



SPONSOR: Rep. M. Smith

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 10

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO RECESS AND LUNCH PERIODS FOR KINDERGARTEN THROUGH 8TH GRADE STUDENTS.

1 WHEREAS, across the nation and the state of Delaware, recess has been in decline; and
2 WHEREAS, a premium has been placed on test scores; and
3 WHEREAS, test scores stagnate; and
4 WHEREAS, childhood obesity continues to climb; and
5 WHEREAS, Attention Deficit Hyperactivity Disorder ("ADHD") diagnoses also continue to climb; and
6 WHEREAS, countries around the world offer students more breaks and outperform the United States
7 academically; and
8 WHEREAS, research indicates that people need breaks to allow them to better process and retain information; and
9 WHEREAS, studies have shown that, after recess, children pay better attention in class; and
10 WHEREAS, studies have shown that recess can help children be more active and prevent obesity; and
11 WHEREAS, research has shown that recess can help children fidget less and improve classroom behavior; and
12 WHEREAS, research has suggested that recess may even reduce ADHD diagnoses.
13 NOW, THEREFORE:

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

15 Section 1. Amend Chapter 41, Title 14 of the Delaware Code by making deletions as shown by strike through and
16 insertions as shown by underline as follows:

17 § 4138. School breaks and lunch periods.

18 (a) As used in this section:

19 (1) "Student" means a child who is enrolled in kindergarten through 8th grade in a Delaware public school.

20 (2) "Recess" means an unstructured break period that is equal to or exceeds 10 minutes in length.

21 (3) "Unstructured" means without formal organization or planning.

22 (4) "Lunch" means the period that is equal to or exceeds 30 minutes in length, during which a meal is eaten
23 towards the middle of the day.

- 24 (5) “Full day” means a school day for which the planned length is equal to or exceeds 6 hours.
- 25 (6) “Half day” means a school day for which the planned length is less than 6 hours.
- 26 (7) “Act of God” means natural forces outside of a school’s control.
- 27 (b) A student is entitled to 2 recess periods and a lunch period on each full day of school. The first recess period
- 28 must be before lunch and the second recess period must be after lunch.
- 29 (c) A student is not entitled to a recess period on a half day of school or if the school closes early due to an act of
- 30 God or other circumstances outside of the school’s control.

SYNOPSIS

This Act entitles all students from kindergarten through the 8th grade who are enrolled in a Delaware public school to morning and afternoon recess periods and a lunch period that is at least 30 minutes in length. Morning and afternoon break periods must be at least 10 minutes in length each. Under this Act, students are entitled to morning and afternoon breaks and a lunch period only on a full day of school.