

CHAPTER 133**(SB 110)**

AN ACT relating to community use of school facilities and property.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 162 IS CREATED TO READ AS FOLLOWS:

(1) *As used in this section:*

- (a) *"Nonschool hours" refers to those times occurring during the school week which precede or follow regular classroom instruction and also includes weekends, holidays, and vacation breaks;*
- (b) *"Public members of the community" includes, in addition to ordinary community members, both students who are not involved in a school-sanctioned curricular or extracurricular activity during nonschool hours and school staff when not working as employees of the school;*
- (c) *"Recreation" includes any indoor or outdoor game or physical activity, either organized or unorganized, undertaken for exercise or sport;*
- (d) *"School property" includes all indoor or outdoor school structures, facilities, and land, whether owned, rented, or leased by the school or school district; and*
- (e) *"Sport" means an activity requiring physical exertion and skill, and which by its nature and organization is competitive, includes a set of rules, and is generally accepted in the community as a sport.*

(2) *A local school board may authorize the use of school property by public members of the community during non-school hours for the purpose of recreation, sport, academic, literary, artistic, or community uses pursuant to policies adopted by the local school board.*

(3) *A school district and its board members, officers, and employees shall retain the same immunities for any claim for loss or injury arising from use of indoor or outdoor school property or facilities during nonschool hours allowed under this section as would otherwise apply or be available had the use occurred during school hours or for school-related activities.*

(4) *Nothing in this section shall be construed to:*

- (a) *Create a duty of care or ground of liability for injury to persons or property;*
- (b) *Relieve any person using the school property for recreation from any obligation which he or she may have in the absence of this section to exercise care in his or her use of the school property and his or her activities thereon, or from the legal consequences of failure to employ such care;*
- (c) *Ripen into a claim for adverse possession, absent a claim of title or legal right; or*
- (d) *Limit the liability protections available under KRS 411.190 or other law.*

Signed by Governor April 11, 2012.