

SENATE BILL NO. 535

September 27, 2023, Introduced by Senators MCDONALD RIVET, BELLINO, KLINEFELT, MCCANN, SHINK, CHANG, CAMILLERI and BAYER and referred to the Committee on Education.

A bill to amend 1979 PA 94, entitled
"The state school aid act of 1979,"
(MCL 388.1601 to 388.1896) by adding section 101a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 101a. (1) Recess is considered to be pupil instruction**
2 **time as provided under section 101 if all of the following apply:**

3 **(a) It does not include passing time to or from a school bus**
4 **at the beginning or end of the school day.**

5 **(b) It is provided daily to all pupils enrolled in grades K to**

1 5. It may be provided to pupils above grade 5 and, if it is, is
2 considered pupil instruction time for purposes of section 101.

3 (c) Except as otherwise provided in this subdivision, it is
4 unstructured, child-directed play that may include organized games,
5 but must not include the use of computers, electronic tablets,
6 telephones, or videos. Computers, electronic tablets, telephones,
7 and videos may be used during recess if that use is part of a
8 pupil's individualized education program, section 504 plan, or
9 related plan.

10 (d) It does not include time spent dressing or undressing for
11 outdoor play time.

12 (e) It is not provided as a course for physical education.

13 (f) Either of the following, as applicable:

14 (i) For each school day that is 5 clock hours or longer, it is
15 30 total minutes in length. The 30 total minutes described in this
16 subdivision may be divided into 15 consecutive-minute windows of
17 recess.

18 (ii) For each school day that is less than 5 clock hours, it is
19 in a duration that is 1/10 of the school day in which the pupils
20 are in attendance.

21 (g) It is not withheld from any pupil for disciplinary or
22 punitive reasons and is only withheld from pupils if it poses an
23 immediate threat to a pupil or other pupils and the district has
24 made all reasonable efforts, to the greatest extent practicable, to
25 resolve the threat.

26 (h) The requirements in subdivisions (a) to (g) must only be
27 modified to the extent necessary to comply with a pupil's
28 individualized education program or section 504 plan.

29 (2) As used in this section:

1 (a) "Individualized education program" means that term as
2 described in R 340.1721e of the Michigan Administrative Code.

3 (b) "Section 504 plan" means a plan under section 504 of title
4 V of the rehabilitation act of 1973, 29 USC 794.

5 Enacting section 1. This amendatory act does not take effect
6 unless Senate Bill No. 534 of the 102nd Legislature is enacted into
7 law.