

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:

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8 ³[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.]³

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30 ³[2.] 1. a.³ 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.). ³If

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:

¹Senate SED committee amendments adopted January 25, 2018.

²Senate floor amendments adopted February 1, 2018.

³Assembly 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.³ A ³school
4 district, whenever possible, shall avoid denying a¹³ student ¹may
5 not be denied¹ ³may not be denied³ recess more than twice per
6 week.

7 ³A 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.³ 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 ³A 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:35-5¹

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 culture³ .

26
27 ³[3.] 2.³ This act shall take effect ³[2]immediately¹ in the
28 2019-2020 school year² immediately³ .

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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.