
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 to
nonprofit organizations, county departments of parks and
recreation or other entities for physical activities; 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, which are not required to be consecutive minutes. The policy must include a
7 provision for an exemption for certain pupils who are unable to participate.



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8 Existing law authorizes the board of trustees of a school district to grant the
9 use of school buildings or grounds by the general public for certain purposes.
10 (NRS 393.071-393.0719) In addition, the board of trustees is authorized to grant
11 without charge the use of school libraries to the general public during times that are
12 not regular school hours. (NRS 393.07105, 393.0714) **Section 2** of this bill requires
13 the board of trustees of a school district, upon request, to grant without charge the
14 use of school buildings and grounds to a nonprofit organization, a county
15 department for parks and recreation or other entity for physical activities, subject to
16 the availability of the school buildings or grounds.

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) A requirement that the elementary schools within the*
11 *school district provide at least 30 minutes of physical activity each*
12 *school day, which does not have to be provided in consecutive*
13 *minutes; and*

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

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

19 *The board of trustees of each school district shall, upon*
20 *request, grant the use without charge of school buildings and*
21 *grounds, including, without limitation, playgrounds, multipurpose*
22 *rooms or athletic fields, at each public school within the school*
23 *district to a nonprofit organization, a department of parks and*
24 *recreation or other entity for physical activities during any time*
25 *that is not regular school hours or that school-related activities do*
26 *not require the use of the buildings or grounds, subject to the*
27 *limitations, requirements and restrictions set forth in NRS 393.071*
28 *to 393.0719, inclusive, and section 2 of this act.*

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

30 393.071 ~~[The]~~ *Except as otherwise provided in section 2 of*
31 *this act, the* board of trustees of any school district may grant the
32 use of school buildings or grounds for public, literary, scientific,
33 recreational or educational meetings, or for the discussion of matters



1 of general or public interest upon such terms and conditions as the
2 board deems proper, subject to the limitations, requirements and
3 restrictions set forth in NRS 393.071 to 393.0719, inclusive ~~[a]~~ *and*
4 *section 2 of this act.*

5 **Sec. 4.** NRS 393.0719 is hereby amended to read as follows:

6 393.0719 1. Lighting, heating, janitorial service and the
7 services of the person referred to in NRS 393.0718, when needed,
8 and other necessary expenses, in connection with the use of public
9 school buildings and grounds pursuant to NRS 393.071 to 393.0719,
10 inclusive, *and section 2 of this act* must be provided for out of
11 school district funds of the respective school districts in the same
12 manner as similar services are provided for, and except as otherwise
13 provided in subsection 2, subject to reimbursement by the user in
14 accordance with such policies and regulations as the board of
15 trustees may adopt.

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

19 (a) A school library by the general public pursuant to NRS
20 393.07105 ~~[a]~~; *or*

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

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

