Date: July 5, 2019
To: Chief School Administrators, Charter School and Renaissance School Project Leads
Route To: Elementary School Principals
From: AbdulSaleem Hasan, Ed.S., Assistant Commissioner
Division of Field Services

Additional Guidance: Implementation of Daily Recess for Kindergarten through Grade Five Students

The purpose of this memo is to provide additional guidance regarding P.L. 2018, c.73 (Recess Law), which requires school districts to provide a daily recess period for students in kindergarten through fifth grade.

Background
On September 10, 2018, the New Jersey Department of Education (the Department) sent out a memo that provided clarification from the Attorney General’s Office indicating the date of implementation for the Recess Law is September 2019. At that time, the Department advised it would provide additional guidance for districts.

Key steps/actions
The Department has prepared a Frequently Asked Questions document based on inquiries received from the field. Districts are advised to review the FAQs as they begin preparations to implement the Recess Law this fall. A synopsis of the Recess Law is provided below.

Beginning with the 2019-20 school year:

- School districts shall provide a daily recess period of at least 20 minutes for students in kindergarten through fifth grade.
- The recess period shall be held outdoors, if feasible.
- A school district is not required to provide a recess period on a school day in which the day is substantially shortened due to a delayed opening or early dismissal.
- The recess period shall not be used to meet N.J.S.A. 18A:35-5, et seq., regarding health, safety and physical-education requirements.
- A student shall not be denied recess for any reason, except as a consequence of a violation of the school district’s code of student conduct, or based upon the advice of a medical professional, school nurse, or the provisions of a student’s Individualized Education Program (IEP) and/or 504 Plan. The recess period shall be scheduled in a manner that does not interfere with the implementation of a student’s IEP.
- For denials based on violations of the school district’s code of conduct, students may not be denied recess more than twice per week. Further, these students shall be provided restorative justice activities during the recess period. A restorative justice activity is designed to improve the socioemotional and behavioral responses of students through a less punitive intervention.

Contact information
Please contact your County Office of Education for questions regarding implementation of the law.
c: Members, State Board of Education
    Lamont O. Repollet, Ed.D., Commissioner
    NJDOE Staff
    Statewide Parent Advocacy Network
    Garden State Coalition of Schools
    NJ LEE Group