Open Use Policy

John Bilderback, M.S.
Chattanooga-Hamilton County Health Department
Background

• Step ONE received a Healthy Kids, Healthy Communities grant in December, 2009
  – One of the goals was to increase access to parks and green space in the East and South Chattanooga neighborhoods.
  – This grant was to be led by two Leadership Advisory Councils (ELAC & SLAC)
The JUA Approach

• Initially the idea was to target schools for Joint Use Agreements
  – We targeted two schools in East Chattanooga
    • Orchard Knob Elementary
    • Orchard Knob Middle
The JUA Approach

• LAC representatives met with the principal for each school and got very different responses.
  – The elementary school viewed a JUA as a **way to share the resource** with the neighborhood and its families. (They were supportive of the idea)
  – The middle school viewed a JUA as a **source of potential new problems and extra maintenance** the school would have to oversee. (They were not supportive of the idea)
The JUA Outcome

• The answer was...NO
  – Principals were concerned about liability
  – PTAs didn’t want the playgrounds they had raised money for vandalized
  – Coaches were concerned sports fields may not be able to handle the increased use
  – The school district attorney was concerned about food safety issues for school gardens
Failure is an Opportunity to Think Differently

- Every barrier has a reason
  - What is the reasoning behind the barrier and is it valid?
  - Why is the change we want necessary?
  - Does the capacity exist to support this change and to scale it up?
  - Might there be a simpler solution to the problem?
What is the Reasoning Behind the Barrier and is it Valid?

• YES
  – To some degree liability and safety are real concerns
  – Vandalism is a regular occurrence at schools
  – The middle school had no budget for maintaining the field
    • The coach volunteered his time to clean it
  – Previous agreements had not been kept (history)
Why is the Change We Want Necessary?

- Adult residents in East and South Chattanooga have some of the highest rates of diabetes (14%), high blood pressure (43%), and overweight and obesity (71%) in the City (10.5%, 31%, and 61% respectively).

- Physically active communities are known to have lower rates of these diseases; however, access and green spaces must be present first.
Why is the Change We Want Necessary?

- **Green Space Measures**
  - National Rec and Parks Association recommends:
    - 10 acres/1,000 people
  - City of Chattanooga
    - 4.6 acres/1,000 people (excluding regional parks)
  - **Alton Park 37410 zip code**
    - 2.07 acres/1,000 people at the start of the grants work
  - **East Chattanooga 37406, 37404, & 37403**
    - 2.83 acres/1,000 people at the start of the grants work
Does the Capacity Exist to Support this Change and to Scale it Up?

• Yes and no
  – JUAs were already in use in many Hamilton County Schools
    • They were used primarily outside of Chattanooga and were viewed as “glorified maintenance contracts”
  – You need at least two **willing** parties for JUAs
  – Our staff and the LACs could not commit the time to work out agreements at 70+ schools
Might There be a Simpler Solution?

• James Elder, Chairperson for ELAC, asked a simple question:
  – “What if we asked the School Board to change the rule?”
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.

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GLASS CONTAINERS
FIREARMS OR WEAPONS
OPEN FIRES OF ANY KIND
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SKATEBOARDS AND ROLLER-SKATES
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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
The Open Use Policy Approach

• How we defined success
  – Open Use Policy is a resolution passed by the school board resulting in the system-wide opening of all elementary school playgrounds to the public during daylight hours and outside of normal school operating times.
The Open Use Policy Approach

- Learned the Board of Education’s procedures for policy adoption and amendments
- Staff researched the ChangeLab site documents for example agreements that could be used to develop a policy
The Open Use Policy Approach

- Staff also researched liability laws for Tennessee to better understand these concerns
- Staff and ELAC met with Principals, School Board members, PTA members, the Benwood Foundation, and the Assistant Superintendent for facilities
The Open Use Policy Approach

• Advocacy
  – One pagers explaining the policy
  – Surveys of community members living around the schools
  – Developed maps showing the possible impact on access if the policy was approved

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Open Use Policy for Elementary School Playgrounds
Prepared by: John Bledsoe, M.S.

The City of Chattanooga is blessed with many beautiful regional parks that draw tourists from all over the South; however, it can be argued Chattanooga and its residents experience a park deficit. The city averages 4.8 acres per 1,000 residents (excluding regional parks like the Riverwalk), which is well below the National Recreation and Park Association’s recommendation of 10 acres per 1,000 residents.

