

## **BILL ANALYSIS**

Senate Research Center  
86R2272 SRS-F

S.B. 364  
By: Watson  
Education  
3/14/2019  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

S.B. 364 requires school districts to adopt a formal recess policy for the district. It does not set out requirements for what the recess policy must be. Rather, the bill does require that the policy specify the number of minutes (decided by the district) for recess and whether or not recess may be withheld as a form of punishment. To assist with this policymaking, the Texas Education Agency will develop model policies for school districts' use.

The value of recess has been seen in child health and student academic achievement. By requiring a formal recess policy be implemented, it will be easier for parents to have a clear understanding of what level of recess their child will be receiving.

As proposed, S.B. 364 amends current law relating to policies on the recess period in public schools.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 28.002, Education Code, by adding Subsection (1-4), as follows:

(1-4) Requires the Texas Education Agency (TEA) to develop model policies on the recess period during the school day that encourage constructive, age-appropriate outdoor playtime. Requires the model policies to include guidelines for outdoor equipment and facilities on public campuses that maximize the effectiveness of outdoor physical activity.

SECTION 2. Amends Subchapter A, Chapter 28, Education Code, by adding Section 28.0042, as follows:

Sec. 28.0042. RECESS POLICY. (a) Requires the board of trustees of each school district to:

(1) after reviewing the model recess policies developed under Section 28.002(1-4) and the policy recommendations of the local school health policy advisory council provided under Section 28.004(1) (relating to the requirement of a local school health advisory council to consider and make policy recommendations to the district concerning the importance of daily recess for elementary school students), adopt a recess policy based on those model policies and recommendations; and

(2) review and, if necessary, revise the recess policy at least every five years.

(b) Requires the recess policy to specify the required number of minutes of weekly unstructured playtime and whether a student's recess time may be withheld as a form of student discipline.

(c) Requires each school district campus subject to the district recess policy adopted under Subsection (a) to implement the recess policy.

SECTION 3. (a) Requires TEA to develop model recess policies as required by Section 28.002(1-4), Education Code, as added by this Act, not later than January 1, 2020.

(b) Requires the board of trustees of each school district to adopt a recess policy as required by Section 28.0042, Education Code, as added by this Act, not later than May 1, 2020.

(c) Requires each school district campus subject to a school recess policy adopted under Section 28.0042, Education Code, as added by this Act, to implement the adopted policy not later than the beginning of the 2020–2021 school year.

SECTION 4. Effective date: upon passage or September 1, 2019.