

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1081

6 By: Rosecrants

7 COMMITTEE SUBSTITUTE

8 An Act relating to schools; creating the Right to
9 Recess Act; amending 70 O.S. 2021, Section 11-103.9,
10 which relates to physical education programs;
11 requiring schools to provide a daily recess for
12 certain students; authorizing board of education to
13 establish timing and duration of recess; recommending
14 a minimum recess duration; providing for scope of
15 recess activities; excepting certain club or group
16 meetings; prohibiting withholding of recess for
17 discipline or punitive reasons; providing an
18 exception for safety reasons; mandating recess to
19 occur outside the school building except in certain
20 conditions; requiring recess for certain students to
21 comply with certain laws; providing exemption for
22 certain students; providing for noncodification;
23 providing an effective date; and declaring an
24 emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law not to be
codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Right to Recess
Act".

1 SECTION 2. AMENDATORY 70 O.S. 2021, Section 11-103.9, is
2 amended to read as follows:

3 Section 11-103.9 A. Except as otherwise provided for in this
4 section, the State Board of Education shall require, as a condition
5 of accreditation, that school districts provide to all students
6 physical education programs which may include athletics.

7 B. The Board shall require, as a condition of accreditation,
8 that public elementary schools provide instruction, for students in
9 full-day kindergarten and grades one through five, in physical
10 education or exercise programs for a minimum of an average of sixty
11 (60) minutes each week. The time students participate in recess
12 shall not be counted toward the sixty-minutes-per-week physical
13 education requirement. Schools may exclude from participation in
14 the physical education or exercise programs required in this
15 subsection those students who have been placed into an in-house
16 suspension or detention class or placement or those students who are
17 under an in-school restriction or are subject to an administrative
18 disciplinary action.

19 C. The Board shall require, as a condition of accreditation,
20 that public elementary schools provide to students in full-day
21 kindergarten and grades one through five, in addition to the
22 requirements set forth in subsection B of this section, an average
23 of sixty (60) minutes each week of physical activity, which may
24 include, but not be limited to, physical education, exercise

1 programs, fitness breaks, recess, and classroom activities, and
2 wellness and nutrition education. Each school district board of
3 education shall determine the specific activities and means of
4 compliance with the provisions of this subsection, giving
5 consideration to the recommendations of each school's Healthy and
6 Fit School Advisory Committee as submitted to the school principal
7 pursuant to the provisions of Section 24-100a of this title.

8 D. The Board shall disseminate information to each school
9 district on the benefits of physical education programs and shall
10 strongly encourage districts to provide physical education
11 instruction to students in grades six through twelve.

12 E. The Board shall ~~also strongly encourage~~ require school
13 districts to incorporate physical activity into the school day by
14 providing a daily recess to students in full-day prekindergarten,
15 kindergarten, and grades one through five ~~at least a twenty-minute~~
16 ~~daily recess, which.~~ Each school district board of education shall
17 be permitted to establish the timing and duration of the daily
18 recess; provided, that a thirty-minute daily recess is strongly
19 recommended.

20 1. The daily recess shall be in addition to the weekly sixty
21 (60) minutes of physical education as required by subsection B of
22 this section, ~~and by allowing.~~ Recess shall be supervised,
23 unstructured, and child-directed to the greatest extent practicable.

24

1 Nothing in this subsection shall prevent a school-sponsored club or
2 group from meeting during recess time.

3 2. A public school teacher shall make a good-faith effort to
4 not withhold recess from a student as a disciplinary or punitive
5 action, except when a student's participation in recess poses an
6 immediate threat to the safety of the student or others. School
7 officials shall make all reasonable efforts to resolve such threats
8 and minimize the use of exclusion from recess to the greatest extent
9 practicable.

10 3. Recess shall occur outside the school building unless
11 weather or other conditions require it to occur inside. Schools
12 shall also provide all students brief physical activity breaks
13 throughout the day, physical activity clubs, and special events.

14 4. For students with disabilities, recess shall comply with the
15 individualized education programs (IEPs) or federal Section 504
16 plans of the students.

17 5. Virtual charter schools and students enrolled in blended
18 instruction programs shall be exempt from the requirements of this
19 subsection.

20 ~~E.~~ F. Instruction in physical education required in this
21 section shall be aligned with the subject matter standards as
22 adopted by the Board.

23 ~~F.~~ G. The physical education curriculum shall be sequential,
24 developmentally appropriate, and designed, implemented, and

1 evaluated to enable students to develop the motor and self-
2 management skills and knowledge necessary to participate in physical
3 activity throughout life. Each school district shall establish
4 specific objectives and goals the district intends to accomplish
5 through the physical education curriculum.

6 ~~G.~~ H. In identifying the essential knowledge and skills, the
7 State Board of Education shall ensure that the subject matter
8 standards for physical education:

9 1. Emphasize the knowledge and skills capable of being used
10 during a lifetime of regular physical activity;

11 2. Are consistent with national physical education standards
12 for:

13 a. the information that students should learn about
14 physical activity, and

15 b. the physical activities that students should be able
16 to perform;

17 3. Require that, on a weekly basis, at least fifty percent
18 (50%) of the physical education class be used for actual student
19 physical activity and that the activity be, to the extent
20 practicable, at a moderate or vigorous level;

21 4. Offer students an opportunity to choose among many types of
22 physical activity in which to participate;

23 5. Offer students both cooperative and competitive games;
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1 6. Meet the needs of students of all physical ability levels,
2 including students who have a disability, chronic health problem, or
3 other special need that precludes the student from participating in
4 regular physical education instruction but who might be able to
5 participate in physical education that is suitably adapted and, if
6 applicable, included in the student's individualized education
7 program;

8 7. Teach self-management and movement skills;

9 8. Teach cooperation, fair play, and responsible participation
10 in physical activity;

11 9. Promote student participation in physical activity outside
12 of school; and

13 10. Allow physical education classes to be an enjoyable
14 experience for students.

15 ~~H.~~ I. The Board shall adopt rules to implement the provisions
16 of this section.

17 SECTION 3. This act shall become effective July 1, 2024.

18 SECTION 4. It being immediately necessary for the preservation
19 of the public peace, health or safety, an emergency is hereby
20 declared to exist, by reason whereof this act shall take effect and
21 be in full force from and after its passage and approval.

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