COMMITTEE REPORT

May 13, 2013

**H. 3229**

Introduced by Reps. Daning and Crosby

S. Printed 5/13/13--S.

Read the first time March 20, 2013.

**THE COMMITTEE ON EDUCATION**

To whom was referred a Bill (H. 3229) to amend the Code of Laws of South Carolina, 1976, by adding Section 59‑5‑170 so as to create the Division of Interscholastic Athletics to serve as the, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by deleting all after the enacting words and inserting:

/ SECTION 1. Chapter 5, Title 59 of the 1976 Code is amended by adding:

“Section 59‑5‑170. A public school may not join or affiliate with any interscholastic athletic association, body, or entity unless the constitution, rules, or policies of the association, body, or entity contain the following:

(1) A range of sanctions that may be applied to a student, coach, team, or program and that take into account factors such as the seriousness, frequency, and other relevant factors when there is a violation of the constitution, bylaws, rules, or other governing provisions of the association, body, or entity.

(2)(a) Guarantees that private or charter schools are afforded the same rights and privileges that are enjoyed by all other members of the association, body, or entity. Private or charter schools may not be expelled or denied membership in the association, body, or entity or restricted in their ability to participate in interscholastic athletics including, but not limited to, state playoffs or championships based solely on their status as a private school or charter school. The association, body, or entity shall set reasonable standards for private or charter school admission. A private or charter school denied membership must be provided, in writing within five business days, the reason or reasons for rejection of its application for membership.

(b) Guarantees that a South Carolina home school athletic team that is a member of a home school athletic association may not be denied access to preseason and regular season interscholastic athletics including, but not limited to, jamborees and invitational tournaments, based solely on its status as a home school athletic team.

(3)(a) An appeals process in which appeals of the association, body, or entity are made to a disinterested third‑body appellate panel. The appellate body must consist of seven members, with one person appointed by the delegation of each congressional district. Members must serve four‑year terms.

(b) A member of the panel serves until his successor is appointed and qualifies. A vacancy on the panel must be filled in the manner of the original appointment.

(c) Members of the appellate panel may not concurrently serve as officers of the association, body, or entity and may not have served as a member of the executive committee within the last three years. Parents, legal guardians, principals, and coaches must be able to appeal a ruling of the association, body, or entity to the panel. The appellate panel must provide the final ruling in any appeal brought against a decision of the association, body, or entity.

(4) A procedure in place for emergency appeals to be held and decided upon in an expedited manner if the normal appellate process would prohibit the participation of a student, team, program, or school in an athletic event, to include practices.

(5) Provisions, implemented within one year after the effective date of this section, that require the composition of the executive committee of the association, body, or entity be geographically representative of this State.

Section 59‑5‑180. In the event an association, body, or entity fails to include one of the items listed in Section 59‑5‑170, public schools must end their affiliation with the association, body, or entity prior to the beginning of the upcoming school year and are prohibited from paying dues or fees to the association, body, or entity.”

SECTION 2. This act takes effect July 1, 2013. /

Renumber sections to conform.

Amend title to conform.

Majority favorable. Minority unfavorable.

JOHN E. COURSON CLEMENTA C. PINCKNEY

For Majority. For Minority.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑5‑170 SO AS TO CREATE THE DIVISION OF INTERSCHOLASTIC ATHLETICS TO SERVE AS THE SOLE GOVERNING BODY OF ATHLETICS FOR SOUTH CAROLINA PUBLIC SCHOOLS, TO PROVIDE FOR A DIRECTOR OF THE DIVISION APPOINTED BY THE SUPERINTENDENT OF EDUCATION, TO PROVIDE MATTERS ABOUT WHICH THE DIVISION SHALL PROMULGATE REGULATIONS AND FOR WHICH THE DIVISION MAY ISSUE EMERGENCY REGULATIONS, TO PROVIDE FOR THE CREATION OF AN ADVISORY COMMITTEE TO ASSIST THE DIVISION IN EVALUATING THE OVERALL INTERSCHOLASTIC ATHLETIC PROGRAM AND RELATED RECOMMENDATIONS, TO PROVIDE FOR THE COMPOSITION OF THE COMMITTEE, AND TO PROVIDE MEMBERS OF THE COMMITTEE SERVE AT THE PLEASURE OF THE SUPERINTENDENT OF EDUCATION AND MAY NOT RECEIVE COMPENSATION; AND TO AMEND SECTION 59‑39‑160, RELATING TO REQUIREMENTS FOR PARTICIPATION IN INTERSCHOLASTIC ACTIVITIES, SO AS TO MAKE CONFORMING CHANGES.

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

SECTION 1. Chapter 5, Title 59 of the 1976 Code is amended by adding:

“Section 59‑5‑170. A public school may not join or affiliate with any interscholastic athletic association, body, or entity unless the constitution, rules, or policies of the association, body, or entity contain the following:

(1) A range of sanctions that may be applied to a student, coach, team, or program and that take into account factors such as the seriousness, frequency, and other relevant factors when there is a violation of the constitution, bylaws, rules, or other governing provisions of the association, body, or entity.

(2) Guarantees that individuals and private or charter institutions are afforded the same rights and privileges that are enjoyed by all other members of the association, body, or entity. Individuals and private or charter institutions may not be expelled or denied membership in the association, body, or entity or restricted in their ability to participate in interscholastic athletics including, but not limited to, state playoffs or championships based solely on their status as a home‑schooled individual, private school, or charter school.

(3)(a) An appeals process in which appeals of the association, body, or entity are made to a disinterested third‑body appellate panel. The appellate body must consist of seven members, with one person appointed by the delegation of each congressional district. Members must serve four‑year terms.

(b) A member of the panel serves until his successor is appointed and qualifies. A vacancy on the panel must be filled in the manner of the original appointment.

(c) Members of the appellate panel may not concurrently serve as officers of the association, body, or entity and may not have served as a member of the executive committee within the last three years. Parents, principals, and coaches must be able to appeal a ruling of the association, body, or entity to the panel. The appellate panel must provide the final ruling in any appeal brought against a decision of the association, body, or entity.

(4) A procedure in place for emergency appeals to be held and decided upon in an expedited manner if the normal appellate process would prohibit the participation of a student, team, program, or school in an athletic event, to include practices.

(5) Provisions, implemented within one year after the effective date of this section, that require the composition of the executive committee of the association, body, or entity be geographically representative of this State.

Section 59‑5‑180. In the event an association, body, or entity fails to include one of the items listed in Section 59‑5‑170, public schools must end their affiliation with the association, body, or entity prior to the beginning of the upcoming school year and are prohibited from paying dues or fees to the association, body, or entity.”

SECTION 2. This act takes effect July 1, 2013.

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