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## FISCAL IMPACT REPORT

<b>SPONSOR</b> <u>Neville</u>	<b>LAST UPDATED</b> <u>02/07/2023</u>	<b>ORIGINAL DATE</b> <u>01/30/2023</u>
<b>SHORT TITLE</b> <u>Require 30-Minute Recess for Some Grades</u>	<b>BILL NUMBER</b> <u>Senate Bill 137</u>	<b>ANALYST</b> <u>Chilton</u>

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT\* (dollars in thousands)

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
		Indeterminate but minimal		Indeterminate but minimal	Nonrecurring	General fund
<b>Total</b>						

Parentheses ( ) indicate expenditure decreases.  
 \*Amounts reflect most recent version of this legislation.

Relates to Senate Bill 4 and House Bill 43

### Sources of Information

LFC Files

#### Responses Received From

Department of Health (DOH)  
 Early Childhood Education and Care Department (ECECD)  
 Public Education Department (PED)

#### No Response Received

Regional Education Cooperatives (REC)

## SUMMARY

### Synopsis of Senate Bill 137

Senate Bill 137 adds a new requirement to kindergarten through third grade (K-3) curriculum. It would require 30 minutes of unstructured recess time a day for children in those grades.

The bill amends Section 22-13-1 NMSA 1978, which is entitled Subject Areas – Minimum Instructional Areas Required – Accreditation and is part of statute regarding public schools’ courses of instruction and school programs. New Section I of Section 22-13-1 directs K-3 schools to provide at least 30 minutes of supervised but child-directed time during the school day, which would not be accounted as part of the required hours of education and would be in addition to physical education. It is suggested that the recess be aligned with resiliency measures such as character development, social-emotional learning, positive behavior and bullying prevention.

This bill does not contain an effective date and, as a result, would go into effect June 16, 2023,

(90 days after the Legislature adjourns) if signed into law, and at the start of 2023-2024 school year at whatever time that year begins in the state’s school district.

## FISCAL IMPLICATIONS

There is no appropriation in Senate Bill 137. Neither of the responding agencies indicate a cost to that agency; PED would probably require some staff time to publish and disseminate new regulations but does not express concern about needing additional funding to do so.

## SIGNIFICANT ISSUES

ECECD notes that “Research supports that recess benefits social-emotional and physical development of children. The American Academy of Pediatrics recently issued the policy statement ‘The Crucial Role of Recess in School’ to make recommendations to schools, and its stance is unequivocal: ‘Recess offers cognitive, social, emotional, and physical benefits that may not be fully appreciated when a decision is made to diminish it. Recess is necessary for the health and development of children and should never be withheld for punishment or for academic reasons.’ A recent Gallup poll commissioned by the Robert Wood Johnson Foundation reported that 77 percent of school principals admitted that they withhold recess as punishment. In that same report, 8-in-10 principals acknowledged that time to play has a ‘positive impact on achievement,” and two-thirds of principals stated that “students listen better after recess and are more focused in class.”

PED points to advantages of recess time:

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).

The abstract to the *Pediatrics* article referred to by ECECD, which is attached, states the following:

Recess is at the heart of a vigorous debate over the role of schools in promoting the optimal development of the whole child. A growing trend toward reallocating time in school to accentuate the more academic subjects has put this important facet of a child's school day at risk. Recess serves as a necessary break from the rigors of concentrated, academic challenges in the classroom. But equally important is the fact that safe and well-supervised recess offers cognitive, social, emotional, and physical benefits that may not be fully appreciated when a decision is made to diminish it. Recess is unique from, and a complement to, physical education--not a substitute for it. The American Academy of Pediatrics believes that recess is a crucial and necessary component of a child's development and, as such, it should not be withheld for punitive or academic reasons.

In addition to referring to the same American Academy of Pediatrics statement, DOH adds the

following supportive references:

As pointed out by Ginsburg (2007), “Undirected play allows children to learn how to work in groups, to share, to negotiate, to resolve conflicts, and learn self-advocacy skills” (p. 183). During unstructured play and recess, children gain skills in conflict resolution by playing with peers, learning how to share, take turns, and be a leader, as well as collaborating and negotiating around games and rules (Bohn-Gettler & Pellegrini, 2014; Jambor, 1994; Pellegrini & Glickman, 1989). ([EJ1276879.pdf \(ed.gov\)](#))

The National Association for the Education of Young Children recommends unstructured play as a developmentally appropriate means of reducing stress. Recess provides children with the opportunity to exert energy in a healthy way ([How Important Is Recess? - Penn Foundation](#)).

Researchers, health professionals, and educational leaders believe that allowing periods of play is even more important as schools reopen from COVID-19, as “seeing their friends, playing, and being outside add normalcy to the school day”. (McNamara et al., 2020, p. 1). ([EJ1276879.pdf \(ed.gov\)](#))

Additionally, recess offers children the opportunity to be physically active, which is not only beneficial for their physical health but also their mental health. Brain research has shown that the brain is activated during physical activity, much more so than during sedentary times ([How Important Is Recess? - Penn Foundation](#)).

The benefits of recess extend beyond physical health. During this scheduled period, students engage with peers and get a much-needed break from the structure of the classroom. Studies have found that recess benefits students by improving their memory and attention, helping them stay on topic in class, reducing their disruptive behavior, and improving their social development, according to the Centers for Disease Control and Prevention (CDC). ([Benefits of Recess on Students’ Health | American University](#))

## DUPLICATION

This bill is identical to 2022 Senate Bill 24, which did not pass.

## RELATIONSHIP

Related to Senate Bill 4, which provides for free universal school meals and specifies that children have at least 20 minutes to eat. Related to House Bill 43, which funds a wellness room pilot project that also aims to provide resources to children who might otherwise have emotional or behavior problems.

## TECHNICAL ISSUES

The 30 minutes of recess time is to be “aligned with” emotional support services, but it is unclear whether time spent on those services counts toward the 30 minute requirement.

### Attachments

1. The Crucial Role of Recess in School