

Amendment No. 153

Assembly Amendment to Assembly Bill No. 285	(BDR 34-853)
Proposed by: Assembly Committee on Education	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold dashed underlining* is newly added transitory language.

CLP/KCR



Date: 4/5/2009

A.B. No. 285—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)



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 ~~[school buildings and grounds without charge]~~ **certain athletic fields** to nonprofit organizations ~~[, county departments of parks and recreation or other entities for physical activities;]~~ **which provide programs for youth sports;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

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

Existing law authorizes the board of trustees of a school district to grant the use of school buildings or grounds by the general public for certain purposes. (NRS 393.071-393.0719) ~~[[In addition, the board of trustees is authorized to grant without charge the use of school libraries to the general public during times that are not regular school hours. (NRS 393.07105, 393.0714)]]~~ **Section 2** of this bill requires the board of trustees of a school district, upon

request, to grant ~~{without charge}~~ the use of ~~{school buildings and grounds}~~ any athletic field that does not contain lights at an elementary school, middle school or junior high school within the school district to a nonprofit organization ~~{, a county department for parks and recreation or other entity for physical activities,}~~ which provides programs for youth sports, subject to the availability of the ~~{school buildings or grounds,}~~ athletic field. The provisions of section 2 do not apply if a school district has entered into an agreement with a local government to provide the use of the athletic fields or playgrounds of the school district to a community organization which provides programs of youth sports.

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

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

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

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

(a) ~~{A}~~ Except as otherwise provided in subsection 3, a requirement that the elementary schools within the school district provide at least 30 minutes of physical activity each school day, after the beginning of the school day and during regular school hours, which does not have to be provided in consecutive minutes; and

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

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

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

~~{The}~~ *1. Except as otherwise provided in subsection 3, the board of trustees of each school district shall, upon request, grant the use ~~{without charge}~~ of ~~{school buildings and grounds, including, without limitation, playgrounds, multipurpose rooms or}~~ any athletic ~~{fields,}~~ field which does not contain lights at each ~~{public}~~ elementary school, middle school or junior high school within the school district to a nonprofit organization ~~{, a department of parks and recreation or other entity for physical activities,}~~ which provides programs for youth sports, including, without limitation, baseball, football, soccer and softball, during any time that ~~{is}~~ :*

(a) Is not regular school hours ~~{for that school-related}~~ ; or

(b) School-related activities do not require the use of the ~~{buildings or grounds,}~~ athletic field.

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

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

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

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

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

Sec. 4. ~~[[NRS 393.0719 is hereby amended to read as follows:~~

~~393.0719 1. Lighting, heating, janitorial service and the services of the person referred to in NRS 393.0718, when needed, and other necessary expenses, in connection with the use of public school buildings and grounds pursuant to NRS 393.071 to 393.0719, inclusive, and section 2 of this act must be provided for out of school district funds of the respective school districts in the same manner as similar services are provided for, and except as otherwise provided in subsection 2, subject to reimbursement by the user in accordance with such policies and regulations as the board of trustees may adopt.~~

~~2. The board of trustees of a school district may not request reimbursement for the costs and expenses associated with the use of [a] +~~

~~(a) A school library by the general public pursuant to NRS 393.07105 [.] ; or~~

~~(b) School buildings or grounds by a nonprofit organization, a department of parks and recreation or other entity for physical activities pursuant to section 2 of this act. (Deleted by amendment.)~~

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