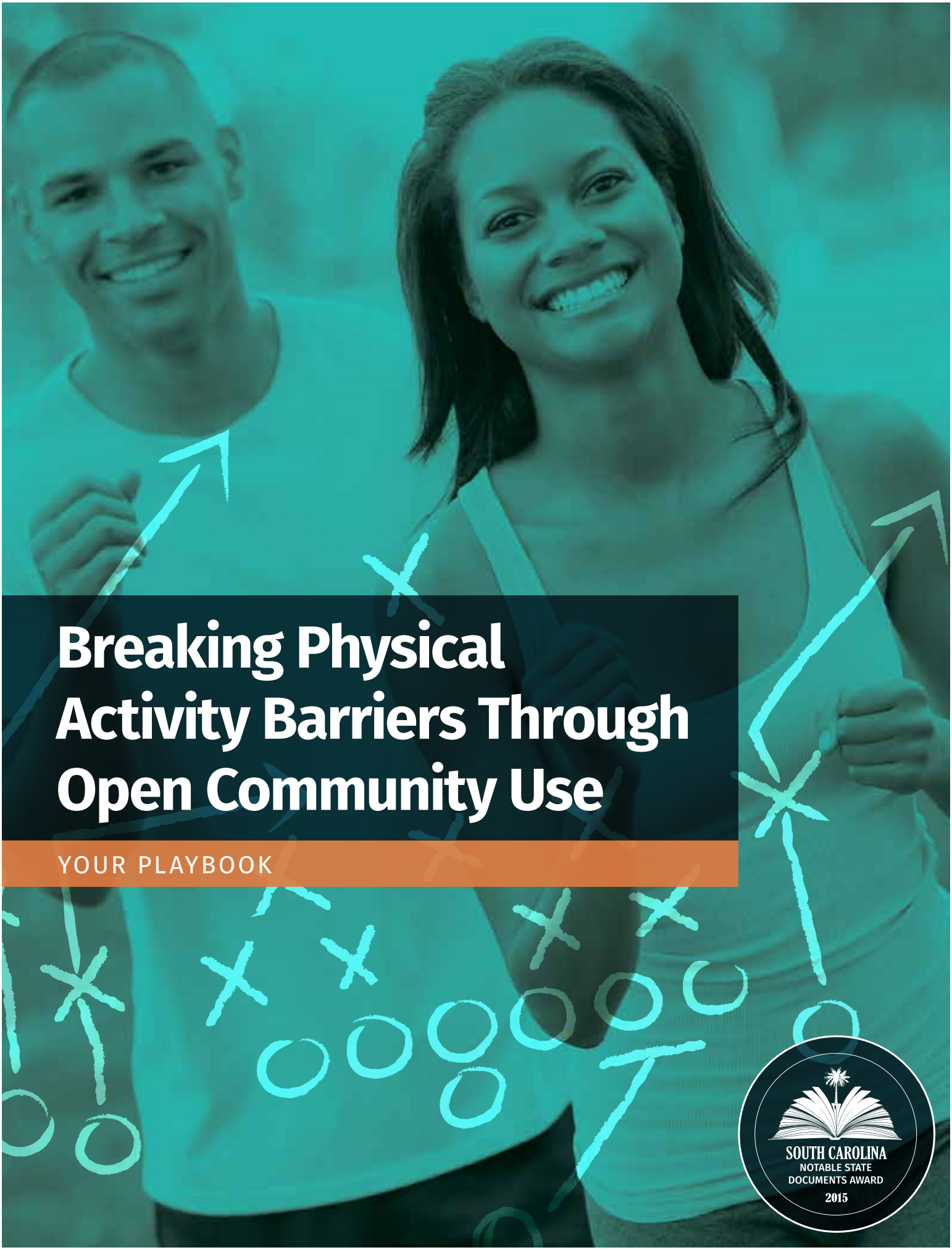

Breaking Physical Activity Barriers Through Open Community Use

YOUR PLAYBOOK

SOUTH CAROLINA
NOTABLE STATE
DOCUMENTS AWARD
2015

ACKNOWLEDGMENTS

The development of this publication was led by Eat Smart Move More South Carolina and the South Carolina Department of Health and Environmental Control Division of Nutrition, Physical Activity, and Obesity. A special thank you is also extended to the project advisory committee that provided valuable feedback as this toolkit was developed.

