

# NEW YORK SHARED USE AGREEMENT POLICY IMPLEMENTATION GUIDE

A GUIDE TO EXPANDING HEALTHY LIVING  
THROUGH SHARED USE AGREEMENTS *DASH-NY*



## Why consider using a shared use agreement?

A shared use agreement is a formal agreement between a government agency, non-profit, or private organization that sets the terms and conditions for the shared use of property or facilities. Shared use agreements provide an opportunity to increase access to recreational facilities for physical activity and health education. Shared use agreements are also a promising strategy for increasing moderate to vigorous levels of physical activity among children and adults, particularly those in underserved communities.<sup>1</sup> In New York State, six out of ten (8.5 million) adults<sup>2</sup> and more than one-third of public school students are considered overweight or obese<sup>3</sup>. Shared use agreements have the potential to grant communities from different socioeconomic levels and racial/ethnic backgrounds access to opportunities for healthy living. This guide will walk you through the steps needed to implement a shared use agreement that can increase access to recreational facilities for health promoting events and activities, such as physical activity and health education programs.

## How should this toolkit be used?

This policy implementation guide was produced as an informational resource for community members, local stakeholders such as park and school officials, parents, teachers and public health advocates interested in improving opportunities for healthy living. It is a tool that supports advocacy, planning, and implementation of shared use agreements across New York State communities. It can be used to help advocates build interest and educate stakeholders on the benefits of shared use agreements. The information provided can also assist in each step of planning and implementing of a shared use agreement.

## Inside you will find:

- Steps to take toward making shared use partnerships a success
- Solutions to barriers typically encountered when developing a shared use agreement
- Case studies of shared use agreement implementation in New York State
- Sample shared use agreements provided by ChangeLab Solutions
- A tip sheet for financing shared use agreements

# New York Shared Use Agreement Policy Implementation Guide

A Guide to Expanding Healthy Living through Shared Use Agreements  
October 15, 2015

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*A shared use agreement is a formal agreement between a government agency, non-profit, or private organization that sets the terms and conditions for the shared use of property or facilities.*

## What is a shared use agreement?

Shared use agreements provide an opportunity to increase access to recreational facilities for physical activity and health education. In general, shared or joint use agreements can be put in place with other government agencies, as well as with nonprofit and private organizations. For example, government agencies can contract with schools to allow community members to use gymnasiums, playgrounds, fields, courts, tracks, kitchens, and gardens after school hours. Shared use agreements also allow the parties involved to share the costs and responsibilities associated with opening their facilities. Depending on state and local laws, a formal shared use agreement can allocate some or all of the responsibility for costs, security, supervision, maintenance, repairs, and potential liability to local government.

Shared use agreements can facilitate increased access to local gardens and kitchen, recreational space, and opportunities to participate in physical activities by providing community access to parks and playgrounds. These sites

present unique opportunities to participate in healthful practices that can advance knowledge about healthy lifestyle habits.

A shared use agreement can involve community use of a school or use of community facilities by schools. The concept of “shared use” has been referred to in a number of different ways. For the purpose of this toolkit, shared use will be called shared use or joint use. Here is a list of terms that are often used interchangeably to refer to shared use.<sup>4</sup>

- *Recreational, joint, or building use:* the use of school district facilities by a non-district entity
- *Shared use:* a school space that is used by the school during school hours and a non-school user after hours (e.g., a classroom for instruction during the school day and for program activities after school)
- *Extended use:* the use of a school building outside of normal school hours and on days when school is not

- *Dedicated use:* the use of a school space that is available during the school day and after school, such as an after-school office or storage area
- *Civic use:* the use of schools for voting, community meetings, special events, emergency shelters, and the casual use of grounds by the public for recreational use<sup>6</sup>
- *Real estate joint use:* access to the location and space in the school without the user seeking a relationship with the school or its families<sup>7</sup>

*Through a shared use agreement, Kingston, NY, made 10 school gardens available during after-school hours and opened gardens at the YMCA and Ulster County Mental Health. Department.*

## What types of shared use agreements exist?

Shared use can be a cost-effective method to satisfy community demand or school need for recreational and educational activities. When communities work collaboratively to develop a shared use agreement, there are many potential targets for implementation including parks, school facilities, hospitals, kitchens, and gardens. While there is no one best way to develop an agreement, ChangeLab Solutions provides a series of downloadable Model Joint Use Agreements that address issues relevant to potential targets of shared use implementation. There are several types of shared use agreements; this guide includes model agreements for:

- **Opening Outdoor School Facilities for Use During Non-School Hours.** This is the simplest of the model shared use agreements. It is an agreement in which the community can use designated school district outdoor recreation facilities.

- **Opening Indoor and Outdoor School Facilities for Use During Non-School Hours.** This is a model agreement in which the community can use designated school district indoor and outdoor recreation facilities.
- **Opening School Facilities for Use During Non-School Hours & Authorizing Third Parties to Operate Programs.** This is an agreement in which the community can use designated school district indoor and outdoor recreation facilities. It also allows third parties, such as youth organizations or youth sports leagues, to use school facilities for recreational programs.
- **Joint Use of District and City Recreation Facilities.** This is a model agreement in which the school district and local government agree to open all or designated recreational facilities to each other for community and school use. It also allows third parties, such as youth organizations or youth sports leagues, to use school facilities for recreational programs.

These model agreements are presented on page 28, under “list of tools.” They are also available in *Playing Smart*, a nuts-and-bolts guide produced by ChangeLab Solutions and KaBOOM!, to help school staff and community leaders develop and implement shared use agreements.

## Who can benefit from a shared use agreement?

Children, adolescents, and adults can all take advantage of physical activity and health education opportunities afforded through shared use agreements. Research has shown that the number of children who are physically active outside of school is 84 percent higher when schoolyards are kept open for public play.<sup>8</sup> However, low-income and racial/ethnic minority populations have been found to have lower level of recreational physical activity.<sup>9,10,11</sup> Research shows that limited access to natural amenities and recreational facilities that present opportunities for participation in physical activity to explain these disparities among youth<sup>12,13,14,15</sup>, and adults<sup>16,17</sup> at a national level.<sup>18</sup>

Many communities lack pedestrian infrastructure, parks, and social common areas that invite the opportunity for physical activity. Children in low-income and predominately racial/ethnic minority communities are less active, in part, because of limited access to safe, free or low cost, and convenient recreational facilities.<sup>19</sup> These communities are often located in urban areas with less green space, fewer recreational facilities, and higher pollution levels.<sup>20</sup> Research suggests that this set of circumstances contributes to higher obesity rates among low-income families and certain ethnic groups such as Hispanic boys and black girls.<sup>21</sup> Overall, this evidence indicates that significant and increasing health disparities exist by socioeconomic status and racial/ethnic background.<sup>22</sup>

The good news is that shared use agreements have the potential to grant communities from different socioeconomic levels and racial/ethnic backgrounds access to opportunities for healthy living. Research confirms that shared use agreements are a promising strategy for increasing moderate to vigorous levels of physical activity among children and adults, particularly those in underserved communities.<sup>23</sup> Across the broader community, people of any age can benefit from shared use agreements:

- Childcare providers can ensure that very young children benefit from access to school play grounds during non-school hours.
- Families can plan regular activities that are made possible by shared use agreements such as participating in family team sports programming at the local Boys & Girls Clubs or a cooking class at the local YMCA over the weekend.
- Shared use agreements can result in sports league opportunities and other physical activity programs for youth and adults in parks. Hospitals can also play a role by allowing community access to resources such as walking paths or indoor walking spaces, multi-purpose rooms for fitness or health education classes, fitness centers, healing gardens, and space for community gardens or farmer's markets.
- Older adults can benefit from shared use agreements by visiting community gardens that provide opportunities for recreation, physical activity, and the promotion of healthy practices. Many health-promoting possibilities that are made available through shared use agreements can also help people with disabilities become more physically active.

Finally, a shared use agreement also benefits the broader community by fostering ongoing communication and collaboration among its local leaders. Earning the support of school and city officials as well as parents and politicians is essential to establishing the viability of a shared use agreement. When a shared use agreement has the support of local leaders, they will be more apt to work together to ensure that the agreement serves the needs of everyone in the community.

