CHAPTER 10

Physical Education, School Health Services, and Nutritional Standards

Editor’s Note

2005 Act No. 102, Section 2, provides as follows:

“This act may be cited as the Students Health and Fitness Act of 2005.”

ARTICLE 1

Physical Education Standards

**SECTION 59‑10‑10.** Standards established; status reports to parents; decrease in student to physical education teacher ratio.

 (A) 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. 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 Physical Education Activity Director pursuant to Section 59‑10‑30.

 (B) A student may be exempted from these physical education and activity requirements required by subsection (A) by seeking a waiver as outlined in Section 59‑29‑80(B).

 (C) During each year of implementation of the reduced student to physical education teacher ratio, each district shall 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 specialists.

HISTORY: 2005 Act No. 102, Section 3, eff June 1, 2005.

**SECTION 59‑10‑20.** Student to certified physical education teacher ratios.

 (A) Beginning with the 2006‑07 school year, the student to certified physical education teacher ratio in the elementary schools of the State must be 700 to 1.

 (B) Beginning with the 2007‑08 school year, the student to certified physical education teacher ratio in the elementary schools of the State must be 600 to 1.

 (C) Beginning with the 2008‑09 school year, the student to certified physical education teacher ratio in the elementary schools of the State must be 500 to 1.

HISTORY: 2005 Act No. 102, Section 3, eff June 1, 2005.

**SECTION 59‑10‑30.** Designation of Physical Education Activity directors.

 (A) Each elementary 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 may include, but not be limited to, before, during, and after school dance instruction, fitness trail programs, intramural programs, bicycling programs, walking programs, recess, and activities designed to promote physical activity opportunities in the classroom.

 (B) In schools having dance education specialists, instruction based on the South Carolina Dance Curriculum Standards and the dance components of the South Carolina Physical Education Standards may be used to satisfy one‑fourth of the required physical education minutes.

 (C) Noncertified or adult volunteers may assist in implementing or supervising these structured physical activities 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.

HISTORY: 2005 Act No. 102, Section 3, eff June 1, 2005.

**SECTION 59‑10‑40.** Professional development.

 Appropriate professional development must be provided to teachers and volunteers on the importance of physical activity for young children and the relationship of activity and good nutrition to academic performance and healthy lifestyles.

HISTORY: 2005 Act No. 102, Section 3, eff June 1, 2005.

**SECTION 59‑10‑50.** Administration of South Carolina Physical Education Assessments; scoring effectiveness.

 (A) Each public school in this State shall administer the South Carolina Physical Education Assessment. Assessment of students in second grade, fifth grade, eighth grade, and high school must be used to assess the effectiveness of the school’s physical education program and its adherence to the South Carolina Physical Education Curriculum Standards. The State Department of Education shall develop a procedure for calculating a district and school physical education program effectiveness score. The district and school physical education effectiveness score must be reported to the education community through the district and school report card.

 (B) The physical education teachers in a school that receives an unsatisfactory program effectiveness score pursuant to subsection (A), will be provided professional development activities designed to assist the school in improving its programs’ effectiveness.

HISTORY: 2005 Act No. 102, Section 3, eff June 1, 2005.

**SECTION 59‑10‑60.** Age appropriate equipment.

 Each district shall make every effort to ensure that the schools in its district have age appropriate equipment and facilities to implement the physical education curriculum standards.

HISTORY: 2005 Act No. 102, Section 3, eff June 1, 2005.

ARTICLE 2

School Health Services

**SECTION 59‑10‑210.** Funding for licensed nurses for elementary schools.

 Beginning with the 2007‑08 school year, the General Assembly, annually in the General Appropriations Act, shall appropriate funds to the Department of Education to provide licensed nurses for elementary public schools. The State Department of Education shall make these funds available through a grant program and shall distribute the funds to the local school districts on a per school basis.

HISTORY: 2005 Act No. 102, Section 3, eff June 1, 2005.

Attorney General’s Opinions

Discussion of whether Spartanburg School District 7 may hire a licensed pediatrician to fill a nursing position at an elementary school using funds made available by the State Department of Education. S.C. Op.Atty.Gen. (July 25, 2013) 2013 WL 4397078.

**SECTION 59‑10‑220.** Adoption of universal precautions for bloodborne disease exposure; notice

 By January 1, 2012, each school district shall adopt the Centers for Disease Control and Prevention (CDC) recommendations on universal precautions for bloodborne disease exposure and shall communicate written notice of these procedures to each school within the district. The notice must provide information regarding education and training in the areas of infection control, universal precautions, and disinfection and sterilization techniques.

HISTORY: 2011 Act No. 34, Section 2, eff June 7, 2011.

ARTICLE 3

Nutrition Standards

**SECTION 59‑10‑310.** Establishment of school food service meals and competitive foods; district policies; exemptions.

 (A) In an effort to promote optimal healthy eating patterns and academic success, the State Board of Education by policy shall establish requirements for all school food service meals and competitive foods provided in kindergarten through twelfth grade during the academic school year, which must meet or may exceed, the nutritional requirements established by the United States Department of Agriculture Food and Nutrition Service. The nutritional requirements must be continuously updated to reflect the current United States Department of Agriculture Food and Nutrition Service standards. A school district board of trustees may adopt a more restrictive policy. This policy does not restrict the food that a parent or guardian may provide for student consumption at school.

