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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)
A N A C T 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.]

2. 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 
school 
district, whenever possible, shall avoid denying student may
not be denied\textsuperscript{1} may not be denied\textsuperscript{2} recess more than twice per week.

\textsuperscript{3}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.

\textsuperscript{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.

\textsuperscript{3}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.

\textsuperscript{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\textsuperscript{3}.

\textsuperscript{3}This act shall take effect \textsuperscript{[immediately]} in the 2019-2020 school year\textsuperscript{2} immediately\textsuperscript{3}.