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**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** Yes

"NJ enacts law requiring recess for students in grades K-5," Associated Press State Wire, August 10, 2018

"Back to school bonus: Mandatory recess is now law in New Jersey," northjersey.com, August 10, 2018

"SCHOOL RECESS NOW MANDATORY IN NEW JERSEY - STUDENTS THROUGH FIFTH GRADE WILL HAVE 20-MINUTE BREAK DAILY," The Record, August 11, 2018

"Hey kids, new law says you get recess, Recess With signature, Murphy ends nearly 10-year battle," The Star Ledger, August 11, 2018

RWH

# 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.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
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.

2

3

4

STATEMENT

5

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.

[First Reprint]

**SENATE, No. 847**

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**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

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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**

As reported by the Senate Education Committee on January 25, 2018, with amendments.



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

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
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 <sup>1</sup>school district, whenever possible, shall avoid denying a<sup>1</sup> student  
39 <sup>1</sup>**may not be denied**<sup>1</sup> recess more than twice per week.

40 Nothing in this section shall be construed to prohibit school staff  
41 from denying recess for a student on the advice of a medical  
42 professional, school nurse, or based on the provisions of a student's  
43 504 plan.

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SED committee amendments adopted January 25, 2018.

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

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

6

7       3. This act shall take effect immediately.

[Second Reprint]

**SENATE, No. 847**

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**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

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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:**

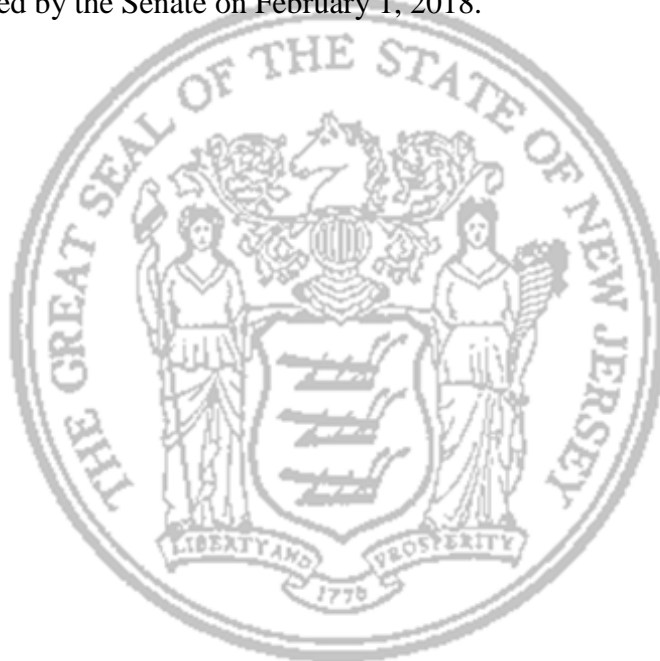
**Senators Ruiz and Beach**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As amended by the Senate on February 1, 2018.



**(Sponsorship Updated As Of: 2/27/2018)**

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

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
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 <sup>1</sup>school district, whenever possible, shall avoid denying a<sup>1</sup> student  
39 <sup>1</sup>**【may not be denied】**<sup>1</sup> recess more than twice per week.

40 Nothing in this section shall be construed to prohibit school staff  
41 from denying recess for a student on the advice of a medical  
42 professional, school nurse, or based on the provisions of a student's  
43 504 plan.

**EXPLANATION** – Matter enclosed in bold-faced brackets **【thus】** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SED committee amendments adopted January 25, 2018.

<sup>2</sup>Senate floor amendments adopted February 1, 2018.

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

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

6

7       3. This act shall take effect <sup>2</sup>**[immediately]** in the 2019-2020  
8 school year<sup>2</sup>.

# SENATE EDUCATION COMMITTEE

## STATEMENT TO

### **SENATE, No. 847**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JANUARY 25, 2018

The Senate Education Committee favorably reports Senate Bill No. 847 with committee amendments.