# What are the benefits of a shared use agreement?

## Formalizes Use and Management of Shared Space

Public or private entities may already permit community access to school property or recreational facilities and shared use of those facilities informally, without the use of a formalized agreement. However, there are many benefits associated with creating long-lasting formal, written agreements rather than informal, verbal or “handshake” agreements.<sup>i</sup>

### Term-of-Use

Formalizing a shared use agreement can help maintain the conditions set in the agreement for years to come. One way to achieve this goal is to establish a term-of-use for the agreement so that it will remain in effect for a minimal amount of time. By including a term-of-use in a formal shared use agreement, the community has the opportunity to reap both short and long-term benefits such as expanded physical activity opportunities, increasing community amenities, and efficient use of public resources.<sup>24</sup>

### Operational and Management

The opportunity to discuss solutions to operational and management issues will arise when developing a formal shared use agreement. Discussion topics may include determining responsibility for repairing property, calculating the repair costs, and how to allocate those costs equitably. These conversations could lead to an agreement that identifies the square footage of the area affected by the agreement and spell out the share of costs for maintenance, operations, and utilities each partner will bear.<sup>ii</sup>

## Costs and Responsibilities

A formal shared use agreement will also ensure that partners involved, such as school districts and local government, share the costs and responsibilities incurred by opening their facilities. Subject to overriding state and local laws, the formal agreement can allocate to local government some or all of the responsibility for costs, security, supervision, maintenance, repairs, and potential liability. The agreement also ensures that the sharing of anticipated costs for new equipment, new surfacing materials, and periodic replenishment of surfacing is formalized.

### Informs the Community

A formal shared use agreement can outline minimal requirements for informing the community about the availability of any given property. One requirement involves addressing the specific type of information that must be included on property signage designed to increase community awareness about days and hours of operation.

### Promotes Community Health

While many factors impact the increasing rates of obesity, declines in physical activity appear to largely contribute to the public health problem. Because physical activity is one of the best ways to prevent obesity, establishing a physically active lifestyle at a young age is an effective strategy for combating the onset of illness, disease, and especially obesity.<sup>25</sup>

<sup>i</sup>C.f. [http://changelabsolutions.org/sites/default/files/Benefits-Shared-Use-Agreements\\_FINAL\\_20130830.pdf](http://changelabsolutions.org/sites/default/files/Benefits-Shared-Use-Agreements_FINAL_20130830.pdf)

<sup>ii</sup>The Center for Cities & Schools at the University of California, Berkeley and the 21st Century School Fund has developed a School Facilities Joint Use Cost Calculator available at <http://citiesandschools.berkeley.edu/joint-use.html>.

Obesity has reached epidemic proportions in the United States. Two-thirds of U.S. adults are overweight and one-third are obese<sup>26</sup> and U.S. obesity rates have escalated rapidly in the last 20 years.<sup>27</sup> In New York State, six out of ten (or 8.5 million) adults<sup>28</sup> and more than one-third of public school students are considered overweight or obese.<sup>29</sup> Obesity is now the second leading cause of the death in the United States—just behind smoking—and is expected to become the leading cause within the next decade.<sup>30</sup>

Unless the obesity epidemic is successfully addressed, life expectancy will decline in the United States with children having shorter life expectancies than their parents.<sup>31</sup> The Centers for Disease Control and Prevention (CDC) has concluded that the prevalence of obesity among children and adolescents in the U.S. has tripled since 1980.<sup>32</sup> Despite a recent stabilization in the upward trend for U.S. youth,<sup>33</sup> obesity remains a significant public health issue. Nearly one third (32%) of children ages 2 to 19 are overweight or obese.<sup>34</sup> Children who are obese often grow up to become adults with obesity,<sup>35</sup> thus connecting childhood obesity to mortality and morbidity in adulthood.<sup>36</sup>

The shared use of K-12 and community school campuses as well as other public grounds and outdoor green spaces that are located in neighborhoods with a high risk for obesity can provide safe, affordable, and accessible spaces for physical activity opportunities.<sup>37</sup> Research suggests that people are more physically active when they live or work near parks or recreational facilities<sup>38</sup> or when they simply have access to recreational facilities.<sup>39,40</sup> Access to school recreational facilities also improves the likelihood that those living in underserved neighborhoods will be physically active.<sup>41</sup>

Evidence indicating the multiple benefits of shared use has led public health advocates, government agencies, and non-profit organizations to promote shared use as a way to combat obesity. Key groups supporting this effort at the national level include:

- The CDC, the Institute of Medicine (IOM), the White House Task Force on the Prevention of Childhood Obesity, the Healthy Eating Active Living Convergence

Partnership, and the Robert Wood Johnson Foundation (RWJF)<sup>42,43,44,45,46</sup>

- Healthy People 2020 recommends (1) that school recreational facilities be opened to the community before, during, and after school hours as well as on weekends, holidays, and during the summer and (2) that the proportion of public and private schools providing access to their physical activity spaces and facilities outside of normal school hours be increased from 28.8 to 31.7 percent.<sup>47</sup>

- The American Academy of Pediatrics argues for increased access to school grounds after school hours.<sup>48</sup>

- The National Physical Activity Plan recommends that programs and facilities provide communities easy access to safe and low cost opportunities for physical activity.<sup>49</sup>

- The New York State Department of Health produced a document entitled *Cardiovascular Health in New York State: A Plan for 2004–2010 that calls for promoting shared use.*<sup>50</sup>

- The New York State Department of Health's Preventing Chronic Diseases Action Plan of the New York State Prevention Agenda 2013-2017 recommends establishing joint use agreements to open public areas and facilities for safe physical activity for all, including people with disabilities, as an intervention to prevent obesity in children and adults.<sup>51</sup>

- The American Heart Association issued a policy statement that supports shared use agreements. It notes that they are particularly important for low-income communities that "have less access to recreational spaces and community recreation centers" and identifies a series of issues schools and communities should address when entering into such agreements.<sup>52</sup>



The support of shared use agreements among these groups emphasizes that these agreements play an important role in not only increasing physical activity opportunities for youth and adults but also in promoting healthier communities.<sup>53</sup> Over time, shared use agreements have the potential to enhance quality of life, leading to reduced rates of obesity and, consequently, a reduction in communities' medical and health care costs.

*PlaNYC's Schoolyards to Playgrounds program used shared use to open hundreds of schoolyards in underserved neighborhoods. The Parks Department, Department of Education, and Trust for Public Land worked together to improve play equipment, sports surfaces, trees, and benches.*

## Supports Community Development

There are a number of ways through which shared use agreement can promote community development among different generations, racial/ethnic backgrounds, and socioeconomic levels.

**Safety:** The recreational use of school property by community members after school hours has the potential to increase physical activity as well as community safety, by increasing the number of "eyes on the street" and crowding out crime. Children and adults might be more inclined to engage in physical activity on school property because it is perceived to be a relatively safe environment.<sup>54</sup>

**Networking:** Social benefits are associated with community access to open green space in urban settings because people are spending time outdoors and interacting with neighbors.<sup>55</sup> More specifically, increased access to outdoor green spaces on school property may even lead to the creation of new social networks; these community interactions have the power to deter criminal behavior.<sup>56,57</sup>

**Programming:** Sites of shared use that offer programming for youth and adults can bring positive effects to the community. Afterschool programming for children of all ages has been shown to reduce delinquency and improve academic performance separate from the physical activity benefits of the programmatic efforts.<sup>58</sup> Increased physical activity has also been shown to improve the academic success of school children,<sup>59</sup> both of which can be accomplished through a shared use agreement. Beyond the benefits of physical activity, shared use agreements can also facilitate programming at local gardens and kitchens that encourages intergenerational participation among the entire community.

**Transportation:** Granting community members easy access to these facilities through shared use agreements can reduce the need to drive from place to place for different recreational activities.<sup>60</sup>



## How does shared use work in New York State?

### The Evolution of Shared Use in NYC

Some of the goals hoped to be achieved through a shared use agreement, such as partners decidedly operating a site, began in New York more than 70 years ago. After World War II and beginning in 1938, the New York City Board of Education agreed to provide land adjacent to schools where the Parks Department built Jointly Operated Playgrounds.<sup>61</sup> The Parks Department and Department of Education continued to jointly operate playgrounds in parks where outdoor physical education activities have occurred. These sites are located across the five boroughs of New York City but access to them is limited to school children and personnel during school hours. A 2003 report examining playground space in New York City elementary schools determined that no more sites designed as Jointly Operated Playgrounds would be established.<sup>62</sup> Other shared use projects have moved forward with shared use efforts in innovative ways. Take the Field was a public-private partnership designed to refurbish public school

athletic fields across the five boroughs of New York City. An agreement with the Department of Education (codified in Chancellor's Regulation D-180) made school fields freely available to approved nonprofit organizations. This project has concluded but its success can be traced to the total rebuild of 43 state-of-the-art outdoor athletic facilities.

