



*New NC Legislation on Open Use of  
School Grounds for Recreation*

*Anna Stein, JD, MPH  
NC Division of Public Health  
[anna.stein@dhhs.nc.gov](mailto:anna.stein@dhhs.nc.gov)*



# Major Presentations “Take-Aways”

- Shared use of school grounds is a means to increase access to places for physical activity
- 2015 legislation provides a broad legal basis for shared use of school grounds in North Carolina for recreation
- Advocates can use *A Toolkit for Promoting Open Use of School Property in North Carolina* to guide their efforts to promote open use in their communities



# *What is shared use?*

Shared use is a broad term describing a situation where an institution or organization (such as a school or faith-based organization) allows people outside that institution or organization to use its property--typically for recreation.



## *What does shared use look like in the school context?*

- Sports leagues renting school fields for practices and games
- YMCAs renting cafeterias, gyms, and fields to use for after-school programs
- Faith-based organizations renting auditoriums and classrooms to hold Sunday services
- Parks and rec departments using school grounds for recreational programs
- Families staying after school to play with their children on the playground
- Neighborhood adults and children using outdoor school facilities, such as playgrounds, tracks, walking trails, and courts, when school is not in session



# *Why is shared use of school recreational spaces important?*

- **Gives community members access to places for physical activity**
  - In some areas, especially rural ones, there may be few other recreational spaces available for use
  - Increased physical activity linked to improved health outcomes and improved academic outcomes
- **Promotes connection between community and schools**
  - Gives schools a way to engage families before their young children enter school
  - May encourage community financial support of schools, particularly among people without school-aged children who may otherwise see themselves as getting no benefit from schools
  - Can incentivize community protection of school property, e.g., reduction of vandalism
- **Provides economic efficiency in tight budget times**
  - School property already exists for the use of school children and can be re-purposed for broader community uses
  - Foundations and businesses may be willing to contribute \$ to improve recreational spaces



# *Legislature has long endorsed shared use of school property in NC*

- 1955: Gave school boards power to allow community use of school buildings
- 1963: Added liability protection for school boards that allowed community use of school buildings
- 1992: Gave school boards the ability to enter into agreements with non-school groups for the use of “real and personal property” and gave liability protection to schools for injuries arising out of use of property through these agreements

## Open questions after 1992:

- Did the legislature endorse community use of school property outside of “agreements”?
- What kind of liability protection existed for schools that allowed use of school property by the community outside of “agreements”?



*Shared use of School Property in North Carolina: The Role of Unorganized Recreation.* North Carolina Department of Health and Human Services, Raleigh, NC (2014)



## *2015 Amendment to N.C.G.S. § 115C-524*

“Local boards of education may make outdoor property available to the public for recreational purposes subject to any terms and conditions each board deems appropriate, (i) when not otherwise being used for school purposes and (ii) so long as such use is consistent with the proper preservation and care of the outdoor school property. No liability shall attach to any board of education or to any individual board member for personal injury suffered by reason of the use of such school property.”

(emphasis added)



## *Effect of 2015 Amendment*

- Answers questions that existed after 1992 about whether legislature endorsed community use of school property outside of “agreements” and what liability protection exists for use outside of “agreements”
- Explicitly recognizes that schools are authorized to open their outdoor grounds to the public for recreation without an “agreement”
- Grants the same level of liability protection to schools that allow open use of their outdoor property as the law gives to schools that enter into “agreements” for the use of their property (complete protection)



