

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 1081

By: Rosecrants

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6 AS INTRODUCED

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

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

24 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".

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

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

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

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

1 education shall determine the specific activities and means of  
2 compliance with the provisions of this subsection, giving  
3 consideration to the recommendations of each school's Healthy and  
4 Fit School Advisory Committee as submitted to the school principal  
5 pursuant to the provisions of Section 24-100a of this title.

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

10 E. The Board shall ~~also strongly encourage~~ require school  
11 districts to incorporate physical activity into the school day by  
12 providing to students in full-day prekindergarten, kindergarten, and  
13 grades one through five at least a ~~twenty-minute~~ forty-minute daily  
14 recess, which may be divided into two periods of at least twenty  
15 (20) consecutive minutes.

16 1. The daily recess shall be in addition to the sixty (60)  
17 minutes of physical education as required by subsection B of this  
18 section, and by allowing. Time spent preparing to go to recess  
19 shall not count toward the daily time required for recess. Recess  
20 shall be supervised, unstructured, and child-directed to the  
21 greatest extent practicable. Nothing in this subsection shall  
22 prevent a school-sponsored club or group from meeting during recess  
23 time.

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

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

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

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

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

21        ~~F.~~ G. The physical education curriculum shall be sequential,  
22 developmentally appropriate, and designed, implemented, and  
23 evaluated to enable students to develop the motor and self-  
24 management skills and knowledge necessary to participate in physical

1 activity throughout life. Each school district shall establish  
2 specific objectives and goals the district intends to accomplish  
3 through the physical education curriculum.

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

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

9 2. Are consistent with national physical education standards  
10 for:

11 a. the information that students should learn about  
12 physical activity, and

13 b. the physical activities that students should be able  
14 to perform;

15 3. Require that, on a weekly basis, at least fifty percent  
16 (50%) of the physical education class be used for actual student  
17 physical activity and that the activity be, to the extent  
18 practicable, at a moderate or vigorous level;

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

21 5. Offer students both cooperative and competitive games;

22 6. Meet the needs of students of all physical ability levels,  
23 including students who have a disability, chronic health problem, or  
24 other special need that precludes the student from participating in

1 regular physical education instruction but who might be able to  
2 participate in physical education that is suitably adapted and, if  
3 applicable, included in the student's individualized education  
4 program;

5 7. Teach self-management and movement skills;

6 8. Teach cooperation, fair play, and responsible participation  
7 in physical activity;

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

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

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

14 SECTION 3. This act shall become effective July 1, 2023.

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

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