**A** **BILL**

TO AMEND CHAPTER 5, TITLE 59 OF THE 1976 CODE, RELATING TO THE STATE BOARD OF EDUCATION, BY ADDING SECTION 59-5-170, TO ESTABLISH THE DIVISION OF INTERSCHOLASTIC ATHLETICS WITHIN THE STATE DEPARTMENT OF EDUCATION AND TO PROVIDE FOR THE POWERS, DUTIES, AND AUTHORITY OF THE DIVISION; TO AMEND SECTION 59-39-160, TO REMOVE A REFERENCE TO THE SOUTH CAROLINA HIGH SCHOOL LEAGUE; AND TO ALLOW THE DEPARTMENT TO ENACT EMERGENCY REGULATIONS TO ENSURE THAT HIGH SCHOOL INTERSCHOLASTIC ATHLETIC ACTIVITIES CONTINUE WITHOUT INTERRUPTION.

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) The Division of Interscholastic Athletics is established within the State Department of Education. The division shall be headed by a director appointed by the Superintendent of Education.

(B) The division is the sole governing body of athletics for South Carolina public schools.

(C) The division must promulgate regulations concerning:

(1) administration of the division;

(2) the enforcement of applicable rules, regulations, and statutory provisions;

(3) procedures for reaching decisions on all questions and appeals arising from those decisions;

(4) student eligibility requirements for participation in interscholastic athletics;

(5) the administration of athletic related activities of schools subject to the division’s jurisdiction;

(6) official rules for interscholastic athletic contests;

(7) contests with schools not subject to the division’s jurisdiction;

(8) outside competition, camps, clinics, drug and alcohol use, unsportsmanlike conduct, and other matters that affect interscholastic athletics;

(9) organizing and conducting statewide interscholastic competitions, which may or may not lead to state championships, and to establish the terms and conditions for these competitions;

(10) awards; and

(11) other matters that the director believes will enhance interscholastic athletics in South Carolina.

(C)(1) Any public school that engages in interscholastic athletics, or any private school that would like to compete in athletic events with a public school, must submit itself to and comply with the provisions contained in this section and all rules and regulations promulgated pursuant to this section.

(2) Any public school that engages in interscholastic athletics, or any private school that would like to compete in athletic events with a public school, may not contract with, join, or otherwise associate with the South Carolina High School League.

(D) The division shall establish an advisory committee to assist the division’s evaluation of the overall interscholastic athletic program and to make recommendations to the division concerning matters that would enhance interscholastic athletic competition throughout the state. The advisory committee may, but is not limited to, making recommendations concerning safety issues, competitiveness matters, eligibility, academic requirements, participation and practice limitations, residence and attendance areas, transfers, recruiting, and other matters.

(E) The division shall establish a procedure of due process with which ensure each student, school, or coach, as the case may be, is afforded the opportunity to appeal an unfavorable ruling with regard violations of division rules or regulations.

(1) The initial appeal shall be made to a committee on appeals established by the division.

(2) The committee on appeals will hear the appeal and render an advisory decision on the matter.

(3) The division director shall make a determination as to whether the appeal shall be granted.

(4) The division director’s determination shall constitute final agency action on the matter and may be appealed pursuant to the Administrative Procedures Act. Matters brought before the Administrative Law Court must be reviewed on an expedited basis.”

SECTION 2. Section 59‑39‑160 of the 1976 Code is amended to read:

“Section 59‑39‑160. (A) To participate in interscholastic activities, students in grades nine through twelve must achieve an overall passing average and either:

(1) pass at least four academic courses, including each unit the student takes that is required for graduation; or

(2) pass a total of five academic courses. Students must satisfy these conditions in the semester preceding participation in the interscholastic activity, if the interscholastic activity occurs completely within one semester or in the semester preceding the first semester of participation in an interscholastic activity if the interscholastic activity occurs over two consecutive semesters and is under the jurisdiction of the South Carolina High School League.

(B) Academic courses are those courses of instruction for which credit toward high school graduation is given. These may be required or approved electives. ~~All activities currently under the jurisdiction of the South Carolina High School League remain in effect.~~ The monitoring of all other interscholastic activities is the responsibility of the local boards of trustees. Those students diagnosed as handicapped in accordance with the criteria established by the State Board of Education and satisfying the requirements of their Individual Education Plan (IEP) as required by Public Law 94‑142 are permitted to participate in interscholastic activities. A local school board of trustees may impose more stringent standards than those contained in this section for participation in interscholastic activities by students in grades nine through twelve.

(C) The State Board of Education may grant a waiver of the requirements of this section. This waiver may be granted only when a written statement from a school district superintendent and athletic director has been received stating that a student’s ineligibility to participate in interscholastic activities is due to misinformation concerning eligibility requirements being provided by district personnel. The State Board of Education shall establish guidelines to administer this section.”

SECTION 3. The Division of Interscholastic Athletics may promulgate emergency regulations to ensure the continuance of athletic contests pending approval of regulations by the General Assembly.

SECTION 4. This act takes effect July 1, 2013.

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