known as joint use agreements to address these concerns.

A joint use agreement (JUA) is a formal agreement between two separate government entities – often a school and a city or county – setting forth the terms and conditions for shared use of public property or facilities. JUAs can range in scope from relatively simple (e.g., opening school playgrounds to the public outside of school hours) to complex (allowing community individuals and groups to access all school recreation facilities, and allowing schools to access all city or county recreation facilities).¹

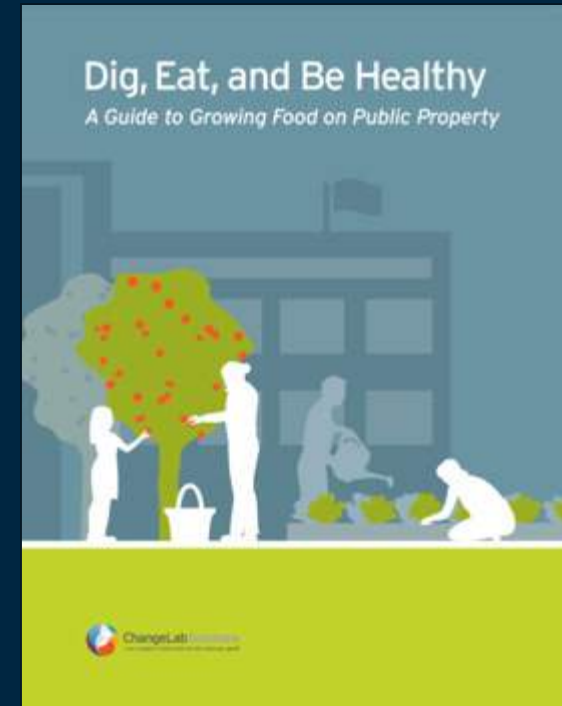
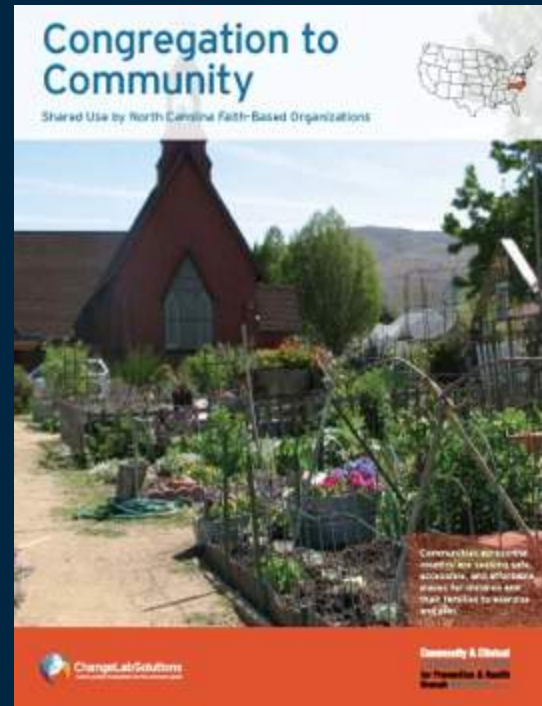
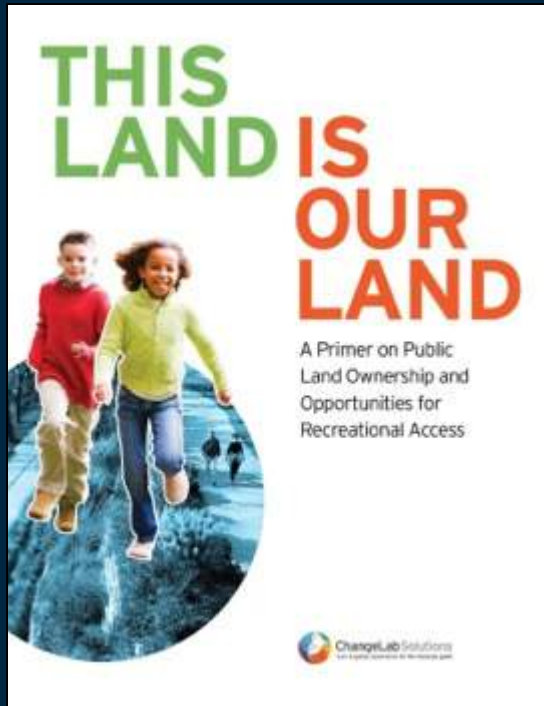
Just as there is no one model JUA, there is no single method to develop an agreement. Successful JUAs require a lot of thought, effort, and cooperation to reach agreement on a range of issues.

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www.changelabsolutions.org/shared-use

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RESOURCES: BEYOND THE SCHOOLYARD



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www.eatwellbewell.org

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Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish).

For any other information dealing with Supplemental Nutrition Assistance Program (SNAP) issues, persons should either contact the USDA SNAP Hotline Number at (800) 221-5689, which is also in Spanish or call the Arizona Nutrition Network Hotline; in Maricopa County call 602-542-9935, outside of Maricopa County call 1-800-352-8401.

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Thank you!

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