As Amended by Senate Committee

Session of 2026

SENATE BILL No. 339

By Committee on Education

1-15

AN ACT concerning education; relating to school districts; requiring school districts to provide ~~at least 30 minutes~~ ***a certain amount*** of daily recess ***and moderate physical activity*** time for students ~~in grades kindergarten through five~~***; prohibiting limiting or withholding physical activity for disciplinary reasons; requiring the establishment and administration of a Kansas state fitness test***; designating ~~such~~ ***the required recess*** time as part of the school term; amending K.S.A. 72-3115 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. ***(a)*** For each school day that exceeds five hours in duration, each school district shall provide a minimum of 30 minutes of daily organized recess ***and a minimum of 60 minutes of moderate physical activity*** within the school day for all students in grades kindergarten through ~~five. Notwithstanding such minimum daily requirement, school districts should provide at least 60 minutes of such recess~~ ***eight and a minimum of 30 minutes of moderate physical activity within the school day for all students in grades nine through 12. Such physical activity may occur during recess, physical education class or other organized activity***. Any such recess may be supervised by licensed or unlicensed school personnel.

(b) Physical activity shall not be limited or withheld for disciplinary reasons unless such student is an immediate threat to self or others.

(c) As used in this section, "moderate physical activity" means low-to-medium impact physical exertion designed to increase a student's heart rate to rise to at least 75% of the student's maximum heart rate. "Moderate physical activity" includes, but is not limited to, running, calisthenics and aerobic exercise. "Moderate physical activity" does not include time during which a student is permitted to use an electronic device or walking to and from class.

New Sec. 2. (a) Beginning in school year 2026-2027, the state board of education shall establish a Kansas state fitness test that is aligned with the presidential physical fitness test to assess the overall fitness of students in grades one through 12. The state board shall update the test as often as required to maintain alignment with the presidential physical fitness test. The state board shall provide an award for students who

meet or exceed the state's 50th percentile and an award for students who meet or exceed the state's 85th percentile on one or more test events.

(b) Each school district shall annually administer the Kansas state fitness test to each student enrolled in grades one through 12. This requirement shall not apply to any student who is a child with a disability, as defined in K.S.A. 72-3404, and amendments thereto, or has a medical exemption as determined by a licensed physician.

Sec. ~~2.~~ ***3.*** K.S.A. 72-3115 is hereby amended to read as follows: 72-3115. (a) Subject to the other provisions of this section, a school term during which public school shall be maintained in each school year by each school district organized under the laws of this state shall consist of not less than 186 school days for ~~pupils~~ *students* attending kindergarten or any of the grades one through 11 and not less than 181 school days for ~~pupils~~ *students* attending grade 12.

(b) Subject to a policy developed and adopted by the board of any school district, the board may provide for a school term consisting of school hours. A school term provided for in a policy adopted under this subsection shall consist of: (1) For ~~pupils~~ *students* attending kindergarten, not less than 465 school hours in each school year; and (2) for ~~pupils~~ *students* attending any of the grades one through 11, not less than 1,116 school hours in each school year; and (3) for ~~pupils~~ *students* attending grade 12, not less than 1,086 school hours in each school year. Each board of education ~~which~~ *that* develops and adopts a policy providing for a school term in accordance with this subsection shall notify the state board of education thereof on or before September 15 in each school year for which the policy is to be in effect.

(c) Subject to a plan developed and adopted by the board of any school district, the board may schedule the school days required for a school term provided for under subsection (a), or the school hours required for a school term provided for in a policy adopted under subsection (b), on a trimestral or quarterly basis. Each board of education ~~which~~ *that* develops and adopts a plan providing for the scheduling of the school days or school hours of the school term on a trimestral or quarterly basis shall submit the plan to the state board of education for approval prior to implementation. The plan shall be prepared in such form and manner as the state board ~~shall require~~ *requires* and ~~shall be~~ submitted at a time or times ~~to be~~ determined and specified by the state board.

(d) Subject to a policy developed and adopted by the board of any district as an adjunct to the district's disciplinary policy or as a part of the district's school improvement plan, the board may schedule school days in addition to the school days scheduled for a school term provided for under subsection (a), or school hours in addition to the school hours scheduled for a school term provided for in a policy adopted under subsection (b), or

both such additional school days and school hours for ~~pupils~~ *students* who are in need of remedial education or ~~who are~~ subject to disciplinary measures imposed under the district's disciplinary policy. Any school day or school hour scheduled for a ~~pupil~~ *student* under a policy adopted under this subsection may be scheduled on weekends, before or after regular school hours, and during the summer months. Inexcusable absence from school on any school day or during any school hour by any ~~pupil~~ *student* for whom additional school days or school hours have been scheduled under a policy adopted under this subsection shall be counted as an inexcusable absence from school for the purposes of K.S.A. 72-3121, and amendments thereto.

(e) If the board of any school district, or its designee, shall determine that inclement weather will cause hazardous driving conditions, the board, or its designee, may close any or all of the schools within the district. The amount of time ~~pupils~~ *students* have been in attendance when such determination is made shall be considered a school day of a school term or shall be considered the number of school hours for ~~pupils~~ *students* to be in attendance at school in a day, whichever is applicable. Consonant with the other provisions of this section, a board may schedule any number of days or hours in excess of the regularly scheduled school days or school hours ~~which~~ *that* the board determines will be necessary to compensate for those school days or school hours that schools of the district will remain closed during the school term due to hazardous driving conditions. If the number of days or hours schools remain closed due to hazardous driving conditions exceeds the number of days or hours scheduled by the board to compensate for such school days or school hours, the excess number of days or hours, not to exceed whichever is the lesser of*:* (1) The number of compensatory days or hours scheduled by the board*;* or (2) five days or the number of school hours regularly scheduled in five days, that schools remain closed due to such conditions shall be considered school days or school hours.

(f) The state board of education may waive the requirements of law relating to the duration of the school term upon application for ~~such~~ *a* waiver by a school district *pursuant to subsection (e)*. Such waiver may be granted by the state board of education upon: (1) Certification by a board that, due to the persistence of inclement weather, hazardous driving conditions have existed in the school district for an inordinate period of time; and (2) a determination by the state board that the school district cannot reasonably adjust its schedule to comply with statutory requirements. Such waiver shall not exempt a school district from providing a school offering for each ~~pupil which~~ *student that* is substantially equivalent to that required by law.

(g) Time reserved for parent-teacher conferences for discussions on

the progress of ~~pupils~~ *students* may be considered part of the school term.

(h) Time reserved for staff development or inservice training programs for the purpose of improving staff skills, developing competency in new or highly specialized fields, improving instructional techniques, or curriculum planning and study may be considered part of the school term for an aggregate amount of time equal to the amount of time in excess of the school term ~~which is~~ scheduled by a board of education for similar activities.

(i) *The time required for organized recess pursuant to section 1, and amendments thereto, shall be considered part of the school term.*

(j) Boards of education may employ noncertificated personnel to supervise ~~pupils~~ *students* for noninstructional activities.

Sec. ~~3.~~ ***4.*** K.S.A. 72-3115 is hereby repealed.

Sec. ~~4.~~ ***5.*** This act shall take effect and be in force from and after its publication in the statute book.