**A** **BILL**

TO AMEND SECTION 59‑63‑100, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PARTICIPATION IN INTERSCHOLASTIC ACTIVITIES OF PUBLIC SCHOOL DISTRICTS BY HOME SCHOOL, CHARTER SCHOOL, AND GOVERNOR’S SCHOOL STUDENTS, SO AS TO INCLUDE PRIVATE SCHOOL STUDENTS WITH INDIVIDUALIZED EDUCATION PROGRAMS, 504 PLANS, OR INDIVIDUALIZED SERVICE PLANS, IF THE PRIVATE SCHOOL THEY ATTEND DOES NOT OFFER THE SAME ACTIVITY, AND TO DEFINE NECESSARY TERMINOLOGY.

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

SECTION 1. Section 59‑63‑100 of the 1976 Code, as added by Act 203 of 2012, is amended to read:

“Section 59‑63‑100. (A) As used in this section:

(1) ‘Charter school student’ is a child enrolled in a charter school established pursuant to Chapter 40, Title 59.

(2) ‘Governor’s school student’ is a child enrolled at a Governor’s school established pursuant to this title.

(3) ‘Home school student’ is a child taught in accordance with Section 59‑65‑40, 59‑65‑45, or 59‑65‑47 and has been taught in accordance with one of these sections for a full academic year prior to participating in an interscholastic activity pursuant to this section.

(4) ‘Interscholastic activities’ includes, but is not limited to, athletics, music, speech, and other extracurricular activities.

(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.

(B) Private school students with Individualized Education Plans (IEP), 504 plans, or Individual Service Plans (ISP), individual Governor’s school students and home school students may not be denied by a school district the opportunity to participate in interscholastic activities if the:

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

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

(b) class and enrollment requirements of the associations administering the interscholastic activities;

(2) student’s teacher, in the case of a private school student with an IEP, 504 plan, or ISP, or a Governor’s school student, certifies by submitting an affidavit to the school district that the student fully complies with the law and any attendance, class, or enrollment requirements for a private school or Governor’s school, as applicable. In addition, a charter school student’s teacher, in the same manner required by this subsection for a Governor’s school student, also must certify by affidavit to the student’s school district that the student fully complies with the law and any attendance, class, or enrollment requirements for a charter school in order for the student to participate in interscholastic activities in the manner permitted by Chapter 40 of this title;

(3) student participating in interscholastic activities:

(a) in the case of a private school student with an IEP, 504 plan, or ISP, or a charter school student, the student resides within the attendance boundaries of the school for which the student participates; or

(b) in the case of a Governor’s school student, resides or attends a Governor’s school within the attendance boundaries of the school for which the student participates; and

(4) student notifies the superintendent of the school district in writing of his intent to participate in the interscholastic activity as a representative of the school before the beginning date of the season for the activity in which he wishes to participate.

(C) A public school student who has been unable to maintain academic eligibility is ineligible to participate in interscholastic activities as a private school student with an IEP, 504 plan, or ISP, a charter school student, a Governor’s school student, or a home school student for the following semester. To establish eligibility for subsequent school years, the student’s teacher shall certify by submitting an affidavit to the school district that the student meets the relevant policies of the school at which the student wishes to participate.

(D) A private school student with an IEP, 504 plan, or ISP, a Governor’s school student, or a home school student is required to fulfill the same responsibilities and standards of behavior and performance, including related practice requirements, of other students participating in the interscholastic activities of the team or squad and is required to meet the same standards for acceptance on the team or squad.

(E) A Governor’s school student may not be denied by a school district the opportunity to have a team representing the school participate in interscholastic activities if the team meets the same eligibility requirements of other teams. Aprivate school student with an IEP, 504 plan, or ISP, or an individual Governor’s school student may not participate in an interscholastic activity of a public school district if the school ~~that~~ in which the student is enrolled ~~in~~ has a team or squad participating in that interscholastic activity.

(F) A school district may not contract with a private entity that supervises interscholastic activities if the private entity prohibits the participation of private school students with an IEP, 504 plan, or ISP, charter school students, Governor’s school students, or home school students in interscholastic activities.”

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

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