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Daily Recess Period Required for Elementary Students

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On August 10, 2018, Governor Murphy signed into law P.L. 2018, c. 78, which requires all elementary schools to provide a daily recess period for students in kindergarten through grade 5.

Beginning with the 2018-2019 school year, school districts will be required to adopt schedules that afford elementary school students, at a minimum, a 20-minute daily recess period which, “if feasible,” should be held outdoors.

Noting the advantages of a daily school recess period, such as physical activity, improved attention and focus in the classroom and opportunities to practice skills such as cooperation and communication, the law prohibits schools from denying recess for any reason, *except* as a consequence for violating the school’s code of student conduct. Even then, recess may only be denied twice per week during which time the student must be provided with activities directed towards improving their socioemotional and behavioral responses.

While schools would not be required to provide a daily recess period on shortened days, the law prohibits schools from using this time to meet physical education course requirements. The statute also does not define the term “recess,” leaving the determination of exactly what constitutes recess up to the local school district.

If you have any questions relative to the new law’s requirements, do not hesitate to contact the school law attorneys at SPSK.

DISCLAIMER: This Alert is designed to keep you aware of recent developments in the law. It is not intended to be legal advice, which can only be given after the attorney understands the facts of a particular matter and the goals of the client.