

HOUSE BILL REPORT

SHB 1504

As Passed House:

February 28, 2023

Title: An act relating to ensuring elementary school students receive sufficient daily recess for mental and physical health.

Brief Description: Ensuring elementary school students receive sufficient daily recess.

Sponsors: House Committee on Education (originally sponsored by Representatives Low, Alvarado, Eslick, Fosse, Donaghy, Cortes, Harris, Leavitt, Taylor, Duerr, Schmidt, Goodman, Graham, Volz, Doglio, Pollet, Macri, Reed, Riccelli and Callan).

Brief History:

Committee Activity:

Education: 2/7/23, 2/14/23 [DPS].

Floor Activity:

Passed House: 2/28/23, 97-0.

Brief Summary of 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.

HOUSE COMMITTEE ON EDUCATION

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.

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 15 members: Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist, Callan, Eslick, Harris, McClintock, Ortiz-Self, Pollet, Sandlin, Steele, Stonier and Timmons.

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 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 Substitute 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 provided recess must be within the school day and at least 30 minutes in duration if the school day is longer than five hours.

The 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, nor does time spent dressing or undressing for recess.

Recess must be supervised and student directed. It 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 PE requirements.

Model Policy and Procedure.

By April 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:

- striving to make elementary school recess safe, inclusive, and high quality for all students;
- aligning with proposed daily minimum recess requirements;
- encouraging elementary school recess to be, whenever possible, scheduled before lunch;
- 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
- discouraging 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.

Staff Summary of Public Testimony:

(In support) Kids need recess and meals are rushed during lunch time. Lunch and recess are timed together, with lunches consumed quickly to extend recess time. Elementary students should have 45 minutes of recess.

Many children are struggling with mental health challenges. Pediatricians want to help children thrive, not just treat illnesses. Children that are more physically active have less stress, behave better, and perform better in school. Increasing recess time will not take away from learning. When kids have more recess, they learn better. Equitable recess will give kids important activity and make them ready to learn.

Recess is vital to learning and most students love recess. Recess offers socialization benefits. For some students, recess may be their only time to get exercise. Twenty states have equitable recess laws, but Washington does not.

Children need to be moving and learning through play. Students need and deserve the right to 45 minutes of recess time. Recess is a critical time during which students practice empathy, creativity, and problem-solving. Recess has social-emotional benefits, too. After recess, students are ready to learn. Prison inmates get more time outside than students do.

Wellness is a right, not a privilege. This bill is about equity, racism, and classism. Recess time promotes brain development. You cannot educate an unhealthy child, and you cannot keep a child healthy if the child is uneducated. This bill offers a balance between state requirements and local control.

Recess counts as instructional minutes. Recess promotes the quality of learning time and results in lower stress and better emotional balance. Parents want more recess. This is not an issue that can be solved locally. Washington needs a state standard that prioritizes and protects recess.

Play and academics are not an either/or choice. Play supports language development, especially with English language learners. The current social-emotional needs of students and staff are higher than ever.

Students greatly need unstructured activities where they learn important social skills. The state should not let children slip into test taking zombies instead of children that just want to learn.

Recess confers a range of benefits for children and promotes executive functioning. State laws are an effective tool in promoting equitable recess practices that can be especially beneficial for students of color and students who are economically disadvantaged.

(Opposed) None.

(Other) Physical activity provides many benefits to students, but minute mandates run the risk of creating unintended impacts to other education services.

The bill should be modified to add flexibility to the 45-minute recess requirement. This

requirement could negatively impact school operations. Mandating recess three times a week could be a preferable option for the bill. Additional recess minutes should not be permitted to shorten lunch, and dressing and undressing should be considered part of recess. Funding should be provided for staffing and to avoid an unfunded mandate.

School districts determine locally how and when to provide recess. Those decisions are based on local circumstances, including learning and staff contracts. As written, this bill would require less time for other subjects and the revisiting collective bargaining agreements.

Persons Testifying: (In support) Representative Sam Low, prime sponsor; Jennifer Dunne; JoAnne Duncan; William Massey, Oregon State University and King County Play Equity Coalition; Mark Fadool; Linnea Westerlind; Pooja Tandon; Jared Mason-Gere, Washington Education Association; Akshay Tandon; Bianca Fina; and Courtney Stepp.

(Other) Michelle Nims, Washington State Parent Teacher Association; Anna Hernandez-French, Office of the Superintendent of Public Instruction; and Carl Cary, Washington State School Directors' Association.

Persons Signed In To Testify But Not Testifying: None.