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**ENGROSSED SUBSTITUTE SENATE BILL 5257**

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**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.

(3) Further, the legislature intends to clarify that recess may not be withheld as a disciplinary or punitive action or to have a student 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 must provide daily recess for all students in grades kindergarten through five and for students in grade six if they attend an elementary school. Except as provided in (b) of this subsection, public schools must provide a minimum of 30 minutes of daily recess within the school day unless the school day is shorter than the regular school day as established by the school calendar.

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

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

(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 in section 3 of this act. It may include organized games, but schools should avoid the use of computers, tablets, or phones.

(b) Recess must be held outside whenever possible. If recess is held indoors, schools are encouraged to provide it in a 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.

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

(1)(a) By August 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) Promote physical activity breaks for middle and high school students;

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

(iv) Require 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) Strongly discourage the practice of 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) Strongly discourage the withholding of recess to have a student complete academic work; and

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

(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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