

117TH CONGRESS
2D SESSION

S. 4993

To authorize the Secretary of Education to award grants for outdoor learning spaces and to develop living schoolyards.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 28, 2022

Mr. HEINRICH introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To authorize the Secretary of Education to award grants for outdoor learning spaces and to develop living schoolyards.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Living Schoolyards Act
5 of 2022”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) City planning and urban development often
9 disconnect communities from natural systems, such
10 as forests, waterways, and wildlife habitats. Existing

1 green spaces in our cities are not evenly distributed
2 and the presence of neighborhood parks and nature-
3 rich school grounds are strongly correlated with in-
4 come in most cities across the United States. This
5 means that communities with the fewest resources
6 usually also have the least access to nature in their
7 neighborhoods and on their school grounds.

8 (2) Environmental sustainability has become a
9 high priority in planning and design and should be
10 incorporated in construction and renovation of
11 schools across urban, suburban, and rural districts.

12 (3) School districts are 1 of the largest land
13 managers in almost every city and town in the
14 United States. The choices schools and districts
15 make about how they manage their land directly im-
16 pacts students' daily experiences, mental and phys-
17 ical health, and learning outcomes. Schools can ben-
18 efit their students, educators, and surrounding com-
19 munities through thoughtful design and use of their
20 grounds, paying mind to local ecological, social, and
21 cultural context.

22 (4) On-campus green space designs have envi-
23 ronmental and ecological resilience benefits, such as
24 stormwater management, rainwater collection, car-
25 bon and runoff sequestration, air quality improve-

1 ment, wildlife habitat restoration, and ecological re-
2 siliency.

3 (5) The amount of time the average American
4 child spends outdoors and distance traveled from the
5 home unsupervised are in constant decline.

6 (6) Adding green spaces to schoolyards has
7 been linked to persistent changes in recess behavior,
8 including increased physical activity and social col-
9 laboration.

10 (7) Children spend a significant portion of their
11 day on their school campuses, amounting to at least
12 840 instructional hours per year from grades 1 to 3,
13 inclusive, and up to 1,080 hours for grades 9 to 12,
14 inclusive.

15 (8) Removing pavement and adding shade trees
16 in places that are accessible to children and youth
17 during the school day directly protects children from
18 high temperatures and reduces urban heat islands in
19 the surrounding community, while also making
20 school grounds more comfortable for both children
21 and adults.

22 (9) An ecological schoolyard with trees and
23 other plantings provides a peaceful, comfortable, and
24 aesthetically pleasant environment for students, par-
25 ticularly for those students who lack the desire or

1 ability to engage in competitive, fast-paced, or more
2 structured activities. This has been shown to im-
3 prove mental health and the ability to pay attention
4 for both children and adults. The presence of trees
5 on school grounds is associated with higher academic
6 achievement for students.

7 (10) Ecological schoolyards provide a diverse,
8 engaging, multi-faceted play and social environment
9 that encourages collaborative and cooperative play
10 and social interaction, reducing the aggression and
11 bullying that occurs on traditional playgrounds.

12 (11) An on-campus green space, such as a
13 school garden, is a fundamental component of a
14 school environment intended to include and empower
15 students, giving them a sense of place and commu-
16 nity.

17 (12) Schools are devoted to nurturing each
18 child's physical, cognitive, social, and emotional de-
19 velopment and ability to assess challenging situa-
20 tions and make intelligent choices.

21 (13) Children should be given the opportunity
22 to reflect and embrace their local ecological, social,
23 and cultural context in both recreational and in-
24 structional settings.

1 (14) Outdoor learning spaces provide clearer
 2 context and hands-on teaching resources for stand-
 3 ards-based instruction in life and physical sciences,
 4 health and nutrition, social science, mathematics,
 5 reading and creative writing, visual and performing
 6 art, and other subject areas.

7 (15) Outdoor activity is essential to learning,
 8 health, and the overall quality of student life.