The Board of Education operates 48 elementary schools within Hamilton County, and 24 of these schools fall within the city limits of Chattanooga. Step ONE estimates there are 130 acres of green space and playgrounds available to the public when school is not in session (after school, weekends, and school breaks).

The partners involved (Step ONE, East Chattanooga Leadership Advisory Council, and Orchard Knob Elementary School) are asking for a resolution from the Hamilton County Board of Education passing an Open Use Policy making the playgrounds and recreation spaces of all elementary schools “open to the public outside of normal school hours.”

Open Use policies have been instituted in other cities across the country such as Tucson, Arizona. The city parks and recreation manager in Tucson stated, “The play equipment and fields get a lot of use after school hours.” They have also noted a reduction in vandalism as opposed to when these areas were locked up. The city of Tucson states: “By leveraging existing play opportunities, Tucson expanded play opportunities at relatively little cost.”

Instituting an Open Use Policy for all outdoor elementary school recreation facilities in Hamilton County would increase park and green spaces as well as physical activity among children and adults throughout the county. This is a cost-effective way of increasing valuable green space without building completely new parks.

As our society continues to battle obesity, specifically childhood obesity, this solution is a cost effective option that will provide individuals and families with greater access to areas where they can be physically active. Benefits for the schools could be communities taking greater ownership and becoming more active with the schools on other critical issues.
Writing the Policy

• At some point you just have to sit down and start writing the policy
  – The first version was informed by the LAC and written based on language from sample JUAs provided on ChangeLab’s website
  – The first draft was reviewed in a meeting with a principal, the assistant superintendent and several of his staff, and a school board member
  – Everyone gave input on what should be changed and what wording should be used
Original Policy

Hamilton County Board of Education

Community Use of School Facilities

When not in use for school purposes, school buildings and grounds or portions thereof may be used for public, governmental, charitable, civic, recreational, cultural, and other purposes as approved by the Board. A Use of School Facilities form is required for all groups or organizations requesting permission to use school facilities. The Use of School Facilities form expires at the conclusion of the school year in which it was approved.

1. Requests for the use of school facilities shall be made at the office of the principal prior to the date of use.
2. Student clubs and activities, parent-teacher associations, and other organizations affiliated with the schools shall be permitted use of school facilities without charge.
3. School facilities may not be used for private profit, except that unused facilities may be leased for private day-care centers and kindergartens which provide educational and child care services to the community.
4. All activities must be under adult supervision and approved by the building principal. In all cases, an assigned school employee will be present. The group using the facilities will be responsible for any damage to the building or equipment.
5. Groups receiving permission for building use are restricted to the dates and hours approved and to the building area and facilities specified, unless requested changes are approved by the principal.
6. Groups receiving permission for building use are responsible for the observance of all fire and safety regulations at all times.
7. The use of alcoholic beverages, drugs, profane language, or gambling in any form is not permitted in school buildings.
8. The Board will cooperate with recognized agencies such as the Red Cross, National Guard and Civil Defense, and will make suitable facilities available without charge during community emergencies.
9. When school kindreds are used, at least one member of the cafeteria staff must be present to supervise the use of the equipment.
10. School facilities shall not be used for religious purposes on a permanent basis.
11. The Board will approve and periodically review a fee schedule for the use of school facilities by community or civic organizations and other non-profit, recreational, religious, political or philosophical groups.

Legal References
1. T.C.A. 4-50-201
2. T.C.A. 49-2-203(b)(4)
3. Lamb v. School District No. 1, 184 F.2d 874 (1950)

Cross References
Tobacco-Free Schools 1803
Open Use Policy for all Elementary School Playgrounds

Hamilton County Board of Education

Community Use of School Facilities

When not in use for school purposes, school buildings and grounds or portions thereof may be used for public, governmental, charitable, civic, recreational, cultural, and similar purposes as approved by the Board. 1

Requests for the use of school facilities by groups shall be made at the office of the principal prior to the date of use.

Groups affiliated with school buildings may be used for school use only, except that community facilities may be used for private, profit, or non-profit groups which provide educational and child care services to the community.

Group use of Facilities

Formulated:

- The term “Active Use Areas” will be used for purposes of this policy means the elementary school playgrounds, open spaces that are not organized school fields, outdoor basketball multipurpose courts, and parking lots.

