**A** **BILL**

TO AMEND SECTION 59‑1‑425, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INSTRUCTIONAL DAYS FOR PUBLIC SCHOOL STUDENTS, SO AS TO PROVIDE THE INSTRUCTIONAL DAYS MAY NOT BEGIN BEFORE 8:30 IN THE MORNING; TO AMEND SECTION 59‑10‑10, RELATING TO PHYSICAL ACTIVITY STANDARDS FOR PUBLIC ELEMENTARY AND MIDDLE SCHOOLS, SO AS TO REVISE THE STANDARDS TO REQUIRE AN OVERALL INCREASE IN MANDATORY PHYSICAL ACTIVITY MINUTES, TO REQUIRE DAILY PHYSICAL ACTIVITY, TO REQUIRE PHYSICAL ACTIVITY INCLUDE INSTRUCTIONAL PLAY AND UNSTRUCTURED PLAY IN ADDITION TO PHYSICAL EDUCATION, AND TO DEFINE NECESSARY TERMS; AND TO AMEND SECTION 59‑10‑30, RELATING TO PHYSICAL ACTIVITY DIRECTORS, SO AS TO REQUIRE DESIGNATIONS OF PHYSICAL ACTIVITY DIRECTORS IN MIDDLE SCHOOLS AND TO REVISE DUTIES OF PHYSICAL ACTIVITY DIRECTORS TO INCLUDE DEVELOPMENT OF INSTRUCTIONAL PLAY AND UNSTRUCTURED PLAY FOR ELEMENTARY AND MIDDLE SCHOOL STUDENTS.

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

SECTION 1. Section 59‑1‑425(A) of the 1976 Code is amended to read:

“(A) A local school district board of trustees of the State has the authority to establish an annual school calendar for teachers, staff, and students. The statutory school term is one hundred ninety days annually and must consist of a minimum of one hundred eighty days of instruction covering at least nine calendar months. ~~However, beginning with the 2007‑2008 school year,~~ The opening date for students must not be before the third Monday in August, except for schools operating on a year‑round modified school calendar. Three days must be used for collegial professional development based upon the educational standards as required by Section 59‑18‑300. The professional development must address, at a minimum, academic achievement standards including strengthening teachers’ knowledge in their content area, teaching techniques, and assessment. No more than two days may be used for preparation of opening of schools and the remaining five days may be used for teacher planning, academic plans, and parent conferences. The number of instructional hours in an instructional day may vary according to local board policy and does not have to be uniform among the schools in the district. The school day for students may not begin before 8:30 a.m.”

SECTION 2. Section 59‑10‑10(A) of the 1976 Code is amended to read:

“(A)(1) The goal of this article is to ~~provide every elementary student with the equivalent of thirty minutes of physical activity daily. Beginning in the 2006‑07 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 week~~ enhance student academic performance, improve student health, and instill healthful behavior by integrating an increased amount of physical activity into the school day for elementary and middle school students.

(2)(a) Beginning with the 2021‑2022 School Year:

(i) students in kindergarten through third grade must be provided a minimum of ninety minutes of physical activity consisting of physical education, instructional play, and unstructured play each day; and

(ii) students in fourth grade through eighth grade must be provided a minimum of sixty minutes of physical activity consisting of physical education, instructional play, and unstructured play each day.

(b) The physical activity requirement in subitem (a) must include at least ninety minutes of physical education each week.

(3) The certified physical education teacher to student ratio is designed to provide students in kindergarten through fifth 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 of 28 to 1.

(4) 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.

(5) The physical activity must be planned and coordinated by the Physical Education Activity Director pursuant to Section 59‑10‑30.

(6) For purposes of this article, ‘instructional play’ means the use of physical activity or a game to facilitate academic learning.”

SECTION 3. Section 59‑10‑30(A) of the 1976 Code is amended to read:

“(A) Beginning with the 2021‑2022 School Year, each elementary school and each middle school shall designate a physical education teacher to serve as its Physical Education Activity Director. The Physical Education Activity Director shall plan and coordinate opportunities for additional physical activity for students that exceed the designated weekly student physical education instruction times that:

(1) may include, but not be limited to, before, during, and after school dance instruction, fitness trail programs, intramural programs, bicycling programs, walking programs, and recess~~,~~; and (2) must include activities designed to promote physical activity opportunities in the classroom.”

SECTION 4. This act takes effect upon approval by the Governor.

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