### Shared Use at the State Level

The American Heart Association recommends supporting state-level efforts to encourage, support, and authorize school districts to allow community recreational use of school property.<sup>63</sup> Many states currently have laws that encourage or even require schools to open their facilities to the community for recreation or other civic uses.<sup>iii</sup> Shared use can also be promoted through land use plans, state school board associations, or using a state-level board of education law such as the New York State Education Law Article 9 § 414, which is discussed in the next section. While these state-level policy efforts are important to have in place, a shared use agreement is the key that opens school gates. Some states are pursuing shared use at the state-level<sup>64</sup> but there are local mechanisms through which a shared use agreement can be actualized.

### Board of Education

A board of education at the county, municipal, or district level can allow shared use to happen for the community using a local school board policy approach. However, a policy of the school board must first and foremost adhere to the requirements of the New York State Education Law. New York State Education Law Article 9 § 414 authorizes (but does not require) use of school property by the community.<sup>65</sup> This statute states that local boards of education "may adopt reasonable regulations for the use of schoolhouses, grounds or other property when not in use for school purposes or when the school is in use for school purposes if in the opinion of the trustees or board of education use will not be disruptive of normal school operations." Essentially, a board of education may allow the use of school property even during school hours (if not disrupt-

<sup>iii</sup> See, e.g., California Education Code §§ 38131, 38133, 18134 [establishing a civic center at each public school facility for supervised recreation activities]; Indiana Code §§ 20-26-8-1, 2 [re-quiring the school board of trustees to provide recreation activities upon petition by a sufficient number of voters], Maryland Education Code § 7-108-110 [requiring county boards to provide school facilities for use for civic or other recreation purposes].

tive of school operations) for holding public social, civic, recreational meetings, entertainment events, and other uses pertaining to the welfare of the community.

A board of education may also determine the terms and conditions for such use that permits schools to charge fees for use of the property. Identifying the purpose of the fee is important when developing and implementing a shared use agreement. According to NYS Education Law Article 9 § 414, the proceeds from activities where admission fees are charged are to be expended for an educational or charitable purpose. Therefore, fees may be used to pay an instructor associated with the shared use of school facilities (i.e., a Zumba or cooking class instructor), class expenses, or to cover the cost of school service workers, such as janitors, during class time.

School districts across New York, such as Hamburg Central and Lancaster Central, have used a local school board policy to encourage “the greatest possible use of school facilities for community-wide activities” which is meant to include “uses permitted by New York State Law” (i.e., New York State Education Law Article 9 § 414). This district-level school board policy goes on to indicate that “groups wishing to use the school facilities must secure written permission from the Superintendent” who “at his/her discretion, may consult with the Board of Education” through monthly reports “made to the Board regarding community use of the school facilities.”<sup>66,68</sup>

## School Wellness Policy

A school wellness policy is another way that shared use of school property can be permitted in New York as long as the wellness policy adheres to the requirements of the New York State Education Law Article 9 § 414. As part of the 2010 Healthy, Hunger-Free Kids Act, physical activity is a required component of local wellness policies, which can be addressed using shared use agreements.<sup>69</sup> As part of the New York City Department of Education (NYCDOE) Wellness Policies on Physical Activity and Nutrition, New York City Schools Chancellor’s Regulation D-180 on the Extended Use of School Buildings, dated March 24, 2010, states that the NYCDOE “encourages” extended use of a school “outside

normal school hours and days when school is not in session” by the school affiliates, outside organizations, and/or community-based organizations. Priority is given to all NYCDOE programs followed by “community, youth, and adult group activities.”<sup>70</sup>

## Community Schools

Community schools present a unique opportunity for shared use involvement across New York. These schools serve as community hubs that provide social and health services as well as after-school programming to support the ongoing development of students, families, and whole communities. Shared use could be integrated with this community school model in a way that facilitates the delivery of an array of social, health, and youth development services. The Children’s Aid Society (CAS) currently operates 21 community schools in New York City that are a product of a partnership between CAS, the New York City Board of Education, the school district, and community-based partners. This partnership could be governed by a shared use agreement as a cost effective way to support the community school model of promoting healthy development. Policies and shared use agreements that permit more use of school facilities for community-sponsored programs have increased participation in afterschool programs without a significant increase in operating expenses.<sup>71</sup> An example of this arrangement is taken from the Metcalfe Park Project in Milwaukee, a three-way partnership among public schools, Boys & Girls Clubs and the city, linked by a shared use agreement permitting a new facility to be used as an elementary school, youth club, and recreation center.<sup>72</sup>

## Examples of Shared Use in New York

Shared use agreements involve building relationships among many sectors of the community and becoming partners to make the agreement work for everyone! Partnerships have been established around shared use initiatives across New York. Three case studies are fully described starting on page 20. The following table briefly describes a few New York-based shared use initiatives supporting access to community spaces and school facilities during non-school hours.

Shared Use Initiative	Location	Description
PlaNYC's Schoolyards to Playgrounds	New York City	<ul style="list-style-type: none"> <li>•Aims to have all New Yorkers live within a 10-minute walk of a playground or park</li> <li>•Opened hundreds of schoolyards to communities in underserved neighborhoods</li> <li>•Facilities are open until sunset</li> </ul>
Extended Use Permits	New York City	<ul style="list-style-type: none"> <li>•Principal must be approached 30 days prior to the event occurring on school property</li> <li>•Online application for permit includes a calculation of the cost of the proposed use</li> <li>•No fees are charged for activities authorized or conducted on behalf of the school (e.g., parent meetings, school clubs)<sup>iv</sup></li> </ul>
Garden Committee	Kingston	<ul style="list-style-type: none"> <li>•Supported the installment of 10 school gardens used during afterschool hours</li> <li>•Gardens available for use at the YMCA and Ulster County Mental Health Department</li> </ul>
Hackensack Mountain Park & Recreation Area	Warrensburg	<ul style="list-style-type: none"> <li>•A shared use agreement between the School District and Town grants community access to area</li> <li>•Approximately 3.5 miles of trails are designated for public use</li> <li>•Amenities include a trail system for year-round recreational use, public parking areas, and an informational map brochure</li> </ul>
Legends Basketball Park	Niagara Falls	<ul style="list-style-type: none"> <li>•Four shared use agreements used to allow youth and adult programming at the park</li> <li>•City works with local community groups to offer finance workshops, sports tournaments, exercise classes, health and wellness fairs</li> </ul>

<sup>iv</sup>The Extended Use application is available at <http://schools.nyc.gov/NR/rdonlyres/F2381D29-283D-4428-AD06-2FB6BBD38782/0/ExtendedUsePermit.pdf>.

## How is a shared use agreement developed?

ChangeLab Solutions provides a step-by-step checklist of practical issues to consider when developing a shared use agreement (Tool A). It presents an overview of the issues that might arise at each stage of the shared use agreement process, although issues unique to particular communities may not be included. While this checklist focuses on agreements between cities and schools, the same considerations apply to community groups that want to enter into shared use agreements.

### Partnerships

Partnerships are integral to developing a successful shared use agreement. In order to identify potential partners, it is important to first consider which organizations and nonprofits—such as YMCAs and sports leagues—would benefit from the shared use of the facilities. Another factor to take into consideration is if potential partners have funding support for costs associated with a shared use agreement. Ultimately, shared use collaborations need time to define the resources being managed and determine each partner's roles and responsibilities in order to build a successful relationship.<sup>73</sup> An opening conversation meant to determine these roles and responsibilities might involve asking a variety of questions, including:

- Who is responsible for maintenance?
- Who is liable for damages or injury?
- Who will inspect the site?
- Who will lock and unlock the site?
- Who pays for utilities?
- Who will implement programming at the site?