Eat Smart Move More South Carolina

Partners for Active Living

South Carolina Alliance of YMCAs

South Carolina Department of Health and Environmental Control

South Carolina Safe Routes to School

South Carolina Recreation and Parks Association

University of South Carolina Center for Health Services and Policy Research

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INTRODUCTION

Open community use, allowing free community access to schools' outdoor recreational facilities, is an effective and affordable strategy to combating obesity and increasing physical activity[1]. In 2014, the South Carolina School Boards Association recommended all school districts adopt the open community use model policy *(See Appendix A. South Carolina School Boards Association Adopted Model Policy)*. Many school districts are reluctant to adopt an open community use policy due to concerns with liability. However, South Carolina currently provides clear statutory liability protection for open community use of schools' facilities for recreation[2]. This document provides guidance to school administrators, teachers, and community members interested in adopting and implementing open community use as a strategy to increase physical activity.

BACKGROUND

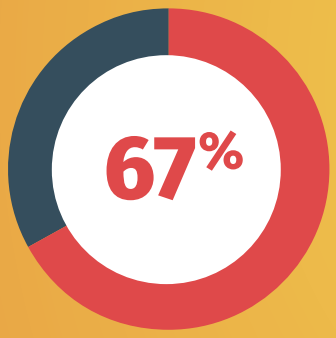
As of 2013, South Carolina has the 9th highest rate of adult obesity in the nation, and lack of physical activity is a contributing factor to this epidemic[3]. Only one-half of adults and less than a quarter of high school students in South Carolina were meeting the recommended amounts of physical activity guidelines[3, 4]. To change this trend and build a new culture of health, South Carolinians must have access to safe, affordable, and convenient places to be physically active.

Adults and youth are more likely to be physically active in communities where schools allow open community use of their outdoor playgrounds, tracks, courts, and other outdoor recreational facilities[5, 6]. Schools and communities throughout the state and nation are working together to increase physical activity by allowing free access to outdoor recreational facilities before or after school hours.

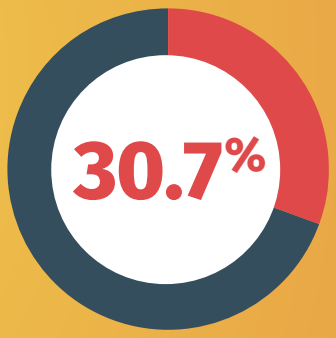
South Carolina **Health Facts**

26.9% of adults reported no leisure time activity[3].

19.6% of high school students did not participate in at least 60 minutes of physical activity at least 1 day in the last week[4].



67% of adults are overweight or obese[3].



30.7% of high school students are overweight or obese[4].

PHYSICAL ACTIVITY GUIDELINES

According to the Centers for Disease Control and Prevention, adults need **150 minutes** of physical activity a week and youth need **60 minutes** a day. For more information on physical activity recommendations visit **www.cdc.gov**[7,8].

OPEN COMMUNITY USE

Open community use refers to schools allowing free community access to tracks, fields, courts, playgrounds, or other outdoor recreational facilities before or after school hours.

Open community use can increase community access to places to be physically active. In addition, opening schools' outdoor facilities can assist in eliminating health disparities that exist in the state[5,6]. Many individuals cannot afford to pay for recreational facilities or their community does not have a nearby park or recreational area[5,9]. Opening schools' outdoor recreational facilities can help all South Carolinians, regardless of income level, engage in more physical activity. Open community use increases the opportunities for youth, adults, seniors, and families to be active, which, combined with good nutrition, is an important step toward improving health.

Benefits of Open Community Use

- Increases access to safe, affordable, and convenient places for physical activity[10, 11].
- Decreases children's sedentary behavior[12].
- Improves family and community engagement with the school[1].
- Increases safety and decreases vandalism of facilities[1].

Other Types of Facility Use Agreements

In addition to open community use, school facilities can be open for public use in a number of different ways.

1. **Shared Use/Joint Use Agreements:** When government entities, private organizations, or non-profits partner to open access to school property and/or facilities for community use.

