

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 59th Legislature (2024)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1081

By: Rosecrants and **Pae** of the
House

and

Garvin of the Senate

11 COMMITTEE SUBSTITUTE

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

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

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

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

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

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

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

23 C. The Board shall require, as a condition of accreditation,
24 that public elementary schools provide to students in full-day

1 kindergarten and grades one through five, in addition to the
2 requirements set forth in subsection B of this section, an average
3 of sixty (60) minutes each week of physical activity, which may
4 include, but not be limited to, physical education, exercise
5 programs, fitness breaks, recess, and classroom activities, and
6 wellness and nutrition education. Each school district board of
7 education shall determine the specific activities and means of
8 compliance with the provisions of this subsection, giving
9 consideration to the recommendations of each school's Healthy and
10 Fit School Advisory Committee as submitted to the school principal
11 pursuant to the provisions of Section 24-100a of this title.

12 D. The Board shall disseminate information to each school
13 district on the benefits of physical education programs and shall
14 strongly encourage districts to provide physical education
15 instruction to students in grades six through twelve.

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

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1 1. The daily recess shall be in addition to the weekly sixty
2 (60) minutes of physical education as required by subsection B of
3 this section, and by allowing. Recess shall be supervised,
4 unstructured, and child-directed to the greatest extent practicable.
5 Nothing in this subsection shall prevent a school-sponsored club or
6 group from meeting during recess time.

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

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

18 4. For students with disabilities, recess shall comply with the
19 individualized education programs (IEPs) or federal Section 504
20 plans of the students.

21 5. Virtual charter schools and students enrolled in blended
22 instruction programs shall be exempt from the requirements of this
23 subsection.

1 ~~E.~~ F. Instruction in physical education required in this
2 section shall be aligned with the subject matter standards as
3 adopted by the Board.

4 ~~F.~~ G. The physical education curriculum shall be sequential,
5 developmentally appropriate, and designed, implemented, and
6 evaluated to enable students to develop the motor and self-
7 management skills and knowledge necessary to participate in physical
8 activity throughout life. Each school district shall establish
9 specific objectives and goals the district intends to accomplish
10 through the physical education curriculum.

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

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

16 2. Are consistent with national physical education standards
17 for:

18 a. the information that students should learn about
19 physical activity, and

20 b. the physical activities that students should be able
21 to perform;

22 3. Require that, on a weekly basis, at least fifty percent
23 (50%) of the physical education class be used for actual student
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1 physical activity and that the activity be, to the extent
2 practicable, at a moderate or vigorous level;

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

5 5. Offer students both cooperative and competitive games;

6 6. Meet the needs of students of all physical ability levels,
7 including students who have a disability, chronic health problem, or
8 other special need that precludes the student from participating in
9 regular physical education instruction but who might be able to
10 participate in physical education that is suitably adapted and, if
11 applicable, included in the student's individualized education
12 program;

13 7. Teach self-management and movement skills;

14 8. Teach cooperation, fair play, and responsible participation
15 in physical activity;

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

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

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

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

23 SECTION 4. It being immediately necessary for the preservation
24 of the public peace, health or safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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4 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 02/27/2024
5 - DO PASS, As Amended and Coauthored.

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