

Amendment: 12

Representative Lowe proposes the following amendment:

Section 1 – H630 – Department of Education

[Amend:]

1.112. (SDE: Interscholastic athletics) (A) No funds appropriated or authorized in this act that are distributed to a school district may be used to deny individual students who attend independent schools in this State 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:

- (1) student resides within the attendance zone boundaries of the public school;
- (2) 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;~~
- (3) independent school attended by the student does not offer the particular sport for the student's gender;
- (4) particular sport in which the student seeks to participate is offered at the public school located in the attendance zone where the student resides;
- (5) 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;
- (6) student pays for all sport-specific fees charged by the public school for an individual student to participate in the particular sport;
- (7) student meets all public school district eligibility requirements with the exception of the:
 - (a) school district's school or class attendance requirements; and
 - (b) class and enrollment requirements of the association administering the interscholastic sports;
- (8) student and the student's parent or guardian agree for the student to be subject to the code of conduct of the public school;
- and
- (9) student was not expelled from the same public school during the same academic year.

(B) Additionally, a public school district may not expend funds to 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.

(C) 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.

(D) A public school may expend funds on students specified in subsection (A) to participate in an interscholastic athletic program.

(E) The provisions of this proviso 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.

(F) For purposes of this proviso, “independent school” means a school:

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

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

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