

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.