**South Carolina General Assembly**

125th Session, 2023-2024

**H. 4655**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Haddon, Pope, Oremus, Cobb-Hunter, J.L. Johnson, Collins, Henderson-Myers, Hart, King, Williams, Henegan, Ligon, McDaniel and Rivers

Companion/Similar bill(s): 516, 3292, 3731

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Introduced in the House on January 9, 2024

Introduced in the Senate on March 26, 2024

Last Amended on March 20, 2024

Currently residing in the House

Summary: Unstructured and self-directed recess in public schools

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/14/2023 House Prefiled

 12/14/2023 House Referred to Committee on **Education and Public Works**

 1/9/2024 House Introduced and read first time (House Journal‑page 114)

 1/9/2024 House Referred to Committee on **Education and Public Works** (House Journal‑page 114)

 1/10/2024 Scrivener's error corrected

 1/10/2024 House Member(s) request name added as sponsor:
 Cobb-Hunter, J.L. Johnson

 1/17/2024 House Member(s) request name added as sponsor: Collins

 3/5/2024 House Committee report: Favorable with amendment **Education and Public Works** (House Journal‑page 5)

 3/6/2024 House Member(s) request name added as sponsor:
 Henderson-Myers, Hart, King, Williams, Henegan

 3/7/2024 House Member(s) request name added as sponsor: Ligon

 3/20/2024 House Member(s) request name added as sponsor:
 McDaniel, Rivers

 3/20/2024 House Amended (House Journal‑page 31)

 3/20/2024 House Debate interrupted (House Journal‑page 31)

 3/20/2024 House Read second time (House Journal‑page 37)

 3/20/2024 House Roll call Yeas-110 Nays-0 (House Journal‑page 38)

 3/21/2024 House Read third time and sent to Senate (House Journal‑page 29)

 3/26/2024 Senate Introduced and read first time (Senate Journal‑page 9)

 3/26/2024 Senate Referred to Committee on **Education** (Senate Journal‑page 9)

 4/11/2024 Scrivener's error corrected

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=4655&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[12/14/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/4655_20231214.docx)

[01/10/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/4655_20240110.docx)

[03/05/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/4655_20240305.docx)

[03/20/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/4655_20240320.docx)

[04/11/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/4655_20240411.docx)

Indicates Matter Stricken

Indicates New Matter

Amended

March 20, 2024

H. 4655

Introduced by Reps. Haddon, Pope, Oremus, Cobb-Hunter, J. L. Johnson, Collins, Henderson-Myers, Hart, King, Williams, Henegan, Ligon, McDaniel and Rivers

S. Printed 03/20/24--H. [SEC 4/11/2024 10:55 AM]

Read the first time January 09, 2024

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A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59‑10‑10, RELATING TO STANDARDS FOR PHYSICAL ACTIVITY AND PHYSICAL EDUCATION IN KINDERGARTEN THROUGH EIGHTH GRADE, SO AS TO REQUIRE CERTAIN MANDATORY MINIMUM PERIODS FOR PHYSICAL EDUCATION AND RECESS IN four-year-old KINDERGARTEN THROUGH EIGHTH GRADE EACH YEAR IN ADDITION TO OTHER CURRICULUM REQUIREMENTS, AND TO PROVIDE RECESS PERIODS MUST BE HELD INDOORS DURING TIMES OF INCLEMENT WEATHER; TO REDESIGNATE ARTICLE 1 OF CHAPTER 10, TITLE 59 AS “PHYSICAL EDUCATION AND ACTIVITY”; TO PROVIDE THE STATE BOARD OF EDUCATION AND STATE DEPARTMENT OF EDUCATION SHALL TAKE CERTAIN MEASURES TO CONFORM THEIR RESPECTIVE REGULATIONS AND RULES TO THE PROVISIONS OF THIS ACT; AND TO CLARIFY THAT THE PROVISIONS OF THIS ACT PREVAIL TO THE EXTENT THEY CONFLICT WITH ANY SUCH REGULATIONS AND RULES.

 Amend Title To Conform

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 59‑10‑10(A) of the S.C. Code is amended to read:

 (A)(1) The goal of this article is to provide every elementarypublic school student in four‑year-old kindergarten through eighth grade with the equivalent of thirty minutes of a prescribed amount of time in physical education and/or physical activity daily.

 (2) Beginning in the 2006‑07 2024‑2025 School Year, students in kindergarten through fifth grade must be provided a minimum of one hundred fifty minutes a week of physical education and physical activity. In 2006‑07, a minimum of sixty minutes a week must be provided in physical education, and as Section 59‑10‑20 is phased in, the minimum time for physical education must be increased to ninety minutes a weekan hour and thirty minutes of physical education weekly. Students in sixth grade through eighth grade must be provided a minimum of sixty hours of physical education during each school year. The certified physical education teacher to student ratio is designed to provide students in kindergarten through fifth eighth grade with scheduled physical education either every day or on alternate days throughout the school year and must be based on the South Carolina Physical Education Curriculum Standards. The student to teacher ratio in a physical education class may not exceed the average student to teacher ratio as specified in the defined programof 28 to 1 for grades 4K-5. For grades 6-8, the student to teacher ratio in a physical education class may not exceed the average student to teacher ratio of 40 to 1 and the physical education teacher load may not exceed 240 students per day. An individual student's fitness status must be reported to his parent or guardian during a student's fifth grade, eighth grade, and high school physical education courses. The physical activity must be planned and coordinated by the certified/licensed Physical Education Activity Director pursuant to Section 59‑10‑30.

 (3) Every student in four-year-old kindergarten through eighth grade must be provided a minimum of twenty minutes of outdoor recess, with allowance for short-term interruption not to exceed three consecutive school days due to facility and staffing availability, in addition to the time required to meet existing physical education standards of this title and other academic curriculum requirements.

 (4) In the event of inclement weather, the school shall hold recess period indoors as conducive to allowing physical activity as practical. Recess periods may not be used to fulfill any curriculum or physical education requirements and cannot be removed as a form of punishment to an individual or group.

SECTION 2. Section 59-10-10 (C) and (D) of the S.C. Code is amended to read:

 (C) During each year of implementation of the reduced student to physical education teacher ratio, Each district shall annually report to the State Department of Education by June fifteenth, the number of minutes of physical education instruction and the minutes of additional physical activity students receive daily with a total for the week. The report must be listed by elementary school and by individual class and grade level. The State Department of Education shall provide a summary of this information to the General Assembly by December first of each year of implementation.

 (D) The implementation of decreased student to teacher ratio and increased instruction in physical education pursuant to Section 59-10-20 is not intended to replace or reduce time dedicated to instruction in the arts taught by certified arts specialists the requirements of Section 59-10-10 (A) shall not result in the replacement or reduction of time dedicated to instruction in the arts taught by certified arts specialists.

SECTION 3. Section 59-10-30(C) of the S.C. Code is amended to read:

 (C) Noncertified staff or adult volunteers may assist in implementing or supervising these structured physical activities, including the daily recess requirement in Section 59-10-30 (A), if approved by the district superintendent. If volunteers are used, appropriate liability insurance must be provided. The director annually shall submit to the principal a report outlining the additional physical activities for students.

SECTION 4. Article 1, Chapter 10, Title 59 of the S.C. Code is redesignated “Physical Education and Activity”.

SECTION 5. The provisions of this act must be fully implemented by July 1, 2025.

SECTION 6. This act takes effect upon approval by the Governor.

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