

SB 578 - AS AMENDED BY THE SENATE

02/19/2026 0509s

2026 SESSION

26-2251

12/09

SENATE BILL **578**

AN ACT relative to play-based curriculum and physical education curriculum.

SPONSORS: Sen. Sullivan, Dist 18; Sen. Pearl, Dist 17; Sen. Carson, Dist 14; Sen. Avard, Dist 12; Sen. Birdsell, Dist 19; Sen. Murphy, Dist 16; Rep. Freeman, Belk. 8; Rep. Peoples, Hills. 14; Rep. Rice, Hills. 38

COMMITTEE: Education

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AMENDED ANALYSIS

This bill:

I. Extends play-based curriculum from kindergarten until third grade.

II. Requires recess for all students from kindergarten until the eighth grade as a part of physical education curriculum.

III. Defines recess as physical activity that promotes fitness and well-being and prohibits the use of electronic devices during recess.

IV. Specifies that elementary and middle schools may count recess as instructional time.

V. Limits withholding pupils from recess unless a pupil's participation poses a physical safety risk.

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Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struck through~~].  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty-Six*

AN ACT relative to play-based curriculum and physical education curriculum.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 Expansion of Play-Based Curriculum. Amend RSA 193-E:2-a, II-a to read as follows:

2 II-a. Instruction in support of **standards for** kindergarten [~~standards~~] **through third**  
3 **grade** shall be engaging and shall foster children's development and learning in all domains  
4 including physical, social, cognitive, and language. Educators shall create a learning environment  
5 that facilitates high quality, child-directed experiences based upon early childhood best teaching  
6 practices and play-based learning that comprise movement, creative expression, exploration,  
7 socialization, and music. Educators shall develop literacy through guided reading and shall provide  
8 unstructured time for the discovery of each child's individual talents, abilities, and needs.

9 2 New Paragraph; Recess Physical Education Requirement. Amend RSA 189:10 by inserting  
10 after paragraph III the following new paragraph:

11 IV. The school board shall ensure that recess is included in the physical education  
12 curriculum for all students in grades kindergarten through eighth grade, with the exception of  
13 schools where eighth grade is a part of the high school. Elementary schools and middle schools, as  
14 described in RSA 189:25, may count recess as instructional time for pupils in kindergarten through  
15 eighth grade.

16 (a) For the purposes of this paragraph, recess shall be defined as physical activity that  
17 promotes fitness and well-being which shall include unstructured play outside, unless weather  
18 conditions negatively impact the safety of physical activity taking place outside.

19 (b) For the purposes of this paragraph, recess shall not include any time considered  
20 instructional time for a physical education class.

21 (c) For the purposes of this paragraph, recess shall not involve the use of electronic  
22 devices by students, including but not limited to cell phones, laptops, tablets, and video game  
23 consoles or devices.

24 (d) A pupil shall not be denied recess by a member of the school's staff unless the pupil's  
25 participation poses an immediate threat to the physical safety of the pupil or to the physical safety of  
26 one or more of the pupil's peers. If a pupil's recess period is denied for safety concerns, school staff  
27 shall make all reasonable efforts to resolve such threats and minimize exclusion from recess to the  
28 greatest extent possible.

29 3 Effective Date. This act shall take effect 60 days after its passage.