



STATE OF NEW JERSEY  
**DEPARTMENT OF EDUCATION**

A Memo from the New Jersey Department of Education

Date: August 21, 2018  
To: Chief School Administrators, Charter School and Renaissance School Project Leads  
Route To: Principals (K-5)  
From: Linda P. Eno, Ed.D., Assistant Commissioner  
Division of Academics and Performance

## Legislation Passed Regarding Daily Recess for Kindergarten through Grade Five Students

On August 10, 2018, Governor Murphy signed P.L. 2018, c. 73 which requires, among other things, that school districts provide a daily recess period for students in kindergarten through fifth grade. This law went into effect immediately and must be implemented in the 2018-19 school year.

### Primary Requirements:

- The school district 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 should not be used to meet [N.J.S.A. 18A:35-5, et seq.](#), regarding health, safety and physical education.
- 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 should 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 the New Jersey Department of Education's Office of Standards at [academics@doe.nj.gov](mailto:academics@doe.nj.gov) or (609) 376-9065 for any questions regarding implementation of this law.

c: Members, State Board of Education  
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NJDOE Staff  
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