

Key Considerations When Drafting a State Recess Law

This section provides language for drafting a law: a statute or regulation that would require some kind of action around providing recess, whether that action is voluntary or mandatory. There are legitimate reasons that jurisdictions may prefer an informal (noncodified) approach. These reasons may include cost concerns, political palatability, and infrastructure or personnel readiness. See the Frequently Asked Questions section for considerations on a non-legislative approach.

Clearly Define Recess

Ensure the policy includes a clear definition of recess. Choose language that reflects the intent of your policy and supports the kind of recess you aim to promote.

The CDC, SHAPE America, and the National Academy of Medicine define recess as “a regularly scheduled period within the school day for physical activity and play that is monitored by trained staff or volunteers”^{1,2} Examples of recess definitions from existing state laws include:

- “Supervised, safe, and unstructured free play”
- “Supervised, unstructured social time during which public school students may communicate with each other”
- “Supervised recess where supervisory staff encourage moderate to vigorous physical activity”

Include all Essential Best Practices

This toolkit prioritizes five essential best practices to maximize the effectiveness of a law:

- (A) The law mandates a time requirement of at least 20 minutes of daily recess.
- (B) The law is inclusive of all students in grades kindergarten-8.
- (C) The law prohibits schools from withholding recess for any reason, including as a form of punishment or to complete academic work, except when a student’s participation in recess poses an immediate threat to the safety of the student or others.
- (D) The law prohibits schools from using recess to fulfil state mandated physical education requirements.

- (E) The law includes specific language on compliance (i.e. monitoring and/or enforcement).

Refer to our implementation guide for detailed recommendations on how to integrate these practices into the school day.

Use Strong, Clear Language

The wording of the policy matters. Use strong, directive terms such as *shall*, *must* or *is required* rather than the weaker alternatives like *should* or *is encouraged to*. Strong language increases the likelihood of consistent implementation.

Aim High from the Start

Include as many essential and enhanced best practices as possible in the initial draft (the 5 essential best practices are described above; an additional 10 enhanced best practices are also included in this toolkit). Policies often undergo revisions during the legislative process, and starting strong helps preserve key components, even if compromises are later required.

Specify Enforcement and Accountability Measures

Enforcement mechanisms increase policy effectiveness. Clearly outline how the policy will be monitored, what documentation schools are expected to maintain, and how compliance will be assessed. We recommend emphasizing positive reinforcement, such as recognition or incentives for compliant schools, rather than punitive measures for those that fall short.

Example Legislation

This is an example of legislation that states can adopt or adapt. It incorporates all essential and enhanced best practices to strengthen implementation and impact.

BILL NUMBER: [To be assigned]

SESSION: 202X Regular Session

TITLE: Education – Recess Requirement – Kindergarten Through Grade 8

SPONSORS: [Insert sponsor names]

Effective Date: [Date the law would become effective]

Definitions

For the purposes of this Act, the following definitions apply:

- (a) Recess is defined as a regularly scheduled period within the school day for physical activity and play that is monitored by trained staff or volunteers
- (b) “Public elementary school” means a school that is operated by a school district or county office of education, or a charter school that maintains pre-kindergarten, kindergarten, or any of grades 1 to 6, inclusive.
- (c) “Public middle school” means a school that is operated by a school district or county office of education, or a charter school that maintains any of grades 6 to 8, inclusive.
 - a. For a school that maintains a grade of higher than grade 8, the provisions of this section apply only to recess provided to students in grades 6 to 8, inclusive.

-OR-

These definitions should conform with the existing definitions in state law.

Commencing with the 202X-202X school year, all of the following shall apply to recess provided by a public elementary or public middle school:

- (a) Recess must be at least 20 minutes on regular instructional days and at least 10 minutes on delayed opening or early release days.
 - i. Additional recess time beyond the 20-minute minimum is strongly encouraged.
 - ii. Recess time is exclusive of transition time (e.g., lining up, putting on coats, or walking to the recess area).
- (b) A public elementary or middle school student cannot be denied recess by a member of the school’s staff unless a student’s participation in recess poses an immediate threat to the safety of the student or others.
- (c) Recess time may not be used to fulfill state mandated physical education requirements.
- (d) School districts must provide annual professional development opportunities for staff members who supervise recess.
- (e) Recess must be scheduled before lunch for all grade levels.
- (f) Age-appropriate equipment must be provided to students during recess time. All recess equipment must meet or exceed safety standards.
- (g) Recess must be inclusive of all students
- (h) Recess must be held outdoors whenever possible. If recess must be held indoors due to weather, safety, or other factors, schools must provide a suitable indoor space where students can engage in physical activity.
- (i) Students are prohibited from using personal electronic devices during recess. School approved screen-time that promotes physical activity is allowed
- (j) Schools must adhere to the recess requirements set forth in this law/policy. Compliance will be monitored through regular reports submitted to the school district and then to the state, including documentation of recess time included in a master schedule and compliance with outlined practices. For schools found out of compliance, additional training requirements or other interventions as determined by the district will be required.
- (k) The State Department of Health and the State Department of Education shall jointly assess the effect of the law at least once every five (5) years, making a report available to the Department Secretaries, the state committees for health and education, the governor’s office and the general public via the Department websites. Such a report will survey and detail
 - the number of schools currently offering recess to students ages five through thirteen years;
 - the length of such recess and how often it is provided;
 - information pertaining to the location of such recess, including whether such recess is held indoors or outdoors;
 - if schools provide a dedicated space for such recess;
 - if the school’s recess is supervised or unsupervised; and
 - what the barriers are to providing recess in accordance with these provisions.