**South Carolina General Assembly**

120th Session, 2013-2014

**H. 3386**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Henderson

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Introduced in the House on January 22, 2013

Currently residing in the House Committee on **Education and Public Works**

Summary: High School League Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/22/2013 House Introduced and read first time ([House Journal‑page 13](file:///h:\HJ%20Archive\2013\01-22-13.docx))

1/22/2013 House Referred to Committee on **Education and Public Works** ([House Journal‑page 13](file:///h:\HJ%20Archive\2013\01-22-13.docx))

**VERSIONS OF THIS BILL**

[1/22/2013](file:///p:\pprever\2013-14\3386_20130122.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 8 TO TITLE 59 SO AS TO ENACT THE “HIGH SCHOOL LEAGUE ACT”, TO DESIGNATE THE HIGH SCHOOL LEAGUE AS THE OFFICIAL NONPROFIT ORGANIZATION THAT GOVERNS INTERSCHOLASTIC ATHLETICS IN PUBLIC SCHOOLS AND PRIVATE SCHOOLS WISHING TO PARTICIPATE IN INTERSCHOLASTIC ATHLETICS WITH PUBLIC SCHOOLS IN THIS STATE, TO PROVIDE THAT THE STATE BOARD OF EDUCATION SHALL DESIGNATE ANOTHER NONPROFIT TO GOVERN INTERSCHOLASTIC ATHLETICS IF THE LEAGUE FAILS TO MEET THE PROVISIONS OF THE ACT, TO PROVIDE THE LEAGUE IS NOT A STATE AGENCY OR OTHER GOVERNMENT ENTITY, TO PROVIDE FOR AN ANNUAL AUDIT OF THE LEAGUE, TO PROVIDE THE LEAGUE IS SUBJECT TO THE FREEDOM OF INFORMATION ACT, TO PROVIDE THE LEAGUE MAY NOT PROMULGATE REGULATIONS, TO REQUIRE THE LEAGUE TO ESTABLISH, SUSTAIN, FUND, AND STAFF A PUBLIC LIAISON ADVISORY COMMITTEE, AND TO PROVIDE THE MEMBERSHIP, DUTIES, AND RESPONSIBILITIES OF THE ADVISORY COMMITTEE, TO REQUIRE THE LEAGUE TO ESTABLISH AN APPELLATE REVIEW COMMITTEE TO REVIEW DECISIONS OF THE LEAGUE, TO PROVIDE THE MEMBERSHIP, DUTIES, AND RESPONSIBILITIES OF THE APPELLATE REVIEW COMMITTEE, AND TO PROVIDE A DECISION OF THE APPELLATE REVIEW COMMITTEE IS FINAL AND NOT SUBJECT TO RECONSIDERATION OR FURTHER REVIEW.

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

SECTION 1. Title 59 of the 1976 Code is amended by adding:

“CHAPTER 8

High School League

Section 59‑8‑100. This chapter must be known and may be cited as the “High School League Act”.

Section 59‑8‑110. The purpose of this chapter is to provide for the governance of interscholastic athletics in the State of South Carolina through a designated nonprofit organization.

Section 59‑8‑120. (A) The South Carolina High School League is designated the official non‑profit organization that rules and regulates interscholastic athletics in schools offering any combination of grade levels from kindergarten through twelfth grade in this State. A public school that engages in interscholastic athletics, or a private school that would like to compete in athletic events with a public school, must submit itself to and comply with the provisions of this chapter, all rules and regulations promulgated pursuant to this chapter, and the Constitution of the High School League.

(B) If the League fails to meet the provisions of this section, the State Board of Education shall designate another non‑profit organization to govern athletics.

(C) The League is not a department of state government as provided in Chapter 30, Title 1, and may not be considered a government entity.

Section 59‑8‑130. Beginning in December 2013 and annually afterward, the Legislative Audit Council shall conduct a management performance audit of the South Carolina High School League. This audit must assess the financial and managerial operations of the League. Copies of this report must be provided to the Superintendent of Education, the State Board of Education, the House of Representatives, and the Senate. The cost of this audit is an operating expense of the League.

Section 59‑8‑140. The High School League, the High School League Public Liaison Advisory Committee, and the High School League Appellate Review Committee are subject to all provisions of the Freedom of Information Act.

Section 59‑8‑150. The High School League may not promulgate regulations.

Section 59‑8‑160. (A) The High School League shall establish, sustain, fund, and staff a Public Liaison Advisory Committee within the League. The cost of the committee is an operating expense of the League.

(B)(1) The committee must be composed of fifteen members, designated as follows:

(a) the Superintendent of Education or his designee;

(b) one member appointed by the State Board of Education;

(c) one member appointed by the President Pro Tempore of the South Carolina Senate;

(d) one member appointed by the Speaker of the House of Representatives;

(e) one member appointed by the Governor;

(f) one public school principal appointed by the League;

(g) one private school headmaster or principal appointed by the League;

(h) one charter school principal or headmaster appointed by the League;

(i) one active high school athletic director appointed by the League;

(j) one active high school coach appointed by the League;

(k) one high school student athlete appointed by the League;

(l) one district school superintendent appointed by the State Superintendent of Education;

(m) one district school board member appointed by the State Board of Education;

(n) one parent of a high school student appointed by the League; and

(o) one representative of the business community appointed by the South Carolina Chamber of Commerce.

