

HOUSE BILL REPORT

ESSB 5257

As Reported by House Committee On:
Education

Title: An act relating to ensuring elementary school students receive sufficient daily recess for mental and physical health.

Brief Description: Ensuring elementary school students receive sufficient daily recess.

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

Brief History:

Committee Activity:

Education: 3/1/23, 3/9/23 [DPA].

**Brief Summary of Engrossed Substitute Bill
(As Amended By Committee)**

- Requires public schools, beginning with the 2024-25 school year, to provide at least 30 minutes of daily recess for elementary school students.
- Directs the Washington State School Directors' Association (WSSDA), with the assistance of the Office of the Superintendent of Public Instruction, to revise a model policy and procedure on nutrition, health, and physical education.
- Requires school districts to adopt or amend their policies and procedures to incorporate the revised WSSDA model policy and procedure on nutrition, health, and physical education.

HOUSE COMMITTEE ON EDUCATION

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Majority Report: Do pass as amended. Signed by 11 members: Representatives Santos, Chair; Shavers, Vice Chair; Bergquist, Callan, Eslick, McClintock, Ortiz-Self, Pollet, Sandlin, Stonier and Timmons.

Minority Report: Do not pass. Signed by 1 member: Representative Rude, Ranking Minority Member.

Minority Report: Without recommendation. Signed by 2 members: Representatives Harris and Steele.

Staff: Ethan Moreno (786-7386).

Background:

Instruction in Physical Education.

Every public school student in grades 1 through 8 must receive instruction in physical education (PE) as prescribed by rule of the Office of the Superintendent of Public Instruction (OSPI). Students may be excused from PE course requirements because of physical disability, religious belief, or participation in directed athletics.

Administrative rules adopted by the OSPI for grades 1 through 8 specify that, unless a waiver applies, students must, on average, have at least 100 instructional minutes of PE per week per year.

Washington State School Directors' Association.

The Washington State School Directors' Association (WSSDA) is the state agency that provides advice and assistance to local school boards. The WSSDA is charged with coordinating policymaking, control, and management of the state's school districts, and is empowered to prepare and adopt materials for its own organization. The WSSDA also adopts model policies and procedures that school districts may adopt, often in response to legislative directives.

School recess duration provisions are not established in statute or administrative rules, but a nutrition, health, and physical education model policy and procedure of the WSSDA addresses recess issues. The model procedure, which school districts may adopt, specifies that each school will offer physically active daily recess opportunities that align with state and national recess recommendations, and maintain safe and age-appropriate equipment to use during recess. The procedure further specifies that:

- recess monitors or teachers will encourage students to be active;
- recess will complement, not substitute for, PE class; and
- physical activity during the school day will not be used or withheld as punishment for any reason.

Summary of Amended Bill:

Daily Recess Requirements.

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 kindergarten through grade 5 and students in grade 6 that attend an elementary school.

The Office of the Superintendent of Public Instruction (OSPI) may waive the daily recess requirement during the 2024-25 school year for schools demonstrating that they are unable to comply with the requirement.

Schools may provide additional recess before or after the school day, but recess time before or after the school day does not apply to the daily recess requirements. Time spent changing to and from clothes for outdoor play should not be used to meet the daily recess requirement.

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 of the Washington State School Directors' Association (WSSDA). Recess may include organized games, but schools should avoid including, or permitting the student use of, computers, tablets, or phones during recess. If recess is held indoors, schools should use an appropriate space that promotes physical activity.

The daily recess requirements may not be used to meet physical education requirements.

Model Policy and Procedure.

By April 1, 2024, the WSSDA, with the assistance of the OSPI, must review and update a model policy and procedure regarding nutrition, health, and physical education. The model policy and procedure must meet delineated requirements, including:

- aiming to make elementary school recess safe, inclusive, and high quality for all students;
- encouraging elementary school recess to be, whenever possible, scheduled before lunch;
- discouraging the withholding of 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;
- prohibiting the use of physical activity during the school day as punishment, such as having students run laps or do push-ups; and
- aligning with corporal punishment requirements established by rule.

By the beginning of the 2024-25 school year, school districts must adopt or amend their policies and procedures to incorporate the WSSDA model policy and procedure.

Amended Bill Compared to Engrossed Substitute Bill:

In comparison to the engrossed substitute bill, the amended bill:

- makes the recess requirements applicable to school days that exceed five hours in duration;
- specifies that time spent changing to and from clothes for outdoor play should not be used to meet daily recess requirements;
- specifies that recess should (rather than must) be held outside, whenever possible;
- establishes a definition of "public schools" using an existing statutory definition;
- changes the date by which the Washington State School Directors' Association must review and update its model policy on nutrition, health, and physical education from August 1, 2024, to April 1, 2024;
- makes numerous changes to provisions directing the content of the model policy and procedure by requiring it to:
 - encourage (instead of promote) physical activity breaks for middle and high school students;
 - encourage (instead of require) elementary school recess to be scheduled before lunch, whenever possible;
 - discourage (instead of strongly discourage) withholding recess as a disciplinary or punitive action;
 - discourage (instead of strongly discourage) withholding recess to have a student complete academic work;
 - prohibit the use of physical activity during the school day as punishment; and
 - align with corporal punishment requirements established in an existing administrative code definition;
- makes changes to intent language;
- corrects an erroneous citation cross reference; and
- makes numerous technical wording changes, such as changing "schools should avoid the use of computers, tablets or phones" to "public schools should avoid including, or permitting the student use of, computers, tablets, or phones during recess."

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Recess lets kids build vital social skills, promotes social-emotional learning, and improves students' classroom skills.

The bill requires recess to be held before lunch and prohibits the use of physical activity as punishment. Those provisions are important and should be retained.

Any additional minutes required for recess should not come from minutes allocated for lunch. The stronger language of this bill is preferred to other versions of the legislation.

Recess provides physical activity and well-being. Physical education alone does not provide enough time to meet federal recommendations for daily exercise. Good health and good academic performances are linked.

Immigrant youth have limited access to physical activity. School recess provides a safe space for exercise, play, and friendship-building.

Physical exercise is important for addressing the childhood obesity and mental health crises in Washington. The Centers for Disease Control and Prevention indicates that withholding recess as punishment is an unsound education practice. Students should have equal access to an adequate time for daily recess.

Recess withholding practices disproportionately effect students of color and the practice has negative psychological impacts. Recess should never be withheld.

Kids are becoming more sedentary in their lifestyles. Recess is beneficial in many ways and students do not get enough physical activity in their lives.

(Opposed) None.

(Other) The bill should be amended to direct schools to avoid the use of computers during recess. Recess should be encouraged to be before lunch, not required before lunch, and references to "strongly discourage" in the bill should be changed to "discourage."

The bill should be amended to specify recommended practices instead of requirements, especially with regard to recess before lunch. Any change to a school's master schedule has significant impacts on school operations.

Persons Testifying: (In support) Senator T'wina Nobles, prime sponsor; Michelle Nims, Washington State Parent Teacher Association; Jared Mason-Gere, Washington Education Association; Matt Wood, Stafford Elementary School; Wendy Armour, Play Equity Coalition; Karla Landis, The Sports Institute and King County Play Equity Coalition; Samuel Browd, The Sports Institute at UW Medicine; Bilan Aden, African Community Housing and Development; and Melissa Spiker, Seattle Special Education Parent Teacher Student Association.

(Other) Roz Thompson, Association of Washington School Principals; and Patrick Vincent.

Persons Signed In To Testify But Not Testifying: None.