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AMENDED--NOT PRINTED IN THE HOUSE

Amt. No. 302C009.AGM.WAB18.docx

May 9, 2018

**S. 302**

Introduced by Senators Sheheen and Bennett

S. Printed 5/8/18--H.

Read the first time April 3, 2018.

**A** **BILL**

TO AMEND SECTION 59‑29‑80(A) OF THE 1976 CODE, RELATING TO PHYSICAL EDUCATION INSTRUCTION IN PUBLIC SCHOOLS, TO PROVIDE THAT MARCHING BAND INSTRUCTION BASED ON THE SOUTH CAROLINA ACADEMIC STANDARDS FOR THE VISUAL AND PERFORMING ARTS MUST BE CONSIDERED THE EQUIVALENT OF PHYSICAL EDUCATION INSTRUCTION.

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

SECTION 1. Section 59‑29‑80(A) of the 1976 Code is amended to read:

“Section 59‑29‑80. (A) There ~~shall be~~ is established and provided in all the public schools of this State physical education, training, and instruction of pupils of both sexes~~, and every~~. Every pupil attending ~~any~~ 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 ~~shall~~ must be provided for students physically or mentally unable or unfit to take the course or courses prescribed for normal pupils. However, in ~~any~~ public school ~~which~~ that offers a military or naval ROTC program sponsored by one of the military services of the United States, training in such a program ~~may~~ must be ~~deemed~~ considered to be the equivalent ~~to~~ of physical education instruction~~,~~ and ~~may~~ must be accepted in lieu of such instruction for all purposes, academic or nonacademic, as may hereinafter be provided. 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 which incorporates the South Carolina Academic Standards for Physical Education, the school district board may, in its sole discretion, elect to offer this marching band instruction as the equivalent of physical education instruction and in lieu of such separate coursework, and this marching band instruction must be accepted in lieu of physical education instruction for all purposes; provided:

(1) 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;

(2) the students also must complete the coursework in cardiopulmonary resuscitation required in Section 59‑32‑30(A)(7); and

(3) the provisions of Title 59, Chapter 32 must continue to be met.”

SECTION 2.A. Section 59‑32‑20 of the 1976 Code is amended to read:

“Section 59‑32‑20. (A) Before August 1, 1988, the board, through the department, shall select or develop an instructional unit with separate components addressing the subjects of reproductive health education, family life education, pregnancy prevention education, and sexually transmitted diseases and make the instructional unit available to local school districts. The board, through the department, also shall make available information about other programs developed by other states upon request of a local school district.

(B) In addition to the provisions of subsection (A), before September 1, 2015, the board, through the department, shall select or develop instructional units in sexual abuse and assault awareness and prevention, with separate units appropriate for each age level from four‑year‑old kindergarten through twelfth grade.

(C) Before August 1, 2018, and through the cyclical review process, the board shall include instruction on prescription opioid abuse prevention, with an emphasis on the prescription drug epidemic and the connection between opioid abuse and addiction to other drugs, such as heroin, in the health standards. In addition, the board shall make available to districts a list of instructional materials that meet state standards. Districts shall continue to adopt or develop curriculum locally.”

B. This SECTION takes effect upon approval by the Governor and is applicable beginning with the 2018‑2019 School Year.

SECTION 3. Article 1, Chapter 103, Title 59 of the 1976 Code is amended by adding:

“Section 59‑103‑155. Any public or private institution of higher education in the State from which a student may earn a degree in a health care profession that allows the person to prescribe controlled substances listed in Schedules II, III, and IV in the State shall require for those programs that students complete coursework on the prescription and monitoring of Schedule II, III, and IV controlled substances, including coursework on the prescription of Schedule II controlled substances to treat or manage pain, and strategies that can be employed to recognize signs of and reduce the likelihood of patient addiction. These institutions of higher education shall coordinate with the state’s Commission on Higher Education, Board of Medical Examiners, Board of Dentistry, and Board of Nursing to develop the curriculum.”

SECTION 4. Except as otherwise provided, this act takes effect upon approval by the Governor.

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