
ENGROSSED SUBSTITUTE SENATE BILL 5257

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, Lias, Lovelett, Lovick, Nguyen, Saldaña, Valdez, and Wellman)

READ FIRST TIME 02/02/23.

1 AN ACT Relating to ensuring elementary school students receive
2 sufficient daily recess for mental and physical health; adding a new
3 section to chapter 28A.230 RCW; adding a new section to chapter
4 28A.210 RCW; and creating a new section.

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

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

14 (2) The legislature also acknowledges that the amount of time
15 spent on recess varies throughout the state; therefore, youth do not
16 have equitable access to opportunities for physical activity, self-
17 directed play, and time outdoors. The legislature intends to set a
18 minimum requirement for daily recess to ensure that all students have
19 equal access to recess.

20 (3) Further, the legislature intends to clarify that recess may
21 not be withheld as a disciplinary or punitive action or to have a

1 student complete academic work. The legislature believes that these
2 clarifications and other policies will help make elementary school
3 recess safe, inclusive, and high quality for all students.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.230
5 RCW to read as follows:

6 (1)(a) Beginning with the 2024-25 school year, public schools
7 must provide daily recess for all students in grades kindergarten
8 through five and for students in grade six if they attend an
9 elementary school. Except as provided in (b) of this subsection,
10 public schools must provide a minimum of 30 minutes of daily recess
11 within the school day unless the school day is shorter than the
12 regular school day as established by the school calendar.

13 (b) For the 2024-25 school year, the office of the superintendent
14 of public instruction may waive the requirement in (a) of this
15 subsection if a public school demonstrates that it is unable to
16 comply with the requirement during that school year.

17 (c) Public schools may provide additional recess before or after
18 the school day, but this time does not count toward the requirements
19 in this section.

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

25 (b) Recess must be held outside whenever possible. If recess is
26 held indoors, schools are encouraged to provide it in a space that
27 promotes physical activity.

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

30 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.210
31 RCW to read as follows:

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

36 (b) The model policy and procedure must:

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

1 (ii) Promote physical activity breaks for middle and high school
2 students;

3 (iii) Be aligned with section 1 of this act;

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

7 (v) Strongly discourage the practice of withholding recess as a
8 disciplinary or punitive action except when a student's participation
9 in recess poses an immediate threat to the safety of the student or
10 others and create a process to find and deploy alternatives to the
11 withholding of recess;

12 (vi) Strongly discourage the withholding of recess to have a
13 student complete academic work; and

14 (vii) Prohibit using physical activity as punishment such as
15 having students run laps or do push-ups as a punitive action.

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

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