

ChangeLabSolutions

UNLOCK POSSIBILITIES

Creating Successful Shared Use Partnerships

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ChangeLab Solutions

Healthier communities for all through better laws and policies.



DISCLAIMER

The information provided in this discussion is for informational purposes only, and does not constitute legal advice. ChangeLab Solutions does not enter into attorney-client relationships.

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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

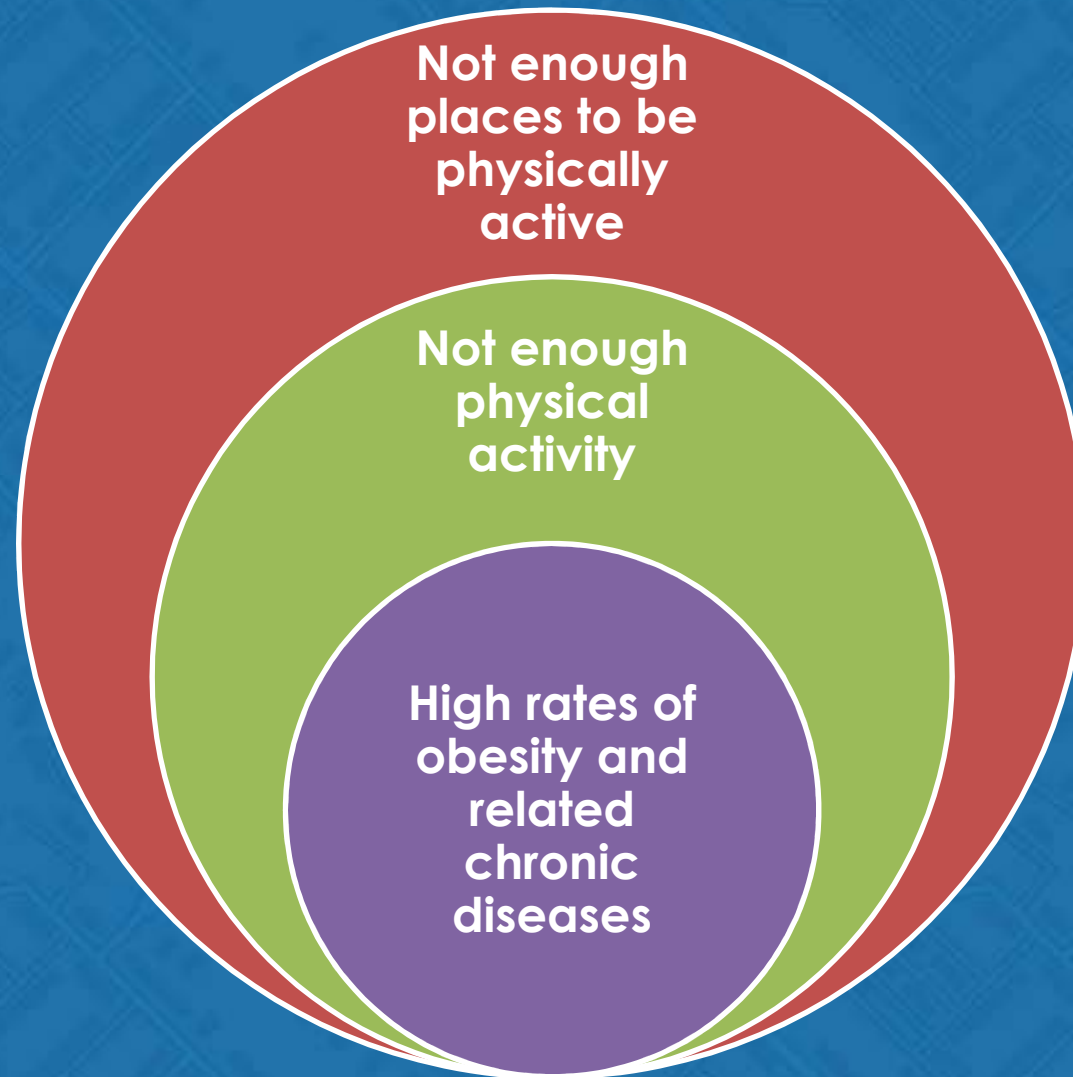
Getting from here...





...to here

Why Shared Use?



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?





Schools



School District Shared Use Agreements

1) Unlocking the Gates



2) Indoor & Outdoor Access



3) Nonprofit Partnerships



4) Reciprocal Access



School District Open Use Policy



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

Schools



Moving Beyond the Schoolyard



New Frontiers





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



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





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



Question

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**?

Question

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

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?

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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

Question

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?

Question

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?

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**.

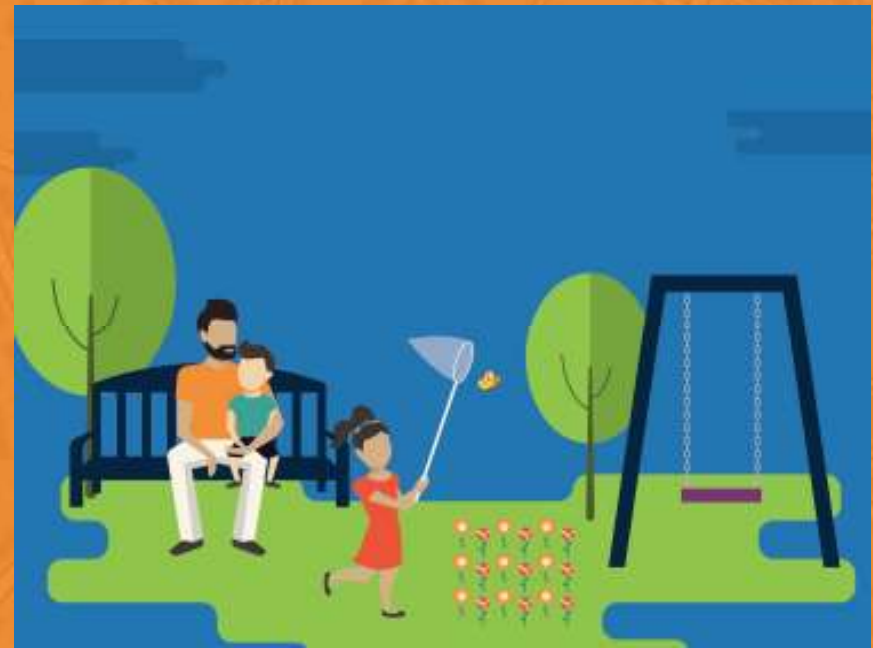
If Homer sues Springfield Elementary School for **negligence**, will he win?

