**South Carolina General Assembly**

126th Session, 2025-2026

**H. 3195**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Haddon, Pope, Pedalino, Chumley, Taylor, Erickson, Bradley, Hixon, Ligon, Weeks, Oremus, Hartz, Williams, Luck, Gilliard, Rivers and Anderson

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Introduced in the House on January 14, 2025

Introduced in the Senate on February 18, 2025

Last Amended on February 13, 2025

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

 12/5/2024 House Prefiled

 12/5/2024 House Referred to Committee on **Education and Public Works**

 1/14/2025 House Introduced and read first time (House Journal‑page 123)

 1/14/2025 House Referred to Committee on **Education and Public Works** (House Journal‑page 123)

 2/4/2025 House Member(s) request name added as sponsor:
 Erickson, Bradley

 2/6/2025 House Committee report: Favorable with amendment **Education and Public Works** (House Journal‑page 13)

 2/11/2025 House Member(s) request name added as sponsor: Hixon

 2/11/2025 Scrivener's error corrected

 2/12/2025 House Member(s) request name added as sponsor: Ligon,
 Weeks, Oremus, Hartz, Williams, Luck

 2/12/2025 House Debate adjourned until Thur., 2-13-25 (House Journal‑page 91)

 2/13/2025 House Member(s) request name added as sponsor:
 Gilliard, Rivers, Anderson

 2/13/2025 House Amended (House Journal‑page 22)

 2/13/2025 House Read second time (House Journal‑page 22)

 2/13/2025 House Roll call Yeas-101 Nays-3 (House Journal‑page 23)

 2/13/2025 House Unanimous consent for third reading on next legislative day (House Journal‑page 25)

 2/18/2025 Senate Introduced and read first time (Senate Journal‑page 7)

 2/18/2025 Senate Referred to Committee on **Education** (Senate Journal‑page 7)

 2/18/2025 Scrivener's error corrected

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=3195&session=126&summary=B)  at the website

**VERSIONS OF THIS BILL**

[12/05/2024](https://www.scstatehouse.gov/sess126_2025-2026/prever/3195_20241205.docx)

[02/06/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/3195_20250206.docx)

[02/11/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/3195_20250211.docx)

[02/13/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/3195_20250213.docx)

[02/18/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/3195_20250218.docx)

Indicates Matter Stricken

Indicates New Matter

Amended

February 13, 2025

H. 3195

Introduced by Reps. Haddon, Pope, Pedalino, Chumley, Taylor, Erickson, Bradley, Hixon, Ligon, Weeks, Oremus, Hartz, Williams, Luck, Gilliard, Rivers and Anderson

S. Printed 2/13/25--H. [SEC 2/18/2025 4:48 PM]

Read the first time January 14, 2025

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statement of estimated fiscal impact

Explanation of Fiscal Impact

State Expenditure

This bill requires public schools to provide mandatory minimum periods for physical education and recess for students in four-year-old kindergarten through eighth grade beginning in the 2026-27 school year. Students in four-year-old kindergarten through fifth grade must receive a minimum of one hour and thirty 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 as specified in the defined program. Currently, Regulation 43-231 specifies that the average student to teacher ratio in any school shall not exceed a ratio of twenty-eight to one for kindergarten through fifth grade. Regulation 43-232 specifies that 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 four-year-old kindergarten through eighth grade to be provided a minimum of twenty minutes of outdoor recess, with allowances for short-term interruptions not to exceed three consecutive school days due to facility and staffing availability. In the event of inclement weather, a school must hold the recess period indoors as conducive to allowing physical activity as practical. Noncertified staff or adult volunteers may assist in implementing or supervising the daily recess requirement. Additionally, the bill specifies that the recess requirements may not result in replacement or reduction of time dedicated to instruction in the arts taught by certified art specialists.

The bill also provides that a student in seventh or eighth grade who is taking units of ninth grade or higher work for high school credits at an off-campus location may be exempted from physical education requirements if the school has made a reasonable effort to accommodate the student’s participation in physical education.

For reference, based on information from SCDE’s website, kindergarten through fifth grades currently must have one hour and thirty minutes of physical education and sixty minutes of planned physical activity per week. This bill specifies that four-year-old kindergarten students must also receive one hour and thirty 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.