(2) The term of office of a member of the committee is four years. A member may serve multiple terms, but may not serve successive terms. A vacancy must be filled in the manner of appointment of the vacated seat.

(3) The committee shall meet at the High School League within thirty days after the appointment and qualification of all members. At its initial meeting, the committee shall:

(a) elect a chairman, vice chairman, and other officers it considers necessary; and

(b) adopt rules as it considers necessary.

(4) A committee member may not receive salary or per diem but is entitled to reimbursement for actual and necessary expenses incurred pursuant to the discharge of official duties, not to exceed the per diem, mileage, and subsistence amounts allowed by law for members of boards, commissions, and committees.

(5) The League shall provide access to a conference room, and reasonable secretarial and administrative support to the committee.

(6) The committee shall meet four times annually. Additional meetings may be called by the committee chairman, the president of the Executive Committee, or the Commissioner of the League.

(7) A member of the High School League Executive Committee, Committee on Appeals, or representative assembly may not serve on the Public Liaison Advisory Committee during his term of service or for a period of one year following the termination of his term of service.

(C) The responsibilities and duties of the committee are to:

(1) act as a conduit through which the general public may have input into the decision making process of the High School League and to assist the League in the development of procedures regarding the receipt of public input and disposition of complaints related to high school athletic and competition programs;

(2) conduct public hearings annually in each of the four administrative regions during which interested parties may address issues regarding the effectiveness of the rules, operation, and management of the League; and

(3) conduct an annual evaluation of the League as a whole, and present a report of its findings, conclusion, and recommendations to the executive board, to the Superintendent of Education, the Board of Education, the Governor, the Education Committee of the Senate, and the Education and Public Works Committee of the House of Representatives. These recommendations must delineate policies and procedures that will improve the implementation and oversight of high school athletic programs by the League.

Section 59‑8‑170. (A) The High School League shall establish, sustain, fund, and staff an Appellate Review Committee within the League. The cost of the committee is an operating expense of the League.

(B)(1) The committee must consist of seven members, constituted as follows:

(a) one member of the general public appointed by the State Superintendent of Education;

(b) one member of the general public appointed by the State Board of Education;

(c) three people currently employed as athletics coaches or athletics directors in a public high school in this State with one appointed by the Governor, one by the Speaker of the House, and one by the President Pro Tempore of the Senate;

(d) one member who is a public high school principal, appointed by the State Superintendent of Education; and

(e) one member who is a private school principal or headmaster, appointed by the State Superintendent of Education.

(2) A member of the High School League Executive Committee, his immediate family members, or an employee of the League may not serve as a member of the committee.

(3) Terms of all members are for four years and until successors are appointed and qualify. Vacancies must be filled in the original manner of selection for the remainder of the unexpired term.

(4) The committee shall meet at the High School League within thirty days after the appointment of all members. At its initial meeting, the committee shall:

(a) elect a chairman, vice chairman, and other officers it considers necessary; and

(b) adopt rules as it considers necessary.

(5) Members may not receive salary per diem, but are entitled to reimbursement for actual and necessary expenses incurred pursuant to the discharge of official duties, not to exceed the per diem, mileage, and subsistence amounts allowed by law for members of boards, commissions, and committees.

(6) The department shall provide access to a conference room, and reasonable secretarial and administrative support to the committee.

(7) The committee shall meet monthly. Additional meetings may be called by the committee chairman, the president of the Executive Committee, or the Commissioner of the League.

(C)(1) A party to a decision made by the South Carolina High School League that affects a student, team, or program in a South Carolina public school who receives an adverse decision may appeal the decision to the Appellate Review Committee within sixty calendar days after the decision.

(2) A majority of the members of the committee constitutes a quorum. However, if there is a vacancy on the committee, a majority of the members serving constitutes a quorum. A quorum is required to hear an appeal, and a simple majority vote of the members present at the hearing is necessary to render a decision. A committee member who does not attend a hearing in person may not participate in discussions of the appeal with other panel members and may not participate in the decision of the appeal.

(3) The committee shall receive and review written testimony and evidence offered by a party to the appeal, may receive and consider any oral testimony offered by a party to the appeal, shall conduct a hearing on the merits of the appeal within sixty calendar days after receiving the appeal.

(4) The members of the committee who attend a hearing shall render a final decision in writing within thirty calendar days after the hearing. The parties to the appeal and the South Carolina High School League shall abide by the final decision. The committee may not reconsider its final decision and no party to the action may appeal the final decision to another forum. The committee is the forum of last resort and the final appellate authority over an issue it considers on appeal.”

SECTION 2. This act takes place upon approval by the Governor.

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