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

## **BILL AS INTRODUCED** S.13 2013 Page 2 of 5 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 appoint members that represent various points of view within the community 13 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	Sec. 2. 16 V.S.A. § 563 is amended to read:
2	§ 563. POWERS OF SCHOOL BOARDS; FORM OF VOTE IF BUDGET
3	EXCEEDS BENCHMARK AND DISTRICT SPENDING IS ABOVE
4	AVERAGE
5	The school board of a school district, in addition to other duties and
6	authority specifically assigned by law:
7	* * *
8	(30) May make available school facilities and equipment for specified
9	public purposes if such purposes appear, in the judgment of the board, to be in
10	the best interests of the district and are an efficient, economical, and
11	appropriate use of the facilities and equipment; and is encouraged to make
12	school property available to community members outside the school day for
13	nonschool recreational activities in order to support active living, reduce
14	obesity, increase community safety, maximize community resources, and
15	promote community support for public schools.
16	* * *
17	Sec. 3. 16 V.S.A. § 568 is added to read:
18	§ 568. COMMUNITY RECREATIONAL USE OF SCHOOL PROPERTY;
19	LIABILITY
20	A school district shall be immune from civil liability for any loss or injury
21	suffered by a person as a result of the person's use of school property outside

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 <u>This act shall take effect on July 1, 2013.</u>