**S.C. Department of Education.** This bill will have no expenditure impact on SCDE. The department indicates that it can manage the provisions of the bill with existing appropriations.

**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 four-year old kindergarten through eighth grade and, therefore, will not be impacted by the bill. This bill is not expected to have an expenditure impact on the School for the Deaf and the Blind, as the agency previously indicated on similar legislation that it currently satisfies the requirements of the bill.

Local Expenditure

This bill requires public schools to provide mandatory minimum periods for physical education and recess for students in four-year old kindergarten through eighth grade beginning in the 2026-27 school year. Students in four-year-old kindergarten through fifth grade must receive a minimum of one hour and thirty 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 as specified in the defined program. Currently, Regulation 43-231 specifies that the average student to teacher ratio in any school shall not exceed a ratio of twenty-eight to one for kindergarten through fifth grade. Regulation 43-232 specifies that 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 four-year-old kindergarten through eighth grade to be provided a minimum of twenty minutes of outdoor recess, with allowances for short-term interruptions not to exceed three consecutive school days due to facility and staffing availability. In the event of inclement weather, a school must hold the recess period indoors as conducive to allowing physical activity as practical. Noncertified staff or adult volunteers may assist in implementing or supervising the daily recess requirement. Additionally, the bill specifies that the recess requirements may not result in replacement or reduction of time dedicated to instruction in the arts taught by certified art specialists.

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For reference, based on information from SCDE’s website, kindergarten through fifth grades currently must have one hour and thirty minutes of physical education and sixty minutes of planned physical activity per week. This bill specifies that four-year-old kindergarten students must also receive one hour and thirty 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.

The overall expenditure impact of this bill on the local school districts varies widely. SCDE surveyed the seventy-two regular school districts and three charter school districts and received responses from fourteen districts. Five of the responding districts indicate that the bill will have no expenditure impact. Seven districts indicate that implementing the provisions of the bill will increase expenses by an amount ranging from $75,000 to $1,575,000 beginning in FY 2026-27. All seven 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. One district anticipates the need to hire additional staff and provide training but reports that the cost is currently undetermined. Additionally, one district indicates that implementing the provisions of the bill may increase expenses due to the need to hire additional staff, provide training, and maintain, upgrade, or repair playground facilities, but reports that the cost is currently undetermined. This district also notes that providing unstructured recess may increase the risk of injuries, potentially resulting in higher insurance premiums or legal liabilities.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

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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 OUTDOOR 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; BY AMENDING SECTION 59‑10‑30, RELATING TO PHYSICAL EDUCATION ACTIVITY DIRECTORS AND VOLUNTEERS, SO AS TO MAKE CONFORMING CHANGES; AND TO REDESIGNATE ARTICLE 1 OF CHAPTER 10, TITLE 59 AS “PHYSICAL EDUCATION AND ACTIVITY.”

 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 minutesa prescribed amount of time in physical education and/or of physical activity daily.

 (2) Beginning in the 2006‑072026‑2027 school yearSchool 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 weekone 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 fiftheighth 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 1as specified in the defined program. 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 unstructured outdoor recess daily, 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, eachEach 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 specialiststhe 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. Section 59-29-80(B) of the S.C. Code is amended to read:

 (B) A student may be exempted from physical education requirements by seeking a waiver from the local school board of trustees. The local board may grant such a request based on the following criteria:

 (1) The student must present a statement by his attending physician indicating that participation in physical education will jeopardize the student's health and well-being; or

 (2)(a) The parent and student must show that the student's attending physical education classes will violate their religious beliefs and would not be merely a matter of personal objection; and

 (b) the parent or student must be members of a recognized religious faith that objects to physical education as part of its official doctrine or creed.; or

 (3)(a) For students in seventh or eighth grade who seek middle school level physical education credit, a student taking units of ninth grade or higher work for high school credit at an off-campus location; and

 (b) the school has made reasonable efforts to accommodate the student’s participation in physical education.

 The local board shall encourage the student to take, as an alternative to physical education, appropriate instruction in health education or other instruction in lifestyle modification if an exemption is granted pursuant to this section.

SECTION 5. Article 1, Chapter 10, Title 59 of the S.C. Code is redesignated “Physical Education and Activity.”

SECTION 6. The provisions of this act must be fully implemented by July 1, 2026.

SECTION 7. This act takes effect upon approval by the Governor.

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