

House Bill 1013

By: Representatives Harrell of the 54<sup>th</sup>, Coleman of the 65<sup>th</sup>, Coleman of the 118<sup>th</sup>, Jamieson of the 22<sup>nd</sup>, Thomas of the 33<sup>rd</sup>, Post 2, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to  
2 elementary and secondary education, so as to provide for a daily break for certain students;  
3 to provide for legislative findings; to provide that such break shall be considered academic  
4 instruction to avoid lengthening the school day; to provide for policies of local boards; to  
5 repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and  
9 secondary education, is amended by inserting a new Code section to be designated Code  
10 Section 20-2-323 to read as follows:

11 "20-2-323.

12 (a) The General Assembly finds, determines, and declares:

13 (1) That virtually no middle schools in Georgia allow students to have a scheduled break  
14 or recess during the day;

15 (2) That a growing number of elementary schools in Georgia no longer have daily recess;

16 (3) That children become progressively inattentive when deprived of a significant break  
17 or recess;

18 (4) That periodic mental breaks have been shown to improve memory;

19 (5) That research has shown that children, especially those with attention deficit disorder,  
20 are more on-task and less fidgety after a break or recess;

21 (6) That research shows that children are active 59 percent of the time during recess;

22 (7) That children who are inactive in school also tend to be inactive after school;

23 (8) That in the 20 years since some Georgia school systems abolished recess in  
24 elementary school, the rate of childhood obesity has doubled. Today, one in four children  
25 in America is obese, increasing the risks of high blood pressure, high cholesterol, and  
26 Type II diabetes. Low activity is considered a cause of obesity;

- 1 (9) That while several studies suggest that test scores either stay the same or slightly  
2 increase when a break is provided, there is no research that supports that providing breaks  
3 lowers test scores; and
- 4 (10) That it is appropriate for daily scheduled breaks to come from already mandated  
5 instructional hours. Federal labor regulations state that breaks 'promote the efficiency of  
6 the employees and are customarily paid for as working time. They must be counted as  
7 hours worked.'
- 8 (b) Each local board of education shall schedule time for all students in kindergarten and  
9 grades one through eight to have a daily recess period consisting of at least 15 minutes of  
10 supervised, unstructured activity time, preferably outdoors. Recess shall not be withheld  
11 from a student as discipline. For the purposes of Code Section 20-2-290, this chapter, and  
12 the rules and regulations promulgated by the State Board of Education, the recess required  
13 by this Code section shall be considered as academic instruction.
- 14 (c) Local boards of education should establish policies to ensure that recess is a safe  
15 experience for students and that recess is scheduled so that it provides a break during  
16 academic learning."

17 **SECTION 2.**

18 All laws and parts of laws in conflict with this Act are repealed.