

SENATE BILL REPORT

ESSB 5257

As Amended by House, March 20, 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: 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).

Brief History:

Committee Activity: Early Learning & K-12 Education: 1/18/23, 1/26/23 [Insf. Sigs, DNP, w/oRec], 2/01/23 [DPS, DNP, w/oRec].

Floor Activity: Passed Senate: 2/20/23, 28-21.
Passed House: 3/20/23, 81-15.

Brief Summary of Engrossed First Substitute Bill

- Requires public schools to provide daily recess for all elementary students with a minimum of 30 minutes within the school day unless the school day is shorter than the regular school day as established by the school calendar.
- Directs the Washington State School Directors' Association to review and update a model policy and procedure with certain elements regarding recess.
- Requires school districts to adopt or amend if necessary policies and procedures that, at a minimum, incorporate all the elements in the model by the beginning of the 2024-25 school year.

SENATE COMMITTEE ON EARLY LEARNING & K-12 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: That Substitute Senate Bill No. 5257 be substituted therefor, and the substitute bill do pass.

Signed by Senators Wellman, Chair; Nobles, Vice Chair; Wilson, C., Vice Chair; Hunt, Mullet and Pedersen.

Minority Report: Do not pass.

Signed by Senator Hawkins, Ranking Member.

Minority Report: That it be referred without recommendation.

Signed by Senators Dozier and McCune.

Staff: Ailey Kato (786-7434)

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.

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.

Summary of Engrossed First Substitute Bill: Daily Recess Requirement. Beginning with the 2024-25 school year, public schools must provide daily recess for all students in grades K-5 and for students in grade 6 if they attend an elementary school. Public schools must provide a minimum of 30 minutes of daily recess within the school day unless the school day is shorter than the regular school day as established by the school calendar.

For the 2024-25 school year, OSPI may waive the 30-minute daily recess requirement if a public school demonstrates that it is unable to comply with the requirement in that school year.

Public schools may provide additional recess before or after school, but this time does not count toward 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 schools should avoid the use of computers, tablets, or phones.

Recess must be held outside whenever possible. If held indoors, schools are encouraged to provide it in a space that promotes physical activity.

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

Policy and Procedure. By August 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;
- promote physical activity breaks for middle and high school students;
- align with the daily recess requirements;
- require recess to be scheduled before lunch whenever possible;
- strongly discourage the practice of withholding recess as a disciplinary or punitive action except when there is an immediate threat to safety;
- strongly discourage the withholding of recess to have a student complete academic work; and
- prohibit using physical activity as a punishment.

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.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: Youth in this state are facing dual

crises of physical inactivity and mental health issues. Many students in our state are receiving less than 30 minutes of recess, and recess varies greatly throughout the state. Less recess leads to more behavioral problems. Kids need time to let out their energy. Youth of color are least likely to have adequate access to recess and most likely to have recess withheld. Play is critical to positive youth development, it can lower cortisol levels, and increase problem solving and relationship building skills. Research shows that recess bolsters academic and social-emotional learning success, in addition to mental and physical health, which is especially needed after COVID-19. Most parents and students want more recess. Unstructured play is learning. Students need active breaks throughout the school day to help them focus on learning. Recess benefits students with disabilities and helps them build skills.

OTHER: School districts make decisions about recess based on student needs, staffing, facilities, instructional requirements, and weather. Schools also make decisions based on individual student needs. It is important to maintain local flexibility. There is a lot that goes into a school district building the master schedule and specific minute mandates may run the risk of unintentional consequences.

Persons Testifying: PRO: Senator T'wina Nobles, Prime Sponsor; Natalie Maxfield, Elementary student; Randy Spaulding, Washington State Board of Education; Julie McCleery, King County Play Equity Coalition; Maiya Burton Cahn, Elementary School Student; Monique Burton, Medical Director; Linnea Westerlind, Parent/PTA Advocate; Emily Carter, Special Olympics Washington; Evelyn Atchison; Amanda Kost, University of Washington Faculty; Aubrey Roesch, Blaine middle school; Dawson Curtright, Blaine middle school; Danae Misquitta, Blaine middle school; Alex Estrada, Blaine Middle School; Julianne Whaley, blaine middle school.

OTHER: Kelsi Hamilton, Washington State School Directors' Association (WSSDA); Anna Hernandez-French, OSPI.

Persons Signed In To Testify But Not Testifying: PRO: Shelly Burt, Parent; Akshay Tandon; William Massey; Pooja Tandon, Pediatrician; Jennifer Dunne, Seattle Education Association; Karla Landis; JoAnne Duncan, Ida Nason Aronica; Wendy Armour; Bilan Aden, African Community Housing and Development; Jared Mason-Gere, Washington Education Association; Adrienne Moore, Center for Healing and Justice through Sport.

CON: Woody Howard, Association of Washington School Principals - Elementary.

OTHER: Michelle Nims, Washington State PTA (WSPTA); Brian Freeman, Curlew School District from Eastern Washington Quality Schools; Michael Olsen, Kettle Falls School District; Patrick Vincent, 1) On behalf of Association of Washington School Principals (AWSP) and 2) as a current principal.

EFFECT OF HOUSE AMENDMENT(S):

- Makes the minimum daily recess requirement apply to school days that exceed five hours.
- Provides that the time spent changing to and from clothes from outdoor play should not be used to meet the daily recess requirement.
- Provides that recess should, instead of must, be held outside whenever possible.
- Adds a definition for public schools.
- Requires WSSDA to review and update the model policy by April 1, 2024, instead of August 1, 2024.
- Makes numerous changes to the elements of the model policy:
 1. encourage instead of promote physical activity breaks for middle and high school students;
 2. encourage instead of require elementary school recess to be scheduled before lunch, whenever possible;
 3. discourage instead of strongly discourage withholding recess as a disciplinary or punitive action;
 4. discourage instead of strongly discourage the withholding of recess to have a student complete academic work.
- Adds that the model policy must align with corporal punishment requirements established in OSPI rule.
- Makes various wording changes, including in the intent section.