

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

State of Arkansas  
94th General Assembly  
Regular Session, 2023

As Engrossed: S3/14/23 S3/29/23  
**A Bill**

SENATE BILL 172

By: Senator J. Dotson  
By: Representative Evans

### For An Act To Be Entitled

AN ACT TO AMEND THE DEFINITION OF A NONINSTRUCTIONAL DUTY TO INCLUDE THE SUPERVISION OF STUDENTS DURING RECESS; AND FOR OTHER PURPOSES.

### Subtitle

TO AMEND THE DEFINITION OF A NONINSTRUCTIONAL DUTY TO INCLUDE THE SUPERVISION OF STUDENTS DURING RECESS.

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

*SECTION 1. Arkansas Code § 6-16-102(a)(5), concerning the number of minutes of instructional time per school day, is repealed.*

~~*(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's 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 this subdivision (a)(5) if the public elementary school:~~

~~(a) Submits to the Division of Elementary and Secondary 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 division to operate as a virtual school.~~

~~(ii) Beginning with the 2019-2020 school year, the division 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 division under subdivision (a)(5)(E)(i) of this section.~~

SECTION 2. Arkansas Code § 6-16-102(b), concerning the State Board of Education rules promulgated regarding credit given to students for attending a portion of a school day, is repealed.

~~(b) Notwithstanding subsection (a) of this section, the State Board of Education shall promulgate rules to prescribe the credit to be given students for attending school for only a portion of a school day because the school is closed due to emergency circumstances which would be hazardous to the health of the students. The state board shall also identify the emergency circumstances.~~

SECTION 3. Arkansas Code § 6-16-132(b)(1)(A), concerning physical

education curriculum and physical activity requirements for public school students, is amended to read as follows:

(b)(1)(A) The physical education curriculum and physical activity requirements for every public school student who is able to participate are:

(i) Except as provided in subdivision (b)(1)(A)(ii) of this section, for students in kindergarten through grade six (K-6):

(a) At least forty (40) minutes, as determined by the superintendent of the school district, of physical education training and instruction each calendar week of the school year; ~~and~~

(b) ~~Ninety (90)~~ One-hundred forty (140) minutes of physical activity each calendar week of the school year, which may count toward the hours of instructional time required for a school day under § 6-16-102, and which may include without limitation daily:

(1) Daily recess, physical;

(2) Physical education instruction ~~in addition to, including~~ the requirement of subdivision (b)(1)(A)(i)(a) of this section, ~~or intramural; and~~

(3) Intramural sports; and

(c)(1) Twenty (20) minutes of recess each school day.

(2) Recess required under subdivision (b)(1)(A)(i)(c)(1) of this section shall:

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

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

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

(ii) For students in grades five through eight (5-8) who attend a public school organized to teach grades five through eight (5-8), or any combination thereof, at least forty (40) minutes, as determined by the superintendent of the school district, of physical education training and instruction each calendar week of the school year or an equivalent amount of time in each school year with no additional requirement for physical

*activity; and*

*(iii) For students in grades nine through twelve (9-12), one-half ( $\frac{1}{2}$ ) unit of physical education as required for high school graduation with no additional requirement for physical activity.*

*/s/J. Dotson*