

Senate Bill 432

By: Senators Harrell of the 40th and Dixon of the 45th

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 require recess for students in kindergarten and grades one through eight; to provide
4 a definition for "recess"; to provide for policies relating to recess; to require local boards of
5 education and other public school governing bodies to submit such policies to the State
6 Board of Education; to provide for statutory construction and to prohibit certain waivers; to
7 provide for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Part 15 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
11 relating to miscellaneous provisions under the "Quality Basic Education Act," is amended
12 by repealing Code Section 20-2-323, relating to recess for students in kindergarten through
13 grade five and unstructured break time for students in kindergarten through grade eight, and
14 enacting a new Code Section 20-2-323 to read as follows:

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15 "20-2-323.

16 (a) As used in this Code section, the term 'recess' means supervised unstructured activity
17 time for students which takes place outdoors; provided that, if such outdoor activity is
18 impeded by inclement weather, such recess takes place indoors.

19 (b) Beginning in the 2024-2025 school year, and each school year thereafter, each
20 elementary school shall schedule no less than an average of 30 minutes per school day,
21 measured weekly, of recess for all students in kindergarten and grades one through five
22 every school day; provided that, if students are scheduled to have physical education or
23 other structured physical activity time during the school day, a minimum of 20 minutes of
24 recess shall be required.

25 (c) Beginning in the 2024-2025 school year, and each school year thereafter, each school
26 with one or more grades six through eight shall schedule no less than an average of 20
27 minutes per school day, measured weekly, of recess for all students in grades six through
28 eight every school day; provided that, if students are scheduled to have physical education
29 or other structured physical activity time during the school day, a minimum of 10 minutes
30 of recess shall be required.

31 (d) Recess shall not be withheld from any student in kindergarten through grade eight for
32 disciplinary or academic reasons.

33 (e) By August 1, 2024, each local board of education or other public school governing
34 body shall establish a written policy allowing recess for students in kindergarten through
35 grade eight. The policies shall include, but shall not be limited to, the following matters:

36 (1) The school personnel who will be authorized to decide the length, frequency, timing,
37 and location of breaks in compliance with the provisions of subsections (b), (c), and (d)
38 of this Code section;

39 (2) How to ensure recess is a safe experience for students, including the responsibility
40 for the supervision of students; and

41 (3) How to ensure that recess is scheduled so as to provide a support for academic
42 learning.

43 (f) By September 1, 2024, each local board of education or other public school governing
44 body shall provide to the State Board of Education a copy of the policy required under
45 subsection (e) of this Code section.

46 (g) This Code section shall be construed to be a statute relating to the protection of the
47 physical health and safety of students and shall not be subject to waivers pursuant to Code
48 Section 20-2-82 for a strategic waivers school system; Code Section 20-2-244 for a local
49 board of education; Code Section 20-2-2063.2 for a charter system; or Code Section
50 20-2-2065 for a charter school established pursuant to Article 31 or Article 31A of this
51 chapter, a charter system, or schools within a charter system."

52 **SECTION 2.**

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