**South Carolina General Assembly**

125th Session, 2023-2024

**H. 4388**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Erickson, Elliott, Bradley, Oremus, Hager, Caskey, Haddon, Hewitt, Bannister and Forrest

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Summary: Interscholastic Athletics

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 4/26/2023 House Introduced and read first time (House Journal‑page 108)

 4/26/2023 House Referred to Committee on **Education and Public Works** (House Journal‑page 108)

 3/6/2024 House Member(s) request name removed as sponsor:
 Atkinson, Ott, Gagnon

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**VERSIONS OF THIS BILL**

[04/27/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/4388_20230427.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-5-170 SO AS TO ESTABLISH THE DIVISION OF INTERSCHOLASTIC ATHLETICS WITHIN THE STATE DEPARTMENT OF EDUCATION TO SERVE AS THE SOLE GOVERNING BODY OF ATHLETICS FOR SOUTH CAROLINA PUBLIC SCHOOLS, AND TO PROVIDE FOR THE MANAGEMENT, POWERS, DUTIES, AND AUTHORITY OF THE DIVISION; BY AMENDING SECTION 59-39-160, RELATING TO REQUIREMENTS FOR PARTICIPATION IN INTERSCHOLASTIC ACTIVITIES, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 59-40-50, RELATING TO CHARTER SCHOOL STUDENT PARTICIPATION IN INTERSCHOLASTIC ACTIVITIES THROUGH TRADITIONAL PUBLIC SCHOOLS, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 59-63-70, RELATING TO HIGH SCHOOL STUDENT PARTICIPATION IN INDEPENDENT ORGANIZED SPORTS TEAMS, SO AS TO MAKE CONFORMING CHANGES; AND BY AMENDING SECTION 59-63-75, RELATING TO CONCUSSION PROTOCOL FOR STUDENT ATHLETES, SO AS TO MAKE CONFORMING CHANGES.

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

SECTION 1. Chapter 5, Title 59 of the S.C. Code is amended by adding:

 Section 59‑5‑170. (A) The Division of Interscholastic Athletics (DIA) is established within the State Department of Education. The division must be headed by a director appointed by the Superintendent of Education to serve at the pleasure of the State Superintendent of Education.

 (B) The division is the sole governing body of interscholastic athletics for South Carolina public schools, including charter schools. The regulation of sanctioning of public school interscholastic athletics by any entity other than the Division of Interscholastic Athletics is prohibited, and any agreements between such entities and public schools in this State are void.

 (C) The division shall promulgate regulations concerning:

 (1) administration of the division;

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

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

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

 (5) the administration of athletic‑related activities of schools subject to the division’s jurisdiction;

 (6) official rules for interscholastic athletic contests;

 (7) contests with schools not subject to the division’s jurisdiction;

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

 (9) organizing and conducting statewide interscholastic competitions, which may or may not lead to state championships, and to establish the terms and conditions for these competitions;

 (10) awards; and

 (11) other matters that the director believes will enhance interscholastic athletics in this State.

 (D)(1) Any public school that engages in interscholastic athletics, or any private school that would like to compete in athletic events with a public school, must submit itself to, and comply with, the provisions contained in this section and all rules and regulations promulgated pursuant to this section.

 (2) Any public school that engages in interscholastic athletics, or any private school that would like to compete in athletic events with a public school, may not contract with, join, or otherwise associate with the South Carolina High School League or any similar organization that purports to sanction or regulate public school interscholastic athletics in this State.

 (E) The division shall establish an advisory committee to assist the division’s evaluation of the overall interscholastic athletic program in this State and to make recommendations to the division concerning matters that would enhance interscholastic athletic competition in this State. The advisory committee may make, but is not limited to making, recommendations concerning safety issues, competitiveness matters, eligibility, academic requirements, participation and practice limitations, residence and attendance areas, transfers, recruiting, and other matters.

 (F) The division shall establish a procedure of due process which ensures each student, school, or coach, as the case may be, is afforded the opportunity to appeal an unfavorable ruling with regard violations of division rules or regulations, which at a minimum shall provide:

 (1) an initial appeal must be made to a committee on appeals established by the division;

 (2) the committee on appeals shall hear the appeal and render an advisory decision on the matter in a timely manner;

 (3) the division director shall make a determination as to whether to grant the appeal; and

 (4) the division director’s determination must constitute final agency action on the matter and may be appealed pursuant to the Administrative Procedures Act. Matters brought before the Administrative Law Court must be reviewed on an expedited basis.

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. Jurisidction over all activities under the juridiction of the South Carolina High School League during the 2023-2024 School Year is transferred to the Division of Interscholastic Athletics, which has exclusive jurisdiction over such activities. 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) of the S.C. Code is amended to read:

 (C)(1) If a charter school denies admission to a student, the student may appeal the denial to the sponsor. The decision is binding on the student and the charter school.

 (2) If a charter school suspends or expels a student, other charter schools or the local school district in which the charter school is located has the authority but not the obligation to refuse admission to the student.

 (3)(a) A charter school is eligible for federally sponsored, state‑sponsored or district‑sponsored interscholastic leagues, competitions, awards, scholarships, grants, and recognition programs for students, educators, administrators, staff, and schools to the same extent as all other public schools.

 (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 LeagueDivision of Interscholastic Athletics offered at the resident public school he would otherwise attend if the league‑governed activity is not offered at the student's charter school.

 (c) A charter school student is eligible for extracurricular activities at the student's resident public school consistent with eligibility standards as applied to full‑time students of the resident public school.

 (d) A school district or resident public school may not impose additional requirements on a charter school student to participate in extracurricular activities that are not imposed on full‑time students of the resident public school.

 (e) Charter school students shall pay the same fees as other students to participate in extracurricular activities.

 (f) Charter school students shall be eligible for the same fee waivers for which other students are eligible.

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

 Section 59‑63‑70. During the season for any high school league sport under the jurisdiction of the Division of Interscholastic Athletics (DIA) 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 DIA games or practices of the school squad or team. A school or student shall not be declared ineligible for participation in an interscholastic high school league DIA 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 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 permission to participate on both teams and signed by the independent coach acknowledging that the student's participation shall not interfere with the scheduled league DIA‑governed games or practices.

 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 S.C. 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-sanctionedDivision of Interscholastic Activities‑governed events.

SECTION 6. The State Department of Education shall promulgate emergency regulations to ensure the continuance of interscholastic athletic contests in this State pending approval of regulations by the General Assembly.

SECTION 7. This act takes effect July 1, 2024.

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