**South Carolina General Assembly**

125th Session, 2023-2024

**H. 4440**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Thayer, West and Beach

Companion/Similar bill(s): 729

Document Path: LC-0340WAB23.docx

Introduced in the House on May 4, 2023

Currently residing in the House Committee on **Education and Public Works**

Summary: Physical education

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

5/4/2023 House Introduced and read first time ([House Journal‑page 57](h:\hj\20230504.docx))

5/4/2023 House Referred to Committee on **Education and Public Works** ([House Journal‑page 57](h:\hj\20230504.docx))

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=4440&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[05/04/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/4440_20230504.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-29-80, RELATING TO PUBLIC SCHOOL PHYSICAL EDUCATION COURSE REQUIREMENTS AND ALTERNATE EQUIVALENT INSTRUCTION, SO AS TO PROVIDE ROTC TRAINING COMPLETED IN THE EIGHTH GRADE OR ABOVE MUST SATISFY THE PHYSICAL EDUCATION COURSEWORK REQUIREMENT FOR HIGH SCHOOL GRADUATION.

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

SECTION 1. Section 59-29-80(A) of the S.C. Code is amended to read:

(A) There is established and provided in all the public schools of this State physical education, training, and instruction of pupils of both sexes. Every pupil attending public school, in so far as he is physically fit and able to do so, shall take the course or courses provided by this section. Suitable modified courses must be provided for students physically or mentally unable or unfit to take the course or courses prescribed for normal pupils.

(1) However, In public school that offers a military or naval ROTC program sponsored by one of the military services of the United States, training in such aan ROTC program must be considered to be the equivalent of physical education instruction and must be accepted in lieu of suchphysical education instruction for all purposes, academic or nonacademic, as may hereinafter be provided. Training in a military or naval ROTC program sponsored by one of the military services of the United States in the eighth grade or above must satisfy the physical education coursework required for high school graduation.

(2) Additionally, In a public school that offers instruction in marching band based on the South Carolina Academic Standards for the Visual and Performing Arts and that incorporates the South Carolina Academic Standards for Physical Education, this instruction must be considered to be the equivalent of physical education instruction and must be accepted in lieu of physical education instruction for all purposes; provided the district first shall submit a plan to the department documenting that all South Carolina Academic Standards for Physical Education are met in the proposed marching band instruction, and upon approval of the plan by the department, this instruction may be offered and considered to be the equivalent of physical education instruction.

SECTION 2. This act takes effect upon approval by the Governor.

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