

SENATE, No. 847

STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

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

Introduced Pending Technical Review by Legislative Counsel.



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.

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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.