

1 State of Arkansas As Engrossed: H2/28/19 H3/13/19

2 92nd General Assembly

A Bill

3 Regular Session, 2019

HOUSE BILL 1409

4

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

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

10

11

For An Act To Be Entitled

12

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

19

20

21

Subtitle

22

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

28

29

30

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

31

32

SECTION 1. DO NOT CODIFY. Legislative findings.

33

The General Assembly finds that:

34

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

36

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



1 to learning and social awareness occur during recess;

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

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

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

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

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

19
20 SECTION 2. Arkansas Code § 6-16-102(a), concerning a school day, is
21 amended to add an additional subdivision to read as follows:

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

25 (B) Recess shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22
 23 SECTION 3. Arkansas Code § 6-17-117(b), concerning noninstructional
 24 duties of teachers, is amended to read as follows:

25 (b) As used in this section:

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

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

/s/Della Rosa

APPROVED: 4/1/19