Using Recreational Agreements in Wisconsin Schools

Recreational agreements are becoming a popular strategy that community and school partners can use to increase access to opportunities for physical activity. Wisconsin’s state laws help to remove the barrier of liability from schools, making it easier to open up school spaces for community use. At the same time, public health advocates would like to partner with schools to help expand the use of school spaces so that surrounding community members can become more physically active.

Because many stakeholders can benefit from a robust use of school spaces for physical activity, three organizations have partnered to help school districts better understand the purpose and structure of “recreational agreements” that school districts can use in connection with authorizing community use of school grounds for recreational activities. The Wisconsin Association of School Boards, Public Health Law Center and Transform Wisconsin collaboratively developed two sample recreational agreement/facility use forms, a reference checklist, and a fact sheet that provides a general explanation of the liability protection provided by recreational agreements. Using these materials will allow schools to consider taking advantage of the liability protection offered by state law, and provide ways for community members to work with schools in order to truly increase shared use of schools spaces. Recreational agreements have great potential to become a triple win for schools, community organizations, and community members.
An overview: What is included in the sample “recreational agreements”?

There are two samples. The first sample combines a school’s traditional facilities use form with an updated recreational agreement. It is slightly longer, but more comprehensive. The second form is an example of a more basic recreational agreement. Both samples assume that the school district is addressing a third party’s request to hold an activity on school grounds that will be organized by the third-party and involve multiple participants. Both samples also address the specific content elements that must be included in a “recreational agreement” pursuant to the 2011 Wisconsin Act 162.

The forms include:

- Basic information about the request (type of organization requesting, a description of the event, date/time, etc.);
- Participation, attendance, supervision (who and how many people will be there, eligibility requirements for participation, what type of supervision);
- Liability/insurance information;
- Specific facility requested (e.g., gym, classroom, kitchen, etc.) and cost of each facility;
- Request for waiver of fees;
- A description of participants’ assumption of risk in connection with recreational activities;
- Section defining schools’ immunity from liability.

Items listed below appear only on sample #1 template:

- Use of ancillary facilities;
- On-site storage of equipment or other property;
- Use of district equipment;
- Food service/access to kitchen facilities;
- General rules applicable to users of school property; and
- Proof of insurance requirements for users.
The two samples do not represent legal advice. Before adapting either of the samples for local use or executing any agreement that authorizes a third party to use school grounds, school officials in each district should review their current policies, practices, and forms, and seek legal advice from the school district’s chosen legal counsel regarding how to best integrate recreational agreements into any district program that allows community use of school facilities. The district’s legal counsel can also explain the legal risks and uncertainties associated with various provisions that are found in the samples, as well as advise the district regarding possible alternatives that may address those risks in light of local goals or new legal developments. Each school district’s situation is ultimately unique, and the samples may or may not be appropriate for use in particular contexts.

**Recommended next steps**

**Schools** can work to garner support for use of school property by adapting the sample agreements to local circumstances and updating school board policies and rules according to the checklist. Schools can also partner with community organizations and public health advocates to make sure their spaces are opened up to the community and result in more opportunities for physical activity. Ideally, a robust sharing of school spaces can also help to increase schools’ visibility as valued community resources.

**Community** partners can work with schools to increase communication and understanding about use of school property, both internally at the schools and externally within the community. They can help to encourage and support programming opportunities and ways to engage community members in making shared school spaces something that contributes to opportunities for physical activity and making the school a vibrant hub of community activity.