**South Carolina General Assembly**

125th Session, 2023-2024

**H. 4125**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Guffey, Leber, Bradley, Guest, Crawford, Schuessler, O'Neal, Sessions, Pace, Ligon, McCravy, Brittain, Hyde, J.L. Johnson, B.J. Cox, T. Moore, Lawson, Pope, Connell, Pedalino, Erickson, Neese, May, Kilmartin, Harris, Oremus, Cromer, B. Newton and Vaughan

Companion/Similar bill(s): 150, 161

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Introduced in the House on March 9, 2023

Currently residing in the House

Summary: Private School Sports Participation

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 3/9/2023 House Introduced and read first time (House Journal‑page 17)

 3/9/2023 House Referred to Committee on **Education and Public Works** (House Journal‑page 17)

 3/14/2023 House Member(s) request name removed as sponsor: Mitchell

 1/9/2024 House Member(s) request name added as sponsor: Vaughan

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**VERSIONS OF THIS BILL**

[03/09/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/4125_20230309.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59‑63‑100, RELATING TO NONPUBLIC SCHOOL STUDENT PARTICIPATION IN THE INTERSCHOLASTIC ACTIVITIES OF PUBLIC SCHOOLS, SO AS TO PROVIDE LIMITED SITUATIONS IN WHICH HIGH SCHOOL STUDENTS WHO ATTEND A PRIVATE OR CHARTER SCHOOL MAY PARTICIPATE IN HIGH SCHOOL LEAGUE SPORTS OFFERED AT PUBLIC HIGH SCHOOLS, AND TO DEFINE NECESSARY TERMS.

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

SECTION 1.A. Section 59‑63‑100 of the S.C. Code is amended by adding:

 (G)(1) Notwithstanding the provisions of this section, individual students who attend private or charter 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 or charter school that the student attends is not a member of the South Carolina High School League;

 (c) private or charter 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 or charter 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, 2023.

B. Section 59‑63‑100(A) of the S.C. Code is amended by adding:

 (5) “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.

 (6) “Charter school” means a school established pursuant to Chapter 40, Title 59 of the S.C. Code.

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 or charter 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. This act takes effect upon approval by the Governor.

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