# 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 Assembly, do enact as follows:**

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

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

**2. Every day of the school year, each elementary school shall either:**

**(a) schedule a reasonable time of no less than thirty minutes for each full day pupil attending kindergarten through grade five to participate in recess; or**

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

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

§ 2. This act shall take effect on the ninetieth day after it shall become a law and shall apply to school years commencing on and after the 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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