**South Carolina General Assembly**

124th Session, 2021-2022

**H. 4059**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. G.R. Smith, Haddon, Trantham, Jones, Caskey, Wooten, Morgan, Burns, Long, Bennett, B. Cox, Chumley, Magnuson and Willis

Document Path: l:\council\bills\rt\17999wab21.docx

Companion/Similar bill(s): 645

Introduced in the House on March 11, 2021

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

Summary: Office of Interscholastic Athletics

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/11/2021 House Introduced and read first time ([House Journal‑page 9](file:///h:\hj\20210311.docx))

3/11/2021 House Referred to Committee on **Education and Public Works** ([House Journal‑page 9](file:///h:\hj\20210311.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=4059&session=124&summary=B) at the website

**VERSIONS OF THIS BILL**

[3/11/2021](file:///p:\pprever\2021-22\4059_20210311.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑5‑170 SO AS TO ESTABLISH THE OFFICE OF INTERSCHOLASTIC ATHLETICS IN THE STATE DEPARTMENT OF EDUCATION AS THE SOLE GOVERNING BODY OF ATHLETICS IN SOUTH CAROLINA PUBLIC SCHOOLS, TO PROVIDE FOR THE APPOINTMENT OF A DIRECTOR AND STAFF OF THE OFFICE, TO REQUIRE THE STATE BOARD OF EDUCATION TO PROMULGATE CERTAIN RELATED REGULATIONS, TO PROVIDE PUBLIC SCHOOLS THAT ENGAGE IN INTERSCHOLASTIC ATHLETICS AND PRIVATE SCHOOLS WISHING TO COMPETE WITH PUBLIC SCHOOLS IN INTERSCHOLASTIC ATHLETIC EVENTS SHALL SUBMIT TO THE GOVERNANCE OF ITS INTERSCHOLASTIC ATHLETICS BY THE OFFICE AND MAY NOT CONTRACT WITH, JOIN, OR OTHERWISE ASSOCIATE WITH ANOTHER ENTITY THAT OVERSEES OR AUTHORIZES INTERSCHOLASTIC ATHLETICS, TO PROVIDE RIGHTS FOR PRIVATE AND CHARTER SCHOOLS AND THEIR STUDENTS, TO PROVIDE FOR THE ESTABLISHMENT OF AN ADVISORY COMMITTEE SUBJECT TO CERTAIN REQUIREMENTS, AND TO ESTABLISH PROCEDURES FOR APPEALS FROM DECISIONS BY THE OFFICE ON ALLEGED VIOLATIONS; TO AMEND SECTION 59‑39‑160, RELATING TO ACADEMIC REQUIREMENTS FOR STUDENT PARTICIPATION IN INTERSCHOLASTIC ACTIVITIES, SECTION 59‑40‑50, RELATING TO THE ELIGIBILITY OF CHARTER SCHOOL STUDENTS IN CERTAIN INTERSCHOLASTIC ATHLETIC EVENTS OFFERED IN PUBLIC SCHOOLS, SECTION 59‑63‑70, RELATING TO INTERSCHOLASTIC ATHLETES WHO PARTICIPATE IN INDEPENDENT ORGANIZED SPORTS TEAMS, AND SECTION 59‑63‑75, RELATING TO THE APPLICABILITY OF CONCUSSION PROTOCOLS APPLICABLE TO INTERSCHOLASTIC ATHLETICS, ALL SO AS TO MAKE CONFORMING CHANGES; AND TO MAKE THE PROVISIONS OF THIS ACT EFFECTIVE JULY 1, 2022.

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 Office of Interscholastic Athletics is established within the State Department of Education. The office is the sole governing body of athletics for South Carolina public schools.

(B) The Superintendent of Education shall appoint a director to serve as the administrative head of the office. The director must employ staff as necessary to carry out the duties and responsibilities assigned by the office. The director must have prior experience as either a coach or an athletics director at the high school level.