These questions and their responses will contribute to the development of a shared use agreement built on a relationship between partners. The following table highlights recommendations on how to create shared use partnerships.<sup>74</sup>

## Barriers and Solutions to Developing a Shared Use Agreement

Recommendations	Considerations
1. Identify a local need that a shared use partnership could address	<ul style="list-style-type: none"> <li>• Local needs may be known and identifiable from current resources.</li> <li>• Conduct a survey with community members in order to identify local needs.</li> <li>• Determine what kinds of partnerships might best identify local needs.</li> </ul>
2. Identify essential shared use partners within the local community	<ul style="list-style-type: none"> <li>• Local government agencies, community organizations, and school districts could propose a shared use partnership.</li> <li>• Invite multiple viewpoints from the local community to garner support.</li> <li>• Consider incentives that may convince others to collaborate around shared use.</li> <li>• Clearly outline what “shared use” means in the context of the community, proposed program, or facility.</li> <li>• Staff involved in shared use partnerships may differ with location and depend on organizational structure.</li> </ul>
3. Develop a positive, trusting relationship with partners	<ul style="list-style-type: none"> <li>• Develop positive relationships of honest and timely communication prior to considering a shared use agreement.</li> <li>• Decisions about liability, maintenance, and access regarding the shared space should be made in an open manner.</li> </ul>
4. Formalize the shared use partnership	<ul style="list-style-type: none"> <li>• Draft a shared use agreement that defines the partnership.</li> <li>• The agreement should specify each partner’s responsibilities and detail how disputes will be addressed.</li> <li>• Ensure that the agreement is formally adopted by the appropriate officials or governing bodies for all partners.</li> </ul>
5. Build local and political support for a shared use agreement	<ul style="list-style-type: none"> <li>• Build positive relationships with community stakeholders such as local leaders, department representatives, community groups, and service providers.</li> <li>• Invite community stakeholders to enter into shared use partnerships.</li> <li>• Support, direction, and authorization from political partners prevent obstacles that delay progress of shared use agreements.</li> </ul>

Recommendations	Considerations
6. Overcome liability concerns	<ul style="list-style-type: none"> <li>• A major barrier may be concerns over liability more than actual liability issues.</li> <li>• Involve risk management and consult legal counsel staff that can help dispel liability concerns.</li> <li>• Structure liability coverage that effectively meets the needs of all partners.</li> </ul>
7. Maintain trusting and sustainable partner relationships	<ul style="list-style-type: none"> <li>• Continue communication among partners regarding existing shared use programs.</li> <li>• New shared use programs and facilities can be added to a community plan.</li> </ul>
8. Monitor progress and impact of the shared use agreement after its implementation	<ul style="list-style-type: none"> <li>• All parties involved (including on-site staff) must have opportunities to communicate concerns that arise.</li> <li>• Adjustments should be made as necessary in order to promptly resolve any issues.</li> <li>• Issues caught early should be addressed before they create larger problems.</li> </ul>

## Model Joint Use Agreements

While there is no one best way to develop a shared use agreement, ChangeLab Solutions provides a series of downloadable Model Joint Use Agreements (Tool B). These fill-in-the-blank model agreements are designed so that a lawyer does not have to draw up the agreement from scratch. However, they should be completed under the advisement of a school district lawyer to ensure that they are tailored to the needs of each shared use partner.

As a first step toward developing a shared use agreement, partners may want to define the community's need for a shared use agreement in a Model Joint Use Resolution. ChangeLab Solutions provides a Model Joint Use Resolution (Tool C) to assist local governments

in laying the foundation for establishing more formal shared use agreements. Adopting a version of the model resolution addressing a community's need for shared use can encourage collaborative relationships among public agencies and community organizations that lead to an expansion of access to recreation facilities and related programs. After establishing an agency's commitment to shared use through adoption of the model resolution, negotiating and executing a shared use agreement is a likely next step.

## Financing Shared Use

The cost of maintaining and operating any facility increases over time especially when it is jointly used and the hours of its use are extended. A funded shared use arrangement can be outlined in the text of the formal agreement indicating that a public or private partner will provide funding for some or all costs associated with a shared use agreement. In the event that a school building is underutilized, a shared use arrangement that involves funding from a public or private partner can make continued operation of the school building fiscally feasible where it might not have otherwise been possible.

A shared use agreement will typically be funded by combining financing from a variety of different sources. Funding streams can usually be used to finance certain aspects of shared use. While some funds can help to build new facilities, others can help to renovate existing infrastructures or cover operational costs. In an effort to pool these resources, it is important to form shared use partnerships with organizations or agencies that have access to different funding sources.

There are a variety of funding sources recommended to help offset the costs associated with a shared use.<sup>75</sup> These sources include, but are not limited to, the following:

- General fund revenues
- Dedicated tax revenues
- Fee-based revenues
- Development-driven revenues
- Bonds
- Grants from foundations
- Federal and state grants

These funding sources are described at-length in Chapter 4 of *Playing Smart*, a nuts-and-bolts guide to shared use agreements produced by ChangeLab Solutions and KaBOOM!. This guide provides additional information about how to finance a shared use agreement.

These funding sources are usually best used in conjunction with each other to create an ongoing, shared use program. A tip sheet for financing shared use agreements is provided in Tool D. It highlights potential advantages and drawbacks relevant to pursuing these financing options.

Considering which financing option to pursue might be difficult since many school districts and public agencies do not know the true costs of owning and operating their facilities. The Center for Cities & Schools at the University of California, Berkeley, in partnership with the 21st Century School Fund, has developed a set of tools for implementing shared use and development of public school facilities, including a School Facilities Joint Use Cost Calculator. The School Facilities Joint Use Cost Calculator helps determine facility costs on a square-foot and hourly basis. This resource can then be used to understand the operational costs of facilities and develop possible fee structures based on the real costs.

## Barriers and Solutions

### Common Barriers:

School administrators frequently name concerns about liability, safety, cost, staffing, and maintenance as reasons for not opening their facilities to the community outside of school hours.<sup>76</sup> A survey of New York health professionals, educators, and community members indicates that possible barriers to sharing facilities involve liability, staffing, operations, and maintenance of shared facilities.<sup>77</sup> Formal shared use agreements can help address these concerns, particularly in communities that lack public or private recreation facilities. The Institute of Medicine recommends that local governments work with school districts and other organizations to initiate shared use agreements that permit fields, playgrounds, and recreation centers to be used by community residents outside of school hours; “and if necessary, adopt regulatory and legislative policies to address liability issues that might block implementation.”<sup>78</sup>

### Legislative Action:

States may choose to address barriers to community recreational use of school property through legislative action.<sup>79</sup> The American Heart Association and the Public Health Law Center provide policy guidance about school liability legislation that advocates have used to promote statewide change around community use of school property. However, in the absence of legislation, liability concerns can be addressed locally with a shared use agreement. Studies indicate that for many school officials, liability is perceived of as a primary barrier to allowing community use of school recreational facilities during non-school hours.<sup>80, 81, 82</sup> Fortunately, there are several different ways to overcome this particular barrier by developing a shared use agreement that relies on the laws currently in effect. For example, governmental immunity laws regarding liability protections that apply specifically to community use of recreation and sport facilities outside of regular school hours exist in all fifty states.<sup>83</sup> While the level of protection varies widely by state

and the specific situation or activity involved, these laws typically have existing liability rules for property use after school. All states have recreational user statutes providing some degree of protection for landowners to encourage opening property for public use.<sup>84</sup> Chapter 5 of *Playing Smart* provides additional information about liability principles and protections.

### Rules and Protections:

Legal rules and protections are important to keep in mind when developing a shared use agreement in New York, but navigating through these details may require additional support.<sup>v</sup> To become familiar with legal protections such as applicable governmental immunity laws, recreational user statutes, and limits on damages in New York, first consult two key resources provided by ChangeLab Solutions: *State Scan of Laws Addressing Community Use of Schools* and *Summary of Legal Rules Governing Liability for Recreational Use of School Facilities*. These resources can provide those working to develop a shared use agreement (as well as their legal representation) a good starting point in an effort to better understand basic rules and protections related to shared use.<sup>iv</sup>

### Emphasize Solutions:

A shared use agreement should document solutions to issues raised during the process of developing the agreement. These solutions may be related to fee schedules, a list of persons authorized to unlock/lock the facilities, a method of dispute resolution, and conditions under which terms of agreement should be renegotiated. By including these elements in a shared use agreement, the agreement serves as a practical contract that can be reshaped to meet the needs of the partners and the community at-large. The following table offers a summary of information and resources that can help New York partners create strong shared use agreements.

<sup>iv</sup>The Extended Use application is available at <http://schools.nyc.gov/NR/rdonlyres/F2381D29-283D-4428-AD06-2FB6BBD38782/0/ExtendedUsePermit.pdf>.

<sup>v</sup>Liability laws and legal protections vary greatly from state to state and depending on the situation. For information specific to your own situation, contact an attorney in your area. ChangeLab Solutions has produced a fact sheet that provides a sense of the scope of city attorneys' work.

