



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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This fiscal impact statement is produced in compliance with the South Carolina Code of Laws and House and Senate rules. The focus of the analysis is on governmental expenditure and revenue impacts and may not provide a comprehensive summary of the legislation.

Bill Number: S. 0531 Introduced on February 9, 2021
Author: Cash
Subject: Save Women's Sports Act
Requestor: Senate Education
RFA Analyst(s): Wren and Gardner
Impact Date: April 30, 2021

Fiscal Impact Summary

This bill requires middle school-level and high school-level interscholastic or intramural athletic teams or sports that are sponsored by a public school or a private school and the school's students or teams compete against a public school to be expressly designated based on biological sex. The designations are males, men, or boys; females, women, or girls; or coed or mixed. The bill further provides for the legal action that may be taken if a student or school suffers direct or indirect harm as a result of the provisions of this bill.

This bill will have no expenditure impact on the State Department of Education (SDE) since any expenses associated with legal costs can be managed within current appropriations.

This bill is not expected to have an expenditure impact on the state agency schools since we anticipate that any expenses resulting from the provisions of the bill can be managed within each agency's current appropriations.

This bill will have no expenditure impact on the Judicial Department. The changes resulting from the provisions of the bill will have a minimal impact on the Judicial Branch and can be managed within their existing appropriations.

This bill will have no expenditure impact on local school districts since any expenses associated with legal costs can be managed within the existing budgets of the local districts.

Explanation of Fiscal Impact

Introduced on February 9, 2021

State Expenditure

This bill requires middle school-level and high school-level interscholastic or intramural athletic teams or sports that are sponsored by a public school or a private school and the school's students or teams compete against a public school to be expressly designated based on biological sex. The designations are males, men, or boys; females, women, or girls; or coed or mixed. Athletic teams or sports designated for females, women, or girls must not be open to male students.

A governmental entity, a licensing or accrediting organization, or an athletic association or organization may not entertain a complaint, open an investigation, or take another adverse action against a school for maintaining separate interscholastic or intramural athletic teams or sports for female students. A student who is deprived of an athletic opportunity or who suffers direct or indirect harm as a result of the provisions of the bill has a private cause of action for injunctive relief, damages, and other relief available under the law against a school.

Additionally, a student who is subject to retaliation or other adverse action by a school or athletic association or organization as a result of reporting a violation to an employee or representative of the school, athletic association or organization, or to a state or federal agency with oversight of schools has a private cause of action for injunctive relief, damages, and other relief available under the law against the school or athletic association or organization. A school that suffers direct or indirect harm as a result of a violation of this bill has a private cause of action for injunctive relief, damages, and other relief available under the law against the governmental entity, licensing or accrediting organization, or athletic association or organization. A civil action brought pursuant to this bill must be initiated within two years after the harm occurred. A person or organization that prevails on a claim pursuant to the provisions of this bill is entitled to monetary damages, reasonable attorney's fees, and other relief considered appropriate by the court.

State Department of Education. SDE indicated on similar legislation that the bill does not alter the duties or responsibilities of the agency, but the agency could experience some legal costs associated with the bill. However, SDE expects that any expenses associated with legal costs can be managed within current appropriations. Therefore, the bill will have no expenditure impact on SDE.

State Agency Schools. The Wil Lou Gray Opportunity School, The Governor's School for the Arts and Humanities, and the Governor's School for Science and Mathematics indicated on similar legislation that the bill would have no expenditure impact since it does not alter the duties or responsibilities of the agencies. Also, the Governor's School for Agriculture at John de la Howe previously indicated that any expenses associated with the bill could be managed within current appropriations. Based upon these responses, we anticipate that any expenses for the School for the Deaf and Blind could also be managed within existing appropriations. Therefore, this bill is not expected to have an expenditure impact on the state agency schools.

Judicial Department. The department indicated on similar legislation that the bill creates a new cause of action and there is no data available to estimate the number of filings, hearings, or trials that may be impacted as a result. The department also reported that these changes will have a minimal impact on the Judicial Branch and could be managed within their existing appropriations. Therefore, the bill will have no expenditure impact on the department.

State Revenue

N/A

Local Expenditure

This bill requires middle school-level and high school-level interscholastic or intramural athletic teams or sports that are sponsored by a public school or a private school whose students or teams compete against a public school to be expressly designated based on biological sex. The designations are males, men, or boys; females, women, or girls; or coed or mixed. Athletic teams or sports designated for females, women, or girls may not be open to male students. Further, the bill provides for the legal action that may be taken if a student or school suffers direct or indirect harm as a result of the provisions of this bill.

SDE previously surveyed the seventy-nine regular school districts on similar legislation and received responses from thirty-five districts. The responding districts indicated that the bill would have no expenditure impact since it does not alter the duties or responsibilities of the districts. However, SDE indicated that there could be some expenses associated with legal costs, but expects the expenses could be managed within the existing budgets of the districts. Therefore, the bill will have no expenditure impact on local school districts.

Local Revenue

N/A



Frank A. Rainwater, Executive Director