

[Third 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)**

**Assemblywoman MILA M. JASEY**

**District 27 (Essex and Morris)**

**Assemblywoman CAROL A. MURPHY**

**District 7 (Burlington)**

**Co-Sponsored by:**

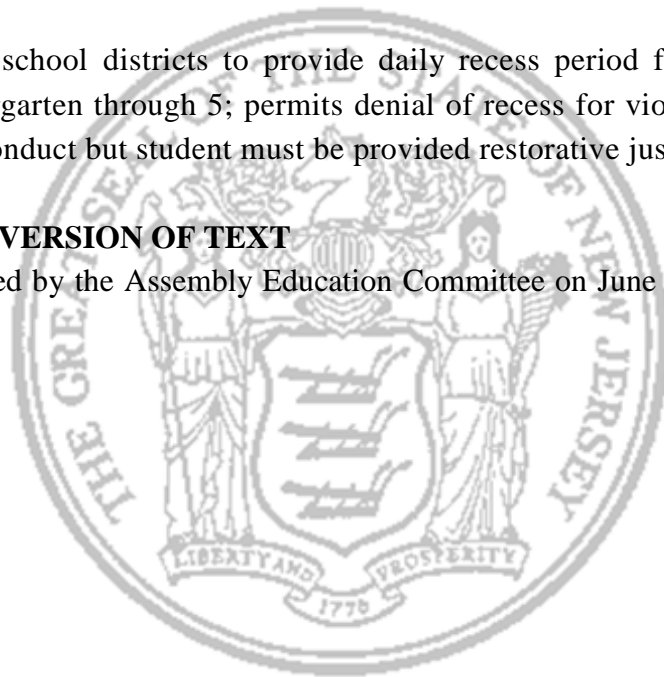
**Senators Ruiz, Beach, Assemblywomen Schepisi, Timberlake and Reynolds-Jackson**

**SYNOPSIS**

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.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Education Committee on June 18, 2018, with amendments.



**(Sponsorship Updated As Of: 6/22/2018)**

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 <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  
38 a student is denied recess, except under conditions set forth in  
39 subsection b. of this section, the student shall be provided  
40 restorative justice activities during the recess period.<sup>3</sup> A <sup>3</sup>[<sup>1</sup>school  
41 district, whenever possible, shall avoid denying a<sup>1</sup>]<sup>3</sup> student <sup>1</sup>[may

**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 not be denied]<sup>1</sup> <sup>3</sup>may not be denied<sup>3</sup> recess more than twice per  
2 week.

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

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

8 b.<sup>3</sup> Nothing in this section shall be construed to prohibit school  
9 staff from denying recess for a student on the advice of a medical  
10 professional, school nurse, or based on the provisions of a student's  
11 504 plan.

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

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

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

22  
23 <sup>3</sup>[3.] 2.<sup>3</sup> This act shall take effect <sup>3</sup>[<sup>2</sup>[immediately] in the  
24 2019-2020 school year<sup>2</sup>] immediately<sup>3</sup> .