



*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)*



## *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.



# *Types of Shared Use/Terminology*

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

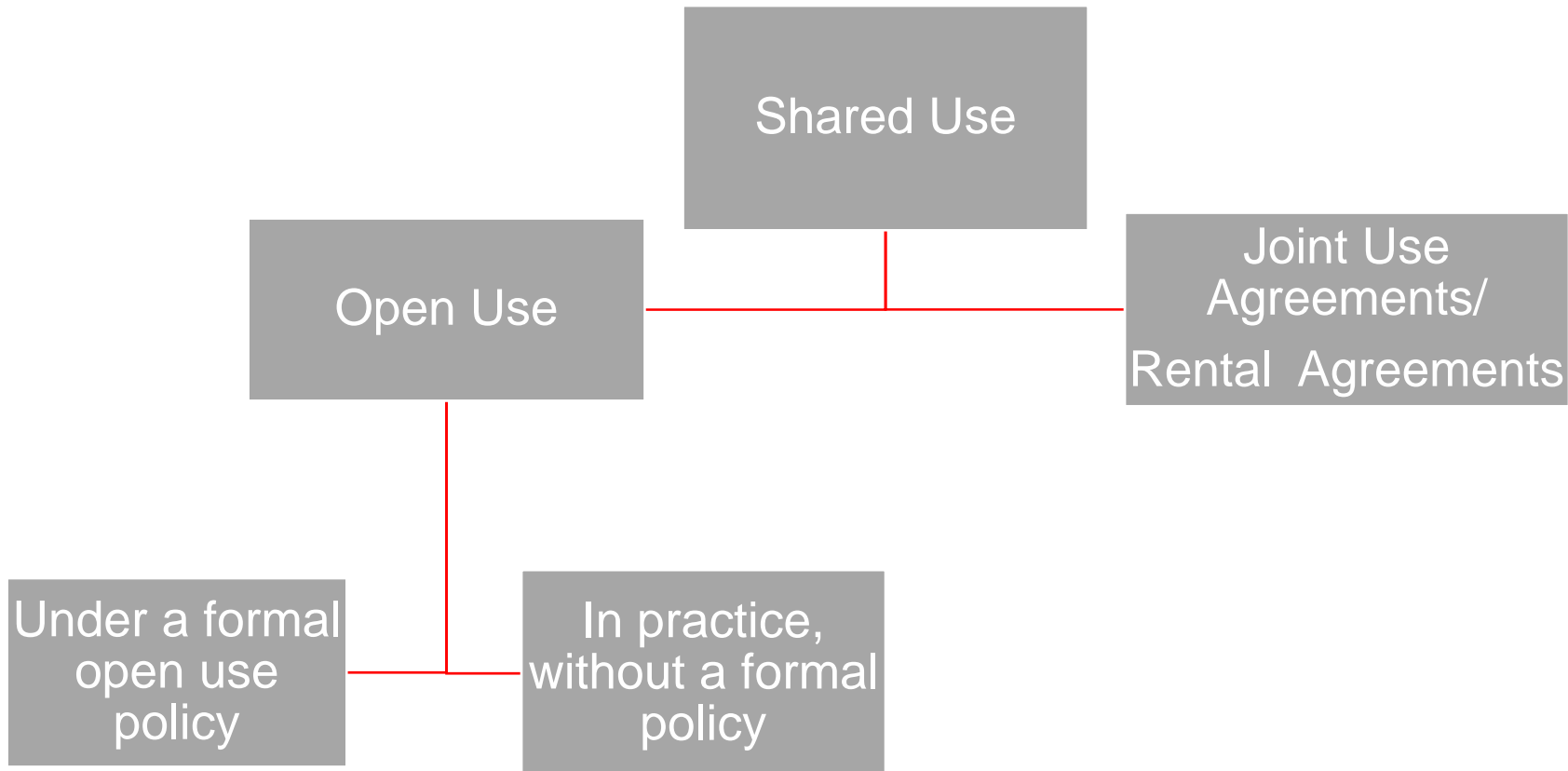
- A form of shared use whereby an institution enters into a written agreement (i.e., contract) with an individual or group to use its space under specific terms
  - Many school systems have “Community Use of Facilities” policies that set forth the terms by which community members can rent school facilities

