

Senate Bill 210

By: Senators Mullis of the 53rd, Watson of the 1st, Kennedy of the 18th, Rhett of the 33rd,  
Seay of the 34th and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 15 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia  
2 Annotated, relating to miscellaneous provisions under the "Quality Basic Education Act,"  
3 so as to provide for recess for students in kindergarten and grades one through five; to  
4 provide for statutory construction; to provide for related matters; to repeal conflicting laws;  
5 and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Part 15 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,  
9 relating to miscellaneous provisions under the "Quality Basic Education Act," is amended  
10 by revising Code Section 20-2-323, relating to unstructured break time for students in  
11 kindergarten through grade eight, as follows:

12 "20-2-323.

13 (a) Beginning in the 2019-2020 school year, each elementary school shall schedule recess  
14 for all students in kindergarten and grades one through five every school day; provided,  
15 however, that recess shall not be required on any school day on which a student has had  
16 physical education or structured activity time or if reasonable circumstances impede such  
17 recess, such as inclement weather when no indoor space is available, assemblies or field  
18 trips exceeding their scheduled duration, conflicts occurring at the scheduled recess time  
19 over which the classroom teacher has no control, or emergencies, disasters, or acts of God.  
20 Each elementary school is encouraged to include an average of 30 minutes per day of  
21 supervised unstructured activity time, preferably outdoors. Local boards of education shall  
22 establish written policies to ensure that recess is a safe experience for students, that recess  
23 is scheduled so that it provides a break during academic learning, and that recess is not  
24 withheld for disciplinary or academic reasons.

25 (b) Each ~~By January 1, 2005, each~~ local board of education shall establish written policies  
26 allowing or prohibiting unstructured break time for students in ~~kindergarten and grades one~~

27 six through eight. If the policies allow one or more breaks, the policies shall include, but  
28 shall not be limited to, the following matters:

29 (1) The school personnel who will be authorized to decide the length, frequency, timing,  
30 and location of breaks;

31 (2) Whether breaks can be withheld from students for disciplinary or academic reasons  
32 and, if breaks can be withheld, under what conditions;

33 (3) How to ensure break time is a safe experience for students, including the  
34 responsibility for supervision of students; and

35 (4) How to ensure that break time is scheduled so as to provide a support for academic  
36 learning.

37 Local boards shall provide a copy of such policies to the State Board of Education.

38 (c) This Code section shall not be construed to be a statute relating to the protection of the  
39 physical health and safety of school students, employees, and visitors."

40

## **SECTION 2.**

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