

SECOND REGULAR SESSION

HOUSE BILL NO. 2390

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MURRAY.

5795H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 167.720, RSMo, and to enact in lieu thereof one new section relating to physical activity in schools.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 167.720, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 167.720, to read as follows:

167.720. 1. As used in this section, the following terms shall mean:

(1) "Moderate physical activity", low- to medium-impact physical exertion designed to increase an individual's heart rate to rise to at least seventy-five percent of his or her maximum heart rate. Activities in this category may include, but are not limited to, running, calisthenics, aerobic exercise, etc.;

(2) "Physical education", instruction in healthy active living by a teacher certificated to teach physical education structured in such a way that it is a regularly scheduled class for students;

(3) "Recess", a structured play environment outside of regular classroom instructional activities, where students are allowed to engage in supervised safe active free play.

2. Beginning with the school year 2010-11:

(1) School districts shall ensure that students in elementary schools participate in moderate physical activity for the entire school year, including students in alternative education programs. Students in the elementary schools shall participate in moderate physical activity for an average of one hundred fifty minutes per five-day school week, or an average of thirty minutes per day. Students with disabilities shall participate in moderate

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 physical activity to the extent appropriate as determined by the provisions of the Individuals
18 with Disabilities Education Act, or Section 504 of the Rehabilitation Act;

19 (2) Each year the commissioner of education shall select for recognition students,
20 schools and school districts that are considered to have achieved improvement in fitness;

21 (3) Students in middle schools may at the school's discretion participate in at least
22 two hundred twenty-five minutes of physical activity per school week;

23 (4) A minimum of one recess period of twenty minutes per day shall be provided for
24 children in elementary schools, which may be incorporated into the lunch period.

25 **3.** Any requirement of this section above the state minimum physical education
26 requirement may be met by additional physical education instruction, or by other activities
27 approved by the individual school district under the direction of any certificated teacher or
28 administrator or other school employee under the supervision of a certificated teacher or
29 administrator.

30 **4. (1) This subsection shall be known and may be cited as "Quinton's Law".**

31 **(2) For the 2027–28 school year and all subsequent years, in addition to all other**
32 **requirements of this section, every public school district and charter school serving**
33 **students in kindergarten to grade eight shall provide students with:**

34 **(a) A minimum of fifteen minutes of recess, free time, or unstructured physical**
35 **activity for each full instructional day; and**

36 **(b) At least two daily brain breaks, defined as short periods of rest, stretching,**
37 **mindfulness, or noninstructional reset time lasting no fewer than three minutes each.**

38 **(3) Recess and brain breaks required under this subsection:**

39 **(a) Shall not be withheld as a disciplinary measure unless the behavior presents**
40 **a safety risk;**

41 **(b) Shall be held in environments that are safe, supervised, and developmentally**
42 **appropriate; and**

43 **(c) May be scheduled flexibly by the school to best meet student needs and**
44 **instructional schedules.**

45 **(4) (a) The department of elementary and secondary education may promulgate**
46 **all necessary rules and regulations for the implementation, monitoring, and**
47 **enforcement of this subsection. Such rules may include, but are not limited to:**

48 **a. Guidance on allowable activities for recess and brain breaks;**

49 **b. Professional development resources for teachers;**

50 **c. Data reporting requirements to ensure compliance; and**

51 **d. Procedures for waivers under exceptional circumstances.**

52 **(b) Any rule or portion of a rule, as that term is defined in section 536.010, that**
53 **is created under the authority delegated in this subsection shall become effective only if**

54 it complies with and is subject to all of the provisions of chapter 536 and, if applicable,
55 section 536.028. This subsection and chapter 536 are nonseverable and if any of the
56 powers vested with the general assembly pursuant to chapter 536 to review, to delay the
57 effective date, or to disapprove and annul a rule are subsequently held unconstitutional,
58 then the grant of rulemaking authority and any rule proposed or adopted after the
59 effective date of this subsection shall be invalid and void.

60 (5) Subject to appropriation, the department may provide grants or technical
61 assistance to public schools to support the implementation of recess and brain break
62 programs including, but not limited to, training, equipment, and curriculum resources.

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