

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Living Schoolyards Act of 2023”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) City planning and urban development often disconnect communities from natural systems, such as forests, waterways, and wildlife habitats. Existing green spaces in our cities are not evenly distributed and the presence of neighborhood parks and nature-rich school grounds are strongly correlated with income in most cities across the United States. This means that communities with the fewest resources usually also have the least access to nature in their neighborhoods and on their school grounds.

(2) Communities across the Nation are facing more extreme weather, including flooding, excessive heat, and forest fires.

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

(4) School districts are 1 of the largest land managers in almost every city and town in the United States. The choices schools and districts make about how they manage their land directly impacts students’ daily experiences, mental and physical health, and learning outcomes. Schools can benefit their students, educators, and surrounding communities through thoughtful design and use of their grounds, paying mind to local ecological, social, and cultural context.

(5) On-campus green space that can be described as living schoolyards can have environmental and ecological resilience benefits, such as stormwater management, rainwater collection, carbon sequestration, air quality improvement, wildlife habitat restoration, mitigation of extreme heat, and ecological resiliency.

(6) The amount of time the average American child spends outdoors is in constant decline. According to the Kaiser Family Foundation, children ages 8 through 18 now spend on average 7.5 hours per day in front of a screen. More than 28,000,000 children do not live within a 10-minute walk of a park.

(7) Living schoolyards provide a diverse, engaging, multi-faceted play and social environment that encourages collaborative and cooperative play and social interaction. Adding living green spaces to schoolyards has been linked to persistent improvements in recess behavior. Living and green spaces have been shown to reduce bullying, anti-social behavior, and student misconduct, as well as support trauma-informed care and education.

Evidence from a case study in Philadelphia correlates the transformation of a schoolyard, from asphalt to a living schoolyard, with a reduction in student suspensions.

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

(9) Removing pavement and adding shade trees in places that are accessible to students and staff during the school day provides protection from high temperatures and reduces urban heat islands in the surrounding community, while also making school grounds more comfortable for both students and staff.

(10) A living schoolyard that is park-like with trees and other plantings provides a peaceful, comfortable, and aesthetically pleasant environment for all students, and has been shown to increase physical activity, enhance brain development and function, improve vision and sleep, boost immune system health, and reduce risk of infectious and chronic disease among children. These spaces have been shown to improve mental health and the ability to pay attention for both children and adults. These spaces also have been shown to reduce stress, anxiety, and depressive symptoms, strengthen a sense of belonging, and restore a sense of calm and well-being and positive social behavior among students and staff.

(11) An on-campus living and green space, which can include a school garden, is a fundamental component of a school environment intended to include and empower students, giving them a sense of place and community.

(12) Children should be given the opportunity to reflect and embrace their local ecological, social, and cultural context in both recreational and instructional settings.

(13) Living schoolyards provide clearer context and hands-on teaching resources for standards-based instruction in life and physical sciences, health and nutrition, social science, mathematics, reading and creative writing, visual and performing art, and other subject areas.

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

SEC. 3. DEFINITIONS.

In this Act:

(1) ESEA TERMS.—The terms “educational service agency”, “elementary school”, “local educational agency”, and “secondary school” have the meanings given the terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) ELIGIBLE ENTITY.—The term “eligible entity” means—

(A) a local educational agency;

(B) an educational service agency; or

(C) a nonprofit organization that has expertise in outdoor learning spaces or outdoor education working in partnership with a local educational agency.

(3) LIVING SCHOOLYARD.—The term “living schoolyard”—

(A) means a park-like outdoor environment at an elementary school or secondary school that strengthens local ecological systems, provides hands-on learning resources, and fosters a wide range of play and social opportunities while enhancing health and well-being of children and adults; and

(B) may include climate appropriate trees and plants, cultivated gardens, outdoor meeting and gathering areas, and other non-petroleum-based elements designed by, and for, the students and the surrounding community.

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

(A) dedicated to meet or conduct curriculum-tied activities;

(B) a dedicated space for outdoor classrooms that has seating and tables installed for students and teachers to meet regularly; or

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

(5) SECRETARY.—The term “Secretary” means the Secretary of Education.

SEC. 4. GRANT PROGRAM FOR OUTDOOR LEARNING SPACES.

(a) Authorization of Program.—

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

(2) AUTHORIZATION.—The Secretary shall award grants to eligible entities to enable the eligible entities to plan, design, and construct outdoor learning spaces.

(3) PRIORITIES.—In awarding grants under this section, the Secretary shall give priority to—

(A) eligible entities that serve students 40 percent of whom are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); and

(B) eligible entities that are—

(i) rural high-need local educational agencies with locale codes 32, 33, 41, 42, or 43; or

(ii) educational service agencies serving rural high-need local educational agencies with locale codes 32, 33, 41, 42, or 43.

(4) GRANT AMOUNTS.—A grant awarded under this section shall be in an amount equal to

not less than \$25,000 and not more than \$100,000 for each school to be served by the eligible entity with the grant.

(b) Applications.—An eligible entity that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require, including the following:

(1) An identification of each elementary school and secondary school served by the eligible entity that will receive assistance with grant funding provided under this section.

(2) The timeframe needed to prepare outdoor learning spaces and the timeframe to begin using outdoor learning spaces.

(3) The percentage of students the eligible entity serves who are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

(4) The projected number schools that would participate in the outdoor learning spaces.

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

(6) A description of how the eligible entity will assist students and staff that may need inclement weather clothing to participate in the outdoor learning spaces.