- Permitted Uses of Elementary School Active Use Areas by Community members:
  - The District or its agents shall be entitled, exclusive of the Active Use Areas for public and school-related educational and recreational activities including summer schools before and after school periods, and Active Use Areas are being used by the District or its agents, community members shall be entitled to access Active Use Areas for play and recreation purposes during daylight hours on weekends, after school during the week, and school holidays, when the District or its agents are not using the Active Use Area. Such use shall be referred to as Open Use Hours.
  - During Open Use Hours, the District or its agents will not provide supervision. It is the responsibility of the user to follow the posted rules and utilize Active Use Areas in accordance with their design.
  - Adult supervision is recommended for all children meeting a ratio of one adult for every five children. It is also the adult’s responsibility to ensure the posted rules are followed during Open Use Hours.
  - It is prohibited for any person to remain upon any Active Use Area within the district after sunset, unless such person is attending an organized athletic or social event in areas which are lighted for such purposes and which events have been properly scheduled through an approved use of school facilities form.
  - The use of alcoholic beverages, drugs, profane language, or gambling in any area is not permitted in school buildings on school property.

- Any individual found causing damage to school property or its equipment will be arrested for the full amount of damages.
- It is prohibited for any person to engage in a course of conduct or perpetually commit an act that alarms or seriously annoys another person and that serves no legitimate purpose.

Group use of facilities

Group use of School Facilities is required for all groups or organizations (not individuals) requesting permission to use school facilities. The use of School Facilities form expires at the conclusion of the school year in which it was approved.

1. All group activities must be under adult supervision and approved by the building principal. In all cases, an assigned school employee will be present to ensure the group uses the facility responsibly for any damage to the building or equipment.
2. Groups receiving permission for building use are restricted to the dates and hours approved and no building area or facilities specified, unless requested changes are approved by the principal.
3. Groups receiving permission for building use are responsible for the observance of all fire and safety regulations at all times.
4. The use of alcoholic beverages, drugs, profane language, or gambling in any form is not permitted in school buildings.
5. The Board will cooperate with recognized agencies, such as the Red Cross, National Guard and Civil Defense, and will make suitable facilities available without charge during community emergencies.
6. When school kitchens are used, at least one member of the cafeteria staff must be present to supervise the use of the equipment.
7. School facilities shall not be used for religious purposes on a permanent basis.
8. The Board will approve and periodically review a fee schedule for the use of school facilities by community or civic organizations and other non-profit, recreational, religious, political or philosophical groups.
Writing the Policy

• The first draft was reviewed in a meeting with a principal, LAC members, the assistant superintendent and several of his staff, and a school board member.

• Everyone gave input on what should be changed and what verbiage should be used.

• Staff created a 2\textsuperscript{nd} draft and sent it to the group for comments.
Open Use Policy: Draft 3

Hamilton County Board of Education

Community Use of School Facilities

Date: 8/8/2023

Non-Group use of Facilities:

4. Facilities Covered
   a. The terms "Active Use Areas" will be used for purposes of this policy to mean the elementary school playgrounds, green spaces that are not organized sport fields, outdoor basketball facilities, and parking lots.

5. Permitted Uses of Elementary School Active Use Areas by Community members
   a. The District or its agents shall be entitled to the exclusive use of Active Use Areas for public school and school-related educational and recreational activities, including summer school, before and after-school childcare, and, at such other times as Active Use Areas are being used by the District or its agents.
   b. Community members shall be entitled to access Active Use Areas for play and recreation purposes during daylight hours on weekends, after school during the week, and school holidays when the District or its agents are not using the Active Use Areas. Such use shall be referred to as "Open Use Hours."
   i. During Open Use Hours, the District and its agents will not provide supervision. It is the responsibility of the user to follow the posted rules and use Active Use Areas in accordance with their design.
   ii. Adult supervision is recommended for all children meeting a ratio of one adult for every five children. It is also the adults responsibility to ensure the posted rules are followed during Open Use Hours.
   iii. It is prohibited for any person to remain upon any Active Use Area within the district after sunset, unless such person is attending an organized athletic or social event in areas which are listed for such purposes and which events have been approved by the superintendent.
   iv. The use of alcoholic beverages, drugs, profane language, or gambling in any form is not permitted in school buildings or on school property.

6. All group activities must be under adult supervision and approved by the building principal. In cases, an assigned school employee will be present. The group using the facility will be responsible for any damage to the building or equipment.

