**South Carolina General Assembly**

125th Session, 2023-2024

**H. 3731**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Haddon, Burns, Long and Vaughan

Companion/Similar bill(s): 516, 3292, 4655

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Introduced in the House on January 18, 2023

Currently residing in the House

Summary: School recess

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/18/2023 House Introduced and read first time ([House Journal‑page 14](h:\hj\20230118.docx))

1/18/2023 House Referred to Committee on **Education and Public Works** ([House Journal‑page 14](h:\hj\20230118.docx))

2/7/2023 Scrivener's error corrected

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=3731&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[01/18/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3731_20230118.docx)

[02/07/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3731_20230207.docx)

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 FIFTH GRADE, so as to PROVIDE MANDATORY, DAILY RECESS PERIODS TOTALING FORTY‑FIVE TO SIXTY MINUTES FOR STUDENTS IN FOUR‑YEAR-OLD KINDERGARTEN THROUGH FIFTH GRADE AND THIRTY TO FORTY‑FIVE MINUTES FOR STUDENTS IN SIXTH THROUGH EIGHTH GRADE FOR UNSTRUCTURED, SELF‑DIRECTED, OUTDOOR PHYSICAL ACTIVITY, TO PROVIDE THESE RECESS PERIODS ARE IN ADDITION TO EXISTING PHYSICAL EDUCATION OR OTHER CURRICULUM REQUIREMENTS, AND TO PROVIDE THE SAME UNSTRUCTURED, SELF‑DIRECTED RECESS PERIODS MUST BE HELD INDOORS DURING TIMES OF INCLEMENT WEATHER WITHOUT THE USE OF INDIVIDUAL ELECTRONIC DEVICES BY STUDENTS; TO REDESIGNATE ARTICLE 1 of CHAPTER 10, TITLE 59 as “PHYSICAL EDUCATION AND ACTIVITY”; and 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.

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 elementary public school student in four-year old kindergarten through eighth grade with the equivalent of thirty minutes of a prescribed amount of time of physical activity daily.

(2) Beginning in the 2006-07 2023-2024 school year, students in four-year old kindergarten through fifth grade must be provided a minimum of one hundred fifty total of forty-five to sixty 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. 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. 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 fifth grade daily must be provided forty‑five to sixty minutes of recess periods for unstructured, self directed, outdoor physical activity in addition to the time required to meet existing physical education standards of this title or other academic curriculum requirements.

(4) Every student in sixth through eight grade daily must be provided thirty to forty‑five minutes of recess periods for unstructured, self‑directed, outdoor physical activity in addition to the time required to meet existing physical education standards of this title or other academic curriculum requirements.

(5) In the event of inclement weather, the school must hold recess period indoors as conducive to allowing unstructured, self directed physical activity as practical. Recess periods may not be used to fulfill any curriculum requirements or include the use of individual electronic devices by students.

SECTION 2. Article 1, Chapter 10, Title 59 of the S.C. Code is redesignated “Physical Education and Activity”.

SECTION 3. The State Board of Education and State Department of Education shall promulgate revisions to their respective regulations and adopt revisions to their respective rules so as to make them consistent make them consistent with the provisions of this act. To the extent a provision of this act conflicts with a regulation of rule of the State Board of Education or the State Department of Education, the provisions of this act prevail.

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

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