

1 S.13

2 Introduced by Senators Mullin, Baruth, Benning, Collins, Doyle, and Sears

3 Referred to Committee on

4 Date:

5 Subject: Education; recreation; municipalities; health

6 Statement of purpose: This bill proposes to encourage school districts to make
7 school property available to community members outside the school day for
8 nonschool recreational activities by, among other things, limiting a school
9 district's liability for loss or injury occurring during such use and requiring the
10 Agency of Education to prepare a model shared-use agreement and other
11 documents to support and promote nonschool recreational use of school
12 property.

13 An act relating to nonschool recreational use of public school property

14 It is hereby enacted by the General Assembly of the State of Vermont:

15 Sec. 1. 16 V.S.A. §§ 131 and 135 are amended to read:

16 § 131. DEFINITIONS

17 For the purposes of this subchapter, "comprehensive health education"
18 means a systematic and extensive elementary and secondary educational
19 program designed to provide a variety of learning experiences based upon

1 knowledge of the human organism as it functions within its environment. The
2 term includes the study of:

3 * * *

4 (10) Nutrition and the importance of physical activity; and

5 * * *

6 § 135. PROGRAM DEVELOPMENT

7 * * *

8 (b) Any school district board or supervisory union board may establish a
9 comprehensive health education community advisory council to assist the
10 school board in developing and implementing comprehensive health education.
11 The school board shall provide public notice to the community to allow all
12 interested parties to apply for appointment. The school board shall endeavor to
13 appoint members that represent various points of view within the community
14 regarding comprehensive health education and that represent different sectors
15 of the community, such as students, parents, educators, administrators, and
16 community members. The council's duties may include assisting the board to
17 promote nonschool recreational use of school property.

1 the school day for any nonschool recreational purpose by any entity or
2 individual unless the damage or injury is the result of the intentional or
3 reckless misconduct of the district.

4 Sec. 4. SHARED-USE AGREEMENTS

5 (a) The Secretary of Education, in consultation with the Commissioner of
6 Health and the Vermont School Boards Association, shall:

7 (1) prepare a model shared-use agreement to assist school districts that
8 wish to authorize nonschool recreational use of school property outside the
9 school day;

10 (2) compile a list of:

11 (A) information regarding liability for loss or injury arising from the
12 use of school property for nonschool recreational purposes;

13 (B) resources to help school districts promote nonschool recreational
14 use of school property;

15 (C) potential community partners with which a school district might
16 enter into a shared-use agreement for nonschool recreational use of school
17 property; and

18 (D) funding opportunities available to help school districts promote
19 nonschool recreational use of school property.

20 (b) On or before September 1, 2013, the Secretary shall:

1 (1) post the information required in subsection (a) of this section on the
2 Agency of Education's website;

3 (2) include links on the website to information about existing school
4 district policies or programs that promote nonschool recreational use of school
5 property.

6 (c) The Secretary shall review the information required by this section no
7 less frequently than every two years and update it as necessary.

8 Sec. 5. EFFECTIVE DATE

9 This act shall take effect on July 1, 2013.