



# Wisconsin School District Recreational Use Checklist

## Why develop recreational use agreements at schools?

Communities with limited access to public recreational space are exploring opportunities to develop partnerships with schools for the use of school property to promote physical activity in the community. Access to safe, affordable and convenient recreational facilities is critical in order to promote active lifestyles and prevent a range of health problems, including obesity. The benefits can also extend beyond health. By becoming a community gathering space, schools can garner more support and involvement from residents. Residents themselves can benefit from the interaction, cohesion and sense of community that shared spaces provide. In short, facility use policies and recreational agreements hold great potential as a strategy for creating vibrant, healthy communities that benefit many local stakeholders in a variety of important ways.

## How to use this checklist:

This checklist is meant to identify ways to improve existing school board policies, rules and regulations relating to recreational use of school property, as well as to update facilities use forms, contracts and agreements to incorporate new liability protections and best practices. The key concepts include:

- Statements of Purpose;
- Policy consistency;
- Authority;
- Scheduling;
- Security;
- Staffing;
- Supervision;
- Facilities/Equipment to be Used;
- Communication;
- Costs;
- Roles and responsibilities;
- Activity participants; and
- Liability

These concepts are also included in sample resources developed by the Public Health Law Center and the Wisconsin Association of School Boards.

RECREATIONAL USE CHECKLIST					
Specific Issue	Details	Policy/Rule/Regulation		Recreational Agreement	
		Include here	Check if present	Include here	Check if present
<b>STATEMENTS OF PURPOSE</b>					
<b>Facilities open to community use</b>	A general statement identifying school district support for community use of school property	X			
<b>Recreational use is expressly permitted</b>	Recreational use is identified in policy as one type of allowable community use; district-sponsored and school-related programs, events, and activities have first priority.	X			
<b>POLICY CONSISTENCY</b>					
<b>Cross-reference of policies</b>	List policies, rules, regulations and forms that intersect for easy updating and cross-referencing	X		X	
<b>AUTHORITY</b>					
<b>Approval by school district</b>	Identified person(s) with authority to approve facility use permits and to sign any recreational and/or other facility use agreements on behalf of the district; include a signature line for district representative on each such permit/agreement	X		X	
<b>Approval by user</b>	Include a signature line for the representative of the user on each relevant permit/agreement			X	
<b>SCHEDULING</b>					
<b>Who does scheduling</b>	Specific person(s) identified to complete scheduling	X			
<b>Changes in schedule</b>	Process identified when changes/cancelations occur	X			
<b>Priority of users/uses</b>	List of who has priority of use (after all school-related functions). Considerations include (1) non-commercial status/purpose (e.g., non-profit); (2) user groups located in the district; (3) residents of the district are primary participants; or (4) school-age children within the District are primary participants.	X			
<b>Time and place of each approved activity*</b>	Specific information on the time, site and specific area of the school/grounds that will be used for each approved activity. This information is required by law to be included in a Section 895.523 "recreational agreement."			X	

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<b>SECURITY</b>					
<b>Requirements for security</b>	Any requirements for security for events; may be based on type of activity and number of participants/attendees	X			
<b>Security needs and plan</b>	Specific plan for specific activity, including who will provide security.			X	
<b>STAFFING</b>					
<b>School district staff</b>	Requirements for school district staffing for events, including those required on-site during activity, including custodial and food service staff	X			
<b>Requirements of custodial staff</b>	Specifics on when custodial staff is needed and what roles and responsibilities of custodial staff are during event	X			
<b>Custodial services plan</b>	Specific plan for specific activity, including roles and responsibilities for custodial staff and user of school facilities			X	
<b>Requirements of food service staff</b>	Specifics on when food service staff is needed and what roles and responsibilities of food service staff are during event, including why food service staff need to be present to comply with state and federal law and limits on use of kitchen equipment.	X		X	
<b>Food service staff plan</b>	Specific plan for specific activity, including roles and responsibilities for food service staff and user of school facilities, including limits on use of kitchen equipment			X	
<b>Employees involved in security plan</b>	Specifics on which school district employees, if any, may be involved in security; who should be contacted in event of security/ safety concern	X		X	
<b>SUPERVISION</b>					
<b>Requirements for supervision</b>	Define expectations for supervision of events; consider specifying a minimum ratio of supervision, possibly citing to other school policies (i.e. school field trip ratio requirements).	X			
<b>Supervision plan for minors*</b>	Specific plan for supervision of minors for specific activity. This information is required by law to be included in a "recreational agreement."			X	

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<b>FACILITIES</b>					
<b>What equipment/facilities are open to use</b>	List of specific parts of the school, both inside and outside, that are available for general use without scheduling (such as playgrounds and open green space) and what are open for scheduled use. Best practice is to include hallways, classrooms, and all outdoor facilities for scheduling. Under state law, a "recreational agreement" does not limit school district liability or negate any duties of the district that are associated with any death or injury to a person that involved recreational use of weight rooms, gymnastics equipment or pools, although those can still be included among the facilities that are available for scheduled use.	X			
<b>List of facilities</b>	If particular facilities are commonly requested, consider listing these in a "checklist" on an application/permit/agreement; leave an option for "other" if the list is not exhaustive.			X	
<b>Description of recreational activity*</b>	Specific description of the type of recreational activity planned for the facility. This information is required by law to be included in a section 895.523 "recreational agreement."			X	
<b>Time of community use</b>	List either generally or specifically the dates and times that community use is either normally available, or normally restricted.	X			
<b>Upkeep of facilities and inspection</b>	List of roles and responsibilities for the school district and for users for upkeep and inspection, as well as a process for users to report problems to the school/school district.	X		X	
<b>Which ancillary facilities are included in access (toilet, parking)?</b>	List of which ancillary facilities are (or may be) available with use, such as locker rooms, toilets, and parking; identify any restrictions for that use (e.g., use of such ancillary facilities is non-exclusive).	X		X	
<b>Provisions addressing termination of agreements and/or cancellation of specific events</b>	On occasion, it may be necessary to terminate agreements/permits or to cancel events. Address conditions and procedures for termination/cancellation by the district and by the user.	X		X	

