

FINAL BILL REPORT

ESSB 5257

C 272 L 23
Synopsis as Enacted

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).

Senate Committee on Early Learning & K-12 Education
House Committee on Education

Background: Instructional Hours. State law requires a certain number of instructional hours each school year. The definition of instructional hours includes recess. Current state law does not specify how much time must be spent on recess.

Policy and Procedure. In 2004, the Legislature directed the Washington State School Directors' Association (WSSDA) to develop a model policy regarding nutritious foods and developmentally appropriate exercise with certain elements, but did not include recess. WSSDA's current model policy and procedure addresses recess in certain ways including:

- recess will be offered daily;
- recess will not be a substitute for physical education class;
- recess will not be withheld as punishment; and
- recognition that scheduling recess before lunch is beneficial.

Recess Survey. In 2009, the Legislature directed the Office of the Superintendent of Public Instruction (OSPI) to conduct a survey about elementary school recess, which included information about the number of recess periods, average minutes per day, and the challenges to providing recess.

Physical Education Requirements. State law sets out goals for food choice, physical activity, and childhood fitness. The 2010 goal was that all students in grades 1-8 should have at least 150 minutes of quality physical education every week and that this education would be conducted by appropriately certified instructors.

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.

Current OSPI rule requires students in grades 1-8 to receive at least 100 instructional minutes in physical education per week unless waived. For students in grades 9-12, one credit course must be offered in physical education for each high school grade.

Corporal Punishment. OSPI rule prohibits school districts from administering corporal punishment, including any act that willfully inflicts or willfully causes the infliction of physical pain on a student.

Summary: Daily Recess Requirement. Beginning with the 2024-25 school year, public schools must provide a minimum of 30 minutes of daily recess each school day that exceeds five hours for all students in grades K-5 and students in grade 6 that attend an elementary school.

OSPI may waive the requirement during the 2024-25 school year for public schools demonstrating they are unable to comply.

Public schools may provide additional recess before or after school, but that time may not be used to meet the requirements. Time spent changing to and from clothes for outdoor play should not be used to meet the requirements.

Recess must be supervised and student directed, and must aim to be safe, inclusive, and high quality. It may include organized games, but public schools should avoid including, or permitting the student use of, computers, tablets, or phones during recess.

Recess should be held outside whenever possible. If recess is held indoors, public schools should use an appropriate space that promotes physical activity.

Daily recess may not be used to meet the physical education requirements.

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

- aim to make recess safe, inclusive, and high quality;
- encourage physical activity breaks for middle and high school students;
- align with the daily recess requirements;
- encourage elementary school recess to be scheduled before lunch whenever possible;
- discourage withholding recess as a disciplinary or punitive action except when there is an immediate threat to safety;
- discourage the withholding of recess to have a student complete academic work;
- prohibit the use of physical activity as a punishment; and
- align with corporal punishment requirements.

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 in the model.

Votes on Final Passage:

Senate	28	21	
House	81	15	(House amended)
Senate	27	18	(Senate concurred)

Effective: July 23, 2023