

FACTS

Schools as Community Resources for Physical Activity

Shared/Community Use of School Recreational Facilities - Open Gym Act

The Need:

Iowa and the U.S. are in the grips of a full-blown obesity epidemic. The prevalence of those who are obese has risen to 34%.

Iowa now has the 12th highest adult obesity rate in the nation, according to *The State of Obesity: Better Policies for a Healthier America*. Iowa's adult obesity rate is 31.3 percent, up from 23.4 percent in 2004 and from 12.2 percent in 1990.

In light of these dire statistics, it is critical to find ways to increase physical activity opportunities in the places where people live, work, learn and play. However, nearly 50 percent of U.S. adults and 65 percent of adolescents do not currently get the recommended amount of physical activity each day.³

In order for adults and children to get the exercise they need to be healthy, they need places to be active. Research has shown that people who have parks or recreational facilities nearby exercise 38 percent more than those who do not have easy access.

One solution: Open the doors to health

Schools can offer a variety of safe, clean facilities, including running tracks, pools, gymnasiums, fitness rooms, and playgrounds. Unfortunately, districts often close their property to the public after school hours due to concerns around liability, security, maintenance, and other costs.

Clarify Liability Protection for Schools

Iowa's Municipal Tort Claims Act (Iowa Code Ann. §670 (West 2008)) offers some protection from liability for municipalities that allow recreational use of property. Case law has interpreted this statute to apply to schools and school districts but clarification of the law is needed. Proposed legislation takes the current status of Iowa's case law and formalizes it in statute so that there is clarity about school immunity from liability.



Remove Barriers to Use of School Property by Clarifying Liability Protection for Schools

The American Heart Association and the Bridging Solutions to a Healthier Iowa Coalition advocates to Clarify that school facilities can be made available for public use, at the discretion of the school district

Specify that liability protection covers injuries resulting from recreational use of **indoor and outdoor** school property, and include language that excludes gross negligence/willful wanton conduct.

Clarifying the law will provide the assurance that many school districts need to feel comfortable opening their facilities to community members.

What an Open Gym Act would not do:

DOES NOT require school districts to give community members access to their facilities for recreational purpose. School districts will continue to have control over when, how, and under what terms they choose to give community members access to their facilities.

DOES NOT change the current duty that schools have to students and staff during regular school hours. This bill covers only liability for those activities taking place on school grounds outside the school day.