   Example: An afterschool program uses the local middle school track during the week for their program.

2. **Recreational and Non-recreational Agreements:** When a school district allows third parties to host group programs and activities on school property, sometimes in exchange for paying a fee.

   Example: The local parks and recreation department hosts T-ball games at the local elementary school's baseball diamond.

STATEWIDE PROMOTION OF OPEN COMMUNITY USE

Experts in South Carolina have recognized open community use as an important strategy for improving access to outdoor recreational facilities to increase physical activity.

South Carolina School Boards Association

The South Carolina School Boards Association published an open community use model policy in the *2014 Policy and Legislative Update.* All school districts and schools in South Carolina are encouraged to adopt and implement the model policy and open schools' outdoor recreational facilities to the community *(See Appendix A. South Carolina School Boards Association Adopted Model Policy).*

"In some communities, schools are often the only place to find safe and affordable recreation spaces. School boards are encouraged to adopt a policy addressing the use of district recreational areas."

Dr. Tiffany N. Richardson

General Counsel and Director of Policy and Legal Services

South Carolina School Boards Association

SCale Down: South Carolina Obesity Action Plan

The South Carolina Obesity Action Plan is a tactical plan that aims to build on the success of previous efforts and offers new strategies to reduce obesity rates statewide. This plan was developed through a collaboration of professionals representing state agencies, non-profits, and businesses throughout the state. One strategy for reducing obesity rates includes increasing community access to schools' outdoor recreational facilities that offer opportunities for physical activity. For more information about the South Carolina Obesity Action Plan, visit **www.SCaleDown.org**.

LEGAL SUPPORT FOR OPEN COMMUNITY USE

In South Carolina there is significant legal protection for allowing open community use at schools through the South Carolina Recreational Use Statute and the South Carolina Tort Claims Act. South Carolina legislation imposes the same liabilities and level of protection for school during and after the school day.

South Carolina Recreational Use Statute

The South Carolina Legislature enacted the South Carolina Recreational Use Statute in 1962 to limit the liability of land owners, including government entities, who open their land to the public free of charge.

South Carolina Tort Claims Act

The South Carolina Legislature passed the Tort Claims Act in 1986, which protects government entities, including school boards, school districts, and schools, from liability issues related to maintenance, supervision, or security.

For specific legal or liability questions, please contact your school district legal counsel or SCSBA Legal Services at info@scsba.org or (800) 326-3679.

For more information on the legislation, please visit www.scstatehouse.gov.

LIABILITY AND RISK MANAGEMENT

Liability, the legal responsibility for an injury or damage to property, is the most often cited concern regarding open community use policies. **The fear of liability is often a perceived barrier as schools are no more at risk than during the school day.** The measures schools take to protect themselves during the school day, such as putting inspection and maintenance protocols in place and following health and safety regulations, help protect them after hours, too[2, 13, 14]. **Generally, liability exists when the following four conditions are met: duty of care, breach, causation, and damages[13, 14].** For more information on the four conditions for liability, please see *Appendix C: Four Conditions of Liability.*

ACTION STEPS TO OPEN COMMUNITY USE

The following steps provide guidance on how school and community partners can work together to adopt and implement an open community use policy. At the school district level, this can be achieved by community members working with administrators and the local board of education (school board) to include open community use as a district policy. At the local level, school administrators, teachers, staff, students, parents and community members should work together to develop a plan for opening outdoor recreational facilities.

Step 1: Research Open Community Use Policies & Practices

The following resources can provide more information on the current policies and practices of open community use at the school district and school level.

DISTRICT LEVEL

- ❑ Visit the South Carolina School Boards Association website (**scsba.org**).
- ❑ Visit the school district website and research current policies listed online.
- ❑ Contact the school district directly if policies cannot be found online.

SCHOOL LEVEL

- ❑ Contact schools to learn if open community use of outdoor facilities is allowed.
- ❑ Contact a local Eat Smart Move More chapter or community coalition (**www.esmmsc.org**) for support and suggestions on resources and potential partners.

