

# SENATE, No. 1144

## STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED FEBRUARY 8, 2016

**Sponsored by:**

**Senator SHIRLEY K. TURNER**

**District 15 (Hunterdon and Mercer)**

**Senator PATRICK J. DIEGNAN, JR.**

**District 18 (Middlesex)**

**Co-Sponsored by:**

**Senator Ruiz**

**SYNOPSIS**

Requires a public school district to provide a daily recess period for students in grades kindergarten through 5.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/21/2016)**

1 AN ACT concerning recess in public elementary schools and  
2 supplementing chapter 35 of Title 18A of the New Jersey  
3 Statutes.

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5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

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8 1. The Legislature finds and declares that:

9 a. Currently 16% of the nation's children are overweight, and  
10 an increasing number of children are developing cardiovascular risk  
11 factors and type 2 diabetes;

12 b. The United States Department of Health and Human  
13 Services, the United States Department of Education, and the  
14 National Association for Sport and Physical Education recommend  
15 that school-aged children should participate in at least 60 minutes  
16 per day of moderate to vigorous physical activity;

17 c. Participation in a regularly scheduled recess period provides  
18 an opportunity for children to engage in essential physical activity  
19 and to establish healthy habits early in life;

20 d. Recess also affords a child the opportunity to practice skills  
21 such as cooperation, communication, and creativity, and a break  
22 from the day's routine improves attention, focus, behavior, and  
23 learning in the classroom; and

24 e. Because recess is such a vital component of a  
25 comprehensive school physical activity program and the total  
26 educational experience for elementary school students, it is  
27 therefore in the best interest of the elementary students in this State  
28 that they be provided with a daily recess period.

29  
30 2. Beginning with the first full school year following the  
31 effective date of this act, a public school district shall provide a  
32 daily recess period of at least 20 minutes for students in grades  
33 kindergarten through 5. The recess period shall be held outdoors, if  
34 feasible. A student shall not be denied recess for any reason, except  
35 as a consequence of a violation of the district's code of student  
36 conduct, including a harassment, intimidation, or bullying  
37 investigation pursuant to P.L.2002, c.83 (C.18A:37-13 et seq.). A  
38 student may not be denied recess more than twice per week.

39 Nothing in this section shall be construed to prohibit school staff  
40 from denying recess for a student on the advice of a medical  
41 professional, school nurse, or based on the provisions of a student's  
42 504 plan.

43 A school district shall not be required to provide a recess period  
44 on a school day in which the day is substantially shortened due to a  
45 delayed opening or early dismissal.

46 The recess period shall not be used to meet the course  
47 requirements set forth in N.J.S.18A:35-5.

1       3. This act shall take effect immediately.

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STATEMENT

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6       This bill requires that a public school district must provide a  
7       daily recess period of at least 20 minutes for students in grades  
8       kindergarten through 5. The recess period is to be held outdoors, if  
9       feasible. Under the bill, a student may not be denied recess for any  
10      reason, other than as a consequence of a violation of the district's  
11      code of student conduct, including a harassment, intimidation, or  
12      bullying (HIB) investigation, and a student may not be denied  
13      recess more than twice per week. The bill's provisions would not  
14      prohibit school staff from denying recess based on medical advice  
15      or a student's 504 plan. Also, a school district would not be  
16      required to provide a recess period on a substantially shortened  
17      school day. The bill provides that recess will not be permitted to be  
18      used to meet the current statutory requirements regarding the  
19      provision of health, safety, and physical education courses in public  
20      schools, which are set forth in State law at N.J.S.18A:35-5.