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<b>COMMUNICATION</b>					
<b>Post community use applications and agreements on website</b>	Process for posting the most recent versions of relevant documents on the district website, and where it will be posted	X			
<b>Website section about community use</b>	Requirement for school district and individuals schools to have a portion of websites to be dedicated to information about community use	X			
<b>Community engagement plan</b>	Plan for community engagement to involve community members in underserved populations and organizations serving those community members to facilitate recreational use of school property during non-school hours	X			
<b>COSTS</b>					
<b>Cost of food service staff</b>	Specifics on what the hourly rate is for food service staff (if food service is an available use); consider allowance for sharing cost with other groups when multiple groups have overlapping use.	X		X	
<b>Cost of custodian</b>	Specifics on what the hourly rate is for custodial staff; consider allowance for sharing cost with other groups when multiple groups have overlapping use.	X		X	
<b>Fee schedule by type of facility and class of organization</b>	List of fee schedule and what the different users would pay. Many districts establish low fees or free use by, for example, non-profits providing recreational opportunities for school district community members, and higher fees for for-profit users. Ensure that classifications are lawful and nondiscriminatory. [See Sample 1, Recreational Agreement and Facility Use Agreement/Permit for language]	X		X	
<b>Fees for equipment</b>	Fees for use of district equipment. Again, these fees may vary by the type/class of user.	X		X	
<b>Fee waiver/reduction request process</b>	Process for granting a fee waiver or reduction in fees where appropriate, who is in charge of granting request, and process for requesting fee waiver. Be careful that any fee waiver criteria are lawful and non-discriminatory.	X		X	

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<b>Security costs</b>	Specifics on what the hourly rate is for security staff (if provided by the school district) and other security costs	X		X	
<b>Fees under a "recreational agreement"</b>	To ensure enforceability of the liability relief that is provided by state law when activities are held pursuant to a valid "recreational agreement," carefully review the fees that are charged to recreational users. For purposes of a "recreational agreement," a school district has express authority to charge and receive fees for reasonable costs for maintenance, cleaning, security, and, if applicable, for the supervision of participants who are minors.	X		X	
ROLES AND RESPONSIBILITIES					
<b>School district responsibility for materials and equipment</b>	Outline of school district roles and responsibility for materials and equipment	X			
<b>School district responsibility for maintenance</b>	Outline of school district roles and responsibility for maintenance	X			
<b>User process to notify of upkeep/damage</b>	Outline of user roles and responsibility notifying upkeep and damage			X	
<b>User repair responsible and payment</b>	Outline of user roles and responsibility notifying of repairs, and responsibility and payment for damage caused during use			X	
PARTICIPANTS OF ACTIVITY					
<b>Waiver request</b>	Highlighting when users can request waiver of fees	X		X	
<b>Eligibility requirements of participants*</b>	Specific statement on what the eligibility requirements are for participants of each specific activity. This information is required by law to be included in a section 895.523 "recreational agreement."			X	

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<b>LIABILITY</b>					
<b>Risk management strategies</b>	Outline risk management strategies that the school district requires to limit damages and injuries. Consult with district legal counsel and district insurers.	X			
<b>Statement describing a participant's assumption of risk *</b>	A clear statement describing a participant's assumption of risk. This information is required by law to be included in a section 895.523 "recreational agreement."			X	
<b>Insurance requirements</b>	Outline the requirements for users to hold and provide proof of liability and/or property insurance, including dollar amount of insurance and situations where insurance requirements can be waived. Ensure that any insurance waiver criteria are lawful and non-discriminatory and consistent with the district's risk management goals.	X		X	
<b>Waiver process for insurance requirements</b>	Outline process for requesting a waiver for insurance requirements.	X		X	
<b>Requirement for participants to receive or sign and return any notices, waivers, etc.</b>	If the district or state law (e.g., head injuries and concussions) requires participants to receive or sign and return specific notices, waivers, etc., then outline the requirement for the user and reporting requirements, as well as whether a template waiver will be provided.	X		X	
<b>OTHER</b>					
<b>A list of all general rules and conditions relating to use of facilities</b>	This list would address, e.g., prohibitions against alcohol, drugs and weapons; limitations on signs; etc.	X		X	
<b>Statement prohibiting advertising</b>	Specific statement regarding limits on advertising during community use of school property	X		X	
<b>Statement about commercial gain</b>	Outline limits for commercial gain during community use of school property	X		X	

\* Indicates requirements based on Wisconsin Statute Annotated Section 895.523. Please refer to "Wisconsin's new liability law: Protecting schools that provide community recreational use of school grounds," Public Health Law Center and Wisconsin Association of School Boards, June 2013.

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