

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1949 Session of 2019

INTRODUCED BY OTTEN AND FIEDLER, OCTOBER 18, 2019

REFERRED TO COMMITTEE ON EDUCATION, OCTOBER 18, 2019

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An  
 2 act relating to the public school system, including certain  
 3 provisions applicable as well to private and parochial  
 4 schools; amending, revising, consolidating and changing the  
 5 laws relating thereto," in terms and courses of study,  
 6 providing for free-play recess and lunch periods.

7 The General Assembly of the Commonwealth of Pennsylvania  
 8 hereby enacts as follows:

9 Section 1. The act of March 10, 1949 (P.L.30, No.14), known  
 10 as the Public School Code of 1949, is amended by adding a  
 11 section to read:

12 Section 1512.2. Free-Play Recess and Lunch Periods.--(a)  
 13 Each school board shall provide at least forty minutes of  
 14 supervised, safe and unstructured free-play recess each day for  
 15 each student in elementary grades, at least twenty minutes of  
 16 supervised, safe and unstructured free-play recess each day for  
 17 each student in secondary grades and at least thirty minutes of  
 18 lunch for each student in kindergarten through grade 12, subject  
 19 to the following:

20 (1) Students shall not be permitted to replace free-play

1 recess or lunch time with additional coursework or instruction.

2 (2) Recess and lunch time shall not be withheld, in whole or  
3 part, for punitive reasons or as a make-up period for missed  
4 work, extra credit or testing.

5 (b) Nothing in this section shall be construed to prohibit  
6 school staff from denying recess for a student on the advice of  
7 a medical professional or school nurse or based on the  
8 provisions of a student's individualized education program under  
9 the Individuals with Disabilities Education Act (Public Law 91-  
10 230, 20 U.S.C. § 1400 et seq.) or section 504 of the  
11 Rehabilitation Act of 1973 (Public Law 93-112, 29 U.S.C. § 794).

12 (c) As used in this section, "free-play recess" means a  
13 period of time during the regular school day, exclusive of time  
14 provided for meals, during which a student is given a break from  
15 structured classroom instruction and an opportunity to engage in  
16 physical activity or social interaction with other pupils or, in  
17 the case of the students in secondary grades, to engage in study  
18 when not receiving classroom instruction or in flexible club or  
19 activity periods.

20 Section 2. This act shall take effect July 1, 2020.