# *Types of Shared Use/Terminology*

## **Joint use agreements/Rental agreements**

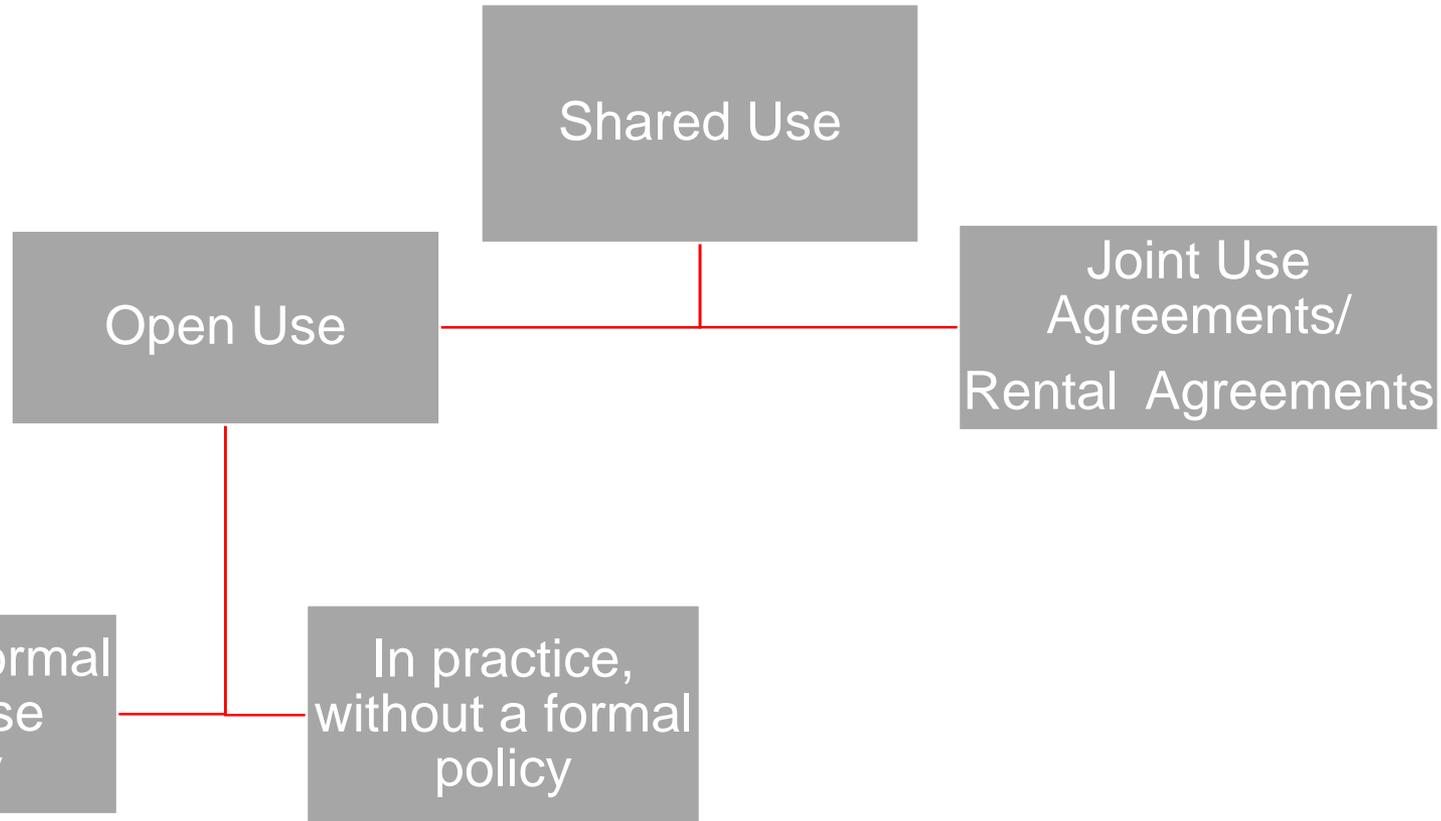
- A form of shared use whereby an institution enters into a written agreement (i.e., contract) with an individual or group to use its space under specific terms
  - Many school systems have “Community Use of Facilities” policies that set forth the terms by which community members can rent school facilities

## **Open use**

- A form of shared use whereby an institution allows the general public to use its property for recreation without charge and without a contractual agreement in place
  - An school can create a formal open use policy to spell out the terms by which the public is allowed to use its space
  - An school can allow open use in practice, without a formal policy



# Shared Use Framework



# A New Open Use Toolkit



The screenshot shows a PDF document viewer displaying a page with the following content:

- Three small images at the top: a girl and boy on swings, a man and woman with a soccer ball, and a person running on a track.
- A green banner with the text "Move More:" in white.
- The title "A Toolkit for Promoting Open Use of School Property in North Carolina" in a dark red font.
- A large image at the bottom showing a group of diverse children playing on a red metal playground structure.

