**South Carolina General Assembly**

125th Session, 2023-2024

**S. 161**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Young, Grooms and Climer

Companion/Similar bill(s): 150, 4125

Document Path: SR-0120KM23.docx

Introduced in the Senate on January 10, 2023

Currently residing in the Senate

Summary: Private School Students in Public School Sports

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 11/30/2022 Senate Prefiled

 11/30/2022 Senate Referred to Committee on **Education**

 1/10/2023 Senate Introduced and read first time (Senate Journal‑page 88)

 1/10/2023 Senate Referred to Committee on **Education** (Senate Journal‑page 88)

 4/16/2024 Senate Committee report: Favorable with amendment **Education** (Senate Journal‑page 7)

 4/17/2024 Scrivener's error corrected

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**VERSIONS OF THIS BILL**

[11/30/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/161_20221130.docx)

[04/16/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/161_20240416.docx)

[04/17/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/161_20240417.docx)

Indicates Matter Stricken

Indicates New Matter

Committee Report

April 16, 2024

S. 161

Introduced by Senators Young, Grooms and Climer

S. Printed 04/16/24--S. [SEC 4/17/2024 11:47 AM]

Read the first time January 10, 2023

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The committee on Senate Education

To whom was referred a Bill (S. 161) to amend the South Carolina Code of Laws by amending Section 59‑63‑100, relating to nonpublic school student participation in the interscholastic activities of public, 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, SECTION 1.A., by striking Section 59-63-100(G)(1), (2), and (3) and inserting:

(1) Notwithstanding the provisions of this section, individual students who attend independent schools in this State may not be denied by a public school district the opportunity to try out for and, if selected, participate in an interscholastic athletic program offered at a public school in the district if the:

 (a) student resides within the attendance zone boundaries of the public school;

 (b) independent school that the student attends is not a member of the South Carolina High School League and the private school’s enrollment for grades nine through twelve does not exceed two hundred students;

 (c) independent school attended by the student does not offer the particular sport for the student’s gender;

 (d) particular sport in which the student seeks to participate is offered at the public school located in the attendance zone where the student resides;

 (e) student notifies the superintendent of the public school district in writing of his intent to try out in the particular sport as a representative of the public school before the beginning date of the season for the sport in which he wishes to try out;

 (f) student pays for all sport‑specific fees charged by the public school for an individual student to participate in the particular sport; and

 (g) student meets all public school district eligibility requirements with the exception of the:

 (i) school district’s school or class attendance requirements; and

 (ii) class and enrollment requirements of the association administering the interscholastic sports.

 (2) A public school district may not contract with a private entity that supervises interscholastic athletic programs if the private entity prohibits the participation of independent school students in interscholastic athletic programs supervised by the entity.

 (3) Eligibility requirements for new students to participate in interscholastic athletics shall be no more restrictive in language or application than the rules or policies of the association, body, or entity that were in effect on January 1, 2020.

Amend the bill further, SECTION 1.B., by striking Section 59-63-100(H) and inserting:

 (H) “Independent school” means a school:

 (a) established by an entity other than the State or a subdivision of the State;

 (b) supported primarily by private or nonpublic funds; and

 (c) operated by private individuals operating in their private capacity and not by people who are publicly elected or appointed to operate the school.

Amend the bill further, by striking SECTION 2 and inserting:

SECTION 2. The provisions of this act shall not be construed as imputing any public school academic, athletic, or extracurricular policies or procedures to any independent school that a student attends if that student also participates in a public high school league sport pursuant to the terms of this act outside of the requirements related to maintaining a certain grade‑point average and grade level for participating in and attending regularly scheduled practices of the sports team.

Renumber sections to conform.

Amend title to conform.

GREG HEMBREE for Committee.

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A bill

to amend the South Carolina Code of Laws by amending Section 59‑63‑100, relating to NONPUBLIC SCHOOL STUDENT PARTICIPATION IN THE INTERSCHOLASTIC ACTIVITIES OF PUBLIC SCHOOLS, so as to PROVIDE LIMITED SITUATIONS IN WHICH HIGH SCHOOL STUDENTS WHO ATTEND PRIVATE SCHOOLS MAY PARTICIPATE IN HIGH SCHOOL LEAGUE SPORTS OFFERED AT PUBLIC HIGH SCHOOLS; and by Further amending Section 59‑63‑100, relating to Participation in interscholastic activities of a public school district by home school, charter school, and Governor’s school students, so as to define necessary terms.

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

SECTION 1. A. Section 59‑63‑100 of the S.C. Code is amended by adding:

 (G)(1) Notwithstanding the provisions of this section, individual students who attend private schools in this State may not be denied by a public school district the opportunity to try out for and, if selected, participate in an interscholastic athletic program offered at a public school in the district if the:

 (a) student resides within the attendance zone boundaries of the public school;

 (b) private school that the student attends is not a member of the South Carolina High School League and the private school’s enrollment for grades nine through twelve does not exceed two hundred students;

 (c) private school attended by the student does not offer the particular sport for the student’s gender;

 (d) particular sport in which the student seeks to participate is offered at the public school located in the attendance zone where the student resides;

 (e) student notifies the superintendent of the public school district in writing of his intent to try out in the particular sport as a representative of the public school before the beginning date of the season for the sport in which he wishes to try out;

 (f) student pays for all sport‑specific fees charged by the public school for an individual student to participate in the particular sport; and

 (g) student meets all public school district eligibility requirements with the exception of the:

 (i) school district’s school or class attendance requirements; and

 (ii) class and enrollment requirements of the association administering the interscholastic sports.

 (2) A public school district may not contract with a private entity that supervises interscholastic athletic programs if the private entity prohibits the participation of private school students in interscholastic athletic programs supervised by the entity.

 (3) Eligibility requirements for new students to participate in interscholastic athletics shall be no more restrictive in language or application than the rules or policies of the association, body, or entity that were in effect on January 1, 2022.

B. Section 59‑63‑100(A) of the S.C. Code is amended by adding:

 (H) “Private school” means a school:

 (a) established by an entity other than the State or a subdivision of the State;

 (b) supported primarily by private or nonpublic funds; and

 (c) operated by private individuals operating in their private capacity and not by people who are publicly elected or appointed to operate the school.

SECTION 2. The provisions of this act shall not be construed as imputing any public school academic, athletic, or extracurricular policies or procedures to any private school that a student attends if that student also participates in a public high school league sport pursuant to the terms of this act outside of the requirements related to maintaining a certain grade‑point average and grade level for participating in and attending regularly scheduled practices of the sports team.

SECTION 3. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, then such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 4. This act takes effect upon approval by the Governor.

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