REVIEW RESOURCES

- ❑ Review the South Carolina School Boards Association Model Policy *(See Appendix A. South Carolina School Boards Association Adopted Model Policy)*.
- ❑ Review resources on liability:
  - ❑ SC Tort Claims Act (**www.scstatehouse.gov**)
  - ❑ SC Recreational Use Statute (**www.scstatehouse.gov**)
  - ❑ Liability Risks for After-Hours Use of Public School Property to Reduce Obesity: South Carolina (**http://shareduse.saferoutespartnership.org**)
- ❑ Review the following organizations' resources:
  - ❑ Active Living Research (**www.activelivingresearch.org**)
  - ❑ Change Lab Solutions (**www.changelabsolutions.org**)
  - ❑ Kaboom! (**www.kaboom.org**)
  - ❑ Public Health Law Center (**www.publichealthlawcenter.org**)
  - ❑ Salud America! (**www.salud-america.org**)

Step 2: Find Partners for Open Community Use

The following are suggested roles for school and community partners to establish, adopt, implement, and promote open community use.

LOCAL BOARD OF EDUCATION (SCHOOL BOARD)

- Adopt the school district's proposed open community use policy
- Help determine scope and details of open community use policy
- Work with risk management and legal counsel throughout the process
- Serve as the liaison to legal and liability resources

SCHOOL DISTRICT AND SCHOOL ADMINISTRATORS

- Allow access to school outdoor recreational facilities
- Engage school and community partners throughout the process
- Help tailor the South Carolina School Boards Association's model policy to meet the needs of the school district and community
- Encourage school board to adopt the district's open community use policy
- Help monitor implementation of the policy

COORDINATED SCHOOL HEALTH ADVISORY COUNCIL/SCHOOL IMPROVEMENT COUNCIL

- Include open community use as a district and/or school wellness goal
- Help tailor the SCSBA's model policy to meet the needs of the school district and community
- Encourage school board to adopt the district's open community use policy
- Measure and report policy implementation progress

PARENT TEACHER ASSOCIATIONS OR ORGANIZATIONS

- Encourage school board to adopt the district's open community use policy
- Promote implementation, such as kick-off events
- Raise funds for additional resources (e.g., playground equipment, basketball courts, maintenance, or signage)

FAMILIES AND COMMUNITY MEMBERS

- Help tailor the South Carolina School Boards Association's model policy to meet the needs of the school district and community
- Encourage school board to adopt the district's open community use policy
- Bring families to the facilities to play and be active
- Model safe and responsible behavior while using the school's outdoor recreational facilities
- Promote the school's open outdoor facility to the community

OTHER POTENTIAL PARTNERS

- Local health departments
- Local Eat Smart Move More chapters or coalitions
- Parks and Recreation Departments
- Faith-Based Organizations
- Neighborhood Associations

Step 3: Tailor the Model Open Community Use Policy

The South Carolina School Boards Association's open community use policy serves as a model that is intended to be tailored to meet the needs of each school district, school, and community. There are two important questions to answer when tailoring an open community use policy.

1 What outdoor recreational facilities will be included?

School districts can choose to provide access to all facilities or specific facilities with community access varying from school to school. It is important for the school district and schools to be comfortable with the level of access provided to the community.

Example: All elementary playgrounds and baseball diamonds are open for community use.
Example: Playgrounds at ABC Elementary and tracks at XYZ High School are open for community use.

2 When will the outdoor recreational facilities be open to the community?

Determining the open community use hours will require careful examination of when and how the district currently uses the identified facilities. Open community use hours can easily be scheduled when schools are not in session, such as before or after school, weekends, and holidays. Open community use hours can vary for different facilities.

Example: All elementary playgrounds and baseball diamonds are open from 3:30 p.m. to 7:30 p.m.
Example: Playgrounds at ABC Elementary are open from 3:30 p.m. to 7:30 p.m. and weekends and outdoor tracks at XYZ High School are open weekends and holidays from 6 a.m. – 7:30 p.m.