(C)(1) The State Board of Education must promulgate regulations concerning:

(a) administration of the office;

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

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

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

(e) administration of related athletic activities of schools subject to the jurisdiction of the office;

(f) official rules for interscholastic athletic contests;

(g) contests with schools not subject to the jurisdiction of the office;

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

(i) organization and conduct of statewide interscholastic competitions, regardless of whether the competition can lead to a state championship, and to establish the terms and conditions for these competitions;

(j) the collection of dues and revenues in a manner similar to the South Carolina High School League;

(k) awards; and

(l) other matters the director considers appropriate to enhance interscholastic athletics in this State.

(2) When establishing regulations, the State Board of Education shall ensure a range of sanctions that may be applied to a student, coach, team, program, or school depending upon the seriousness, frequency, and other factors the office considers relevant to a violation of office rules.

(3) The State Board of Education shall promulgate emergency regulations to ensure the continuance of athletic contests pending approval by the General Assembly of regulations promulgated under subsection (A).

(D)(1) A public school that engages in interscholastic athletics or a private school wishing to compete with a public school in interscholastic athletic events:

(a) must submit to and comply with the provisions of this section; and

(b) may not contract with, join, or otherwise associate with the another entity that oversees or authorizes interscholastic athletics.

(2) A private or charter institution that is a member of the office must be afforded all rights and privileges that are granted to other teams governed by the office. The office shall not expel or deny membership to a private or charter institution based solely on the status of the institution as a private or charter school. A private or charter institution that applies to join the office may not be denied admission based solely on the status of the institution as a private or charter school.

(E)(1) The office shall establish an advisory committee to assist the evaluation by the office of the overall interscholastic athletic program and to make recommendations to the office concerning matters that would enhance interscholastic athletic competition throughout the State. The advisory committee may make recommendations concerning issues of safety, competitiveness, eligibility, academic requirements, participation and practice limitations, residence and attendance areas, transfers, recruiting, and other issues as requested by the office.

(2) The committee must consist of thirteen members appointed by the Superintendent and consisting of:

(a) two citizens not employed by a school;

(b) one public school coach recommended by the South Carolina High School Coaches Association;

(c) one public school coach recommended by the South Carolina Association of Women’s Sports;

(d) one public school basketball coach recommended by the South Carolina Basketball Coaches Association;

(e) one public school football coach recommended by the South Carolina Football Coaches Association;

(f) one public school baseball coach recommended by the South Carolina Baseball Coaches Association;

(g) one public school cheer coach recommended by the South Carolina Cheer Coaches Association;

(h) one public school track and cross country coach recommended by the South Carolina Track and Cross Country Coaches Association;

(i) one public school athletic trainer recommended by the South Carolina Athletic Trainers Association;

(j) one public school athletics director recommended by the South Carolina Association of Athletic Administrators;

(k) one public school principal recommended by the South Carolina Association for School Administrators; and

(l) one member recommended by the South Carolina Independent School Association.

(3) The members of the committee shall serve without compensation, per diem, or travel expenses.

(4) Each member of the committee serves at the pleasure of the Superintendent of Education.

(5) A person may not serve concurrently as a member of the advisory committee and the committee on appeals. A person who has served on the advisory committee may not serve on the committee on appeals during the five year period immediately following his tenure on the advisory committee, and a person who has served on the committee on appeals may not serve on the advisory committee for a period of five years immediately following his tenure on the committee on appeals.

(F)(1) The office shall establish a procedure to ensure each student, school, or coach may appeal an adverse ruling of the office on an alleged violation of this chapter and be afforded due process during the pendency and determination of this appeal.

(2) The procedure required in item (1) must require:

(a) the creation of a thirteen‑member committee on appeals to be constituted as follows;

(i) seven members of the general public with one appointed from each congressional district appointed by the State Superintendent of Education and one of whom the Superintendent shall designate as chair of the committee;

(ii) three people currently employed as athletics coaches or athletics directors in a public high school in this State with one appointed by the Governor, one by the Speaker of the House of Representatives, and one by the President Pro Tempore of the Senate who shall serve at the pleasure of the appointing officials;

(iii) one member who is a public high school principal appointed by the State Superintendent of Education;

(iv) one member who is a private school principal or headmaster appointed by the State Superintendent of Education; and

