



## NJDOE Frequently Asked Questions: Recess Law P.L. 2018, c.73

### Summary:

Beginning with the 2019-2020 school year, public school districts shall provide a daily recess period of at least 20 minutes for students in grades kindergarten through five. The recess period shall be held outdoors, if feasible. A student shall not be denied recess for any reason, except as a consequence of a violation of the district's code of student conduct. If a student is denied recess, the student shall be provided restorative justice activities during the recess period. A student may not be denied recess more than twice per week. ([N.J.S.A. 18A:35-4.31](#))

### 1. What is recess?

The Centers for Disease Control and Prevention (CDC) define recess as "a regularly scheduled period in the school day for physical activity and play that is monitored by trained staff or volunteers. During recess, students are encouraged to be physically active and engaged with their peers in activities of their choice, at all grade levels." More information and resources from the CDC can be found on the [CDC Healthy Schools Recess in Schools webpage](#).

### 2. When are LEAs required to begin implementing a daily recess period?

Local Educational Agencies (LEAs) are required to provide a daily recess period for students in grades kindergarten through five beginning with 2019-2020 school year.

### 3. How much recess is required by law? For what grades are LEAs required to provide at least 20 minutes of daily recess?

LEAs are required to provide a daily recess period of at least 20 minutes for students in grade kindergarten through five.

### 4. Will a school with a half-day kindergarten be required to provide the daily 20 minutes of recess?

Yes, the recess law requires that all LEAs be required to provide a daily recess period of at least 20 minutes for kindergarten students.

**5. Are LEAs required to offer recess if the school day is shortened?**

An LEA is not required to provide a recess period on a school day in which the day is substantially shortened due to a delayed opening or early dismissal.

**6. Can a student be denied access to recess for violating the LEA's code of conduct?**

A student shall not be denied recess for any reason, except as a consequence of a violation of the district's code of student conduct, including a harassment, intimidation, or bullying investigation pursuant to P.L.2002, c.83 (C.18A:37-13 et seq.). If a student is denied recess, the student shall be provided restorative justice activities during the recess period. A student may not be denied recess more than twice per week.

**7. What are restorative justice activities?**

The legislation defines "restorative justice activities" as activities designed to improve the socio-emotional and behavioral responses of students through the use of more appropriate, and less punitive, interventions thereby establishing a more supportive and inclusive school culture. Restorative justice activities are aligned to the requirements of N.J.A.C. 16A: 16-7.1 which state that the code of student conduct establishes standards, policies and procedures for positive student development and student behavioral expectations. Resources regarding restorative practices are available in the [New Jersey Department of Education's School Climate Strategy Resource Guide](#).

**8. Are trained staff or volunteers allowed to supervise the recess period?**

This is a local LEA decision. The new legislation for recess does not affect current LEA requirements for recess supervision. LEAs may use the existing locally developed requirements for supervision of recess.

**9. Can school districts count the 20 minutes of daily recess towards the mandated 150 minutes per week of health, safety and physical education (N.J.S.A. 18A:35-5,7-8)?**

No. The recess period shall not be used to meet the course requirements set forth in N.J.S.A. 18A: 35-5,7-8 requiring students receive 150 minutes of health, safety, and physical education per week, prorated for school holidays.