Step 4: Adopt an Open Community Use Policy

Once the school district's proposed open community use policy has been drafted, it is ready to be presented to the local school board for adoption. School and community partners can achieve this by:

- Attending school board meetings to become familiar with meeting procedures
- Scheduling an open community use policy discussion on the school board's calendar
- Asking a key partner to present the tailored open community use policy
- Following the school board's protocol for policy adoption
- Following up with individual board members, as necessary, to address any questions or concerns

Additional Items to Consider When Tailoring & Adopting Open Community Use

- Maintenance and custodial services
- Access to open facilities
- Additional cost of signage
- Promotion of open facilities
- Permitted and prohibited use of open facilities
- Parking and restrooms for public if using facility

Step 5: Promote Open Community Use

Develop a communication and marketing plan to promote open community use. The plan can include the following:

- ❑ Develop outdoor signage clearly stating which facilities are open for community use.
- ❑ Post signs at the entrance of open facilities stating open community use hours, rules of use, and a contact number for misuse.
- ❑ Host a community kick-off event and invite community members, local media, and partners.
- ❑ Distribute press releases to local media (newspapers, television, and radio stations).
- ❑ Include information on open community use in student orientation or existing school events.
- ❑ Contribute an article on the new policy to local employer/employee newsletters.
- ❑ Communicate to parents through flyers, newsletters, social media, and partner websites.
- ❑ Encourage partners to post social media messages about the new policy, including pictures of community members using the recreational facilities.
- ❑ Ensure open community use facilities are listed on **www.LetsGoSC.org**, a community resource map.
- ❑ Encourage community members to use **www.LetsGoSC.org** and visit facilities for physical activity.

SPOTLIGHT: BARNWELL SCHOOL DISTRICT 19

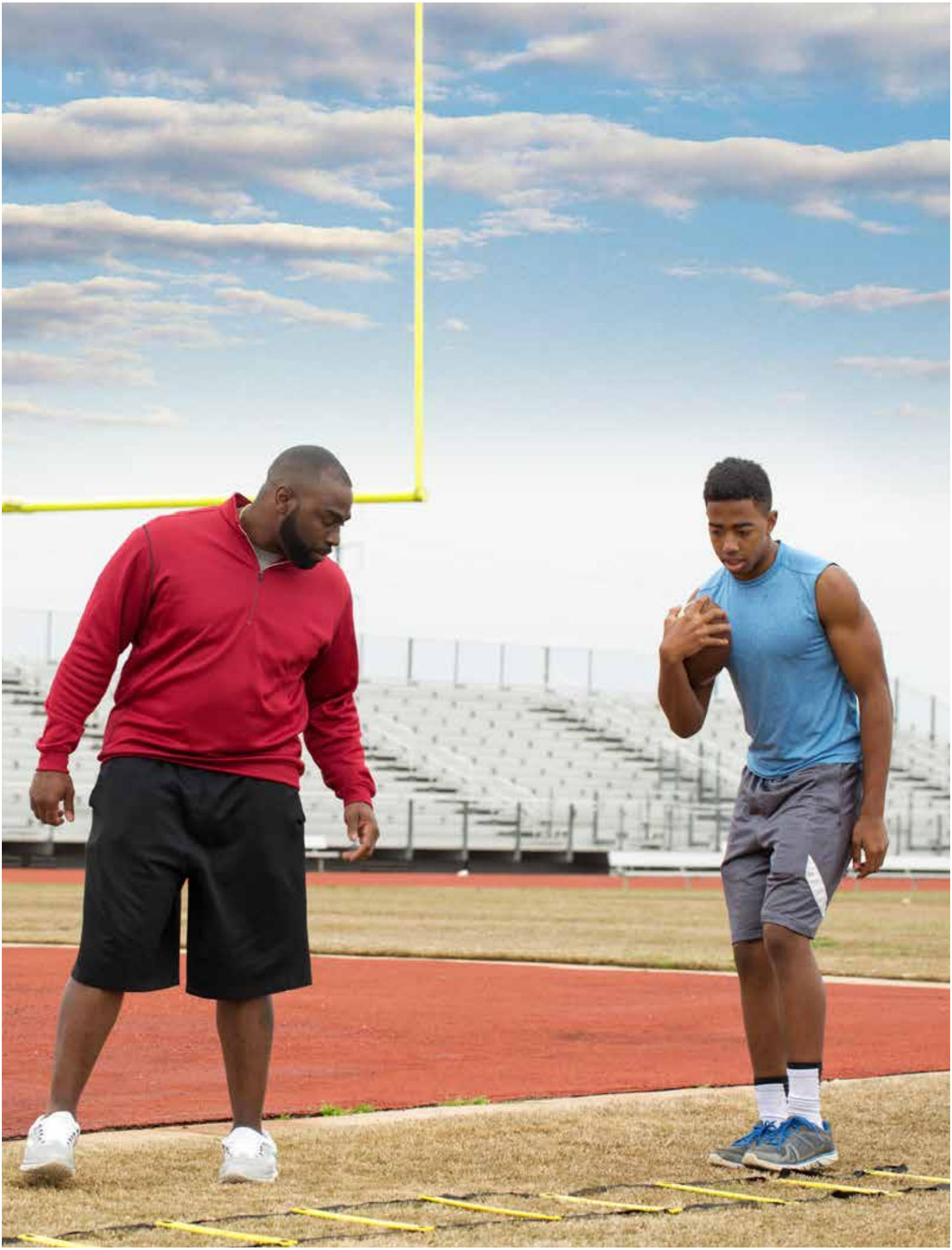
A success story of how a school district and community worked together to adopt and implement an open community use policy.

