

Total	None	None	None	N/A	N/A	NFA
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(Parenthesis () Indicate Expenditure Decreases)

Conflicts with [HB130, K-12 Plus Program](#)
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: Senate Bill 137 (SB137) would require kindergarten through third grade students to have at least 30 minutes of unstructured, child-directed, supervised recess time, each day, which would not be included as part of the instructional day. The bill would require recess to be in addition to physical education (PE) classes and would allow recess to be aligned with programs involving character development, social-emotional learning, positive behavior, and bullying prevention.

The bill does not contain an effective date, so will therefore become effective June 16, 2023, and be applicable to the 2023-2024 school year.

FISCAL IMPLICATIONS

The bill does not contain an appropriation.

SIGNIFICANT ISSUES

While time for recess, as defined in SB137, is not a requirement in statute or rule, [6.29.1 NMAC, General Provisions](#), requires the student lunch period to be at least 30 minutes, and prohibits that time from being counted as part of the instructional day. The CDC, SHAPE America — Society of Healthy and Physical Educators, and the Robert Wood Johnson Foundation, all recommend that recess not replace physical education or use recess to meet time requirements for physical education policies.

State statute ([Section 22-13-1.7 NMSA 1978](#)) defines physical education as including programs of education through which students participate in activities related to fitness education and assessment; active games and sports; and development of physical capabilities such as motor skills, strength and coordination.

Recess is a relatively easy and low-cost way to help students be physically active. Recess also provides social, emotional, and academic achievement benefits. According to the [Centers for Disease Control and Prevention](#), recess benefits students by:

- increasing their level of physical activity;
- improving their memory, attention, and concentration;
- helping them stay on-task in the classroom;
- reducing disruptive behavior in the classroom; and
- improving their social and emotional development (e.g., learning how to share and negotiate).

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

SB137 would require PED to promulgate rule to provide for the new provisions related to recess.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

N/A

AMENDMENTS

N/A