<b>Barriers</b>	<b>Solutions</b>
<p><b>Local Support</b></p> <p>How to earn support from local political and community leaders</p>	<ul style="list-style-type: none"> <li>• Share an agreement fact sheet, provided by ChangeLab Solutions, to enhance local support.</li> <li>• Encourage parents and community members to get involved in the process of developing an agreement.</li> <li>• Urge school officials and city officials to pursue a shared use agreement that would make facilities more available.</li> </ul>
<p><b>Liability</b></p> <p>How to address legal risks associated with injury or property damage</p>	<ul style="list-style-type: none"> <li>• Include an indemnification clause in the agreement stating that partners will take responsibility for liability and hold the others harmless. To learn more, consult resources produced by ChangeLab Solutions: <ul style="list-style-type: none"> <li>• <a href="#">Primer on Liability Fact Sheet</a> outlines liability issues and protections when opening school property after hours.</li> <li>• <a href="#">Volunteers Liability Fact Sheet</a> provides an overview of legal protections designed to shield volunteers of a nonprofit or school from liability.</li> <li>• <a href="#">A memorandum summarizes liability risks for after-hours use of public school property in New York.</a></li> </ul> </li> </ul>
<p><b>Operations &amp; Maintenance</b></p> <p>How to operate and maintain the upkeep of the shared space</p>	<ul style="list-style-type: none"> <li>• Discuss how each partner defines maintaining or operating facilities and associated equipment.</li> <li>• Agree upon a shared definition of maintenance and operations.</li> <li>• In the shared use agreement: <ul style="list-style-type: none"> <li>• Specify what constitutes “maintenance.”</li> <li>• Allocate responsibility for amount of maintenance as well as which partner(s) provides and stores equipment.</li> <li>• Include protocols for ensuring facilities are left in their original condition after each partner’s use of the space.</li> <li>• Include clauses that stipulate reasonable time frames for maintenance and repairs.</li> </ul> </li> </ul>
<p><b>Safety Issues</b></p> <p>How to deter criminal behavior in the shared space</p>	<ul style="list-style-type: none"> <li>• Discuss which safety and crime prevention measures are needed in shared spaces including security cameras, warnings, emergency telephones, and security personnel.</li> <li>• Outline in the agreement which safety and crime prevention measures will be used to deter criminal behavior.</li> <li>• Address repairs for potential vandalism or other misuse in the agreement.</li> </ul>

**Chapter 6 of *Playing Smart* offers additional information about strategies used to overcome common barriers associated with developing a shared use agreement.**

<b>Barriers</b>	<b>Solutions</b>
<p><b>Staffing</b></p> <p>How to simultaneously work with staff members from a variety of agencies</p>	<ul style="list-style-type: none"> <li>•Engage staff members that are associated with facilities central in developing the agreement.</li> <li>•Build trust and maintain ongoing relationships with staff.</li> <li>•Stay in communication with staff members to learn what their concerns may be over time.</li> <li>•Issues of salary and overtime pay should be addressed with unions of staff members as soon as possible.</li> <li>•Keep union representatives involved at every step of the process to reduce any surprises.</li> </ul>
<p><b>Scheduling</b></p> <p>How to ensure that scheduling activities runs smoothly</p>	<ul style="list-style-type: none"> <li>•Use regularly scheduled meetings to determine use of space.</li> <li>•Provide clear statements about when which partner will access which facility with what exceptions.</li> <li>•Set up rules for determining priority of use and include them in the agreement.</li> <li>•Consider staff needs which will likely foster communication and openness to compromise when setting schedules.</li> <li>•Facility scheduling software can help manage facility usage requests and simplify the scheduling process.</li> </ul>
<p><b>Costs</b></p> <p>How to share the costs associated with the shared use of space</p>	<ul style="list-style-type: none"> <li>•Conduct a cost assessment to help partners understand and address the costs associated with sharing facilities. A School Facilities Joint Use Cost Calculator, produced by the Center for Cities &amp; Schools and the 21st Century School Fund, can help with this assessment.</li> <li>•Determine how to share costs of equipment and supplies, water, electricity, maintenance, and staffing (e.g., based on amount of use by each partner).</li> <li>•Outline in the agreement decisions made about how to share costs associated with shared use of space.</li> </ul>
<p><b>Fees</b></p> <p>How to charge fees for the shared use of space and apply proceeds toward an educational or charitable purpose</p>	<ul style="list-style-type: none"> <li>•Specify in the agreement that the proceeds from activities where admission fees are charged will be spent for an educational or charitable purpose.</li> <li>•Operate educational programs at the school district level and ensure that they are overseen by school administrators.</li> <li>•Use school staff as instructors to make the relationship between the fees and the educational purpose of the activities clear. The fee will derive from the school district and instructors will be paid by the school district.</li> </ul>

## How is a shared use agreement implemented?

### Community Awareness

Local support of a shared use agreement from school and city officials as well as parents and politicians is essential to its success. One way to gain and maintain local support is using signage that identifies a facility as “shared” and indicates the names of each partner involved. This practice brings community awareness to the shared use of property and promotes this achievement of multi-sector partnerships.

*Niagara Falls, NY, created four shared use agreements to open a 4.5-acre inner-city basketball park. Local community groups offer programming at the park for youth and adults – from finance workshops to exercise classes to health and wellness fairs.<sup>50</sup>*

Once a shared use agreement has been finalized, its many benefits will be realized when the broader community understands that terms of the agreement have been put into effect. The implementation of a shared use agreement could be publicized in several ways:

- published in the local newspaper or e-newsletter
- posted to relevant community mailing lists or list-servs
- announced jointly by the shared use partners at meetings or celebratory events throughout the community

One key way to raise awareness around a shared use agreement is to normalize the posting of signs that indicate availability of the property. Implementing this practice not only increases community awareness but may increase visitors’ physical activity levels.<sup>85</sup> The odds are that the more detail that is included on the signs, the more likely the community will participate in shared use! It is important to include the days and times when the property will be open, the parties it is open to, pertinent requirements as-

sociated with using the property, and the names of the shared use community partners who are responsible for granting community access to the property. When signage that includes this information is made the norm, the communicated message is that property once thought of as belonging to a school now belongs to the community.

### On-Site Programming

Implementing a shared use agreement does not have to mean only sharing property. In fact, offering programming and events on the property can draw the attention of the community and demonstrate the many benefits associated with shared use. After Niagara Falls used four shared use agreements to open a 4.5-acre inner-city basketball park, local community groups began to offer programming at the park for youth and adults.<sup>86</sup> This programming includes finance workshops, exercise classes, health and wellness fairs, and is designed to engage the entire community (to learn more about their success story, see page 25). Afterschool programming for both younger and older students is another viable option to consider when implementing a shared use agreement. A variety of activities including arts, sports, and drama can be offered in a supervised recreational setting during an afterschool program.

Shared use participants benefit from having programming information listed in a single, easy-to-read publication. This is one of the perks of having programming that is jointly organized, since participants would otherwise receive two different schedules. Depending on the type of programming chosen for the shared property, community partners can work together to publish and distribute a joint activity or class schedule. By sharing expenses associated with advertising the programming, costs are cut, particularly on printing and postage.

### Evaluating the Agreement

A comprehensive shared use agreement will specify a schedule and measures for evaluation. This process might entail having regularly scheduled meetings amongst the shared use partners to discuss how satisfied everyone is with how the agreement is being carried out. Evaluation meetings provide opportunities to re-

view successes and address areas of concern before they become significant barriers. In addition, these meetings provide opportunities to identify lessons learned that could be incorporated into future shared use agreements. Based on these evaluation meetings, shared use partners should consider renegotiating the terms of the agreement. This process of renegotiation would likely involve identifying the emerging and changing needs of each partner.

A systematic way to ensure evaluation occurs would be to include a “periodic reviews and revisions” clause in the shared use agreement. This clause states that the partners agree to review the agreement on a decided-upon cycle (i.e., every three years). It might also include a statement emphasizing that revisions can only be made with the mutual written consent of both partners. In addition, a shared use “task force” or “governing board” is often given responsibility for, among other things, assisting with monitoring and evaluation.<sup>87</sup>

Different approaches have been taken to evaluate a shared use agreement. For example, in Warren County, NY, an assessment of how a shared use agreement has impacted community use of a park and recreation area is currently underway (described on page 24). There does not appear to be any models of evaluation that have been developed specifically for the purpose of evaluating shared use agreements although much of the evaluation to-date seems to be qualitative analysis of shared use agreement case studies. Some potential evaluation measures include:<sup>88</sup>

- Residents living within a mile of a park or recreational facility
- Number of exercise sessions in a week
- Likelihood of visiting the park at least once a week
- Number of residents reporting access to a safe park near their home (or other perceptions of neighborhood safety)
- Community access to at least 6-10 acres of open space per 1,000 residents

- Total number of users (students and others, insured entities, uninsured entities, and individual users)

## Where are shared use agreements being implemented?

Shared use agreements have been implemented across the United States and Canada.