9 **SEC. 3. DEFINITIONS.**

10 In this Act:

11 (1) **ELEMENTARY SCHOOL.**—The term “elemen-
 12 tary school” means a public institutional day or resi-
 13 dential school, including a public elementary charter
 14 school, that provides elementary education, as deter-
 15 mined under State law.

16 (2) **LIVING SCHOOLYARD.**—The term “living
 17 schoolyard”—

18 (A) means a park-like outdoor environment
 19 at an elementary school or secondary school
 20 that strengthens local ecological systems, pro-
 21 vides hands-on learning resources, and fosters a
 22 wide range of play and social opportunities
 23 while enhancing health and well-being of chil-
 24 dren and adults; and

1 (B) may include trees, gardens, outdoor
2 meeting areas, and other elements designed by,
3 and for, the students and the surrounding com-
4 munity.

5 (3) LOCAL EDUCATIONAL AGENCY.—The term
6 “local educational agency” has the meaning given
7 the term in section 8101 of the Elementary and Sec-
8 ondary Education Act of 1965 (20 U.S.C. 7801).

9 (4) OUTDOOR LEARNING SPACE.—The term
10 “outdoor learning space” means an outdoor physical
11 space on school grounds that is—

12 (A) dedicated to meet or conduct cur-
13 riculum-tied activities;

14 (B) a dedicated space for outdoor class-
15 rooms that has seating and tables installed for
16 students and teachers to meet regularly; or

17 (C) a place that is used when the need
18 arises to take learning outdoors.

19 (5) SECONDARY SCHOOL.—The term “sec-
20 ondary school” has the meaning given the term in
21 section 8101 of the Elementary and Secondary Edu-
22 cation Act of 1965 (20 U.S.C. 7801).

23 (6) SECRETARY.—The term “Secretary” means
24 the Secretary of Education.

1 **SEC. 4. GRANT PROGRAM FOR OUTDOOR LEARNING**
2 **SPACES.**

3 (a) AUTHORIZATION OF PROGRAM.—

4 (1) RESERVATION FOR BIE.—From the amount
5 appropriated under subsection (d) to carry out this
6 section for a fiscal year, the Secretary shall reserve
7 5 percent for the Secretary of the Interior to carry
8 out this section for schools operated by the Bureau
9 of Indian Education or schools that are operated by
10 an Indian tribe, or an organization controlled or
11 sanctioned by an Indian tribal government, for the
12 children of that tribe under a contract with, or grant
13 from, the Department of the Interior under the In-
14 dian Self-Determination Act (25 U.S.C. 5321 et
15 seq.) or the Tribally Controlled Schools Act of 1988
16 (25 U.S.C. 2501 et seq.).

17 (2) AUTHORIZATION.—The Secretary shall
18 award grants to local educational agencies to enable
19 the local educational agencies to develop outdoor
20 learning spaces.

21 (3) GRANT AMOUNTS.—A grant awarded under
22 this section shall be in an amount equal to not less
23 than \$10,000 and not more than \$50,000 for each
24 school to be served by the local educational agency
25 with the grant.

26 (b) APPLICATIONS.—

1 (1) IN GENERAL.—A local educational agency
2 that desires to receive a grant under this section
3 shall submit an application to the Secretary at such
4 time, in such manner, and accompanied by such in-
5 formation as the Secretary may require, including
6 the following:

7 (A) An identification of each elementary
8 school and secondary school served by the local
9 educational agency that will receive assistance
10 with grant funding provided under this section.

11 (B) The timeframe needed to prepare out-
12 door learning spaces and the timeframe to
13 begin using outdoor learning spaces.

14 (C) The percentage of students the local
15 educational agency serves who are eligible for a
16 free or reduced price lunch under the Richard
17 B. Russell National School Lunch Act (42
18 U.S.C. 1751 et seq.).

19 (D) The projected number of schools that
20 would participate in the outdoor learning
21 spaces.

22 (E) The projected number of students and
23 staff that would participate in the outdoor
24 learning spaces on a daily basis.

1 (F) A description of how the local edu-
2 cational agency will assist students and staff
3 that may need inclement weather clothing to
4 participate in the outdoor learning spaces.

