

---

## Education Committee

---

### ESSB 5257

**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, Liias, Lovelett, Lovick, Nguyen, Saldaña, Valdez and Wellman).

#### Brief Summary of Engrossed Substitute Bill

- Requires public schools, beginning with the 2024-25 school year, to provide at least 30 minutes of daily recess for elementary school students.
- Directs the Washington State School Directors' Association (WSSDA), with the assistance of the Office of the Superintendent of Public Instruction, to revise a model policy and procedure on nutrition, health, and physical education.
- Requires school districts to adopt or amend their policies and procedures to incorporate the revised WSSDA model policy and procedure on nutrition, health, and physical education.

**Hearing Date:** 3/1/23

**Staff:** Ethan Moreno (786-7386).

#### **Background:**

##### Instruction in Physical Education.

Every public school student in grades 1 through 8 must receive instruction in physical education (PE) as prescribed by rule of the Office of the Superintendent of Public Instruction (OSPI). Students may be excused from PE course requirements because of physical disability, religious

---

*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.*

belief, or participation in directed athletics.

Administrative rules adopted by the OSPI for grades 1 through 8 specify that, unless a waiver applies, students must, on average, have at least 100 instructional minutes of PE per week per year.

#### Washington State School Directors' Association.

The Washington State School Directors' Association (WSSDA) is the state agency that provides advice and assistance to local school boards. The WSSDA is charged with coordinating policymaking, control, and management of the state's school districts, and is empowered to prepare and adopt materials for its own organization. The WSSDA also adopts model policies and procedures that school districts may adopt, often in response to legislative directives.

School recess duration provisions are not established in statute or administrative rules, but a nutrition, health, and physical education model policy and procedure of the WSSDA addresses recess issues. The model procedure, which school districts may adopt, specifies that each school will offer physically active daily recess opportunities that align with state and national recess recommendations, and maintain safe and age-appropriate equipment to use during recess. The procedure further specifies that:

- recess monitors or teachers will encourage students to be active;
- recess will complement, not substitute for, PE class; and
- physical activity during the school day will not be used or withheld as punishment for any reason.

#### **Summary of Bill:**

##### Daily Recess Requirements.

Beginning with the 2024-25 school year, public schools must provide daily recess for all students in kindergarten through grade 5, and grade 6 if the students attend an elementary school. The recess must be within the school day and at least 30 minutes in duration unless the school day is shorter than the regular school day as established by the school calendar.

The Office of the Superintendent of Public Instruction (OSPI) may waive the daily recess requirements for the 2024-25 school year if a public school demonstrates that it is unable to comply.

Schools may provide additional recess before or after the school day, but recess time before or after the school day does not apply to the daily recess requirements.

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 of the Washington State School Directors' Association (WSSDA). Recess may include organized games, but schools should avoid the use of computers, tablets, or phones. Additionally, 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.

The daily recess requirements may not be used to meet physical education requirements.

Model Policy and Procedure.

By August 1, 2024, the WSSDA, with the assistance of the OSPI, must review and update a model policy and procedure regarding nutrition, health, and physical education. The model policy and procedure must meet delineated requirements, including:

- aiming to make elementary school recess safe, inclusive, and high quality for all students;
- requiring elementary school recess to be, whenever possible, scheduled before lunch;
- strongly discouraging 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
- prohibiting the use of physical activity as punishment, such as having students run laps or do push-ups.

By the beginning of the 2024-25 school year, school districts must adopt or amend their policies and procedures to incorporate the WSSDA model policy and procedure.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.