



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE

STATEMENT OF ESTIMATED FISCAL IMPACT

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This fiscal impact statement is produced in compliance with the South Carolina Code of Laws and House and Senate rules. The focus of the analysis is on governmental expenditure and revenue impacts and may not provide a comprehensive summary of the legislation.

Bill Number: H. 3195 Amended by House Education and Public Works on February 6, 2025
Subject: Unstructured and Self-Directed Recess in Public Schools
Requestor: House Education and Public Works
RFA Analyst(s): Bryant
Impact Date: February 10, 2025

Fiscal Impact Summary

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. 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 exempt from physical education requirements if the school has made a reasonable effort to accommodate the student's participation in physical education.

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

This bill is not expected to have an expenditure impact on the School for the Deaf and the Blind. The agency previously indicated on similar legislation that it currently satisfies the requirements of the bill. Further, 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.

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.

Explanation of Fiscal Impact

Amended by House Education and Public Works on February 6, 2025

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.

State Revenue

N/A

Local Expenditure

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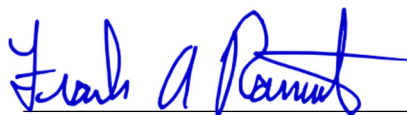
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Local Revenue

N/A



Frank A. Rainwater, Executive Director