5 (2) PARTNERSHIP.—A local educational agency
6 may submit an application under paragraph (1) in
7 partnership with a nonprofit organization that has
8 expertise in outdoor learning spaces or outdoor edu-
9 cation.

10 (c) USE OF FUNDS.—A local educational agency that
11 receives a grant under this section shall use the grant
12 funds to develop outdoor learning spaces. Such outdoor
13 learning spaces shall comply with at least 1 of the fol-
14 lowing:

15 (1) The installation of canopies, tents, or simi-
16 lar structures that maximize air flow while providing
17 shade and rain protection, including, if walls are in-
18 cluded, any accommodations for reducing COVID—
19 19 virus transmission recommended by the Centers
20 for Disease Control and Prevention or local public
21 health authorities.

22 (2) The installation of open sided permanent
23 outdoor structures, with or without large retractable
24 doors.

1 (3) The installation of electricity and outlets or
2 portable generators that benefits student learning.

3 (4) The installation of outdoor furniture, such
4 as seating and tables or work surfaces, for staff and
5 students.

6 (5) The availability of storage for outdoor
7 teaching materials or wagons or carts for each
8 teacher to transport supplies to and from the out-
9 door learning spaces.

10 (6) The installation of outdoor wifi nodes, and
11 potable charging stations.

12 (7) The installation of outdoor food service fa-
13 cilities for serving, eating, and waste management.

14 (8) The installation of school garden infrastruc-
15 ture and plantings, such as raised garden beds, pot-
16 ting soil, hoses, and installation of native, low water,
17 and food-producing plants that may help block the
18 wind or provide shade.

19 (9) The installation or planting of shade trees,
20 positioned on school grounds where students can ac-
21 cess them during the school day. Planting locations
22 for shade trees shall be selected to improve the ther-
23 mal comfort of outdoor learning spaces.

24 (10) Removal of asphalt, concrete, or pavement,
25 and soil conditioning.

1 (11) The availability of weather related clothing
2 and footwear.

3 (d) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to carry out this section
5 \$25,000,000 for each of fiscal years 2023 through 2027.

6 **SEC. 5. LIVING SCHOOLYARD PROJECTS.**

7 (a) PLANNING GRANTS.—

8 (1) IN GENERAL.—The Secretary shall award
9 planning grants to local educational agencies to en-
10 able the agencies to develop master plans to turn
11 some or all of the outdoor spaces of the elementary
12 schools and secondary schools served by the agencies
13 into living schoolyards.

14 (2) APPLICATIONS.—A local educational agency
15 that desires to receive a grant under this subsection
16 shall submit an application to the Secretary at such
17 time, in such manner, and accompanied by such in-
18 formation as the Secretary may require, including
19 the following:

20 (A) An outline for, that includes the scope
21 of, the master plan described in paragraph (3).

22 (B) A plan for educator training and pro-
23 fessional development in order to train teachers
24 in utilizing the living schoolyard.

1 (C) Identification of State learning stand-
 2 ards that may be addressed through student in-
 3 volvement in the living schoolyard.

4 (3) MASTER PLAN.—

5 (A) IN GENERAL.—A local educational
 6 agency that receives a grant under this sub-
 7 section shall use the grant funds to develop a
 8 master plan to turn some or all of the outdoor
 9 spaces of the elementary schools and secondary
 10 schools served by the agency into living school-
 11 yards. Such master plan shall—

12 (i) be developed with community
 13 input;

14 (ii) be developed with the goal of lon-
 15 gevity and resilience of living schoolyards
 16 after the grant period under this sub-
 17 section and subsection (b) has expired; and

18 (iii) include—

19 (I) ecological goals;

20 (II) education and health goals;

21 (III) the number of students to
 22 be served at each school served under
 23 the grant, the total size of each such
 24 school property in acres, and the size

1 of the proposed living schoolyard at
2 each site in acres;

3 (IV) a master plan drawing of
4 the living schoolyard design proposed
5 for each school served under the
6 grant;

7 (V) an identification of commu-
8 nity partners, including nonprofit or-
9 ganizations that have expertise in out-
10 door learning spaces or outdoor edu-
11 cation, if applicable; and

12 (VI) a longevity plan for how the
13 local educational agency proposes to
14 maintain the living schoolyards over
15 time.