## **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*



## *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)

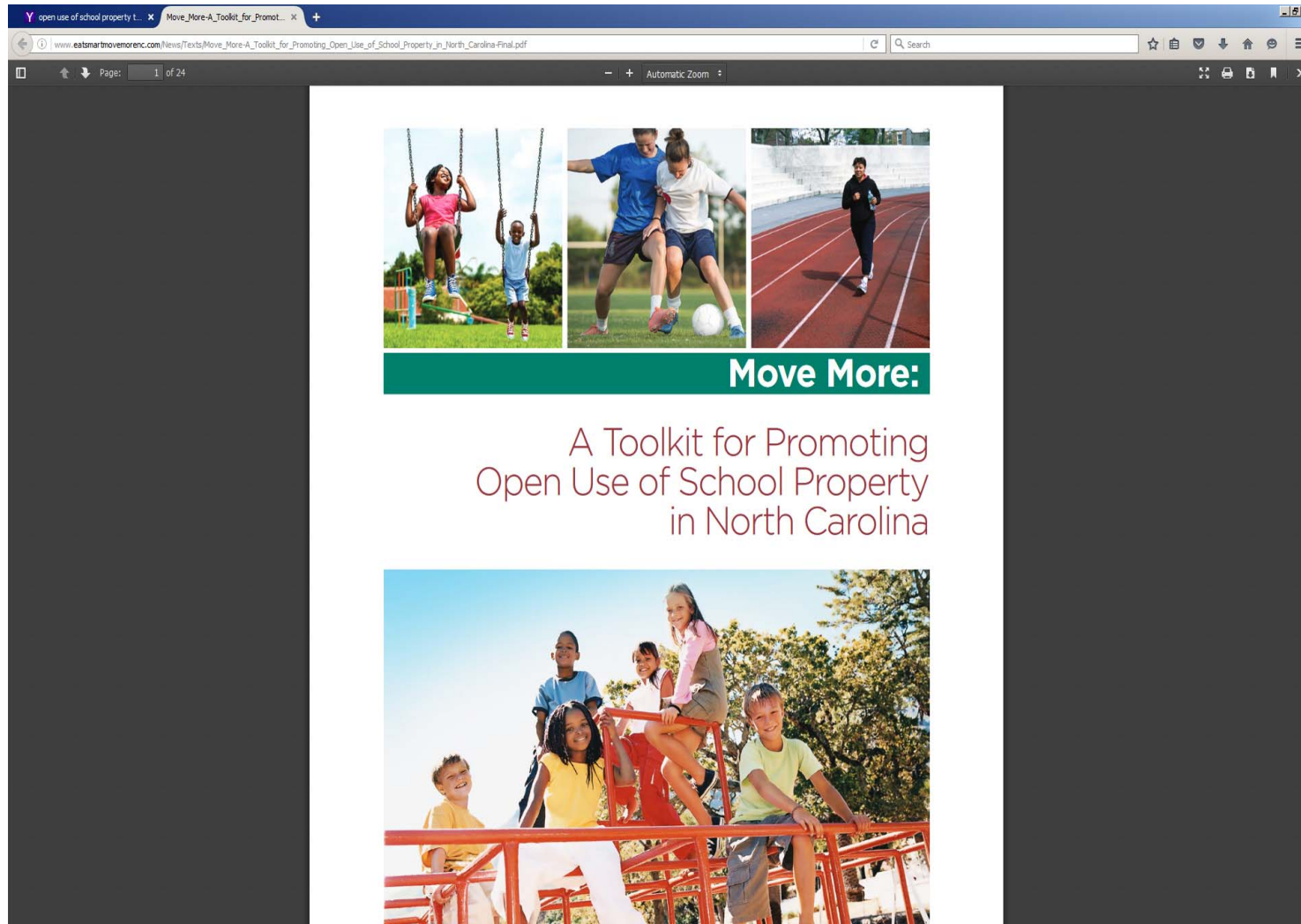


## *Effect of 2015 Amendment*

- 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)



# *A New Open Use Toolkit*



[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



ABSS Community Playgrounds & Walking Trails

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