

ASSEMBLY BILL NO. 285—ASSEMBLYMEN CHRISTENSEN, ATKINSON; ANDERSON, ARBERRY, BUCKLEY, CONKLIN, GANSERT, HAMBRICK, HARDY, KIRKPATRICK, MANENDO, MCARTHUR, PARNELL, SETTELMAYER AND STEWART

MARCH 10, 2009

JOINT SPONSORS: SENATORS WIENER, CARLTON;
CEGAVSKE, HARDY AND LEE

Referred to Committee on Education

SUMMARY—Requires a certain amount of time each school day for physical activity in elementary schools and revises provisions governing the use of school property. (BDR 34-853)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ***omitted material*** is material to be omitted.

AN ACT relating to education; requiring the boards of trustees of school districts to adopt a policy for the elementary schools within the school district to provide a certain amount of time each school day for physical activity; requiring the boards of trustees of school districts to grant the use of certain athletic fields to nonprofit organizations which provide programs for youth sports; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law requires the board of trustees of each school district to provide
- 2 instruction in physical education to the pupils enrolled in the public schools within
- 3 the school district. (NRS 389.018) **Section 1** of this bill requires the board of
- 4 trustees of each school district to adopt a policy for the elementary schools within
- 5 the school district to provide at least 30 minutes of physical activity each school
- 6 day during regular school hours, which are not required to be consecutive minutes.
- 7 The policy must include a provision for an exemption for certain pupils who are
- 8 unable to participate. The provisions of **section 1** which require 30 minutes of



9 physical activity each school day do not apply to pupils who are enrolled in a half-
10 day kindergarten program.

11 Existing law authorizes the board of trustees of a school district to grant the
12 use of school buildings or grounds by the general public for certain purposes.
13 (NRS 393.071-393.0719) **Section 2** of this bill requires the board of trustees of a
14 school district, upon request, to grant the use of any athletic field that does not
15 contain lights at an elementary school, middle school or junior high school within
16 the school district to a nonprofit organization which provides programs for youth
17 sports, subject to the availability of the athletic field. The provisions of **section 2** do
18 not apply if a school district has entered into an agreement with a local government
19 to provide the use of the athletic fields or playgrounds of the school district to a
20 community organization which provides programs of youth sports.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 388 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. The board of trustees of each school district shall adopt a*
4 *policy for the pupils enrolled in the elementary schools in the*
5 *school district which must be designed to encourage those pupils*
6 *to develop the knowledge, attitudes, skills and motivation for a*
7 *lifetime of physical activity and fitness.*

8 *2. The policy adopted pursuant to subsection 1 must include,*
9 *without limitation:*

10 *(a) Except as otherwise provided in subsection 3, a*
11 *requirement that the elementary schools within the school district*
12 *provide at least 30 minutes of physical activity each school day,*
13 *after the beginning of the school day and during regular school*
14 *hours, which does not have to be provided in consecutive minutes;*
15 *and*

16 *(b) A provision for an exemption if a pupil is unable to*
17 *participate in the physical activity because of an illness or a*
18 *disability or is otherwise physically unable to participate.*

19 *3. The requirement of 30 minutes of physical activity each*
20 *school day prescribed by the policy pursuant to subsection 2 does*
21 *not apply to pupils who are enrolled in a half-day kindergarten*
22 *program.*

23 **Sec. 2.** Chapter 393 of NRS is hereby amended by adding
24 thereto a new section to read as follows:

25 *1. Except as otherwise provided in subsection 3, the board of*
26 *trustees of each school district shall, upon request, grant the use*
27 *of any athletic field which does not contain lights at each*
28 *elementary school, middle school or junior high school within the*
29 *school district to a nonprofit organization which provides*



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1 *programs for youth sports, including, without limitation, baseball,*
2 *football, soccer and softball, during any time that:*

3 *(a) Is not regular school hours; or*

4 *(b) School-related activities do not require the use of the*
5 *athletic field,*

6 *↳ subject to the limitations, requirements and restrictions set forth*
7 *in NRS 393.071 to 393.0719, inclusive, and section 2 of this act.*

8 *2. A nonprofit organization which provides programs for*
9 *youth sports that is granted the use of an athletic field pursuant to*
10 *subsection 1 must comply with any requirements of insurance*
11 *coverage and indemnification required by the board of trustees of*
12 *the school district.*

13 *3. If the board of trustees of a school district has entered into*
14 *an agreement with one or more local governments to provide the*
15 *use of the athletic fields or playgrounds of the school district to a*
16 *community organization which provides programs for youth*
17 *sports, the board of trustees of the school district is not required to*
18 *comply with the provisions of subsection 1.*

19 **Sec. 3.** NRS 393.071 is hereby amended to read as follows:

20 393.071 ~~The~~ *Except as otherwise provided in section 2 of*
21 *this act, the* board of trustees of any school district may grant the
22 use of school buildings or grounds for public, literary, scientific,
23 recreational or educational meetings, or for the discussion of matters
24 of general or public interest upon such terms and conditions as the
25 board deems proper, subject to the limitations, requirements and
26 restrictions set forth in NRS 393.071 to 393.0719, inclusive ~~§~~ *and*
27 *section 2 of this act.*

28 **Sec. 4.** (Deleted by amendment.)

29 **Sec. 5.** This act becomes effective on July 1, 2009.

