

**As Reported by the House Education Committee**

**130th General Assembly**

**Regular Session**

**2013-2014**

**H. B. No. 290**

**Representative Stebelton**

**Cosponsors: Representatives Becker, Smith, Huffman, Grossman,  
Adams, J., Terhar, Blessing, Scherer, Hood, Buchy, Brenner, Fedor, Perales,  
Maag**

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**A B I L L**

To amend sections 3313.75, 3313.76, 3313.77, and 1  
3313.78 and to enact section 3313.791 of the 2  
Revised Code regarding the use of school district 3  
premises by members of the public and immunity 4  
from civil liability for a school district and 5  
schools when permitting members of the public to 6  
use school premises. 7

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 3313.75, 3313.76, 3313.77, and 8  
3313.78 be amended and section 3313.791 of the Revised Code be 9  
enacted to read as follows: 10

**Sec. 3313.75.** (A) For purposes of this section, "school 11  
premises" has the same meaning as in section 3313.77 of the 12  
Revised Code. 13

(B) The board of education of a city, exempted village, or 14  
local school district may authorize the opening of ~~schoolhouses~~ 15  
school premises for any lawful purposes. 16

~~(B)~~(C) In accordance with this section and section 3313.77 of 17  
the Revised Code, a district board may rent or lease ~~facilities~~ 18  
school premises under its control to any public or nonpublic 19  
institution of higher education for the institution's use in 20  
providing evening and summer classes. 21

~~(C)~~(D) This section does not authorize a board to rent or 22  
lease a ~~schoolhouse~~ school premises when such rental or lease 23  
interferes with the public schools in such district, or for any 24  
purpose other than is authorized by law. 25

**Sec. 3313.76.** Upon application of any responsible 26  
organization, or of a group of at least seven citizens, ~~all~~ school 27  
~~grounds and schoolhouses~~ premises, as that term is defined in 28  
section 3313.77 of the Revised Code, as well as all other 29  
buildings under the supervision and control of the state, or 30  
buildings maintained by taxation under the laws of this state, 31  
shall be available for use as social centers for the entertainment 32  
and education of the people, including the adult and youthful 33  
population, and for the discussion of all topics tending to the 34  
development of personal character and of civil welfare, and for 35  
religious exercises. Such occupation should not seriously infringe 36  
upon the original and necessary uses of such properties. The 37  
public officials in charge of such buildings shall prescribe such 38  
rules and regulations for their occupancy and use as will secure a 39  
fair, reasonable, and impartial use of the same. 40

**Sec. 3313.77.** (A) For purposes of this section: 41

(1) "General public" means members of the community, 42  
including both of the following: 43

(a) Students during nonschool hours; 44

(b) Employees of a school or school district when not working 45  
in the scope of their employment. 46

<u>(2) "Nonschool hours" means both of the following:</u>	47
<u>(a) Any time prior to and after regular classroom instruction</u>	48
<u>on a day that school is in session;</u>	49
<u>(b) Any day that school is not in session, including</u>	50
<u>weekends, holidays, and vacation breaks.</u>	51
<u>(3) "Recreational meetings and entertainments" means all</u>	52
<u>indoor or outdoor games or physical activities, either organized</u>	53
<u>or unorganized, that are undertaken for exercise, relaxation,</u>	54
<u>diversion, sport, or pleasure.</u>	55
<u>(4) "School premises" means all indoor and outdoor</u>	56
<u>structures, facilities, and land owned, rented, or leased by a</u>	57
<u>school or school district.</u>	58
<u>(B) The board of education of any city, exempted village, or</u>	59
<u>local school district shall, upon request and the payment of a</u>	60
<u>reasonable fee, subject to such regulation as is adopted by such</u>	61
<u>board, permit the use of any school house and rooms therein and</u>	62
<u>the grounds and other property under its control <u>premises</u>,</u>	63
<u>when not in actual use for school purposes, for any of the following</u>	64
<u>purposes:</u>	65
<del>(A)</del> <u>(1) Giving instructions in any branch of education,</u>	66
<u>learning, or the arts;</u>	67
<del>(B)</del> <u>(2) Holding educational, religious, civic, social, or</u>	68
<u>recreational meetings and entertainments, and for such other</u>	69
<u>purposes as promote the welfare of the community; provided such</u>	70
<u>meetings and entertainments shall be nonexclusive and open to the</u>	71
<u>general public;</u>	72
<del>(C)</del> <u>(3) Public library purposes, as a station for a public</u>	73
<u>library, or as reading rooms;</u>	74
<del>(D)</del> <u>(4) Polling places, for holding elections and for the</u>	75
<u>registration of voters, or for holding grange or similar meetings.</u>	76

~~Within sixty days after the effective date of this section,~~ 77  
the The board of education of each school district shall adopt a 78  
policy for the use of school ~~faeilities~~ premises by the general 79  
public, including a list of all fees to be paid for the use of 80  
such ~~faeilities~~ premises and the costs used to determine such 81  
fees. Once adopted, the policy shall remain in effect until 82  
formally amended by the board. A copy of the policy shall be made 83  
available to any resident of the district upon request. 84

**Sec. 3313.78.** Upon application of a committee representing 85  
any candidate for public office or any regularly organized or 86  
recognized political party, the board of education having control 87  
of any school ~~grounds~~ premises mentioned in section 3313.76 of the 88  
Revised Code, shall permit the same to be used as a place wherein 89  
to hold meetings of electors for the discussion of public 90  
questions and issues. No such meeting shall be held during regular 91  
school hours. No charge shall be made for such use, but the 92  
candidate or committee so holding a meeting shall be responsible 93  
for any damage done or expense incurred by reason thereof. 94

**Sec. 3313.791.** (A) For purposes of this section: 95

(1) "School" means a school in a city, local, or exempted 96  
village school district. 97

(2) "School district" means a city, local, or exempted 98  
village school district. 99

(3) "School premises" has the same meaning as in section 100  
3313.77 of the Revised Code. 101

(B) A school or school district, a member of a school 102  
district board of education, or a school district or school 103  
employee is not liable in damages in a civil action for injury, 104  
death, or loss to person or property allegedly arising from the 105  
use of school premises under section 3313.75, 3313.76, 3313.77, or 106

3313.78 of the Revised Code, unless the injury, death, or loss to 107  
person or property results from willful or wanton misconduct by 108  
the school or school district, a member of the school district 109  
board of education, or an employee of the school district or of 110  
any school in the district. 111

This section does not eliminate, limit, or reduce any other 112  
immunity or defense that a school or school district, member of a 113  
school district board of education, or school district or school 114  
employee may be entitled to under Chapter 2744. or any other 115  
provision of the Revised Code or under the common law of this 116  
state. 117

**Section 2.** That existing sections 3313.75, 3313.76, 3313.77, 118  
and 3313.78 of the Revised Code are hereby repealed. 119