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:

1. The Legislature finds and declares that:
   a. Currently 16% of the nation’s children are overweight, and
      an increasing number of children are developing cardiovascular risk
      factors and type 2 diabetes;
   b. The United States Department of Health and Human
      Services, the United States Department of Education, and the
      National Association for Sport and Physical Education recommend
      that school-aged children should participate in at least 60 minutes
      per day of moderate to vigorous physical activity;
   c. Participation in a regularly scheduled recess period provides
      an opportunity for children to engage in essential physical activity
      and to establish healthy habits early in life;
   d. Recess also affords a child the opportunity to practice skills
      such as cooperation, communication, and creativity, and a break
      from the day’s routine improves attention, focus, behavior, and
      learning in the classroom; and
   e. Because recess is such a vital component of a
      comprehensive school physical activity program and the total
      educational experience for elementary school students, it is
      therefore in the best interest of the elementary students in this State
      that they be provided with a daily recess period.\[3\]

\[2\] l. a.\[3\] 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.).\[3\]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:
\[1\]Senate SED committee amendments adopted January 25, 2018.
\[2\]Senate floor amendments adopted February 1, 2018.
\[3\]Assembly AED committee amendments adopted June 18, 2018.
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 school district, whenever possible, shall avoid denying a student 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. 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.

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 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.

This act shall take effect in the 2019-2020 school year immediately.

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