



**SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE**  
**STATEMENT OF ESTIMATED FISCAL IMPACT**  
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*This fiscal impact statement is produced in compliance with the South Carolina Code of Laws and House and Senate rules. The focus of the analysis is on governmental expenditure and revenue impacts and may not provide a comprehensive summary of the legislation.*

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<b>Bill Number:</b>	H. 4655	Introduced on January 9, 2024
<b>Author:</b>	Haddon	
<b>Subject:</b>	Unstructured and Self-Directed Recess in Public Schools	
<b>Requestor:</b>	House Education and Public Works	
<b>RFA Analyst(s):</b>	Bryant	
<b>Impact Date:</b>	March 7, 2024 - Updated for Additional Agency Response	

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### **Fiscal Impact Summary**

This bill requires public schools to provide mandatory minimum periods for physical education and recess for students in pre-kindergarten through eighth grade beginning in the 2024-25 school year. This bill also requires the State Board of Education and the S.C. Department of Education (SCDE) to promulgate and adopt revisions to their respective rules and regulations to make them consistent with the provisions of the bill.

This bill will have no expenditure impact on SCDE. The department indicates it will manage the provisions of the bill with existing appropriations.

This bill will have no expenditure impact on the School for the Deaf and the Blind. The agency indicates that it currently satisfies the requirements of the bill. Further, the Governor's School for Agriculture at John de la Howe, the Governor's School for the Arts and Humanities, the Governor's School for Science and Mathematics, and the Wil Lou Gray Opportunity School do not teach pre-kindergarten through eighth grade and, therefore, will not be impacted by the bill.

The overall expenditure impact of this bill on the local school districts varies widely. SCDE surveyed the seventy-three regular school districts and three charter school districts and received responses from twenty-five districts. Five of the responding districts indicate that the bill will have no expenditure impact. One district anticipates the need to hire additional staff but reports that the cost is currently undetermined. Eighteen districts indicate that implementing the provisions of the bill will increase expenses by an amount ranging from \$75,000 to \$4,100,000 beginning in FY 2024-25. All eighteen districts report that they will need to hire additional staff in order to provide the required amount of physical education periods and satisfy the student to teacher class ratio requirements. Some districts also report the need to purchase additional equipment and supplies in order to support a wider range of activities for students during physical education and recess, and some districts indicate that satisfying the requirements of the bill may require additional instruction space. Additionally, several districts note that they may need to expand the school day in order to provide the required amount of physical education and recess periods. Further, one district indicates that implementing the provisions of the bill could increase expenses by an amount up to \$169,022,222. This district reports that it currently has physical education classes with a student to teacher ratio of forty to one as authorized under Regulation 43-231. In order to satisfy the student to teacher ratio requirement of twenty-eight to

one specified in the bill, the district indicates that it will need to add sixty-eight physical education teachers at an average cost of \$91,500 per teacher for salary and fringe benefits. This district further reports that in order to have the space necessary to provide all pre-kindergarten through eighth grade students with the required amount of physical education periods, the district will need to add additional square footage for instructional space at forty-four schools for a projected cost of \$162,800,000.

*This impact statement has been updated to include a response from SCDE.*

## **Explanation of Fiscal Impact**

**Updated for Additional Agency Response on March 7, 2024**

**Introduced on January 9, 2024**

### **State Expenditure**

This bill requires public schools to provide mandatory minimum periods for physical education and recess for students in pre-kindergarten through eighth grade beginning in the 2024-25 school year. Students in pre-kindergarten through fifth grade must receive a minimum of ninety minutes of physical education each week. Students in sixth through eighth grade must receive a minimum of sixty hours of physical education during each school year. The bill specifies that the student to teacher ratio in a physical education class may not exceed the average student to teacher ratio of twenty-eight to one for pre-kindergarten through fifth grade. For grades six through eight, the student to teacher ratio in a physical education class may not exceed the average student to teacher ratio of forty to one, and the physical education teacher load may not exceed 240 students per day. The bill further requires every student in pre-kindergarten through eighth grade to be provided a minimum of twenty minutes of outdoor recess, such as unstructured, self-directed physical activity outdoors, daily, and in addition to the time required to meet physical education standards. In the event of inclement weather, a school must hold the recess period indoors as conducive to allowing unstructured, self-directed physical activity as practical. For reference, based on information from SCDE's website, kindergarten through fifth grades currently must have ninety minutes of physical education and sixty minutes of planned physical activity per week. This bill specifies that pre-kindergarten students must also receive ninety minutes of physical education per week. Additionally, physical education is one of the curriculum programs that must be included in instruction along with a list of other core subject areas for middle school grades. The time allowed for each curricula area is currently determined by each local school district.

