

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
92nd General Assembly  
Regular Session, 2019

As Engrossed: H2/28/19 H3/13/19  
**A Bill**

HOUSE BILL 1409

By: Representatives Della Rosa, *Vaught, Barker, Beck, Bentley, Capp, Cavanaugh, Christiansen, Clowney, Coleman, C. Cooper, Crawford, A. Davis, Dotson, Evans, C. Fite, V. Flowers, Gates, Glover, M. Hodges, Hollowell, Lundstrum, McCullough, McNair, Miller, Payton, Richardson, Richmond, Scott, B. Smith, Warren, Wing*

By: Senators Elliott, E. Cheatham, L. Eads, M. Johnson, G. Stubblefield

### **For An Act To Be Entitled**

AN ACT CONCERNING UNSTRUCTURED SOCIAL TIME IN SCHOOLS; TO ALLOW FOR EXTENDED LEARNING OPPORTUNITIES THROUGH UNSTRUCTURED SOCIAL TIME; TO REQUIRE THAT A CERTAIN AMOUNT OF INSTRUCTIONAL TIME BE USED FOR RECESS; TO CONSIDER THE SUPERVISION OF STUDENTS DURING UNSTRUCTURED SOCIAL TIME AS AN ACTIVITY WITH AN INSTRUCTIONAL PURPOSE; AND FOR OTHER PURPOSES.

### **Subtitle**

TO ALLOW FOR EXTENDED LEARNING OPPORTUNITIES THROUGH UNSTRUCTURED SOCIAL TIME; TO REQUIRE A CERTAIN AMOUNT OF TIME FOR RECESS; AND TO CONSIDER SUPERVISION DURING UNSTRUCTURED SOCIAL TIME AS INSTRUCTIONAL.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. DO NOT CODIFY. Legislative findings.

The General Assembly finds that:

(1) Public school students need the ability to learn and grow from one another in a social setting;

(2) Often, exchanges between public school students with respect



to learning and social awareness occur during recess;

(3) Public school students need more opportunities for physical activity during the school day in order to promote healthy and active lifestyles;

(4) Public school students should be given a sufficient daily break in the form of recess, which would allow them to fully focus while they are in class;

(5) Educational leaders cannot allow for a sufficient amount of time in the school day for recess within the current construct of the instructional requirements and time allotted in a school day, which generates decreased focus in class and fewer opportunities to develop social awareness among public school students;

(6) Due to numerous mandates, there has been a steady decline in the amount of time dedicated to recess for elementary public school students; and

(7) To address the increased need for public school student social awareness and learning opportunities beyond the classroom, recess should be included as part of the instructional school day.

SECTION 2. Arkansas Code § 6-16-102(a), concerning a school day, is amended to add an additional subdivision to read as follows:

(5)(A) At least forty (40) minutes of instructional time per school day shall be used for recess during the school day for students attending public elementary schools.

(B) Recess shall:

(i) Consist of supervised, unstructured social time during which public school students may communicate with each other;

(ii) Occur outdoors when weather and other relevant conditions permit; and

(iii) Include without limitation opportunities for free play and vigorous physical activity, regardless of whether recess occurs indoors or outdoors.

(C) The remaining instructional hours required under this section shall be distributed across academic content areas as determined by a public school district board of directors.

(D) A public school principal may use discretion to adjust

recess time required under this section due to special circumstances or programs that interrupt a regular school day.

(E)(i) A public elementary school may seek a waiver from the requirements under subdivision (a)(5) if the public elementary school:

(a) Submits to the Department of Education for approval an alternative plan for recess that:

(1) Exceeds the required minimum amount of minutes combined for physical activity under § 6-16-132 and recess under this section; and

(2) Provides for both structured and unstructured social time; or

(b) Is approved by the department to operate as a virtual school.

(ii) Beginning with the 2019-2020 school year, the department shall provide to the House Committee on Education and the Senate Committee on Education each year for three (3) years a report that details the following:

(a) Which public elementary schools have been granted a waiver under subdivision (a)(5)(E)(i) of this section; and

(b) How many waivers have been granted by the department under subdivision (a)(5)(E)(i) of this section.

SECTION 3. Arkansas Code § 6-17-117(b), concerning noninstructional duties of teachers, is amended to read as follows:

(b) As used in this section:

(1) "Noninstructional duties" means the supervision of students before or after the instructional day begins or ends for students or for the supervision of students during breakfasts, lunches, ~~recesses~~, or scheduled breaks; and

(2) "Instructional purposes" means activities initiated by the teacher related to teaching duties, including, ~~but not limited to,~~ without limitation contacting parents, assessing student performance, documenting student performance, organizing the classroom, preparing instructional materials, supervising students during recess, and other teaching responsibilities related to instructional planning and the direct instruction of students.

*/s/Della Rosa*