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**HISTORY OF LEGISLATIVE ACTIONS**

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**VERSIONS OF THIS BILL**

[12/11/2024](https://www.scstatehouse.gov/sess126_2025-2026/prever/66_20241211.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-63-105 SO AS TO PROVIDE THAT ANY INTERSCHOLASTIC ATHLETIC ASSOCIATION, BODY, OR ENTITY THAT A PUBLIC SCHOOL DISTRICT JOINS MUST PROVIDE IN THEIR constitution, RULES OR POLICIES A RANGE OF SANCTIONS FOR VIOLATIONS; TO GUARANTEE THAT INDEPENDENT OR CHARTER SCHOOLS ARE AFFORDED THE SAME RIGHTS AND PRIVILEGES ENJOYED BY ALL MEMBERS; TO GUARANTEE A HOME SCHOOL ATHLETIC TEAM MAY NOT BE DENIED ACCESS TO PRESEASON AND REGULAR SEASON INTERSCHOLASTIC ATHLETICS; TO prohibit THE USE OF NAME, IMAGE, LIKENESS, OR OTHER COMPENSATION FOR PLAY; TO ESTABLISH A PENALTY FREE TRANSFER WINDOW TWICE A YEAR AND PROVIDING PENALTIES FOR OTHER TRANSFERS; TO ESTABLISH A DIRECT AND IMMEDIATE APPEAL PROCESS TO A PANEL CONSISTING OF THIRTEEN MEMBERS; AND TO PROVIDE THAT A PUBLIC SCHOOL MAY NOT AFFILIATE OR BECOME A MEMBER OF AN ASSOCIATION, BODY OR ENTITY THAT FAILS TO INCLUDE THESE ITEMS; AND BY AMENDING SECTION 59-39-160, RELATING TO INTERSCHOLASTIC ACTIVITIES, REQUIREMENTS FOR PARTICIPATION, MONITORING, PARTICIPATION BY HANDICAPPED, AND WAIVERS, SO AS TO THAT THE STATE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF EDUCATION'S DETERMINATIONS OF ELIGIBiLITY UNDER THIS SECTION ARE BINDING ON A INTERSCHOLASTIC ATHLETIC ASSOCIATION.

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

SECTION 1. Chapter 63, Title 59 of the S.C. Code is amended by adding:

 Section 59-63-105. (A) A public school district supported by State funds shall 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 any 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 account for 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 guarantee that independent or charter schools are afforded the same rights and privileges that are enjoyed by all other members of the association, body, or entity. The association, body, or entity must ensure that an independent or charter middle school member not be denied admission in the appropriate conference. An independent or charter school may not be expelled from or have its membership unreasonably withheld by the association, body, or entity or restricted in its ability to participate in interscholastic athletics including, but not limited to, state playoffs or championships, based solely on its status as an independent school or charter school. The association, body, or entity shall set reasonable standards for independent or charter school admission. An independent 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;

 (3) a guarantee 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;

 (4) a prohibition of the use of name, image, or likeness compensation by athletic team members or any other type of compensation for participation by a student on an athletic team; which does not include receipt of an academic merit‑based scholarship or other scholarship available to non‑interscholastic athletes;

 (5) an establishment of a transfer window open twice a year from August first through fifth and January fifth through tenth. A student transferring during these times may play interscholastic sports without a transfer penalty. A student transferring at any other time, will be ineligible for interscholastic sports for a period of ninety days. During this ineligibility period, an athlete may not practice, train, play, or otherwise engage in an interscholastic sport. A student transferring for a bona fide residency change as provided and defined by the interscholastic athletic association, body, or entity will not be subjected to a transfer penalty. A student that transfers more than one time during a calendar year, except for a bona fide residency change, shall be ineligible to play interscholastic sports for the remainder of that calendar year. A student may not transfer more than two times during his high school enrollment except for a bona fide residency change or other special circumstances provided by the State Board of Education or the association body or entity; and

 (6)(a) an establishment of a direct and immediate appeal process, to include emergency appeals, of any eligibility determination or sanction made by the interscholastic athletic association, body, entity or staff member of an association, body or entity against an interscholastic athlete or an athletic team. An appeal stays the determination of a sanction made by the association, body, entity, or staff member of the association, body, or entity pending the outcome of the appeal;

 (b) the appeal panel shall consist of nine members as follows: two non‑legislative members appointed by the Chairman of the House Education and Public Works Committee, two non‑legislative members appointed by the Chairman of the Senate Education Committee and five members appointed by the governor. Of the five governor appointees, one must be a coach, assistant coach, athletic director, principal, or superintendent of a school in Class A or Class two A division, one from a school in Class three A or Class four A division and one from a school in Class five A division. No more than one member may be from the same school Each member shall serve for a four‑year term with the ability to serve one additional consecutive term. Initially, the appointees designated by the House and Senate shall serve a two‑year term, the appointees are then eligible to serve an additional consecutive four‑year term; and

 (c) a two-thirds vote of the membership present and voting of the appeal panel is required to uphold a sanction that prohibits a team from participating in one or more regular season games or from participating for a region or state championship. The panel must determine all other issues before it by majority vote of the membership present and voting of the panel.

 (7) A uniform system applicable to all member schools establishing fines for the cancellation of a scheduled game regardless of whether the game is in or out of region. At a minimum, the school canceling the scheduled game must be fined an amount equal to the costs incurred for officials, tickets and concessions. If the game is rescheduled or cancelled for a documented health or safety reason, then the school shall not be fined.

 (B) Students attending an independent school must also meet academic standards provided by their school association or independent school policies.

 (C) In the event an association, body, or entity fails to include one of the items listed in this section, public school districts and schools must end their affiliation with the association, body, or entity prior to the beginning of the upcoming school year and are prohibited from paying dues or fees to the association, body, or entity.

SECTION 2. Section 59-39-160 of the S.C. 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.

 (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 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.

 (D) The State Board of Education and the Department of Education’s determinations of eligibility under this section are binding on any interscholastic athletic association, body, or entity of which a public school district, including a charter school district supported by state funds, is a member or affiliate.

SECTION 3. This act takes effect upon approval by the Governor.

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