(v) one member of the business community appointed by the South Carolina Chamber of Commerce;

(b) the members of the committee shall receive per diem and mileage to be paid for from dues collected by the office;

(c) each member of the committee who is appointed by the Superintendent serves at the pleasure of the Superintendent of Education;

(d) an appeal of a decision made by the director must be made to the committee on appeals within ninety days after the ruling being appealed is issued;

(e) the committee on appeals must hear the appeal and render a written decision on the matter; and

(f) the decision of the committee on appeals must constitute the final action of the agency on the matter, and this action may be subsequently appealed pursuant to the Administrative Procedures Act. The Administrative Law Court must reviewed an appeal brought under this section on an expedited basis.

(3) The office shall develop an emergency appeals procedure to use if the normal appeals process would affect the participation of a student, team, program, or school in an athletic event.”

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~~ Office of Interscholastic Athletics.

(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~~ Office of Interscholastic Athletics 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.

(1) This waiver may be granted when a written statement from a school district superintendent and athletic director has been received stating circumstances, including, but not limited to:

(a) a student’s ineligibility to participate in interscholastic activities is due to misinformation concerning eligibility requirements being provided by district personnel;

(b) a student’s ineligibility to participate in interscholastic activities is due to a long‑term absence as a result of a medical condition, but the student has been medically cleared to participate by his health care practitioner; or

(c) any reasonable circumstance as determined by the State Board of Education.

(2) The State Board of Education shall establish guidelines to administer this section.”

SECTION 3. Section 59‑40‑50(C)(3)(b) of the 1976 Code is amended to read:

“(b) A charter school student is eligible to compete for, and if selected, participate in any extracurricular activities not offered by the student’s charter school which are offered at the resident public school he would otherwise attend. A charter school student is eligible to compete for, and if selected, participate in an activity governed by the ~~South Carolina High School League~~ Office of Interscholastic Athletics offered at the resident public school he would otherwise attend if the ~~league‑governed~~ office‑governed activity is not offered at the student’s charter school.”

SECTION 4. Section 59‑63‑70 of the 1976 Code is amended to read:

“Section 59‑63‑70. (A) During the season for ~~any high school league~~ an Office of Interscholastic Athletics‑governed sport except for football, a student, while a member of a school squad or team engaged in an interscholastic sport except for football, may become a member of or participate in an organized team that is independent of the school’s control as long as the participation does not interfere with the scheduled ~~league~~ office‑governed games or practices of the school squad or team. A school or student ~~shall~~ may not be declared ineligible for participation in an interscholastic high school ~~league~~ sport except for football because of participation of a student as a member of an organized team independent of the school’s control during the interscholastic sport’s season. ~~Any~~ A student participating on both a school squad or team and an independent squad shall have on file with the school’s athletic director a statement signed by the parent or guardian indicating their child ~~or children have~~ has permission to participate on both teams and signed by the independent coach acknowledging that the student’s participation ~~shall~~ may not interfere with the scheduled ~~league~~ office‑governed games or practices.

(B) The provisions of this section do not permit a student to participate on a school football team and an organized football team independent of the school’s control.”

SECTION 5. Section 59‑63‑75(A) of the 1976 Code is amended to read:

“(A) The South Carolina Department of Health and Environmental Control, in consultation with the State Department of Education, shall post on its website nationally recognized guidelines and procedures regarding the identification and management of suspected concussions in student athletes. The Department of Health and Environmental Control also shall post on its website model policies that incorporate best practices guidelines for the identification, management, and return to play decisions for concussions reflective of current scientific and medical literature developed by resources from or members of sports medicine community organizations including, but not limited to, the Brain Injury Association of South Carolina, the South Carolina Medical Association, the South Carolina Athletic Trainer’s Association, the National Federation of High Schools, the Centers for Disease Control and Prevention, and the American Academy of Pediatrics. Guidelines developed pursuant to this section apply to ~~South Carolina High School League‑sanctioned~~ events sanctioned by the Office of Interscholastic Athletics.”

SECTION 6. This act takes effect July 1, 2022.

‑‑‑‑XX‑‑‑‑