Stricken language would be deleted from and underlined language would be added to present law.

Act 641 of the Regular Session

State of Arkansas

As Engrossed:  H2/28/19 H3/13/19

A Bill

Regular Session, 2019

HOUSE BILL 1409

By: Representatives Della Rosa, Vaught, Barker, Beck, Bentley, Capp, Cavenaugh, Christiansen, Clowney, Coleman, C. Cooper, Crawford, A. Davis, Dotson, Evans, C. Fite, V. Flowers, Gates, Glover, M. Hodges, Hollowell, Lundstrum, McCullough, McNair, Miller, Payton, Richardson, Richmond, Scott, B. Smith, Warren, Wing

By: Senators Elliott, E. Cheatham, L. Eads, M. Johnson, G. Stubblefield

For An Act To Be Entitled

AN ACT CONCERNING UNSTRUCTURED SOCIAL TIME IN
SCHOOLS; TO ALLOW FOR EXTENDED LEARNING OPPORTUNITIES
THROUGH UNSTRUCTURED SOCIAL TIME; TO REQUIRE THAT A
CERTAIN AMOUNT OF INSTRUCTIONAL TIME BE USED FOR
RECESS; TO CONSIDER THE SUPERVISION OF STUDENTS
DURING UNSTRUCTURED SOCIAL TIME AS AN ACTIVITY WITH
AN INSTRUCTIONAL PURPOSE; AND FOR OTHER PURPOSES.

Subtitle

TO ALLOW FOR EXTENDED LEARNING
OPPORTUNITIES THROUGH UNSTRUCTURED SOCIAL
TIME; TO REQUIRE A CERTAIN AMOUNT OF TIME
FOR RECESS; AND TO CONSIDER SUPERVISION
DURING UNSTRUCTURED SOCIAL TIME AS
INSTRUCTIONAL.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. DO NOT CODIFY. Legislative findings.
The General Assembly finds that:

(1) Public school students need the ability to learn and grow
from one another in a social setting;

(2) Often, exchanges between public school students with respect
to learning and social awareness occur during recess;

(3) Public school students need more opportunities for physical activity during the school day in order to promote healthy and active lifestyles;

(4) Public school students should be given a sufficient daily break in the form of recess, which would allow them to fully focus while they are in class;

(5) Educational leaders cannot allow for a sufficient amount of time in the school day for recess within the current construct of the instructional requirements and time allotted in a school day, which generates decreased focus in class and fewer opportunities to develop social awareness among public school students;

(6) Due to numerous mandates, there has been a steady decline in the amount of time dedicated to recess for elementary public school students; and

(7) To address the increased need for public school student social awareness and learning opportunities beyond the classroom, recess should be included as part of the instructional school day.

SECTION 2. Arkansas Code § 6-16-102(a), concerning a school day, is amended to add an additional subdivision to read as follows:

(5)(A) At least forty (40) minutes of instructional time per school day shall be used for recess during the school day for students attending public elementary schools.

(B) Recess shall:

(i) Consist of supervised, unstructured social time during which public school students may communicate with each other;

(ii) Occur outdoors when weather and other relevant conditions permit; and

(iii) Include without limitation opportunities for free play and vigorous physical activity, regardless of whether recess occurs indoors or outdoors.

(C) The remaining instructional hours required under this section shall be distributed across academic content areas as determined by a public school district board of directors.

(D) A public school principal may use discretion to adjust
recess time required under this section due to special circumstances or
programs that interrupt a regular school day.

(E)(i) A public elementary school may seek a waiver from
the requirements under subdivision (a)(5) if the public elementary school:

(a) Submits to the Department of Education for
approval an alternative plan for recess that:

(1) Exceeds the required minimum amount
of minutes combined for physical activity under § 6-16-132 and recess under
this section; and

(2) Provides for both structured and
unstructured social time; or

(b) Is approved by the department to operate
as a virtual school.

(ii) Beginning with the 2019-2020 school year, the
department shall provide to the House Committee on Education and the Senate
Committee on Education each year for three (3) years a report that details
the following:

(a) Which public elementary schools have been
granted a waiver under subdivision (a)(5)(E)(i) of this section; and

(b) How many waivers have been granted by the
department under subdivision (a)(5)(E)(i) of this section.

SECTION 3. Arkansas Code § 6-17-117(b), concerning noninstructional
duties of teachers, is amended to read as follows:

(b) As used in this section:

(1) “Noninstructional duties” means the supervision of students
before or after the instructional day begins or ends for students or for the
supervision of students during breakfasts, lunches, recesses, or scheduled
breaks; and

(2) "Instructional purposes” means activities initiated by the
teacher related to teaching duties, including, but not limited to, without
limitation contacting parents, assessing student performance, documenting
student performance, organizing the classroom, preparing instructional
materials, supervising students during recess, and other teaching
responsibilities related to instructional planning and the direct instruction
of students.
/s/Della Rosa

APPROVED: 4/1/19