COMMITTEE AMENDMENT ADOPTED AND AMENDED

March 24, 2021

**S. 615**

Introduced by Senator Young and Campsen

S. Printed 3/24/21--S.

Read the first time February 25, 2021.

**A** **BILL**

TO AMEND SECTION 59‑63‑100 OF THE 1976 CODE, RELATING TO NONPUBLIC SCHOOL STUDENT PARTICIPATION IN THE INTERSCHOLASTIC ACTIVITIES OF PUBLIC SCHOOLS, TO PROVIDE LIMITED SITUATIONS IN WHICH HIGH SCHOOL STUDENTS WHO ATTEND PRIVATE SCHOOLS MAY PARTICIPATE IN HIGH SCHOOL LEAGUE SPORTS OFFERED AT PUBLIC HIGH SCHOOLS; AND TO DEFINE NECESSARY TERMS.

Amend Title To Conform

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

SECTION 1. A. Section 59‑63‑100 of the 1976 Code is amended by adding appropriately lettered new subsections at the end to read:

“( )(1) Notwithstanding the provisions of this section, individual students who attend private schools in this State may not be denied by a public school district 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:

(a) student resides within the attendance zone boundaries of the public school;

(b) private 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;

(c) private school attended by the student does not offer the particular sport for the student’s gender;

(d) particular sport in which the student seeks to participate is offered at the public school located in the attendance zone where the student resides;

(e) 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;

(f) student pays for all sport-specific fees charged by the public school for an individual student to participate in the particular sport; and

(g) student meets all public school district eligibility requirements with the exception of the:

(i) school district’s school or class attendance requirements; and

(ii) class and enrollment requirements of the association administering the interscholastic sports.

(2) A public school district may not contract with a private entity that supervises interscholastic athletic programs if the private entity prohibits the participation of private school students in interscholastic athletic programs supervised by the entity.”

(3) 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.”

B. Section 59‑63‑100(A) of the 1976 Code is amended by adding an appropriately numbered new item to read:

“( ) ‘Private school’ means a school:

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

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

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

SECTION 2. The provisions of this act 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.

SECTION 3. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, then such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 4. This act takes effect upon approval by the Governor.

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