

SESSION OF 2026

SUPPLEMENTAL NOTE ON SENATE BILL NO. 339

As Amended by Senate Committee on
Education

Brief*

SB 339, as amended, would establish minimum requirements for physical activity in public schools and include such time in the calculations of a school's school term for purposes of statutory compliance. The bill would also direct the State Board of Education (State Board) to establish a Kansas State Fitness Test.

Minimum Physical Activity

The bill would require all public school districts to provide a minimum of 30 minutes of daily, organized recess as well as 60 minutes of moderate physical activity for grades kindergarten through 8 and a minimum of 30 minutes of moderate physical activity for grades 9 through 12.

The bill would amend statute to include the 30 minutes of required recess as part of the school term for a school's calculation of such time for purposes of statutory compliance. The bill would also allow for recess, physical education classes, or other organized activities to be counted toward the required time for moderate physical activity. Schools would also be prohibited from limiting or withholding a student's access to physical activity for disciplinary reasons unless the student is an immediate threat to themselves or others.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

The bill would define “moderate physical activity” as low-to-medium impact physical exertion designed to increase a student’s heart rate to rise to at least 75.0 percent of the student’s maximum heart rate and include, but not be limited to, running, calisthenics, and aerobic exercise. The definition would also exclude any time during which a student is allowed to use an electronic device or is walking to and from class.

Kansas State Fitness Test

The bill would require the State Board to establish a Kansas State Fitness Test (Test) for grades 1 through 12 that is aligned with the Presidential Physical Fitness Test. The State Board would be required to update the Test in order to maintain alignment with the Presidential Physical Fitness Test and provide awards to students who meet or exceed the state’s 50th percentile and to students who meet or exceed the state’s 85th percentile in one or more events on the Test.

Public school students in grades 1 through 12 would be required to take the Test annually unless the student is disabled, as defined in law, or has a medical exemption from a licensed physician.

Background

The bill was introduced by the Senate Committee on Education at the request of Senator Shane.

Senate Committee on Education

In the Senate Committee hearing on January 22, 2026, **proponent** testimony was provided by a representative of FGA Action and two private citizens. The proponents generally discussed the positive benefits between recess, physical activity, and positive learning outcomes. They stated

the bill is necessary to ensure Kansas students have guaranteed access to recess during the school day.

Written-only proponent testimony was provided by a representative of Aligned, a member of the State Board testifying in their personal capacity, and five private citizens.

Opponent testimony was provided by representatives of the Kansas Association of School Boards, the State Board, and United School Administrators. The opponents generally stated that local school boards and school districts are better positioned than the State to determine the appropriate time to dedicate to organized recess. Additionally, the opponents generally noted the bill is unnecessary as State Board policy already recommends 30 minutes of recess and counts it toward the calculation of the school term.

Written-only opponent testimony was provided by USD 233 (Olathe Public Schools).

No other testimony was provided.

The Senate Committee amended the bill to:

- Clarify that the minimum daily, organized recess requirement is for grades kindergarten through 8;
- Require at least 60 minutes of moderate physical activity for grades kindergarten through 8, at least 30 minutes of moderate physical activity for grades 9 through 12, and establish a definition for “moderate physical activity”;
- Remove language recommending that school districts provide at least 60 minutes of daily, organized recess to students;
- Prohibit school districts from limiting or withholding physical activity from students unless that student is an immediate threat to themselves or others;

- Require the State Board to establish the Test, which would be in alignment with the Presidential Physical Fitness Test, and that students who meet or exceed the 50th and 85th percentiles respectively be given awards for those achievements; and
- Require school districts to have students in grades 1 through 12 take the Test annually unless the student is disabled, as defined in law, or has a medical exemption from a licensed physician.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the State Department of Education states enactment of the bill would have no fiscal effect on state aid to school districts or the agency's administrative costs.

The Kansas Association of School Boards indicates enactment of the bill would increase costs to school districts through needing to hire additional staff to supervise the increased recess time but that no fiscal effect could be estimated.

Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2027 Governor's Budget Report*.

Education; K-12 Education; school districts; school term; recess; moderate physical activity; Presidential Physical Fitness Test; Kansas State Fitness Test; State Board of Education