

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 HOUSE BILL 2733

By: Morrissette

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6 AS INTRODUCED

7 An Act relating to schools; making legislative
8 findings; encouraging school districts to participate
9 in joint use programs; requiring State Board of
10 Education to develop certain agreement; providing
11 that school districts participating in joint use
12 agreements shall be protected from certain liability;
13 requiring certain entities to secure liability
14 insurance; requiring board of education to adopt
15 certain policy; encouraging school districts to
16 provide certain assemblies; encouraging attendance by
17 parents or guardians; encouraging school districts to
18 conduct fund-raising activities and apply for grant
19 funding; permitting certain staff to make body mass
20 index; providing that parent or guardian receive
21 confidential health report; providing for
22 codification; and providing an effective date.
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BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 5-130A of Title 70, unless there
is created a duplication in numbering, reads as follows:

A. The Legislature hereby finds and declares the following:

1 1. Greater access to recreation and exercise opportunities is
2 needed in the State of Oklahoma in order to reduce the impact of
3 overweight children and obesity in healthcare expenditures;

4 2. The public schools in this state are presently equipped with
5 taxpayer-funded playgrounds, fields, tracks, courts, and other
6 exercise and play facilities that offer quick, easily accessible
7 opportunities for exercise for citizens of this state, regardless of
8 income; and

9 3. Each board of education should be encouraged to develop
10 policies to increase joint use programs.

11 B. Each school district in this state is strongly encouraged to
12 participate in joint use programs with a preference given to
13 programs that give the local community access to the recreation and
14 exercise facilities on school sites.

15 C. The State Board of Education shall develop a model joint use
16 agreement and shall post such agreement on its website. For
17 purposes of this section, "joint use agreement" means a formal
18 agreement between a school district and a governmental agency,
19 nonprofit organization, or for-profit organization, which sets the
20 terms and conditions for the shared use of a school district's
21 property or facilities.

22 D. A school district participating in a joint use agreement
23 shall be protected from liability during the dates and times its
24 property or facilities are being used pursuant to the provisions of

1 The Governmental Tort Claims Act and pursuant to the terms of the
2 joint use agreement. Entities entering into a joint use agreement
3 shall be responsible for securing liability insurance to cover both
4 property damage and personal injury during the dates and times
5 specified in the joint use agreement.

6 E. Each board of education of a school district shall adopt a
7 policy governing joint use programs which shall include rules and
8 procedures required in order to use the school district's property
9 and facilities.

10 SECTION 2. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 24-100e of Title 70, unless
12 there is created a duplication in numbering, reads as follows:

13 A. School districts shall be encouraged to provide at least one
14 health and wellness assembly at each school campus on an annual
15 basis. Parents or guardians of students attending these schools
16 shall be encouraged to attend such assemblies.

17 B. School districts are encouraged to conduct fund-raising
18 activities and to apply for grant funding in order to absorb the
19 costs of providing the health and wellness assembly.

20 C. School staff or school volunteers trained in taking a body
21 mass index (BMI) may be available at the health and wellness
22 assembly. Calculation of BMI may be available as a tool in
23 screening and identifying students who may be at risk for poor
24 nutrition. BMI shall be administered using methods approved by the

1 Centers for Disease Control and Prevention. Each parent or guardian
2 of a student tested shall receive a confidential health report that
3 includes the result of the student's BMI for age screening, along
4 with basic educational information explaining the results.

5 SECTION 3. This act shall become effective November 1, 2012.

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