

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

# A Bill

SENATE BILL 549

5 By: Senator G. Stubblefield  
6

## For An Act To Be Entitled

8 AN ACT TO EXTEND THE AMOUNT OF RECESS TIME REQUIRED  
9 FOR ELEMENTARY STUDENTS; TO AMEND THE AMOUNT OF  
10 INSTRUCTIONAL TIME REQUIRED FOR ELEMENTARY STUDENTS  
11 IN A SCHOOL DAY; AND FOR OTHER PURPOSES.  
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## Subtitle

14 TO EXTEND THE AMOUNT OF RECESS TIME  
15 REQUIRED FOR ELEMENTARY STUDENTS; AND TO  
16 AMEND THE AMOUNT OF INSTRUCTIONAL TIME  
17 REQUIRED FOR ELEMENTARY STUDENTS IN A  
18 SCHOOL DAY.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. Arkansas Code § 6-16-102(a), concerning the definition of  
25 "school day", is amended to read as follows:

26 (a)(1) As used in this section, "school day" ~~shall mean~~ means a day in  
27 which classes are in session and students receive ~~at least~~ the following  
28 amount of instructional time each day:

29 (A) For students enrolled in kindergarten through grade  
30 four (K-4), at least five (5) hours and twenty (20) minutes;

31 (B) For students enrolled in grades five and six (5-6), at  
32 least five (5) hours and thirty-five (35) minutes; and

33 (C) For students enrolled in grades seven through twelve  
34 (7-12), at least six (6) hours ~~of instructional time.~~

35 (2) Any day in which less than ~~six (6) hours~~ the amounts of  
36 instructional time under subdivision (a)(1) of this section are provided to



1 students shall be counted as one-half ( $\frac{1}{2}$ ) of a school day if at least three  
2 (3) hours of instructional time are provided to students.

3 (3) Any day in which less than three (3) hours of instructional  
4 time are provided to students shall not be counted as any part of a school  
5 day.

6 (4) A school district may include as part of the school day the  
7 travel time between public schools or other educational programs of those  
8 students attending classes or programs authorized by law.

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10 SECTION 2. Arkansas Code § 6-16-102(c), concerning the average amounts  
11 of planned instructional time, is amended to read as follows:

12 (c) A school district is deemed to have fulfilled the requirements of  
13 subsection (a) of this section if the planned instructional time in each  
14 school day ~~does not average~~ averages not less than six (6) hours ~~the amounts~~  
15 of instructional time under subdivision (a)(1) of this section each day ~~or~~  
16 ~~thirty (30) hours each week.~~

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18 SECTION 3. Arkansas Code § 6-16-132(b)(1), concerning physical  
19 activity requirements, is amended to add an additional subdivision to read as  
20 follows:

21 (b)(1)(A) The physical education curriculum and physical activity  
22 requirements for every public school student who is able to participate are:

23 (i) Except as provided in subdivision (b)(1)(A)(ii)  
24 of this section, ~~for students in kindergarten through grade six (K-6):~~

25 (a) ~~At~~ For students in kindergarten through  
26 grade six (K-6), at least forty (40) minutes, as determined by the  
27 superintendent of the school district, of physical education training and  
28 instruction each calendar week of the school year; and

29 (b) ~~Ninety (90) minutes~~ The following:

30 (1) For students in kindergarten through  
31 grade four (K-4), three hundred forty (340) minutes of physical activity each  
32 calendar week of the school year, which ~~may~~ shall include without limitation  
33 ~~daily recess,~~ physical education training and instruction ~~in addition to the~~  
34 ~~requirement of~~ under subdivision (b)(1)(A)(i)(a) of this section, ~~or~~  
35 intramural sports and unstructured and undirected play under subdivision  
36 (b)(1)(B) of this section; and

1 (2) For students in grades five and six  
 2 (5-6), two hundred sixty-five (265) minutes of physical activity each  
 3 calendar week of the school year, which shall include without limitation  
 4 physical education training and instruction under subdivision (b)(1)(A)(i)(a)  
 5 of this section and unstructured and undirected play under subdivision  
 6 (b)(1)(B) of this section;

7 (ii) For students in grades five through eight (5-8)  
 8 who attend a public school organized to teach grades five through eight (5-  
 9 8), or any combination thereof, at least forty (40) minutes, as determined by  
 10 the superintendent of the school district, of physical education training and  
 11 instruction each calendar week of the school year or an equivalent amount of  
 12 time in each school year with no additional requirement for physical  
 13 activity; and

14 (iii) For students in grades nine through twelve (9-  
 15 12), one-half ( $\frac{1}{2}$ ) unit of physical education as required for high school  
 16 graduation with no additional requirement for physical activity.

17 (B) Students shall participate in unstructured and  
 18 undirected play for the following amounts of time each day of the school  
 19 year:

20 (i) For students in kindergarten through grade four  
 21 (K-4), at least sixty (60) minutes; and

22 (ii) Except as provided in subdivision (b)(1)(A)(ii)  
 23 of this section, for students in grades five and six (5-6), at least forty-  
 24 five (45) minutes.

25 (C) Nothing in ~~subdivision (b)(1)(A)~~ subdivisions  
 26 (b)(1)(A) and (B) of this section prohibits:

27 (i) A public school student's elective enrollment or  
 28 voluntary participation in physical activity or physical education as a part  
 29 of public school curriculum or extra-curricular activities; or

30 (ii) A school district's decision to require  
 31 physical education instruction or physical activity in excess of the amounts  
 32 identified in subdivision (b)(1)(A) of this section.

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 34 SECTION 4. Arkansas Code § 6-17-117(a)(2), concerning noninstructional  
 35 duties, is amended to read as follows:

36 (2) Any teacher assigned more than ~~sixty (60)~~ one hundred forty

1 (140) minutes of noninstructional duties per week shall be contracted in  
2 accordance with § 6-17-807(g).

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