- In **San Francisco, CA**, the city and school district used an agreement to open school playgrounds to the community on week-ends.<sup>89</sup>
- In **Seattle, WA**, the city and school district implemented a shared use agreement in order to simplify the scheduling of all school and city recreation facilities.
- In **Boston, MA**, where many schoolyards were paved over in the 1950s when city leaders realized it would save maintenance costs, shared use agreements have helped reclaim more than 130 acres of asphalt. This effort has transformed schoolyards into revitalized new spaces offering physical activity opportunities.<sup>90</sup>
- In **Hernando, MS**, a statewide shared use program has provided school districts with resources for play equipment and other improvements.<sup>91</sup>
- In 1959, the City of **Edmonton, Edmonton Catholic Schools**, and Edmonton Public Schools in Alberta, Canada entered into a shared use agreement to optimize use of publicly funded facilities. Since then, Edmonton’s shared use agreements have been updated many times and remain a success for the community in the present day.
- In **Miami, FL**, shared use agreements between Miami-Dade County Parks Department and the Health Foundation of South Florida have allowed senior centers to hold exercise classes and other programs in the parks.
- Throughout the state of **New York**, shared use agreements have been become an asset to health promotion and community development in Niagara Falls, Kingston, Warrensburg, and across the five boroughs of New York City (On next page).



Shared use agreements between the city of New York and local schools have opened hundreds of schoolyards to the public thanks to the core partners of the Schoolyards to Playgrounds program. The Parks Department, the Department of Education, and the non-profit Trust for Public Land (TPL) teamed up to design, develop, and improve many of the schoolyards through capital improvements of new play equipment, trees, benches, and painted sports surfaces. The result of this partnership has been the transformation of schoolyards into playgrounds and community parks complete with fields, basketball courts, play equipment, gardens, and trees. These converted Schoolyards to Playgrounds sites are open and accessible to the community on weekdays during after school until dusk and on weekends or days when school is not in session from 8:00 AM until dusk.

## Case Studies

Shared use agreements have been implemented in New York in some fairly diverse ways—using schoolyards, food gardens, a basketball park, and a mountaintop.

### Shared Use of Playgrounds across New York City

In 2007, New York City’s Mayor Michael R. Bloomberg launched PlaNYC 2030, an ambitious agenda to create a greener, greater New York as the city’s population grows to an expected nine million people by 2030. By 2011, PlaNYC contained 132 initiatives to improve New York City’s physical infrastructure, environment, quality of life, and economy.<sup>92</sup> One of these initiatives, called Schoolyards to Playgrounds, was created to help meet PlaNYC’s “open space goal” of getting over 240,000 additional New Yorkers within a 10-minute walk of a park or playground.

#### AT A GLANCE

##### Population Served

Children and Adolescents

##### Type of Agreement

Outdoor School Facilities Open for Use During Non-School Hours

##### Partners Involved

New York City Mayor’s Office, Parks Department, Department of Education, Trust for Public Land

The Schoolyards to Playgrounds program involves a citywide system of open schoolyards and a public-private partnership with the TPL. This collaborative model combines partial private funding with youth input through the use of a participatory design process. Playgrounds are designed with ideas generated by students, teachers, and staff to better serve the needs of the community. This design process demonstrates local support of the program, facilitates community coordination, and opens up dialogue to ensure continued success of the parks after they are open to the public. In an attempt to define who has authority over the schoolyards, PlaNYC 2030 specifies that Schoolyards to Playgrounds allow the DOE and the School Construction Authority to retain control of their property and give those agencies responsibility for construction, maintenance, operations, and security.<sup>93</sup> These terms are outlined accordingly in the shared use agreements.

In November 2011, the 200th underutilized schoolyard was opened as a community playground through the Schoolyards to Playgrounds program. At the time of this opening, 71 percent of New Yorkers were within a 10-minute walk of a park or playground. This milestone was celebrated at PS 69 in Jackson Heights, Queens within a school district that was in need of more parks. Like many of the previous 199 conversions, this playground is unique because it is the product

of a collaboration that combines funding from TPL with community input about playground design from teachers, students, and the surrounding neighborhood including the Jackson Heights Beautification Group. At the opening of this community playground, NYC Schools Chancellor Walcott stated that “the strong partnership between PlaNYC, the Parks Department, and the Department of Education has been so instrumental to the city’s efforts to ensure children have access to safe and clean playgrounds in their neighborhoods.”

According to the PlaNYC 2012 Progress report, an additional 53 Schoolyards to Playgrounds sites are planned by 2013.<sup>95</sup> Meeting this goal would bring the total number of playground sites open for community use to 230. A schedule for an additional 28 locations is also being determined.

## Shared Use of School Gardens in Kingston

Shared use agreements have opened several school gardens to the broader city community in Kingston, New York. In 2010, the Kingston

### AT A GLANCE

#### Population Served

Children, Adolescents, and Adults

#### Type of Agreement

Outdoor School Facilities Open for Use During Non-School Hours

#### Partners Involved

Healthy Kingston for Kids School and Garden Committee, Kingston City School District, City of Kingston, Kingston Parks and Recreation Department, Kingston Land Trust, Cornell Cooperative Extension

Parks and Recreation Department partnered with the Healthy Kingston for Kids School and Garden Committee to support schools wanting to build a food garden or reinvigorate an existing one. With funding from the Robert Wood Johnson Foundation’s Healthy Kids Healthy Communities and a Federal Learn and Serve America grant, 10 Kingston schools

from the Kingston City School District used shared use agreements to open their gardens to the local community after school hours.<sup>96</sup> By 2012, two additional schools added a garden, making a total of 12 schools in the area pre-

pared to share their gardens with the Kingston community.

School gardens have served as a learning tool for both the school community and the broader community. Gardening on school property can achieve many goals, including:

- teaching the importance of nature and environmental stewardship
- fostering hands-on learning, teamwork, focus, patience, cooperation, pride, self-confidence, engagement, and social skills while addressing different learning styles
- promoting good production, nutrition education, fitness through outdoor activities, and healthy practices in the community

There are, however, challenges to maintaining school gardens, including student turnover, strict curriculum standards requiring instructional time that often competes with outdoor activities, restricted school infrastructure, and limited sources of funding. Key to overcoming these barriers in Kingston has been building relationships with shared use partners who help find solutions. The Healthy Kingston for Kids School and Garden Committee has been working to increase community and school gardens throughout the city. Members of the committee include the Cornell Cooperative Extension in Ulster County, the City of Kingston Parks and Recreation Department, the Kingston Land Trust, and volunteers who work together on communications strategy and policy to further the sustainability of existing and future gardens. The committee is developing and promoting two policies: (1) a policy for adoption by the Kingston City School District Board of Education that would institutionalize the use of school gardens for classroom learning and their use during after school hours; (2) a policy for adoption by the Kingston Common Council that would allow the installment of community gardens on city property and in parks.<sup>97</sup>

In order to develop a community support network for the garden initiative, members of the committee maintain an ongoing collaboration

with community members, parents, teachers, and students to obtain access to resources for the construction and practical use of gardens. The committee has created a citywide garden coalition to sustain the gardens, mobilized volunteers to help launch community gardens, and recruited garden stewards to successfully create community and school gardens. Local support from the community and involving school personnel as well as other adults has been essential to the success of this garden initiative. In 2012, 56 school staff and 117 adult volunteers were champions of the school gardens and helped bring them to life for the benefit of the community.

Shared use partners in Kingston have identified crucial steps needed to achieve the success of school gardens:

1. Find start-up funding.
2. Identify supporters who can help increase school and community buy-in.
3. Create a sustainability plan.
4. Incorporate the garden into the school curriculum and classroom activities.

Programming has also been an important contribution of the school gardens in Kingston. In 2012, 184 students from 10 classes participated in the “Gardening in the Classroom” program offered by the Kingston Parks and Recreation Department. This 1.5-hour classroom-based education program was designed with a Pre-Kindergarten through 5th grade curriculum. The program begins with an opening discussion about where food originates and then proceeds with an educational storybook lesson to help children learn about the origins of food. As a follow-up activity, students design a garden on paper and then plant seeds in their own individual pots for home use in addition to planting seeds in their classroom greenhouse. This activity bridges the gap between the home and school contexts by allowing students to track the growth of the plants in both environments.

School gardens in Kingston have also had a broad impact on the local community beyond its shared use. Each school garden is required to have a portion of their harvest donated to

members of the community who are in need of fresh healthy food (e.g., the local soup kitchen or senior housing complex). In 2011, 450 pounds of food from school gardens, roughly 75 pounds per school, were donated. In 2012, the Healthy Kingston for Kids School and Garden Committee and the Kingston Parks and Recreation Department conducted a systematic analysis of open land in the City of Kingston’s food deserts to determine the best locations for additional community gardens. Mapping technology, field visits, and community outreach were used to identify a location where lower-income residents in food deserts would be best served by a community garden project.

On March 1st, 2012 the Kingston City Gardens website was launched. The Kingston Land Trust and Healthy Kingston for Kids initiative have supported this new resource. It provides an interactive gardens map, a community blog, tips about how to start and maintain a garden, opportunities for funding, garden workshops, and guidance about how to get involved with food production initiatives in Kingston.