7. Groups receiving permission for building use are restricted to the dates and hours approved and to the building area and facilities specified, unless requested changes are approved by the principal.

8. Groups receiving permission for building use are responsible for the observance of all fire and safety regulations at all times.

9. The use of alcoholic beverages, drugs, profane language, or gambling in any form is not permitted in school buildings.

10. The board will cooperate with recognized agencies such as the Red Cross, National Guard and Field Defense, and will make suitable facilities available without charge during community emergencies.

11. When school kitchens are used, at least one member of the cafeteria staff must be present to supervise the use of the equipment.

12. School facilities shall not be used for religious purposes on a permanent basis.

13. The Board will approve and periodically review a schedule of the use of school building facilities by community or civic organizations and other non-profit, recreational, religious, political, or philosophical groups.
Writing the Policy

• The third draft of the policy was sent to ChangeLab who provided technical assistance.
  – ChangeLab’s involvement gave our staff and community members a great deal of confidence in what we were doing
  – Their legal perspective ensured our team was minimizing potential loopholes.
Writing the Policy

• Our staff and LAC’s reviewed the fourth draft

• We shared the document with the school system partners
  – The school district’s attorney reviewed the proposed policy and reworked the language to simplify the policy further

• On February 20, 2014 the amended policy was passed system-wide
Open Use Policy: Adopted

Hamilton County Board of Education

Community Use of School Facilities

Subject to rules and regulations that may be adopted by each principal, school facilities may be used by the public for charitable, civic, recreational, cultural and other purposes when not in use for school purposes. This policy sets forth the guidelines pursuant to which school facilities may be used by the public.

Outdoor Facilities at Elementary Schools

During daylight hours on any day school is not in session, the public is permitted to access the playgrounds and outdoor basketball courts of any elementary school, provided, however, that any recognized school group shall have the right to reserve any such property for its exclusive use in accordance with procedures established by the school principal, and further provided that the principal of each elementary school shall have the right to establish rules and regulations governing the conduct of the public on the school campus.

Use of School Facilities by Groups

If any group wishes to use a school building or grounds or portions thereof, the group shall complete a school facilities use form available at the school office. The following terms and conditions shall apply to the use of any school facilities by any group:

1. Any group seeking to use a school building or ground or any portion thereof must complete a school facilities use form and have it approved both by the principal and by the Office of Risk Management prior to use of the facilities.

2. The school system will charge any group using the school facilities a fee to offset the school system's costs arising out of the use, provided, however, that student clubs and activities, parent/teacher associations and any recognized school support organization shall be permitted to use the school facilities without charge.

3. Any group receiving permission for use of the school facilities are restricted to the dates and hours approved unless the principal and Office of Risk Management approves a change in the proposed date and time of use.

4. Groups receiving permission for the use of any facilities are responsible for the observance of all rules and regulations established by the school system and the principal. Groups are also responsible for the use of the facilities and shall be liable for any damage to the building or any equipment. Under no circumstances will groups allow the use of alcoholic beverages, drugs, or profane language at any time during their use of school facilities, and no group will permit gambling in any form during its use of school facilities.

Legal Reference:

1. TCA 49-5-1101.
2. TCA 49-5-2-3008(c).
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What Open Use Policy Provided

• East Chattanooga 37406, 37404, & 37403
  – With the approval of an open use policy the following changes to green space is estimated.
  – Acres per 1,000 people will be increased from 2.83 to 3.56
  – This is an increase of .72 acres per 1,000 people

• 2 actions will make this possible
  – The institution of a county-wide Open Use Policy for all Elementary Schools
  – The successful execution of a Joint Use Agreement with Orchard Knob Middle School
What Open Use Policy Provided

- **20** of the 46 elementary school playgrounds are within ½ a mile of CARTA bus routes
- Hamilton County increased its acres of green space/1,000 people from **5.96** to **6.58**
- There is a total of **210** acres of playground and green space made available to all county residents
- There are over **66,500** people living within ½ mile of an elementary school and **14,400** are under 18 years of age.
The Open Use Policy Approach

• Steps to Open Use Success
  – Have a clear definition of how you will measure success
  – Have an advocacy plan
  – Understand the school board’s procedures to amend or adopt new policies
  – Engage stakeholders in writing the policy
  – Develop relationships with key individuals from the community, the schools, central office, philanthropic organizations, and even school board members
Contact Information

Email: jbilderback@hamiltontn.gov
Phone: 423-209-8090