Eat Smart Move More (ESMM) Barnwell County and its supporters worked with Barnwell School District 19 to adopt and implement the South Carolina School Boards Association's model policy for open community use in early 2015. Without a district policy in place, schools in Blackville, SC informally allowed community members to access recreational facilities. ESMM Barnwell County saw the importance of formally providing the community with safe and affordable places to be physically active through an open community use district policy. A written policy would ensure schools' outdoor recreational facilities continued to remain accessible to the community through future administrative leadership change.

Pam Rush, chairman of ESMM Barnwell County, presented the South Carolina School Boards Association's model policy for open community use at the school board meeting in May 2015, and the policy was approved on the second reading in June 2015. The policy states that all (three) schools in Barnwell School District 19 will allow open community use of the walking tracks and playgrounds before and after school, in addition to weekends and holidays.

"Eat Smart Move More Barnwell County is delighted that the school board passed the Open Community Use Policy. This policy is one strategy that we're utilizing to address physical inactivity and obesity in the Blackville Community. Access to safe and affordable recreational areas gives the children and families of Blackville... the opportunity to maintain active and healthy lifestyles."

Pam Rush
Chairman
Eat Smart Move More Barnwell County



Appendix

APPENDIX A: SOUTH CAROLINA SCHOOL BOARDS ASSOCIATION ADOPTED MODEL POLICY

Policy

OPEN COMMUNITY USE OF SCHOOL RECREATIONAL AREAS

Code **KFA** *Issued* **MODEL/14**

Purpose: To establish the basic structure for open community use of school recreational areas.

The board believes one strategy to address issues of physical inactivity and obesity in the state is allowing the community the use of outside recreation spaces. In communities where parks and land space are limited, outside recreation areas on school property can offer opportunities for physical activity and recreation for children and families. Schools can offer a variety of safe, clean facilities including running tracks, playgrounds and outdoor courts and fields.

As a service to the community, the board will open up outdoor areas to the community as follows.

- The board will provide public school recreational areas through the use of taxpayers' funds collected for educational purposes.
- The community will be entitled to access the recreational areas during daylight hours when the school or school-related organizations are not using such areas.

The board defines open recreational areas to mean the designated tracks, playgrounds, courts and fields. *[Option: The following specific areas are identified as recreational areas open to the community (list areas here).]*

Use of recreational areas by the schools and by school-related organizations takes precedence over all other uses.

All use of school property will be in accordance with federal, state and local laws. All applicable district rules, regulations and policies will be enforced while community members are utilizing the recreational areas.

The district is not liable for any personal injury resulting from the use of the open recreational areas. Furthermore, as the district is not responsible for the security or supervision of any public property permitted to be used as open areas for recreational purposes, the district is not liable for any property damage or loss incurred while using the recreational areas.

Cf. KF

Adopted ^

Legal references:

A. S.C. Code of Laws 1976, as amended:
   1. Section 59-78-10, *et seq.* - South Carolina Tort Claims Act.

This portion of the model policy can be tailored to a meet a school district's specific needs.

See Step 3 on page 8 for information on how to tailor.

This portion of the model policy protects school districts from liability.

School district should not change this portion of the policy.