(c) Use of Funds.—

(1) IN GENERAL.—An eligible entity that receives a grant under this section shall use the grant funds to plan, design, and construct outdoor learning spaces. Such outdoor learning spaces shall comply with at least 1 of the following:

(A) The installation or planting of shade trees, positioned on school grounds where students can access them during the school day. Planting locations for shade trees shall be selected to improve the thermal comfort of outdoor learning spaces.

(B) Replacement of asphalt, concrete, or pavement, including a consideration of materials that do not retain heat, and soil conditioning.

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

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

(E) The availability of storage for outdoor teaching materials or wagons or carts for each teacher to transport supplies to and from the outdoor learning spaces.

(F) The installation of outdoor wifi nodes, and potable charging stations.

(G) The installation of outdoor food service facilities for serving, eating, and waste management.

(H) The installation of school garden infrastructure and plantings, such as raised garden beds, potting soil, spigots, waterlines, irrigation and installation of native, low water, and food-producing plants that may help block the wind or provide shade.

(I) The installation of open-ended, permanent canopies or shelters that protect

students from sun, rain, or wind during outdoor activities.

(J) The installation of open-sided, permanent outdoor structures, with or without large retractable doors.

(2) CAP ON AMOUNT USED FOR PLAY AND RECREATION AMENITIES.—An eligible entity that receives a grant under this section may use not more than 50 percent of the grant funds for the costs associated with the installation of play and recreation amenities. In the installation of play and recreation amenities, an eligible entity shall place an emphasis on amenities made of non-petroleum-based, natural materials.

(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section \$25,000,000 for each of fiscal years 2024 through 2028.

SEC. 5. LIVING SCHOOLYARD PROJECTS.

(a) Planning Grants.—

(1) IN GENERAL.—The Secretary shall award planning grants to eligible entities to enable the eligible entities to develop master plans, including design and construction documents, to turn some or all of the outdoor spaces of the elementary schools and secondary schools served by the eligible entities into living schoolyards.

(2) APPLICATIONS.—An eligible entity that desires to receive a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require, including the following:

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

(B) A plan for educator training and professional development in order to train teachers in utilizing the living schoolyard.

(C) Identification of State learning standards that may be addressed through student involvement in the living schoolyard.

(D) A plan for how the eligible entity will provide for maintenance and operation of the living schoolyard after the grant period ends.

(3) MASTER PLAN.—

(A) IN GENERAL.—An eligible entity that receives a grant under this subsection shall use the grant funds to develop a master plan, including design and construction documents, to turn some or all of the outdoor spaces of the elementary schools and secondary schools served by the eligible entity into living schoolyards. Such master plan shall—

(i) be developed with community input;

(ii) be developed with the goal of longevity and resilience of living schoolyards after the grant period under this subsection and subsection (b) has expired; and

(iii) include—

(I) ecological, climate, and biodiversity goals;

(II) education and health goals;

(III) the number of students to be served at each school served under the grant, the total size of each such school property in acres, and the size of the proposed living schoolyard at each site in acres;

(IV) a school grounds concept plan drawing of the living schoolyard design proposed for each school served under the grant;

(V) an identification of community partners, including nonprofit organizations or design professionals, that have expertise in outdoor learning spaces or outdoor education, if applicable; and

(VI) a longevity plan for how the eligible entity proposes to maintain the living schoolyards over time.

(B) COMPONENTS OF A LIVING SCHOOLYARD.—The master plan developed under subparagraph (A) may include the following living schoolyard components:

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

(ii) Conserving water, managing stormwater and observing things in nature.

(iii) Supporting hands-on learning for prekindergarten through grade 12 curriculum across subject areas and grade levels, such as conducting experiments regarding soil, wind, water, and other elements.

(iv) Using the arts to prepare skits, plays, murals, drawings, and sculptures that celebrate nature, including its animals, plants, patterns, and behaviors.

(v) Planting native shade trees, which—

(I) directly protect students from the effects of extreme heat due to climate change; and

(II) cast shade on adjacent classroom windows in the school building to help reduce temperatures indoors and save cooling costs during the warmest parts of the school year.

(b) Implementation Grants.—

(1) IN GENERAL.—The Secretary shall award implementation grants to eligible entities that received a planning grant under subsection (a) and developed a master plan in accordance with subsection (a).

(2) APPLICATIONS.—An eligible entity that desires to receive a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. An eligible entity may apply for more than 1 grant in order to complete individual schools in separate phases.

(3) USE OF FUNDS.—

(A) IN GENERAL.—An eligible entity that receives a grant under this subsection shall use the grant funds to implement some or all of the master plan developed in accordance with subsection (a) by turning some or all of the outdoor spaces of the elementary schools and secondary schools served by the eligible entity into living

schoolyards.

(B) PERMISSIBLE USES.—An eligible entity that receives a grant under this subsection may use not more than 25 percent of the grant funds—

(i) for professional development for school leadership, educators, and paraprofessionals related to outdoor teaching and bringing students outside for learning; and

(ii) to support an educator or ancillary staff member to maintain the living schoolyards of the elementary schools and secondary schools served by the eligible entity and provide professional development described in clause (i).

(4) MATCH.—

(A) IN GENERAL.—An eligible entity that receives a grant under this subsection shall provide matching funds in an amount equal to 20 percent of the grant award.

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

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$150,000,000 for each of fiscal years 2023 through 2027.

SEC. 6. CLEARINGHOUSE.

The Secretary shall maintain a clearinghouse of information that—

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

(2) includes input from nonprofit organizations, professionals, and other stakeholders with expertise in outdoor learning spaces and environmental education; and

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