**South Carolina General Assembly**

121st Session, 2015-2016

**H. 3552**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Hayes

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Introduced in the House on February 11, 2015

Currently residing in the House Committee on **Education and Public Works**

Summary: State funds used for interscholastic athletics

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/11/2015 House Introduced and read first time ([House Journal‑page 5](file:///h:\HJ%20Archive\2015\02-11-15.docx))

2/11/2015 House Referred to Committee on **Education and Public Works** ([House Journal‑page 5](file:///h:\HJ%20Archive\2015\02-11-15.docx))

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**VERSIONS OF THIS BILL**

[2/11/2015](file:///p:\pprever\2015-16\3552_20150211.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑39‑165 SO AS TO PROVIDE A PUBLIC SCHOOL DISTRICT SUPPORTED BY STATE FUNDS MAY NOT USE ANY FUNDS OR PERMIT ANY SCHOOL WITHIN THE DISTRICT TO USE ANY FUNDS TO JOIN, AFFILIATE WITH, PAY DUES OR FEES TO, OR IN ANY WAY FINANCIALLY SUPPORT AN INTERSCHOLASTIC ATHLETIC ASSOCIATION, BODY, OR ENTITY UNLESS THE CONSTITUTION, RULES, OR POLICIES OF THE ASSOCIATION, BODY, OR ENTITY CONTAIN CERTAIN PROVISIONS, AND TO PROVIDE THAT IF AN ASSOCIATION, BODY, OR ENTITY FAILS TO COMPLY WITH THESE REQUIREMENTS, PUBLIC SCHOOL DISTRICTS AND SCHOOLS AFFILIATED WITH IT MUST END THEIR AFFILIATION WITH THE ASSOCIATION, BODY, OR ENTITY BEFORE THE BEGINNING OF THE UPCOMING SCHOOL YEAR, AND ARE PROHIBITED FROM PAYING DUES OR FEES TO THE ASSOCIATION, BODY, OR ENTITY.

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

SECTION 1. Article 1, Chapter 39, Title 59 of the 1976 Code is amended by adding:

“Section 59‑39‑165. (A) A public school district supported by state funds may not use any funds or permit any school within the district to use any funds to join, affiliate with, pay dues or fees to, or in any way financially support an 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 a private or charter school is afforded the same rights and privileges that are enjoyed by all other members of the association, body, or entity. A private or charter school may not be expelled from or have its membership unreasonably withheld by the association, body, or entity or be restricted in its ability to participate in interscholastic athletics including, but not limited to, state playoffs or championships, based solely on its 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; other rules or policies of the association, body, or entity would apply.

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

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

(c) A member of the appellate panel may not concurrently serve as an officer of the association, body, or entity, and may not have served as a member of the executive committee within the last three years. Principals and superintendents are able to appeal a ruling of the association, body, or entity to the panel. The appellate panel also must provide the final ruling in any appeal brought against a decision of the association, body, or entity in which a student was determined to be ineligible for athletic compensation. In all other appeals, the appellate panel only may review whether the appealing party was given an adequate opportunity to provide supporting evidence to the executive committee, and in such cases, a ruling in the favor of the appealing party would be limited to remanding the appeal to the executive committee for further review.

(4) A procedure in place for emergency appeals to be held and decided 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.

(B) If an association, body, or entity fails to comply with the provisions of subsection (A), public school districts and schools affiliated with it:

(1) must end their affiliation with the association, body, or entity before the beginning of the upcoming school year; and

(2) are prohibited from paying dues or fees to the association, body, or entity.”

SECTION 2. This act takes effect upon approval by the Governor.

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