[http://www.eatsmartmovemorenc.com/News/Texts/Move\\_More-A\\_Toolkit\\_for\\_Promoting\\_Open\\_Use\\_of\\_School\\_Property\\_in\\_North\\_Carolina-Final.pdf](http://www.eatsmartmovemorenc.com/News/Texts/Move_More-A_Toolkit_for_Promoting_Open_Use_of_School_Property_in_North_Carolina-Final.pdf)



## *What You'll Find in the Toolkit*

- Background information on the importance of increasing access to places for physical activity
- Relevant North Carolina law
- Explanations of terms and the shared use framework
- Checklist for developing open use policies
- List of resources that support open use
- Model Open Use Policy from ChangeLab Solutions
- An open use case study from Nash and Edgecombe counties



# PLAYING TOGETHER IS FUN!

This playground is open to the community everyday during daylight hours when school is not in session.

**Please enjoy the facilities & stay active Alamance County!**

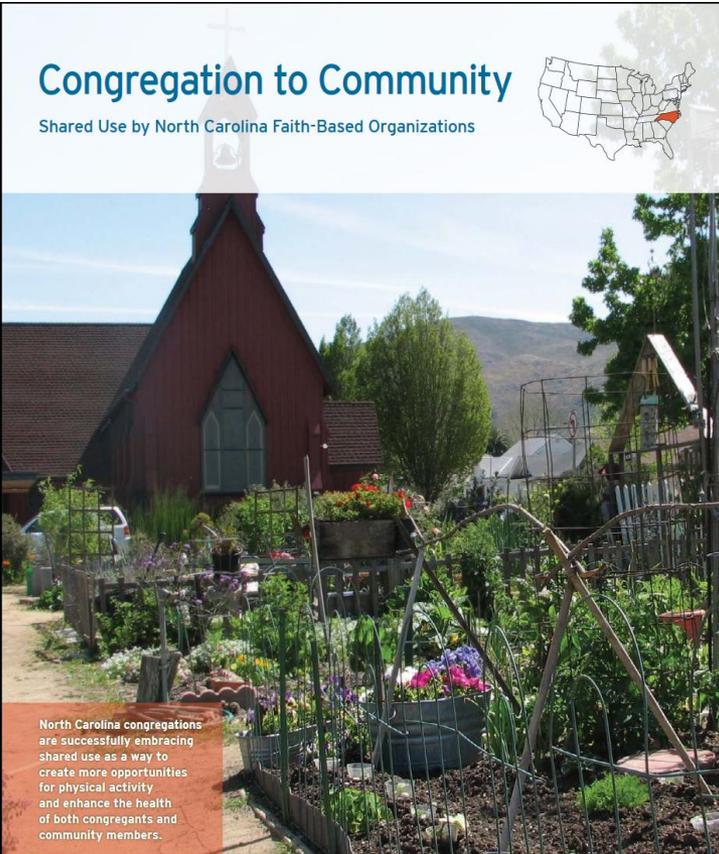


**Please help to make this opportunity a success by being respectful of school property and adhering to School Board policies:**

Tobacco products (including e-cigarettes), alcohol, illegal drugs, weapons, explosives/fireworks, gambling, open flames, and littering are not allowed.

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 Outside Facilities Policy, refer to Alamance-Burlington School System Policy 6300.

# Shared Use in the Faith-Based Context



**Congregation to Community**  
Shared Use by North Carolina Faith-Based Organizations



North Carolina congregations are successfully embracing shared use as a way to create more opportunities for physical activity and enhance the health of both congregants and community members.

 **ChangeLab Solutions**  
Leveraging innovation for the common good

**Community & Clinical CONNECTIONS for Prevention & Health Branch**  
NORTH CAROLINA DIVISION OF PUBLIC HEALTH

<http://www.changelabsolutions.org/publications/congregation-community>



# Major Presentations “Take-Aways”

- Shared use of school grounds is a means to increase access to places for physical activity
- 2015 legislation provides a broad legal basis for shared use of school grounds in North Carolina for recreation
- Advocates can use *A Toolkit for Promoting Open Use of School Property in North Carolina* to guide their efforts to promote open use in their communities