## Shared Use of Legends Basketball Park in Niagara Falls

In Niagara Falls, New York, several shared use agreements were vital to improving the quality of outdated courts, creating a state-of-the-art basketball park, and incorporating valuable community programming at the park.<sup>98</sup> Before these events transpired, the basketball courts

### AT A GLANCE

#### Population Served

Children, Adolescents, and Adults

#### Type of Agreement

Facilities Open for Use and Third Parties Authorized to Operate Programs

#### Partners Involved

Niagara Falls Housing Authority, Winning Because I Tried, Niagara Falls Police Athletic League, Summer Basketball Tournament

in many of the city’s low-income neighborhoods were in bleak condition. According to Thomas DeSantis, Niagara’s senior planner, the city was “spending a lot of money to maintain marginal courts where people didn’t want them anyway, and we were getting complaints from neighbors who lived nearby. We wanted

to use all of that money to create one large-scale park with actual programming. It led to a much more elegant solution that let us do more things than anybody thought we'd get."

Legends Basketball Park, a 4.5-acre inner-city park, was the resolution to the run-down and unused basketball parks in Niagara Falls. Features of the park include indoor courts, outdoor courts with stadium lighting and bleachers, locker rooms, and an auditorium. Thanks to four shared use agreements, the park has proved to be beneficial for the Niagara Falls community. By collaborating with local community groups, programming such as finance workshops, exercise classes, as well as health and wellness fairs have been offered for both youth and adults.

So how did shared use agreements come to play such a crucial role in making this park a reality? A case study of this success story is included in *Playing Smart* and indicates that City Councilman Charles Walker was largely responsible for building relationships among the partners that created the park. Walker hoped to provide kids with a safe place to play basketball that was free of problems like vandalism and crime. He envisioned a park that would "get the community to start programming there for kids and adults" and made strides by convening a committee of local supporters. Members of the committee ranged from business leaders to residents who concluded that new basketball courts that engaged the wider community would be one possible way to make them safe.

The committee and the city school board worked together to establish a shared use agreement that transformed a field at the Harry Abate School into a city park. Then the city invested \$280,000 to build the new courts and acquired \$35,000 in donations from local businesses and individuals, including a state senator. An additional \$30,000 contribution was tax revenue from a nearby casino. The collaboration between the committee and the city as well as the financial support that followed resulted in what is now known as Legends Basketball Park.

Legends Basketball Park required some of the city's first formalized shared use agreements beyond informal or "handshake" agreements meant to initiate programming. The first shared use agreement at the park was between the

city and the Niagara Falls Housing Authority. As part of the agreement, the Housing Authority provides an indoor gymnasium facility, the city pays the Authority to use the facility in addition to providing insurance, and the Authority is indemnified.

In 2011, the committee made further progress by deciding to support the implementation of a 12-week mentorship program on the park grounds. Local basketball star Modie Cox, having already overseen a national program called *Winning Because I Tried*, jumped at the opportunity to institute the mentorship program. This partnership led to the second shared use agreement at the park. As part of the agreement between the *Winning Because I Tried* group and the city, the group provided mentoring services and the city was covered by the group's insurance in the event of injury. The mentorship program involved having children meet with five volunteer mentors afterschool and diversifying their life skills through guest speaker presentations focused on health, personal finance, and conflict resolution. The program also offered these youth the opportunity to play in up to three games afterwards. Sixty children signed up for the program and 45 completed it, indicating a relatively high retention rate.

The third shared use agreement at the park was created between the city and the Police Athletic League. As part of the agreement, the league holds its annual *Beat the Streets Basketball Tournament* at the court and provides a certificate of insurance that indemnifies the city. The fourth shared use agreement at the park was created between the city and the *Summer Basketball Tournament*. As part of that agreement, the *Summer Basketball Tournament* provides a certificate of insurance and the city pays the organizers to help hold the tournament.

Programming at the park ranges from basketball games and tournaments to public concerts and wellness fairs. During these events, representatives from many community organizations provide health care, education, and employment opportunity information. In 2011, the city hosted a special "It's Electric" play day featuring a dance contest, carnival, and other activities that were all free of charge to city residents. Patricia Travis, Niagara Falls Youth Bureau Director, emphasized that the main objective of the

event was “to encourage families to come out and play with their children.”<sup>99</sup> The shared use agreements helped build community engagement at these events and an active volunteer presence on the courts. According to Walker, there was virtually no crime reported at the park during its first year.

In 2012, the city inducted its first local athlete into the Legends Hall of Fame “so kids will see people—maybe even their own grandfather—honored for their athletic ability and support to the community,” Walker said, “and hopefully it will help them stay focused and want to make it up there themselves.” This milestone at the Legends Basketball Park in Niagara Falls is a testament to the city leaders’ willingness to tackle and resolve difficult issues. The park, the shared use agreements, and the partners who made it possible set an example for communities who face resistance to finding spaces to play. By using needs-based programming that engages the community, Legends Basketball Park offers inner-city children and their families a safe place play, learn, and be active.

## Shared Use of Hackensack Mountain Park and Recreation Area in Warrensburg



Hackensack Mountain, located in the hamlet of Warrensburg, is a smaller peak in the Adirondacks and unique for two reasons: (1) it is situated in close proximity to the center of town and (2) the town owns half of the mountain while the other half is owned by the Central School District. The mountain sits less than a quarter of a mile from Warrensburg High School and the main business district yet, prior to 2011, few residents hiked the mountain. Formal, signed trails were absent even though the area had numerous unofficial, unmarked trails created by snowmobiles, all-terrain vehicles, and logging. The town informally allowed the public to use these unmarked trails for non-motorized activities. Warrensburg High School also used the mountain for educational and physical education purposes.

Community stakeholders met to discuss ways to promote use of the mountain and its associated benefits such as enhanced recreational enjoyment and physical health. These individuals came together from multiple sectors and included the Warrensburg Central School Superintendent, Town of Warrensburg Deputy Supervisor, Adirondack trail committee member, legal representation, a zoning officer, and an Environmental Science teacher. Additional progress was made when the Glens Falls Hospital’s Creating Healthy Places to Live, Work & Play program, Town of Warrensburg, Warren County Department of Public Works, Up Yonda Farm, and Warrensburg Central School District partnered to make improvements to the mountain that would enhance community access. The locale became the Hackensack Mountain Park & Recreation Area and was completed in the fall of 2012.

### AT A GLANCE

#### Population Served

Children, Adolescents,  
and Adults

#### Type of Agreement

Joint Use of District and  
City Recreation Facilities

#### Partners Involved

Warrensburg Central  
School District, Town of  
Warrensburg, Up Yonda  
Farm, Warren County  
Department of Public  
Works, Creating Healthy  
Places to Live, Work &  
Play (funded by the New  
York State Department  
of Health)

Warrensburg is a small rural community located in Warren County, New York. It is surrounded by many acres of state-owned forested land ideal for hiking, camping, biking, cross-country skiing, snowmobiling, snowshoeing, and rafting. Many local residents were unaware of the abundance of recreational resources that invite physical activity within their own community until 2011 when the Town of Warrensburg pledged to formalize a trail system on

Hackensack Mountain that could be utilized for active recreation.

Through the collaboration of various partners, Hackensack Mountain Park & Recreation Area was outfitted with a designated trail system for free year round recreational use, three public parking areas, an informational brochure, and map to help community members take advantage of the many available physical activity opportunities. In order to sustain these improvements to the mountain area, the Town of Warrensburg and the Warrensburg Central School District entered into a formal shared use agreement. This agreement clearly addresses maintenance and liability as well as encourages public use of the trails by defining it as a space meant for hiking, biking, running, snowshoeing, and cross-country skiing.

The shared use agreement between the district and town ensured that community members and tourists could benefit from improved access to Hackensack Mountain and its physical activity opportunities. It includes, but is not limited to, the following language:

Whereas the District and the Town are interested in developing a public use trail system on property owned by the District and the Town known as Hackensack Mountain (the Trail System).

Whereas the Town and District intend to designate the Trail System a multi-use recreational facility (hiking, biking, running, snowshoeing, cross-country skiing) with appropriate signage to serve the citizens of the District and Town and to attract recreational tourists to the community that will contribute to the economic and physical well-being of the community.

