ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4044

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 16, 2015

The Assembly Education Committee reports favorably Assembly Bill No. 4044 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 5. 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 harassment, intimidation, or bullying (HIB) investigation, and a student may not be denied 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; additionally, a school district would not be required to provide a recess period on a substantially shortened school day. The bill also 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:

1) stipulate that school districts must comply with the bill's provisions starting in the first full school year following the effective date;

2) provide that a student may not be denied recess for any reason, other than as a consequence of an HIB investigation;

3) clarify that the bill's provisions are not to be construed to prohibit school staff from denying recess for a student based on medical advice or based on the provisions of a student's 504 plan; and

4) provide that a school district would not be required to provide a recess period on a school day in which the day is substantially shortened by a delayed opening or early dismissal.

As reported and amended by the committee, this bill is identical to Senate Bill No. 1594 (1R), which also was reported and amended by the committee on this same date.