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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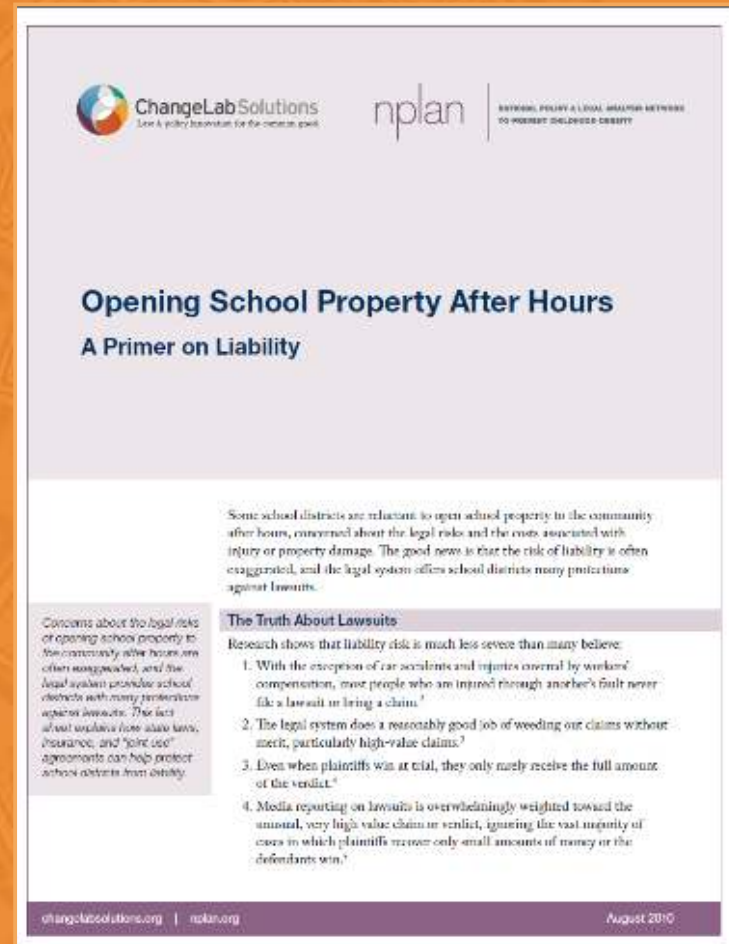
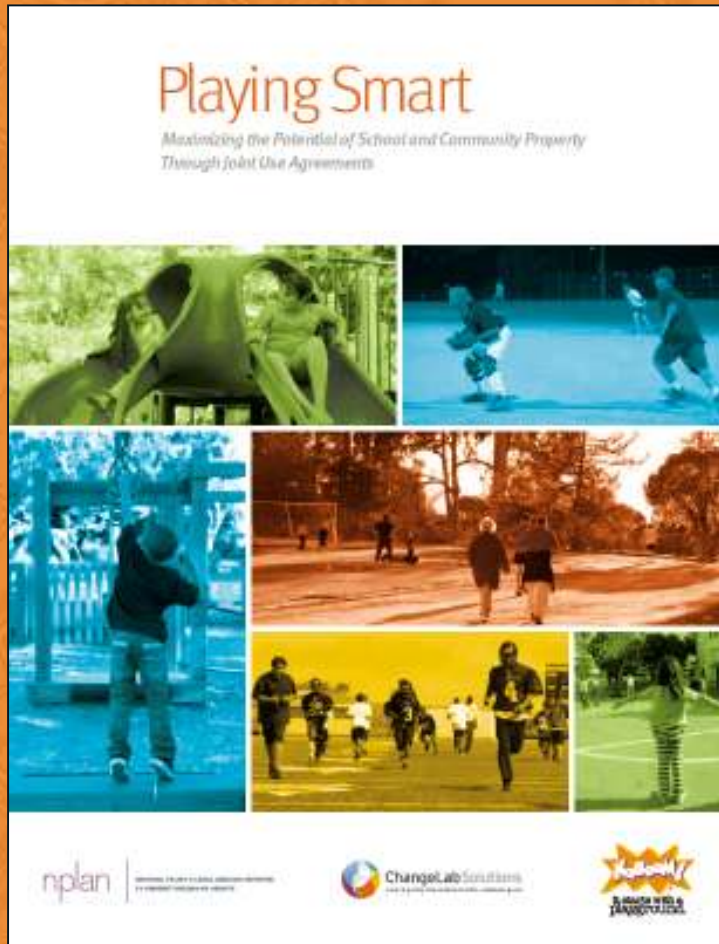


Managing Risk and Shared Use

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



Resources: Shared Use & Liability



www.ChangeLabSolutions.org/shared-use

Making It Work, Part II

Shared Use Problem Solving



Working Lunch

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?
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