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

Mr. HEINRICH introduced the following bill; which was read twice and referred to the Committee on ________________

A BILL

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 2022”.

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) 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.

(3) 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.

(4) On-campus green space designs have environmental and ecological resilience benefits, such as stormwater management, rainwater collection, carbon and runoff sequestration, air quality improve-
ment, wildlife habitat restoration, and ecological re-
siliency.

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

(6) Adding green spaces to schoolyards has been linked to persistent changes in recess behavior, including increased physical activity and social collaboration.

(7) 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.

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

(9) An ecological schoolyard with trees and other plantings provides a peaceful, comfortable, and aesthetically pleasant environment for students, particularly for those students who lack the desire or
ability to engage in competitive, fast-paced, or more structured activities. This has been shown to improve mental health and the ability to pay attention for both children and adults. The presence of trees on school grounds is associated with higher academic achievement for students.

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

(11) An on-campus green space, such as 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) Schools are devoted to nurturing each child’s physical, cognitive, social, and emotional development and ability to assess challenging situations and make intelligent choices.

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

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

SEC. 3. DEFINITIONS.

In this Act:

(1) ELEMENTARY SCHOOL.—The term “elementary school” means a public institutional day or residential school, including a public elementary charter school, that provides elementary education, as determined under State law.

(2) 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 trees, gardens, outdoor meeting areas, and other elements designed by, and for, the students and the surrounding community.

(3) **LOCAL EDUCATIONAL AGENCY.**—The term “local educational agency” has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(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) **SECONDARY SCHOOL.**—The term “secondary school” has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(6) **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 local educational agencies to enable the local educational agencies to develop outdoor learning spaces.

(3) Grant Amounts.—A grant awarded under this section shall be in an amount equal to not less than $10,000 and not more than $50,000 for each school to be served by the local educational agency with the grant.

(b) Applications.—
(1) IN GENERAL.—A local educational agency 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:

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

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

(C) The percentage of students the local educational 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.).

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

(E) The projected number of students and staff that would participate in the outdoor learning spaces on a daily basis.
(F) A description of how the local educational agency will assist students and staff that may need inclement weather clothing to participate in the outdoor learning spaces.

(2) PARTNERSHIP.—A local educational agency may submit an application under paragraph (1) in partnership with a nonprofit organization that has expertise in outdoor learning spaces or outdoor education.

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

(1) The installation of canopies, tents, or similar structures that maximize air flow while providing shade and rain protection, including, if walls are included, any accommodations for reducing COVID–19 virus transmission recommended by the Centers for Disease Control and Prevention or local public health authorities.

(2) The installation of open sided permanent outdoor structures, with or without large retractable doors.
(3) The installation of electricity and outlets or portable generators that benefits student learning.

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

(5) 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.

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

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

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

(9) 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.

(10) Removal of asphalt, concrete, or pavement, and soil conditioning.
(11) The availability of weather related clothing and footwear.

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

SEC. 5. LIVING SCHOOLYARD PROJECTS.

(a) PLANNING GRANTS.—

(1) IN GENERAL.—The Secretary shall award planning grants to local educational agencies to enable the agencies to develop master plans to turn some or all of the outdoor spaces of the elementary schools and secondary schools served by the agencies into living schoolyards.

(2) APPLICATIONS.—A local educational agency 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.

(3) MASTER PLAN.—

(A) IN GENERAL.—A local educational agency that receives a grant under this subsection shall use the grant funds to develop a master plan to turn some or all of the outdoor spaces of the elementary schools and secondary schools served by the agency 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 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 master plan drawing of the living schoolyard design proposed for each school served under the grant;

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

(VI) a longevity plan for how the local educational agency 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 designs for the living schoolyard:

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

(ii) Conserving water and observing things in nature.
(iii) Drawing objects found in nature, documenting season's change, and temperatures.

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

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

(vi) Displaying items found and celebrated, including leaves, seeds, cones, fruits, bones, and other items.

(vii) Planting 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 local educational agencies that received a planning grant under subsection (a)
and developed a master plan in accordance with subsection (a).

(2) Applications.—A local educational agency 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. A local educational agency may apply for more than 1 grant in order to complete individual schools in separate phases.

(3) Use of Funds.—

(A) In General.—A local educational agency that receives a grant under this subsection shall use the grant funds to carry out 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 agency into living schoolyards.

(B) Permissible Uses.—A local educational agency that receives a grant under this subsection may use the grant funds—

(i) for professional development for school leadership, educators, and para-professionals; 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 agency and provide professional development described in clause (i).

(4) MATCH.—

(A) IN GENERAL.—A local educational agency 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 local educational agency 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 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.