 (B) School fundraisers must be exempted from the requirements in this section; however, nothing in this section shall restrict or prohibit the department from establishing policy with regard to school fundraisers, as authorized by the United States Department of Agriculture.

HISTORY: 2005 Act No. 102, Section 3, eff June 1, 2005; 2016 Act No. 258 (S.484), Section 1, eff June 5, 2016.

Effect of Amendment

2016 Act No. 258, Section 1, rewrote the section.

CROSS REFERENCES

Coordinated School Health Advisory Council (CSHAC), development of health wellness plan, health and nutrition policies, see Section 59‑10‑330.

**SECTION 59‑10‑320.** Coordinated school health models; implementation; evaluation of effectiveness.

 (A) The State Department of Education shall make available to each school district a coordinated school health model designed to address health issues of children. The program must provide for coordinating the following eight components: safe and healthy environment, physical education, health education, staff wellness, health services, guidance and health, nutrition services, and parent and community involvement. The Department of Education shall notify each school district of the availability of professional development opportunities and provide technical assistance for implementing the coordinated school health model.

 (B) The Department of Education shall develop or adopt an assessment program to evaluate district and school health education programs. At a minimum, the assessment must be designed to determine program effectiveness and adherence to South Carolina Health and Safety Education Curriculum Standards. The State Department of Education shall begin piloting health education assessments in the 2006‑07 school year with implementation in the 2008‑09 school year.

HISTORY: 2005 Act No. 102, Section 3, eff June 1, 2005.

**SECTION 59‑10‑330.** Coordinated School Health Advisory Council (CSHAC); development of health wellness plan; health and nutrition policies.

 (A) Each school district shall establish and maintain a Coordinated School Health Advisory Council (CSHAC) to assess, plan, implement, and monitor district and school health policies and programs, including the development of a district wellness policy to begin implementation in the 2006‑07 school year. The council must be composed of members of the community, school representatives, students, parents, district food service employees, and school board members.

 (B) Each district, in collaboration with the CSHAC, shall develop a school health improvement plan that addresses strategies for improving student nutrition, health, and physical activity and includes the district’s wellness policy. The school health improvement plan must report compliance with the requirements contained in Section 59‑10‑310. The district health improvement plan goals and progress toward those goals must be included in the district’s strategic plan required pursuant to Section 59‑20‑60.

 (C) Each school board of trustees shall establish health and nutrition policies for its elementary schools designed to limit vending sales and sales of foods and beverages of minimal nutritional value at any time during the school day except in the case of medical emergency and special occasions celebrated during school hours. However, this policy does not restrict the food that a parent or guardian may provide for his child’s consumption at school. A school district board of trustees may adopt a more restrictive policy.

HISTORY: 2005 Act No. 102, Section 3, eff June 1, 2005; 2016 Act No. 258 (S.484), Section 2, eff June 5, 2016.

Effect of Amendment

2016 Act No. 258, Section 2, in (B), added the second sentence, relating to compliance reporting.

**SECTION 59‑10‑340.** Snacks in vending machines.

 Each district’s Coordinated School Health Advisory Council established pursuant to Section 59‑10‑330 shall determine which snacks may be sold in vending machines in elementary schools.

HISTORY: 2005 Act No. 102, Section 3, eff June 1, 2005.

**SECTION 59‑10‑350.** Length of lunch period; factors.

 Each elementary school shall provide students a minimum of twenty minutes to eat lunch once they have received their food. In determining the total length of the lunch period, time to and from the cafeteria, time to go through the line, and time to bus trays at the end of lunch must be considered.

HISTORY: 2005 Act No. 102, Section 3, eff June 1, 2005.

**SECTION 59‑10‑360.** K‑5 health curriculum; nutrition component.

 Health curriculum for students in kindergarten through fifth grade must include a weekly nutrition component.

HISTORY: 2005 Act No. 102, Section 3, eff June 1, 2005.

**SECTION 59‑10‑370.** Funding for implementation of chapter.

 Each phase of implementation of this chapter is contingent upon the appropriation of adequate funding as documented by the fiscal impact statement provided by the Office of State Budget of the State Budget and Control Board. There is no mandatory financial obligation to school districts if state funding is not appropriated for each phase of implementation as provided for in the fiscal impact statement of the Office of the State Budget of the State Budget and Control Board.

HISTORY: 2005 Act No. 102, Section 3, eff June 1, 2005.

Code Commissioner’s Note

At the direction of the Code Commissioner, reference in this section to the former Budget and Control Board has not been changed pursuant to the directive of the South Carolina Restructuring Act, 2014 Act No. 121, Section 5(D)(1), until further action by the General Assembly.

**SECTION 59‑10‑380.** Food or beverage items sold as fundraiser.

 Nothing in this article may be construed to prohibit or limit the sale or distribution of any food or beverage item through fundraisers by students, teachers, or groups when the items are intended for sale off the school campus.

HISTORY: 2005 Act No. 102, Section 3, eff June 1, 2005.