16 (B) COMPONENTS OF A LIVING SCHOOL-
17 YARD.—The master plan developed under sub-
18 paragraph (A) may include the following de-
19 signs for the living schoolyard:

20 (i) Growing food, planting pollinator
21 plants, and creating habitat for wildlife.

22 (ii) Conserving water and observing
23 things in nature.

1 (iii) Drawing objects found in nature,
 2 documenting season's change, and tem-
 3 peratures.

4 (iv) Conducting experiments regarding
 5 soil, wind, water, and other elements.

6 (v) Using the arts to prepare skits,
 7 plays, murals, drawings, and sculptures
 8 that celebrate nature, including its ani-
 9 mals, plants, patterns, and behaviors.

10 (vi) Displaying items found and cele-
 11 brated, including leaves, seeds, cones,
 12 fruits, bones, and other items.

13 (vii) Planting shade trees, which—

14 (I) directly protect students from
 15 the effects of extreme heat due to cli-
 16 mate change; and

17 (II) cast shade on adjacent class-
 18 room windows in the school building
 19 to help reduce temperatures indoors
 20 and save cooling costs during the
 21 warmest parts of the school year.

22 (b) IMPLEMENTATION GRANTS.—

23 (1) IN GENERAL.—The Secretary shall award
 24 implementation grants to local educational agencies
 25 that received a planning grant under subsection (a)

1 and developed a master plan in accordance with sub-
2 section (a).

3 (2) APPLICATIONS.—A local educational agency
4 that desires to receive a grant under this subsection
5 shall submit an application to the Secretary at such
6 time, in such manner, and accompanied by such in-
7 formation as the Secretary may require. A local edu-
8 cational agency may apply for more than 1 grant in
9 order to complete individual schools in separate
10 phases.

11 (3) USE OF FUNDS.—

12 (A) IN GENERAL.—A local educational
13 agency that receives a grant under this sub-
14 section shall use the grant funds to carry out
15 the master plan developed in accordance with
16 subsection (a) by turning some or all of the out-
17 door spaces of the elementary schools and sec-
18 ondary schools served by the agency into living
19 schoolyards.

20 (B) PERMISSIBLE USES.—A local edu-
21 cational agency that receives a grant under this
22 subsection may use the grant funds—

23 (i) for professional development for
24 school leadership, educators, and para-
25 professionals; and

1 (ii) to support an educator or ancil-
2 lary staff member to maintain the living
3 schoolyards of the elementary schools and
4 secondary schools served by the agency and
5 provide professional development described
6 in clause (i).

7 (4) MATCH.—

8 (A) IN GENERAL.—A local educational
9 agency that receives a grant under this sub-
10 section shall provide matching funds in an
11 amount equal to 20 percent of the grant award.

12 (B) WAIVER.—The Secretary may waive
13 the matching requirement under subparagraph
14 (A) for local educational agency that receives a
15 grant under this subsection and serves students
16 not less than 40 percent of whom are eligible
17 for a free or reduced price lunch under the
18 Richard B. Russell National School Lunch Act
19 (42 U.S.C. 1751 et seq.).

20 (5) AUTHORIZATION OF APPROPRIATIONS.—

21 There are authorized to be appropriated to carry out
22 this section \$150,000,000 for each of fiscal years
23 2023 through 2027.

1 **SEC. 6. CLEARINGHOUSE.**

2 The Secretary shall maintain a clearinghouse of in-
3 formation that—

4 (1) provides examples of outdoor learning
5 spaces, including successful models being used;

6 (2) includes input from nonprofit organizations
7 with expertise in outdoor learning spaces and envi-
8 ronmental education; and

9 (3) provides links and information about State
10 and local entities with expertise in outdoor learning
11 spaces and environmental education.

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