



# House of Representatives

General Assembly

**File No. 279**

February Session, 2022

Substitute House Bill No. 5352

*House of Representatives, April 4, 2022*

The Committee on Children reported through REP. LINEHAN of the 103rd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING THE DEVELOPMENT OF A POLICY GOVERNING THE WITHHOLDING OF RECESS AS A FORM OF STUDENT DISCIPLINE.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 10-221o of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2022*):

3 (a) Each local and regional board of education shall require each  
4 school under its jurisdiction to (1) offer all full day students a daily lunch  
5 period of not less than twenty minutes, and (2) include in the regular  
6 school day for each student enrolled in elementary school time devoted  
7 to physical exercise of not less than twenty minutes in total, except that  
8 a planning and placement team may develop a different schedule for a  
9 child requiring special education and related services in accordance  
10 with chapter 164 and the Individuals With Disabilities Education Act,  
11 20 USC 1400 et seq., as amended from time to time. In the event of a  
12 conflict with this section and any provision of chapter 164, such other  
13 provision of chapter 164 shall be deemed controlling. Nothing in this

14 subsection shall prevent a local or regional board of education from  
15 including an additional amount of time, beyond the twenty minutes  
16 required for physical exercise, devoted to undirected play during the  
17 regular school day for each student enrolled in elementary school.

18 (b) [Not later than October 1, 2019, each local and regional board of  
19 education shall adopt a policy, as the board deems appropriate,  
20 concerning the issue regarding any school employee being involved in  
21 preventing a student from participating in the entire time devoted to  
22 physical exercise or undirected play in the regular school day, pursuant  
23 to subsection (a) of this section, as a form of discipline.] For the school  
24 year commencing July 1, 2022, and each school year thereafter, each  
25 local and regional board of education shall adopt a policy, as the board  
26 deems appropriate, concerning the circumstances when a school  
27 employee may prevent or otherwise restrict a student from participating  
28 in the entire time devoted to physical exercise in the regular school day,  
29 pursuant to subsection (a) of this section, as a form of discipline. Such  
30 policy shall (1) permit such prevention or restriction (A) when a student  
31 poses a danger to the health or safety of other students or school  
32 personnel, or (B) when such prevention or restriction is limited to the  
33 period devoted to physical exercise that is the shortest in duration if  
34 there are two or more periods devoted to physical exercise in a school  
35 day, provided the period of time devoted to physical exercise that such  
36 student may participate in during such school day is at least twenty  
37 minutes in duration, (2) only permit such prevention or restriction once  
38 during a school week, unless such student is a danger to the health or  
39 safety of other students or school personnel, (3) not include any  
40 provisions that are unreasonably restrictive or punitive, (4) distinguish  
41 between (A) discipline imposed prior to the start of such time devoted  
42 to physical exercise and discipline imposed during such time devoted  
43 to physical exercise, and (B) discipline that (i) prevents or otherwise  
44 restricts a student from participating in such time devoted to physical  
45 exercise prior to such time devoted to physical exercise, and (ii) methods  
46 used to redirect a student's behavior during such time devoted to  
47 physical exercise, and (5) not permit such prevention or restriction if a  
48 student does not complete such student's work on time or for such

49 student's academic performance. For purposes of this section, "school  
 50 employee" means [(1)] (A) a teacher, substitute teacher, school  
 51 administrator, school superintendent, guidance counselor, school  
 52 counselor, psychologist, social worker, nurse, physician, school  
 53 paraprofessional or coach employed by a local or regional board of  
 54 education or working in a public elementary, middle or high school; or  
 55 [(2)] (B) any other individual who, in the performance of his or her  
 56 duties, has regular contact with students and who provides services to  
 57 or on behalf of students enrolled in a public elementary, middle or high  
 58 school, pursuant to a contract with the local or regional board of  
 59 education.

|   |              |         |
|---|--------------|---------|
| This act shall take effect as follows and shall amend the following sections: |              |         |
| Section 1   | July 1, 2022 | 10-221o |

**KID**      *Joint Favorable Subst.*

*The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.*

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**OFA Fiscal Note****State Impact:** None**Municipal Impact:** None**Explanation**

The bill makes various procedural and policy changes regarding withholding recess as a form of student discipline, and is not anticipated to result in a fiscal impact.

**The Out Years****State Impact:** None**Municipal Impact:** None

**OLR Bill Analysis****sHB 5352*****AN ACT CONCERNING THE DEVELOPMENT OF A POLICY GOVERNING THE WITHHOLDING OF RECESS AS A FORM OF STUDENT DISCIPLINE.*****SUMMARY**

This bill prohibits school employees from preventing students enrolled in kindergarten through fifth grade from participating in recess as a form of discipline.

Each school year, starting with the 2022-23 school year, the bill requires each local and regional board of education to adopt a policy it deems appropriate concerning the circumstances when, as a form of discipline, a school employee may prevent or otherwise restrict a student from participating in the entire time devoted to physical exercise (i.e., recess) in the regular school day.

Under the bill, the policy must allow school employees to prevent or restrict recess when:

1. a student poses a danger to the health or safety of other students or school personnel or
2. it is limited to the shorter recess period if there are two or more recess periods in the school day, so long as the student is allowed to participate in at least 20 minutes of physical activity during the school day.

The policy may allow recess prevention or restriction only once during a school week, unless the student is a danger to the health or safety of other students or school personnel.

Additionally, the policy must not (1) include provisions that are

unreasonably restrictive or punitive or (2) allow recess prevention or restriction if a student does not complete their work on time or for the student’s academic performance.

Under the bill, the recess policy must also distinguish between discipline that:

1. is imposed before recess begins and discipline imposed during recess and
2. (a) prevents or otherwise restricts a student from participating in recess prior to recess and (b) uses methods to redirect a student’s behavior during recess.

The bill also deletes obsolete language that required the local and regional boards of education to develop a recess policy by October 1, 2019.

It also makes conforming changes.

EFFECTIVE DATE: July 1, 2022

**COMMITTEE ACTION**

Committee on Children

Joint Favorable Substitute

Yea 10 Nay 3 (03/15/2022)