



STATE OF NEW JERSEY
DEPARTMENT OF EDUCATION

A Memo from the New Jersey Department of Education

Date: September 10, 2018
To: Chief School Administrators, Charter School and Renaissance School Project Leads
Route To: K-5 Principals
From: Linda P. Eno, Ed.D., Assistant Commissioner
Division of Academics and Performance

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

The purpose of this memo is to provide clarification that the New Jersey Department of Education (NJDOE) recently received from the Office of the Attorney General regarding P.L. 2018, c.73, which requires school districts to provide a daily recess period for students in kindergarten through fifth grade. The Attorney General's Office has provided an opinion that *the new mandatory-recent law does not go in to effect until the 2019-2020 school year.*

It is the opinion of the Attorney General's Office that school districts must comply with the new law beginning with the first full school year following the effective date of the act. The act became effective on August 10, 2018, so the first full school year following the effective date of the act would be the 2019-2020 school year.

Beginning with the 2019-2020 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.

The information in this memo supersedes the August 21, 2018 Broadcast memo on this matter.

The NJDOE is in the process of creating guidance for the recess law and will release information in a future message to school districts. Please contact the NJDOE's Office of Standards at academics@doe.nj.gov or (609) 376-9065 for questions regarding implementation of the law.

c: Members, State Board of Education
Lamont O. Repollet, Ed.D., Commissioner of Education
NJDOE Staff

Statewide Parent Advocacy Network
Garden State Coalition of Schools
NJ LEE Group