This bill also requires the State Board of Education and SCDE to promulgate and adopt revisions to their respective rules and regulations to make them consistent with the provisions of the bill.

**S.C. Department of Education.** This bill will have no expenditure impact on SCDE. The department indicates it will manage the provisions of the bill with existing appropriations. *This section of the impact statement has been updated to include a response from SCDE.*

**State Agency Schools.** The Governor's School for Agriculture at John de la Howe, the Governor's School for the Arts and Humanities, the Governor's School for Science and

Mathematics, and the Wil Lou Gray Opportunity School do not teach pre-kindergarten through eighth grade and, therefore, will not be impacted by the bill. This bill will have no expenditure impact on the School for the Deaf and the Blind, as agency indicates that it currently satisfies the requirements of the bill.

### **State Revenue**

N/A

### **Local Expenditure**

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The overall expenditure impact of this bill on the local school districts varies widely. SCDE surveyed the seventy-three regular school districts and three charter school districts and received responses from twenty-five districts. Five of the responding districts indicate that the bill will have no expenditure impact. One district anticipates the need to hire additional staff but reports that the cost is currently undetermined. Eighteen districts indicate that implementing the provisions of the bill will increase expenses by an amount ranging from \$75,000 to \$4,100,000 beginning in FY 2024-25. All eighteen districts report that they will need to hire additional staff in order to provide the required amount of physical education periods and satisfy the student to teacher class ratio requirements. Some districts also report the need to purchase additional equipment and supplies in order to support a wider range of activities for students during physical education and recess, and some districts indicate that satisfying the requirements of the bill may require additional instruction space. Additionally, several districts note that they may need to expand the school day in order to provide the required amount of physical education and

recess periods. Further, one district indicates that implementing the provisions of the bill could increase expenses by an amount up to \$169,022,222. This district reports that it currently has physical education classes with a student to teacher ratio of forty to one as authorized under Regulation 43-231. In order to satisfy the student to teacher ratio requirement of twenty-eight to one specified in the bill, the district indicates that it will need to add sixty-eight physical education teachers at an average cost of \$91,500 per teacher for salary and fringe benefits. This district further reports that in order to have the space necessary to provide all pre-kindergarten through eighth grade students with the required amount of physical education periods, the district will need to add additional square footage for instructional space at forty-four schools for a projected cost of \$162,800,000.

### **Local Revenue**

N/A

### **Updated for Revised Agency Response on March 6, 2024**

### **Introduced on January 9, 2024**

### **State Expenditure**

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This bill also requires the State Board of Education and SCDE to promulgate and adopt revisions to their respective rules and regulations to make them consistent with the provisions of the bill.

**S.C. Department of Education.** The expenditure impact of this bill on SCDE is pending, contingent upon a response.

**State Agency Schools.** The Governor’s School for Agriculture at John de la Howe, the Governor’s School for the Arts and Humanities, the Governor’s School for Science and Mathematics, and the Wil Lou Gray Opportunity School do not teach pre-kindergarten through eighth grade and, therefore, will not be impacted by the bill. This bill will have no expenditure impact on the School for the Deaf and the Blind, as agency indicates that it currently satisfies the requirements of the bill.

## **State Revenue**

N/A

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*This section of the impact statement has been updated to include a revised response from a local school district.*

### **Local Revenue**

N/A

### **Introduced on January 9, 2024**

#### **State Expenditure**

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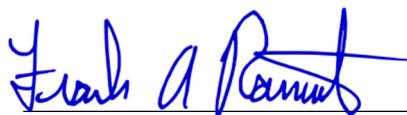
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### **Local Revenue**

N/A



Frank A. Rainwater, Executive Director