

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 5257

68th Legislature
2023 Regular Session

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**

Approved

Governor of the State of Washington

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

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5257

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, 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, but school districts are encouraged to exceed
20 this requirement.

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

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

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

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

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

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

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

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

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

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

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

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

5 (b) The model policy and procedure must:

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

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

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

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

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

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

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

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

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

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