



Children's Action Alliance

A Voice for Arizona's Children since 1988

FACT SHEET

January 26, 2012

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Opening the Gates to Playgrounds: Reforming Arizona's Recreational Use Laws Can Open School Grounds, Get Kids Active

SB1059 would clarify Arizona law so school playgrounds and fields can be opened under the same rules as city parks.

Childhood obesity has more than tripled in US children since the early 1970'sⁱ, and between 2003 and 2007, Arizona had the fastest increase in childhood obesity of any state.ⁱⁱ Physical activity is key to keeping kids healthy, and having places for recreation in their neighborhood yields results. The US Centers for Disease Control (CDC) analyzed several studies and found that creating and improving places for physical activity results in a 25% increase in people who exercise at least three times a week. While many Arizona communities lack parks and playgrounds for children to play near their homes, most neighborhoods have public school playgrounds. Unfortunately, these facilities are too often closed when school is not in session, limiting opportunities for physical activity.

Why are school grounds closed?

While there are numerous reasons schools close fields and playgrounds to the community, liability is a high concern. A national survey in underserved communities found that 83% of school administrators were somewhat to very concerned about liability should someone be injured. Of those who **did not** open their facilities for community use, 91% were somewhat to very concerned about liability.

What does SB1059 do?

SB1059 would explicitly say that outdoor school grounds (except swimming pools) during non-instructional hours would be treated like local parks for purposes of liability. SB1059 does not require schools to open their playgrounds and fields to the community outside of school hours, but addresses a critical concern of administrators who are hesitant to do so.

What does Arizona law say now about opening schools for community use?

Arizona's statute about liability for recreational use does not clearly address schools. The statute (ARS 33-1551) makes clear that owners of open space used for recreation are responsible for maintaining their facilities, but that they are not liable for injuries to people who use their land, except in cases of gross negligence. However, while the statute refers to parks, open space, and agricultural land, it does not mention schools.

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SB1059 is supported by:

- Children’s Action Alliance
- American Heart Association
- American Lung Association
- American Cancer Society Cancer Action Network
- Arizona Public Health Association
- Arizona School Risk Retention Trust
- Arizona School Boards Association
- Arizona Trial Lawyers Association
- Arizona Association of School Business Officials
- Maricopa County Department of Public Health
- Mesa Unified School District

Recommendations for shared access of school grounds come from many sources:

- The Institute of Medicine
- The American Academy of Pediatrics
- The White House Task Force on Childhood Obesity
- *Healthy People 2020* public health report of the US Department of Health & Human Services
- The American Heart Association
- Centers for Disease Control and Prevention’s *School Health Index*
- National Policy and Legal Analysis Network
- Healthy Kids, Healthy Communities
- Action for Healthy Kids
- Alliance for a Healthier Generation
- Public Health Law & Policy, a network of attorneys, policy analysts and urban planners dedicated to building healthy communities nationwide
- The National Physical Activity Plan, a private-public sector collaborative aiming to get all Americans physically active
- American Alliance for Health, Physical Education, Recreation and Dance

ⁱ Centers for Disease Control and Prevention. (2010). NCHS Health E-Stat. Prevalence of Obesity Among Children and Adolescents: United States, Trends 1963-1965 Through 2007-2008. http://www.cdc.gov/nchs/data/hestat/obesity_child_07_08/obesity_child_07_08.htm

ⁱⁱ Dyck, P., Kogan, M., & Singh, G. (2010). Changes in State-Specific Childhood Obesity and Overweight Prevalence in the United States from 2003-2007. *Arch Pediatr Adolesc Med.*,164(7), 598-607