

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A BILL
20-320

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the District of Columbia Board of Education Leasing Authority Act of 1982 to create limited liability for the District of Columbia and its employees for loss or injury arising from the public use of school property for recreational programs which are not school-sponsored and which take place during non-school hours.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Shared Use of School Property Amendment Act of 2014”.

Sec. 2. The District of Columbia Board of Education Leasing Authority Act of 1982, effective September 29, 1982 (D.C. Law 4-158; D.C. § 38-401 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 38-401) is amended as follows:

(1) Subsections (a) through (c-1) are amended by striking the phrase “Board of Education” wherever it appears and inserting the term “Mayor” in its place.

(2) A new subsection (b-1) is added to read as follows:

“(b-1)(1) Neither the District of Columbia nor its employees are liable for any loss or injury arising from the use of school property made available by the Mayor under subsection (a)(2) of this section for a non-school sponsored recreational program during non-school hours, except that the District of Columbia and its employees may be liable for loss or injury resulting from the following actions or inactions by the District or its employees:

26 “(A) Willful or malicious failure to guard or warn against a dangerous
27 condition, use, structure or activity; or

28 “(B) Criminal acts, intentional wrongdoing, gross negligence, or
29 wanton or willful misconduct.

30 “(2) This subsection shall not be construed to create a cause of action or affect or
31 otherwise eliminate any common law defenses or immunities available to the District of
32 Columbia or its employees.

33 “(3) For purposes of this section, the term “recreational program” means any
34 indoor or outdoor game or physical activity, either organized or unorganized, undertaken for
35 exercise, relaxation, diversion, sport, or pleasure. The term “recreational program” does not
36 include an educational program under subsection (a)(2) of this section.”.

37 (3) Subsection (d) is amended as follows:

38 (A) Strike the phrase “Board of Education” the first time it appears and
39 insert the term “Mayor” in its place.

40 (B) Strike the phrase “the authority granted” and insert the phrase “the
41 authority granted to the Mayor or the authority previously granted” in its place.

42 (4) Subsection (e) is amended as follows:

43 (A) Strike the phrase “The Board of Education shall” and insert the
44 phrase “Within one year of the effective date of the Shared Use of School Property Amendment
45 Act of 2014, as approved by the Committee on Judiciary and Public Safety on July 7, 2014
46 (Committee print of Bill 20-320), the Mayor shall” in its place.

47 (B) Strike the phrase “Board of Education” the first time it appears in
48 the second sentence and insert the term “Mayor” in its place.

49 (C) Strike the phrase “Board of Education which may delegate to the
50 Superintendent any of its authority” and insert the phrase “Mayor” in its place.

51 (b) Section 3 (D.C. Official Code § 38-401.01) is amended as follows:

52 (1) Strike the phrase “Board of Education shall submit to the Mayor of the
53 District of Columbia and” and insert the phrase “Mayor shall submit to” in its place.

54 (2) Strike the phrase “Board of Education” in paragraphs (3), (5), and (6) and
55 insert the term “Mayor” in its place.

56 (c) Section 4 (D.C. Official Code § 38-401.02) is amended as follows:

57 (1) Strike the phrase “Board of Education” the first two times it appears and
58 insert the term “Mayor” in its place.

59 (2) Strike the phrase “and the Board of Education and its members, officers,
60 employees, and agents,”.

61 Sec. 4. Fiscal impact statement.

62 The Council adopts the fiscal impact statement in the committee report as the fiscal
63 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
64 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

65 Sec. 5. Effective date.

66 This act shall take effect following approval by the Mayor (or in the event of veto by the
67 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as

ENGROSSED ORIGINAL

68 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
69 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
70 Columbia.