

House Bill 83 (COMMITTEE SUBSTITUTE)

By: Representatives Douglas of the 78<sup>th</sup>, Trammell of the 132<sup>nd</sup>, Setzler of the 35<sup>th</sup>, Frye of the 118<sup>th</sup>, Wilensky of the 79<sup>th</sup>, 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 related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

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

11 "20-2-323.

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

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

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

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

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

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

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

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

37 **SECTION 2.**

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