CERTIFICATION OF ENROLLMENT

**ENGROSSED SUBSTITUTE SENATE BILL 5257**

68th Legislature

2023 Regular Session

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| Passed by the Senate April 14, 2023  Yeas 27 Nays 18  **President of the Senate**  Passed by the House March 20, 2023  Yeas 81 Nays 15  **Speaker of the House of Representatives** | CERTIFICATE  I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5257** as passed by the Senate and the House of Representatives on the dates hereon set forth.  Secretary |
| Approved |  |
| **Governor of the State of Washington** | **Secretary of State**  **State of Washington** |

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**ENGROSSED SUBSTITUTE SENATE BILL 5257**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2023 Regular Session

**State of Washington 68th Legislature 2023 Regular Session**

**By** Senate Early Learning & K-12 Education (originally sponsored by Senators Nobles, C. Wilson, Billig, Cleveland, Dozier, Frame, Hasegawa, Hunt, Liias, Lovelett, Lovick, Nguyen, Saldaña, Valdez, and Wellman)

AN ACT Relating to ensuring elementary school students receive sufficient daily recess for mental and physical health; adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28A.210 RCW; and creating a new section.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  (1) The legislature recognizes that recess is an essential part of the day for elementary school students. Young students learn through play, and recess supports the mental, physical, and emotional health of students and positively impacts their learning and behavior. Given the state's youth mental health and physical inactivity crisis, as well as learning loss due to the COVID-19 pandemic, recess is vital to support student well-being and academic success.

(2) The legislature also acknowledges that the amount of time spent on recess varies throughout the state; therefore, youth do not have equitable access to opportunities for physical activity, self-directed play, and time outdoors. The legislature intends to set a minimum requirement for daily recess to ensure that all students have equal access to recess, but school districts are encouraged to exceed this requirement.

(3) Further, the legislature intends to clarify that recess should not be withheld as a disciplinary or punitive action during the school day, and that recess should not be withheld to compel students to complete academic work. The legislature believes that these clarifications and other policies will help make elementary school recess safe, inclusive, and high quality for all students.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.230 RCW to read as follows:

(1)(a) Beginning with the 2024-25 school year, public schools, for each school day that exceeds five hours in duration, must provide a minimum of 30 minutes of daily recess within the school day for all students in grades kindergarten through five and students in grade six that attend an elementary school.

(b) The office of the superintendent of public instruction may waive the requirement in (a) of this subsection during the 2024-25 school year for public schools demonstrating that they are unable to comply with the requirement.

(c) Public schools may provide additional recess before or after the school day, but that time may not be used to meet the requirements of this subsection (1).

(d) Time spent changing to and from clothes for outdoor play should not be used to meet the requirements of this subsection (1).

(2)(a) Recess must be supervised and student directed and must aim to be safe, inclusive, and high quality as described in the model policy and procedure referenced in section 3 of this act. It may include organized games, but public schools should avoid including, or permitting the student use of, computers, tablets, or phones during recess.

(b) Recess should be held outside whenever possible. If recess is held indoors, public schools should use an appropriate space that promotes physical activity.

(3) The daily recess required under this section may not be used to meet the physical education requirements under RCW 28A.230.040.

(4) For the purposes of this section, "public schools" has the same meaning as in RCW 28A.150.010.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.210 RCW to read as follows:

(1)(a) By April 1, 2024, the Washington state school directors' association, with the assistance of the office of the superintendent of public instruction, must review and update a model policy and procedure regarding nutrition, health, and physical education.

(b) The model policy and procedure must:

(i) Aim to make elementary school recess safe, inclusive, and high quality for all students;

(ii) Encourage physical activity breaks for middle and high school students;

(iii) Align with the requirements in section 2 of this act;

(iv) Encourage elementary school recess to be scheduled before lunch, whenever possible, to reduce food waste, maximize nutrition, and allow students to be active before eating;

(v) Discourage withholding recess as a disciplinary or punitive action except when a student's participation in recess poses an immediate threat to the safety of the student or others, and create a process to find and deploy alternatives to the withholding of recess;

(vi) Discourage the withholding of recess to have a student complete academic work;

(vii) Prohibit the use of physical activity during the school day as punishment, such as having students run laps or do push-ups as a punitive action; and

(viii) Align with corporal punishment requirements established in WAC 392-400-825.

(2) By the beginning of the 2024-25 school year, school districts must adopt or amend if necessary policies and procedures that, at a minimum, incorporate all the elements described in subsection (1) of this section.

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