UNLOCK POSSIBILITIES
Creating Successful Shared Use Partnerships

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Healthier communities for all through better laws and policies.

ChangeLab Solutions
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Agenda

- Introductions
- Shared Use: A Refresher and New Frontiers
- What Is Your Role in the Shared Use Movement?
- Making It Work: Shared Use Problem Solving
- So You Can Sue Me, What Else is New?
- Shared Use Success Stories
- Lessons Learned and Next Steps
- Wrap-Up and Evaluation
Know Your Neighbors
Bingo
Stand Up / Sit Down
Shared Use
A Refresher and New Frontiers
How do you build a healthy community?
Environment is everything
Our health is affected by the places we live, work, & play.
How can we create HEALTHY ENVIRONMENTS?
Recreation
Shared Use Occurs When...

- government entities or nonprofit organizations
- agree to open or broaden access
- to facilities
- for community use
Getting from here...
Why Shared Use?

Not enough places to be physically active

Not enough physical activity

High rates of obesity and related chronic diseases
Environment is everything
How Does Shared Use Happen?

1) No Agreement or Policy

2) Informal Agreement or Policy

3) Formal Agreement or Policy
Where Does Shared Use Happen?
School District
Shared Use Agreements

1) Unlocking the Gates
2) Indoor & Outdoor Access

3) Nonprofit Partnerships
4) Reciprocal Access
COMMUNITY USE OF SCHOOL PLAYGROUND

The public is permitted to access the playground and its outdoor amenities during daylight hours on any day school is not in session. The principal may establish additional rules regarding conduct of the public during non-school hours.

For your safe and enjoyable use of this facility, the following are prohibited.

- Pets
- Glass containers
- Firearms or weapons
- Open fires of any kind
- Entering closed areas
- Plant removal/destruction
- Skateboards and roller-skates
- Vending/soliciting without a permit
- Motorized vehicles except wheelchairs
- Intoxicants and alcoholic beverages

Groups wishing to use this property for organized activities should contact the school office for a school facilities use form.

For the full community use of school facilities policy, refer to www.hcde.org, Hamilton County Board of Education, Policy 3.206
New Frontiers
Public Land
Utility Rights of Way
Special District Land
Other Public Property
New Frontiers
Private Land
Non-Profit Hospitals
Clark Regional Medical Center, Winchester, KY
Non-Profit Hospitals
Logansport Memorial Hospital, IN
Faith-Based Organizations
The Path, Winchester, KY

Welcome: Open Dawn to Dusk

Rules
- Pets: Private Apparatus, Supervise All Children
- Dogs Must be Leashed (unless on One Dog in a Leash)
- No Motorized Vehicles
- Not Patrolled by Police

Made Possible by Calvary Christian Church & Bluegrass Rails to Trails

NOW OPEN
Walking Trail Dawn to Dusk

Made Possible by Calvary Christian Church & Bluegrass Rails to Trails
Faith-Based Organizations
Grace Park and Creekwise Park, Marion, NC
Faith-Based Organizations
Agape Word Fellowship, Raleigh, NC
Faith-Based Organizations

Zumba Classes, Salt Lake County, UT
Environment is everything
Common Considerations

- Liability & Insurance
- Funding & Resources
- Facilities Management
- Implementation & Sustainability
- Safety
- Transportation
Questions?
Brainstorm
What Is Your Role in the Shared Use Movement?
Making It Work, Part I
We Can’t Do That Because...
So You Can Sue Me, What Else is New?
Understanding and Overcoming Liability
Liability Basics

A successful negligence claim requires...

1. Duty
2. Breach
3. Causation
4. Damages
NO LIABILITY unless...
Someone did not act with reasonable care
AND
That carelessness caused an injury
Principal Skinner decides to open up Springfield Elementary School facilities to the general public during non-school hours. He has known that a particular swing set has been broken for two months, causing kids to fly off when swung high. Lisa Simpson uses the swings after school and breaks a leg when the swing detaches from the set.

