

1972 WL 25271 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 12, 1972

***1 Re: No. 256—Schools—General**

Mr. Ernest B. Carnes
Rutledge Building
State Department of Education
Columbia, South Carolina 29201

Dear Mr. Carnes:

In reply to your request for an opinion on the substitution of military science courses for physical education courses, Section 21-416 of the Code of Laws of South Carolina (1962), indicates that this requirements of physical education courses shall be modified only for those students physically or mentally unable or unfit for such courses:

§ 21-416. Courses in physical education. There shall be established and provided in all the public schools of this State physical education, training and instruction of pupils of both sexes, and every pupil attending any such school, in so far as he is physically fit and able to do so, shall take the course or courses therein as provided by this section. Suitable modified courses shall be provided for students physically or mentally unable or unfit to take the course or courses prescribed for normal pupils.

Based upon the wording of this statute, military science courses may not be legally substituted for physical education courses. Such a substitution would require amending the above statute.

Sincerely,

Hardwick Stuart, Jr.
Assistant Attorney General

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