

2012 -- S 2545

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO EDUCATION - SHARED USE AGREEMENTS

Introduced By: Senators Metts, Perry, DiPalma, Pichardo, and P Fogarty

Date Introduced: February 28, 2012

Referred To: Senate Education

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 16 of the General Laws entitled "EDUCATION" is hereby amended  
2 by adding thereto the following chapter:

3 CHAPTER 96

4 SHARED USE AGREEMENTS

5 **16-96-1. Shared use agreements.** – (a) A school district may allow public use of indoor  
6 and outdoor school property during non-school hours for recreational purposes or sport. The  
7 school district shall ensure that the use of school facilities does not interfere with their use for  
8 school purposes.

9 (b) A municipality, school district, school personnel or school committee shall not be  
10 liable for any claim from a loss or injury arising from the use of indoor or outdoor school  
11 property and facilities made available for public recreation or sport during non-school hours.

12 (c) Nothing in this section limits the liability of a municipality, school district, school  
13 personnel or school committee for acts or omissions constituting gross negligence or willful or  
14 wanton conduct.

15 (d) Schools districts are encouraged to negotiate mutually acceptable, fiscally  
16 responsible, legally binding shared use agreements with governmental and community agencies  
17 and organizations to keep school property open for use by students, staff, and community  
18 members during non-school hours. Shared-use agreements should describe specific activities,  
19 times, and eligible participants and address supervision of minors; injury liability protections,

1 funding sources, cost-sharing of utilities; and respective responsibilities for maintenance, cleanup,  
2 and security.

3 (e) School districts may work with recreation agencies and other community  
4 organizations to coordinate and enhance opportunities available to students, staff and the public  
5 for physical activity during non-school hours.

6 (f) As used in this section, the following terms shall have the following meanings:

7 (1) "Recreation" means any indoor or outdoor game or physical activity, either organized  
8 or unorganized, undertaken for exercise, relaxation, diversion, sport, or pleasure.

9 (2) "School" means public elementary and secondary school as outlined in Title 16.

10 (3) "School property" means all indoor or outdoor structures, facilities and land, whether  
11 owned, rented or leased by the school or school district.

12 (4) "Sport" means an activity requiring physical exertion and skill, and which by its  
13 nature and organization is competitive, includes a set of rules and generally accepted as being a  
14 sport.

15 (5) "Shared use agreement" means a legal agreement that defines the rights and  
16 responsibilities of the school district and another organization or government agency for use of  
17 the school facilities for recreation, sport or other purpose of importance to the community.

18 (6) "Public" means members of the community, including students during non-school  
19 hours and school staff when not working as employees of the school.

20 (7) "Non-school hours" means during the week prior to and after regular classroom  
21 instruction, and during weekends, holidays and vacation breaks.

22 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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RELATING TO EDUCATION - SHARED USE AGREEMENTS

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1           This act would permit school districts to make school property available to community  
2 members outside of the school day for recreational activities and sport to support active living,  
3 reduce obesity, reduce health care costs associated with obesity and maximize community  
4 resources.

5           This act would take effect upon passage.

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