This portion references legal support for the policy.

See page 5 for more information on legal protection.

APPENDIX B: TOOLS AND TEMPLATES

SAMPLE LETTER TO PARENTS

Dear Parents,

Building on our culture of health and commitment to the community, Happy School District now opens outdoor school recreational facilities for community use before and after school hours, on holidays, and weekends when the facilities are not in use with school-related activities.

We know physically active children are healthier and better learners. By opening up our schools' playgrounds, courts, tracks, and fields outside of school hours, we are helping to create safe places for families and our community members to be physically active.

Recreational use of school property during non-school hours is promoted by expert public health groups such as the American Academy of Pediatrics, the Institute of Medicine, the American Heart Association, South Carolina School Boards Association, the South Carolina Department of Health and Environmental Control, and Eat Smart Move More South Carolina, as an evidence-based practice for obesity prevention. Happy School District is proud to support efforts to create a healthier community.

The schools and facilities included in the agreement include:

ABC Elementary School
123 Elm Street, Happy Town, SC 12345
Playground, outdoor basketball court, and soccer fields

ABC Middle School
125 Elm Street, Happy Town, SC 12345
Outdoor basketball courts, walking track, football field, and tennis court

ABC High School
128 Elm Street, Happy Town, SC 12345
Baseball field, soccer field, walking track, and tennis court

Please bring your family to any Happy School District school for fun and fitness!

Sincerely,
Superintendent Smith

SAMPLE PRESS RELEASE

FOR IMMEDIATE RELEASE

Contact: Jane Doe, Communications Manager
Happy School District
803-555-5555
jdoe@happyschooldistrict.edu

New Policy Opens Happy School District Outdoor Recreational Facilities to the Community

Happy, SC (August 20, 2015) – Building on its culture of health and commitment to the community, Happy School District now opens outdoor school recreational facilities for community use before and after school hours, on holidays, and weekends when the facilities are not in use with school-related activities.

The School Board passed the Open Community Use policy on August 1. Many community partners support open community use including the School Improvement Council, County Parks and Recreation, Happy Neighborhood Group, Eat Smart Move More South Carolina, and the South Carolina Department of Health and Environmental Control. Creating a written policy helps ensure that the school grounds will remain open even if there are changes in district leadership.

"Opening school recreational facilities is a win for schools, children, and the community. It provides access for children and community members to play and be active," stated Executive Director of Eat Smart Move More SC, Beth Franco. "We know healthy kids are better learners. This is a great example of partners working together for a healthier community."

Recreational use of school property during non-school hours is promoted by expert public health groups such as the American Academy of Pediatrics, the Institute of Medicine, the American Heart Association, South Carolina School Board Association, South Carolina Department of Health and Environmental Control, and Eat Smart Move More South Carolina, as an evidence-based practice for obesity prevention.

The schools and facilities included in the agreement include:

ABC Elementary School
123 Elm Street, Happy Town, SC 12345
Playground, outdoor basketball court, and soccer fields

ABC Middle School
125 Elm Street, Happy Town, SC 12345
Outdoor basketball courts, walking track, football field, and tennis court

###

APPENDIX C: FOUR CONDITIONS OF LIABILITY

Liability, the legal responsibility for an injury or damage to property, is the most often cited concern regarding open community use policies. **The fear of liability is often a perceived barrier as schools are no more at risk than during the school day.** The measures schools take to protect themselves during the school day, such as putting inspection and maintenance protocols in place and following health and safety regulations, help protect them after hours, too[2, 13, 14].

Generally, liability exists when all four conditions are met[13, 14]:

1

Duty of Care

One person or entity was legally obligated to protect another person from harm.

For example, a school has a duty of care to maintain its facilities to prevent injuries to those on the property during the hours it is open.

2

Breach

The person or entity fails to meet the duty of care.

For example, if school personnel left sharp power tools on the playground, the school would not have taken reasonable precautions and would have breached its duty.

3

Causation

The failure to meet the duty of care caused harm.

For example, a parent tripped on the power tool and was injured.

4

Damages

There are expenses associated with harm.

For example, if the parent who tripped on the power tool had to miss work and visit a doctor, the damages owed by the school might include medical bills and salary for the time missed from work.

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