Is Springfield Elementary School liable for negligence?
Principal Skinner decides to open up Springfield Elementary School facilities to the general public during non-school hours. He has known that a particular swing set has been broken for two months, causing kids to fly off when swung high. Lisa Simpson uses the swings after school and breaks a leg when the swing detaches from the set.

Is Springfield Elementary School liable for negligence?

YES
Principal Skinner decides to open up the outdoor grounds at Springfield Elementary School for public use during non-school hours. Bart Simpson is playing a pick-up soccer game on the fields one weekend, when he trips and breaks his ankle.

Is Springfield Elementary School liable for negligence?
Question

Principal Skinner decides to open up the outdoor grounds at Springfield Elementary School for public use during non-school hours. Bart Simpson is playing a pick-up soccer game on the fields one weekend, when he trips and breaks his ankle.

Is Springfield Elementary School liable for negligence?  

NO
Principal Skinner decides to open up Springfield Elementary School facilities to the general public during non-school hours. Marge Simpson is walking around the track when she is struck by lightning.

If Marge sues Springfield Elementary School for negligence, will she win?
Principal Skinner decides to open up Springfield Elementary School facilities to the general public during non-school hours. Marge Simpson is walking around the track when she is struck by lightning.

If Marge sues Springfield Elementary School for negligence, will she win?

NO
Question

Principal Skinner decides to open up Springfield Elementary School facilities to the general public during non-school hours. The goal post on the football field has been loose for the last two weeks. Principal Skinner knows this, but hasn’t gotten around to fixing it yet. Homer Simpson is sitting on a bench near the football field when the goal post falls, narrowly missing him.

If Homer sues Springfield Elementary School for negligence, will he win?
Principal Skinner decides to open up Springfield Elementary School facilities to the general public during non-school hours. The goal post on the football field has been loose for the last two weeks. Principal Skinner knows this, but hasn’t gotten around to fixing it yet. Homer Simpson is sitting on a bench near the football field when the goal post falls, narrowly missing him.

If Homer sues Springfield Elementary School for negligence, will he win? NO
Immunity

No damages regardless of actions

BUT...
Ohio’s Liability Law

• Recreational User Statute
• School Premises Liability (HB 290)
Question

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Is Springfield Elementary School liable for negligence?
Managing Risk and Shared Use

1. Reasonably safe environment
2. Shared use agreements
3. Awareness of protections in state law
Opening School Property After Hours
A Primer on Liability

Some school districts are reluctant to open school property to the community after hours, concerned about the legal risks and the costs associated with injury or property damage. The good news is that the risk of liability is often exaggerated, and the legal system offers school districts many protections against lawsuits.

Concerns about the legal risk of opening school property to the community after hours are often exaggerated, and the legal system provides school districts with many protections against lawsuits. The legal system includes laws that favor school districts, and "first aid" agreements can help limit schools' liability.

The Truth About Lawsuits

Research shows that liability risk is much lower than many believe:
1. With the exception of car accidents and injuries caused by workers' compensation, most people who are injured through another's fault never file a lawsuit or bring a claim.
2. The legal system does a reasonably good job of feeding our claims without much particular high-value claims.
3. Even when plaintiffs win awards, they only rarely receive the full amount of the verdict.
4. Media reporting on lawsuits is overwhelmingly weighted toward the unusual, very-high-value claims as well, ignoring the vast majority of cases in which plaintiffs receive only small amounts of money or the settlement.

www.ChangeLabSolutions.org/shared-use
Making It Work, Part II
Shared Use Problem Solving
Goals and Next Steps

- What are your shared use goals?
- What steps are you going to take to make shared use happen in your community?
  - In the next **week**...
  - In the next **month**...
  - In the next **year**...
Making It Work, Part III
What Did We Learn?
Panel Discussion
Shared Use Success Stories
How can you start?
Goals and Next Steps

- What are your shared use goals?
- What steps are you going to take to make shared use happen in your community?
  - In the next week...
  - In the next month...
  - In the next year...