Local support has been critical to the success of this shared use agreement. Since the shared use agreement was implemented, its partners and the broader community have continued to collaborate in order to further improve access to Hackensack Mountain Park & Recreation Area. The Town's Department of Public Works constructed large parking lots and installed

way-finding signs as well as kiosks at the mountain's three trailheads. Students of Warrensburg Central School District have helped to promote the use of the Hackensack Park and Recreational Trail System through informational web pages, brochures, and school media forums. Students from Warrensburg High School's Environmental Science classes, with the help of Up Yonda Farm, have mapped the trails using signs to mark approximately 3.5 miles of trails up and around the mountain. They have also designed educational signs for parking lot entrances and explored the use of a QR code system to label the location of plants and trees on the trail maps.

The Creating Healthy Places to Live, Work & Play program, a New York State Department of Health initiative that promotes healthy lifestyles and the prevention of obesity and Type 2 diabetes, provided funding for signs, maps, and trail markers. "We are thrilled to be able to offer easier access to such an important part of the community," said Kathy Varney, program coordinator for the Creating Healthy Places to Live, Work & Play program at Glens Falls Hospital. "Now community members and visitors to our region can enjoy hiking, biking, running, snowshoeing, and cross-country skiing year-round. It has been a great collaboration with our partners in the community."

Community-based leaders have anecdotally reported that the trails are being utilized much more by residents and tourists. An evaluation of how this shared use agreement has impacted the community and local environment is currently underway. ECO Counter data, technology that counts pedestrians and bicyclists in natural environments, is tracking the number of people experiencing the mountain trails. These data measure frequency over time and offer insight into visitors' circulation patterns. ECO Counter data meant to provide baseline information about community use of mountain trails were gathered from May to June and September to October of 2013. Follow-up ECO Counter data meant to show differences in community use of these trails since their official designation will be collected in the latter part of 2014.

## Summary

Shared use agreements provide an opportunity to increase access to recreational facilities for physical activity and health education. Implementation of shared use agreements can grant communities from different socioeconomic levels and racial/ethnic backgrounds access to opportunities for healthy living. The support of shared use agreements among key informant groups at the national and local levels emphasize that shared agreements play an important role in not only increasing physical activity opportunities for youth and adults but also in promoting healthier communities.<sup>100</sup> Over time, shared use agreements have the potential to enhance quality of life, leading to reduced rates of obesity and, consequently, a reduction in communities' medical and health care costs.

Shared use agreements not only promote community health but also make it possible for the partners involved, such as school districts and local government, to share the costs and responsibilities associated with opening their facilities. Depending on state and local laws, a shared use agreement can give some or all of the responsibility for costs, security, supervision, maintenance, repairs, and potential liability to local government. In New York State, a board of education at the county, municipal, or district levels can allow shared use to happen for the community. A school wellness policy is another way that shared use of school property, in particular, can be permitted in New York. Implementing a shared use agreement involves building a relationship among many sectors of the community and becoming partners to make the agreement work for everyone.

Although it is too soon in the evaluation process to determine if a shared use agreement can improve community health outcomes, evidence to date suggests that shared use agreements are a promising strategy for increasing moderate to vigorous levels of physical activity among children and adults, particularly those in underserved communities.<sup>101</sup> The number of children who are physically active outside of school has also been reported to be 84 percent higher when schoolyards are kept open for public play.<sup>102</sup> Further research will be needed to develop models of evaluation specifically designed for the purpose of evaluating the community-wide impact of shared use agreements.

Implementing a shared use agreement is an ongoing effort that engages many stakeholders throughout the process. These advocates range from community members as well as park and school officials to community organizations and even representatives of the local government who form partnerships in support of implementing a shared use agreement. Ultimately, the implementation of a shared use agreement is a collaborative process that will continue to engage many stakeholders across communities in New York State.



## Acknowledgements

This guide was prepared by Rachel Manes and is partly based on materials and technical assistance from ChangeLab Solutions. The New York State Bureau of Community Chronic Disease Prevention provided feedback on earlier drafts, improving the specificity and usability for organization within New York.

## Educational Resources

### Active Design Guidelines for Playgrounds

Promoting Physical Activity and Health in Design

### Active Living by Design

Promoting Physical Activity Through the Shared Use of School

### Active Living Research

Promoting Physical Activity Through the Shared Use of School

### American Heart Association

Shared Use Agreements: Sharing School Recreational Facilities with the Community

### Bridging the Gap

Joint Use Agreements – Creating Opportunities for Physical Activity

### California Project LEAN

Joint Use School Facilities

### Center for Cities and Schools

Joint Use Schools Initiative: Partnerships and Environments for Student Success (includes School Facilities Joint Use Cost Calculator)

### Edmonton, Canada Resources

City of Edmonton, Edmonton Catholic Schools, and Edmonton Public Schools

### KaBOOM!

Shared Use Case Studies and Grant Programs

### Kingston, NY School Gardens

Status of Gardens and Grant Programs

### Prevention Institute and Berkeley Media Studies Group

Joint Use

### Robert Wood Johnson Foundation

Joint Use Agreements

## ChangeLab Solutions

- [Unlock Possibilities with Shared Use Resources](#)
- [Model Joint Use Agreements](#)
- [Playing Smart](#)
- [Liability Risks for After-Hours Use of Public School Property to Reduce Obesity: A Fifty-State Survey](#)
- [Liability Risks for After-Hours Use of Public School Property to Reduce Obesity: New York](#)
- [This Is Our Land Primer](#)

## Safe Routes to School National Partnership

- [Shared Use Clearing House](#)
- [Shared Use Fact Sheets: School Principals and the Shared Use of School Facilities, School](#)
- [Board Members and the Shared Use of School Facilities, Superintendents and the Shared Use of School Facilities, Shared Use: Increasing Access to Physical Activity Opportunities, Creating](#)
- [Healthier Communities through the Shared Use of Hospitals](#)

## Voices for Healthy Kids

Shared Use Liability Toolkit: Unlock the Doors

## List of Tools

### **Tool A: Change Lab Solutions Checklist for Developing a Joint Use Agreement**

[http://www.changelabsolutions.org/sites/default/files/CLS\\_JointUse\\_checklist\\_FINAL\\_20120517\\_1.pdf](http://www.changelabsolutions.org/sites/default/files/CLS_JointUse_checklist_FINAL_20120517_1.pdf)

### **Tool B: Change Lab Solutions Model Joint Use Agreements**

1. Opening Outdoor School Facilities for Use During Non-School Hours
2. Opening Indoor and Outdoor School Facilities for Use During Non-School Hours
3. Opening School Facilities for Use During Non-School Hours & Authorizing Third Parties to Operate Programs
4. Joint Use of District and City Recreation Facilities

<http://www.changelabsolutions.org/publications/model-JUAs-national>

### **Tool C: Change Lab Solutions Model Joint Use Resolution**

<http://www.changelabsolutions.org/publications/model-joint-use-resolution>

### **Tool D:**

See Next Page

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<sup>1</sup>KaBOOM! offers a grant to support a joint use agreement that opens playgrounds to the public after school hours. Learn about this grant opportunity at [http://kaboom.org/about\\_kaboom/programs/grants](http://kaboom.org/about_kaboom/programs/grants).

## Tool D: Tip Sheet for Financing Shared Use Agreements

Financing Option	Tips
General Fund Revenue	<ul style="list-style-type: none"> <li>• Allocate general funds to finance aspects of shared use.</li> <li>• Apply toward site acquisition, facility construction, building repairs, and operational costs.</li> </ul>
Dedicated Tax Revenue	<ul style="list-style-type: none"> <li>• Depending on the legal authority of local governments, elected officials or voters could decide to add a new tax or increase a tax to finance shared use.</li> <li>• Funds would be earmarked to finance capital improvements, operations, and maintenance costs.</li> <li>• School districts in many states have the authority to generate a dedicated tax to fund school activities and infrastructure.</li> <li>• These revenue-generating options are conceptually possible but may not be practical or politically feasible.</li> </ul>
Fee-Based Revenue	<ul style="list-style-type: none"> <li>• Fees can be charged for use of school or organizational facilities through a shared use agreement.</li> <li>• Fees are usually kept low to ensure that community members can afford to take advantage of the facilities.</li> <li>• These fees alone are typically inadequate to fully fund shared use and the annual collection may fluctuate.</li> </ul>
Development-Driven Revenue	<ul style="list-style-type: none"> <li>• Despite the possibility of a downturn in new housing development, cities and counties may want to collect revenue in anticipation of future housing growth.</li> <li>• Development fees, agreements, and incentives associated with housing developments could support shared use of the new facilities.</li> </ul>
Grants	<ul style="list-style-type: none"> <li>• Federal, state, county, business, or private foundation grants can improve recreational spaces, school property, or services associated with shared use.<sup>1</sup></li> <li>• Jointly applying for grants allows local governments, school districts, and nonprofits to access programs that might not be available to them individually.</li> <li>• Grants can be a good way to launch shared use but they are not a sustainable funding source.</li> </ul>

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