



128 DORRANCE STREET, SUITE 220  
PROVIDENCE, RI 02903  
401.831.7171 (t)  
401.831.7175 (f)  
[www.riaclu.org](http://www.riaclu.org) | [info@riaclu.org](mailto:info@riaclu.org)

August 24, 2016

Joáo Arruda, Principal  
Wilbur & McMahon School  
28 Commons  
P.O. Box 178  
Little Compton, RI 02837

Dear Mr. Arruda:

Our office has received a complaint from the parents of a sixth grader at your school who allege that, notwithstanding the passage of a law this year guaranteeing students in kindergarten through sixth grades a minimum of 20 minutes of recess every school day, you have decided not to provide recess for sixth graders at Wilbur & McMahon School. Because we believe the parents have raised a legitimate concern, I am writing to ask you to reconsider your position.

The new statute, to be codified at R.I.G.L. 16-22-4.2, provides that: "All children attending public schools . . . that has (sic) elementary grades kindergarten through six (6) shall receive in those schools at least twenty (20) consecutive minutes of supervised, safe, and unstructured free play recess each day." Since the Wilbur and McMahon School is an educational institution that has "grades kindergarten through six," we believe the statute clearly guarantees recess to sixth graders there.

Perhaps it is the school's position that, because your school accommodates students from kindergarten through eighth grade, you consider your students in the sixth grade (and the fifth grade) to be in "middle school," and that therefore you do not have "elementary grades kindergarten through six." However, we do not believe that such semantics can be used to circumvent the clear intent of the statute, which was to give kindergartners through sixth graders recess time in schools that have all those grades. Failing to provide recess to sixth graders there strikes us as especially inappropriate since the legislation was originally limited to students in kindergarten through fifth grade, and an amendment to the bill explicitly expanded its reach to sixth graders.

We acknowledge that the statute could be worded more precisely, but if the school's interpretation were correct, then Wilbur & McMahon would have no obligation to provide recess to *any student*, since you could claim that your school is not a school that has "elementary grades kindergarten through six," and therefore the statute does not apply at all to your school. We trust you agree that such an interpretation flies in the face of the law's intent.

Page Two  
João Arruda, Principal  
August 24, 2016

We therefore urge you to reconsider your position and to provide recess to sixth graders at the Wilbur & McMahon School in order to effectuate the pedagogical goals of this new law.

If you have any questions about our views, I hope you will feel free to let me know. Thank you in advance for your attention to this matter, and I look forward to hearing back from you about it.

Sincerely,

A handwritten signature in cursive script that reads "Steven Brown".

Steven Brown  
Executive Director

cc: Supt. Robert Power  
David Abbott, RIDE