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## FISCAL IMPACT REPORT

**SPONSOR** Neville **ORIGINAL DATE** 2/8/22  
**LAST UPDATED** \_\_\_\_\_ **HB** \_\_\_\_\_  
**SHORT TITLE** Recess Required for K-3 **SB** 24  
**ANALYST** Chilton

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

	FY22	FY23	FY24	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		Minimal		Minimal	Nonrecurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Department of Health (DOH)

Early Childhood Education and Care Department (ECECD)

#### No Response Received

Albuquerque Public Schools (APS)

Public Education Department (PED)

Regional Education Cooperative (REC)

#### Synopsis of Bill

Senate Bill 24 amends Section 22-13-1 NMSA 1978 (part of the Public School Code that refers to Courses of Instruction) to add a section I that would require each school to provide at least 30 minutes of free, unstructured time for children in kindergarten through third grade in addition to (not replacing) instructional time or physical education each day. Recess time may be aligned with instruction regarding bullying prevention, character development, social-emotional learning and, positive behavior.

There is no effective date of this bill. It is assumed that the effective date is 90 days following adjournment of the Legislature, and the requirement would begin in the 2022-2023 school year.

## FISCAL IMPLICATIONS

There is no appropriation in Senate Bill 24. Neither of the responding agencies indicate a cost to that agency; PED would probably require some staff time to publish and disseminate new regulations.

## SIGNIFICANT ISSUES

In a policy statement emphasizing the importance of play to children's development, the American Academy of Pediatrics concludes the following:

- Cultural shifts, including less parent engagement because of parents working full-time, fewer safe places to play, and more digital distractions, have limited the opportunities for children to play. These factors may negatively affect school readiness, children's healthy adjustment, and the development of important executive functioning skills;
- Play is intrinsically motivated and leads to active engagement and joyful discovery. Although free play and recess need to remain integral aspects of a child's day, the essential components of play can also be learned and adopted by parents, teachers, and other caregivers to promote healthy child development and enhance learning;
- The optimal educational model for learning is for the teacher to engage the student in activities that promote skills within that child's zone of proximal development, which is best accomplished through dialogue and guidance, not via drills and passive rote learning. There is a current debate, particularly about preschool curricula, between an emphasis on content and attempts to build skills by introducing seat work earlier versus seeking to encourage active engagement in learning through play. With our understanding of early brain development, we suggest that learning is better fueled by facilitating the child's intrinsic motivation through play rather than extrinsic motivations, such as test scores;
- An alternative model for learning is for teachers to develop a safe, stable, and nurturing relationship with the child to decrease stress, increase motivation, and ensure receptivity to activities that promote skills within each child's zone of proximal development. The emphasis in this preventive and developmental model is to promote resilience in the presence of adversity by enhancing executive functioning skills with free play and guided play;
- Play provides ample opportunities for adults to scaffold the foundational motor, social-emotional, language, executive functioning, math, and self-regulation skills needed to be successful in an increasingly complex and collaborative world. Play helps to build the skills required for our changing world; and
- Play provides a singular opportunity to build the executive functioning that underlies adaptive behaviors at home; improve language and math skills in school; build the safe, stable, and nurturing relationships that buffer against toxic stress; and build social-emotional resilience.

DOH quotes several recent resources that support the aims of Senate Bill 24:

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](#)).

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.

Physical education provides life skills that encourage students to be active and fit for life. It has a positive impact on students' physical, mental, and emotional health. Physical education has four major components including policy and environment, curriculum, instruction and student assessment ([Strengthen Physical Education in Schools \(cdc.gov\)](#)).

ECECD notes that preschool programs supervised by the department are required to provide sixty minutes per day of supervised physical activity, “preferably outdoors,” and that kindergarten and older children are beyond the purview of that department.

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