

STATE OF NEW YORK

8007

2023-2024 Regular Sessions

IN ASSEMBLY

September 1, 2023

Introduced by M. of A. BENEDETTO -- read once and referred to the
Committee on Education

AN ACT to amend the education law, in relation to requiring a period of
unstructured physical play for pupils enrolled in kindergarten and
grades one through five

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

1 Section 1. The education law is amended by adding a new section 813-a
2 to read as follows:

3 § 813-a. School recess period; Scheduling. 1. As used in this section
4 the term "recess" means a regularly scheduled, supervised, period in the
5 school day for pupils to engage in unstructured physical activity held
6 outside if reasonable.

7 2. Every day of the school year, each elementary school shall either:
8 (a) schedule a reasonable time of no less than thirty minutes for each
9 full day pupil attending kindergarten through grade five to participate
10 in recess; or

11 (b) schedule two reasonable times of no less than fifteen minutes each
12 for each full day pupil attending kindergarten through grade five to
13 participate in recess.

14 (c) such time shall not also be used as a scheduled time to consume
15 lunch as required by section eight hundred thirteen of this article or
16 as a scheduled time for physical education as outlined by section eight
17 hundred three of this article.

18 § 2. This act shall take effect on the ninetieth day after it shall
19 become a law and shall apply to school years commencing on and after the
20 first of July next succeeding such effective date.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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