

ESSB 5257 - H COMM AMD
By Committee on Education

ADOPTED 03/20/2023

1 Strike everything after the enacting clause and insert the
2 following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (b) The model policy and procedure must:

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

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

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

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

38 (v) Discourage withholding recess as a disciplinary or punitive
39 action except when a student's participation in recess poses an

1 immediate threat to the safety of the student or others, and create a
2 process to find and deploy alternatives to the withholding of recess;
3 (vi) Discourage the withholding of recess to have a student
4 complete academic work;
5 (vii) Prohibit the use of physical activity during the school day
6 as punishment, such as having students run laps or do push-ups as a
7 punitive action; and
8 (viii) Align with corporal punishment requirements established in
9 WAC 392-400-825.
10 (2) By the beginning of the 2024-25 school year, school districts
11 must adopt or amend if necessary policies and procedures that, at a
12 minimum, incorporate all the elements described in subsection (1) of
13 this section."

14 Correct the title.

EFFECT: (1) Makes the recess requirements applicable to school days that exceed five hours in duration.

(2) Specifies that time spent changing to and from clothes for outdoor play should not be used to meet daily recess requirements.

(3) Specifies that recess should (rather than must) be held outside, whenever possible.

(4) Establishes a definition of "public schools" using an existing statutory definition.

(5) 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.

(6) Makes numerous changes to provisions directing the content of the model policy and procedure by requiring it to: (a) Encourage (instead of promote) physical activity breaks for middle and high school students; (b) encourage (instead of require) elementary school recess to be scheduled before lunch, whenever possible; (c) discourage (instead of strongly discourage) withholding recess as a disciplinary or punitive action; (d) discourage (instead of strongly discourage) withholding recess to have a student complete academic work; (e) prohibit the use of physical activity during the school day as punishment; and (f) align with corporal punishment requirements established in an existing administrative code definition.

(7) Makes changes to intent language.

(8) 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."

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