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H.122

Introduced by Representatives Waite-Simpson of Essex, Ancel of Calais,
Botzow of Pownal, Conquest of Newbury, Cross of Winooski,
Pugh of South Burlington, Ram of Burlington, Russell of
Rutland City, Townsend of South Burlington, and Yantachka of
Charlotte

Referred to Committee on

Date:

Subject: Education; recreation; municipalities; health

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

An act relating to nonschool recreational use of public school property

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

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

2 § 131. DEFINITIONS

3 For the purposes of this subchapter, “comprehensive health education”
4 means a systematic and extensive elementary and secondary educational
5 program designed to provide a variety of learning experiences based upon
6 knowledge of the human organism as it functions within its environment. The
7 term includes the study of:

8 * * *

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

10 * * *

11 § 135. PROGRAM DEVELOPMENT

12 * * *

13 (b) Any school district board or supervisory union board may establish a
14 comprehensive health education community advisory council to assist the
15 school board in developing and implementing comprehensive health education.
16 The school board shall provide public notice to the community to allow all
17 interested parties to apply for appointment. The school board shall endeavor to
18 appoint members that represent various points of view within the community
19 regarding comprehensive health education and that represent different sectors
20 of the community, such as students, parents, educators, administrators, and

1 community members. The council's duties may include assisting the board to
2 promote nonschool recreational use of school property.

3 Sec. 2. 16 V.S.A. § 563 is amended to read:

4 § 563. POWERS OF SCHOOL BOARDS; FORM OF VOTE IF BUDGET
5 EXCEEDS BENCHMARK AND DISTRICT SPENDING IS ABOVE
6 AVERAGE

7 The school board of a school district, in addition to other duties and
8 authority specifically assigned by law:

9 * * *

10 (30) May make available school facilities and equipment for specified
11 public purposes if such purposes appear, in the judgment of the board, to be in
12 the best interests of the district and are an efficient, economical, and
13 appropriate use of the facilities and equipment; and is encouraged to make
14 school property available to community members outside the school day for
15 nonschool recreational activities in order to support active living, reduce
16 obesity, increase community safety, maximize community resources, and
17 promote community support for public schools.

18 * * *

1 Sec. 3. 16 V.S.A. § 568 is added to read:

2 § 568. COMMUNITY RECREATIONAL USE OF SCHOOL PROPERTY;

3 LIABILITY

4 A school district shall be immune from civil liability for any loss or injury
5 suffered by a person as a result of the person's use of school property outside
6 the school day for any nonschool recreational purpose by any entity or
7 individual unless the damage or injury is the result of the intentional or
8 reckless misconduct of the district.

9 Sec. 4. SHARED-USE AGREEMENTS

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

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

15 (2) compile a list of:

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

18 (B) resources to help school districts promote nonschool recreational
19 use of school property;

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

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

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

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

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

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

14 Sec. 5. EFFECTIVE DATE

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