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

The committee amended the bill to provide that a school district, whenever possible, must avoid denying a student recess more than twice per week. The bill in its original form stated that a student may not be denied recess more than twice per week.

This bill was pre-filed for introduction in the 2018-2019 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

STATEMENT TO

[First Reprint]

**SENATE, No. 847**

with Senate Floor Amendments  
(Proposed by Senator TURNER)

ADOPTED: FEBRUARY 1, 2018

This floor amendment provides that the bill will take effect in the 2019-2020 school year, rather than immediately.

P.L. 2018, CHAPTER 73, *approved August 10, 2018*  
Senate, No. 847 (*Third Reprint*)

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

4

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

7

8 <sup>3</sup>[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. ]<sup>3</sup>

29

30 <sup>3</sup>[2.] 1. a.<sup>3</sup> Beginning with the first full school year following  
31 the 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.). <sup>3</sup>If

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup>Senate SED committee amendments adopted January 25, 2018.

<sup>2</sup>Senate floor amendments adopted February 1, 2018.

<sup>3</sup>Assembly AED committee amendments adopted June 18, 2018.

1 a student is denied recess, except under conditions set forth in  
2 subsection b. of this section, the student shall be provided  
3 restorative justice activities during the recess period.<sup>3</sup> A <sup>3</sup>school  
4 district, whenever possible, shall avoid denying a<sup>1</sup><sup>3</sup> student <sup>1</sup>may  
5 not be denied<sup>1</sup> <sup>3</sup>may not be denied<sup>3</sup> recess more than twice per  
6 week.

7 <sup>3</sup>A school district shall not be required to provide a recess period  
8 on a school day in which the day is substantially shortened due to a  
9 delayed opening or early dismissal.

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

12 b.<sup>3</sup> Nothing in this section shall be construed to prohibit school  
13 staff from denying recess for a student on the advice of a medical  
14 professional, school nurse, or based on the provisions of a student's  
15 504 plan.

16 <sup>3</sup>A school district shall not be required to provide a recess  
17 period on a school day in which the day is substantially shortened  
18 due to a delayed opening or early dismissal.

19 The recess period shall not be used to meet the course  
20 requirements set forth in N.J.S.18A:35-5<sup>1</sup>

21 c. For purposes of this section, "restorative justice activities"  
22 means activities designed to improve the socioemotional and  
23 behavioral responses of students through the use of more  
24 appropriate, and less punitive, interventions thereby establishing a  
25 more supportive and inclusive school culture<sup>3</sup> .

26  
27 <sup>3</sup>[3.] 2.<sup>3</sup> This act shall take effect <sup>3</sup>[2]immediately<sup>1</sup> in the  
28 2019-2020 school year<sup>2</sup> immediately<sup>3</sup> .

29  
30  
31

32  
33 \_\_\_\_\_  
34 Requires school districts to provide daily recess period for  
35 students in grade kindergarten through 5; permits denial of recess  
36 for violation of code of student conduct but student must be  
provided restorative justice activities.

## CHAPTER 73

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

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

C.18A:35-4.31 Recess period required; exceptions.

1. a. Beginning with the first full school year following the effective date of this act, a public school district shall provide a daily recess period of at least 20 minutes for students in grades kindergarten through 5. The recess period shall be held outdoors, if feasible. A student shall not be denied recess for any reason, except as a consequence of a violation of the district's code of student conduct, including a harassment, intimidation, or bullying investigation pursuant to P.L.2002, c.83 (C.18A:37-13 et seq.). If a student is denied recess, except under conditions set forth in subsection b. of this section, the student shall be provided restorative justice activities during the recess period. A student may not be denied recess more than twice per week.

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

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

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

c. For purposes of this section, "restorative justice activities" means activities designed to improve the socioemotional and behavioral responses of students through the use of more appropriate, and less punitive, interventions thereby establishing a more supportive and inclusive school culture.

2. This act shall take effect immediately.

Approved August 10, 2018.