**A** **BILL**

TO AMEND SECTION 59-63-100 OF THE 1976 CODE, RELATING TO INTERSCHOLASTIC SCHOOL ACTIVITIES, TO ALLOW PRIVATE SCHOOL STUDENTS TO PARTICIPATE IN PUBLIC SCHOOL INTERSCHOLASTIC ACTIVITIES, TO CLARIFY REQUIREMENTS APPLICABLE TO CHARTER SCHOOL STUDENTS, AND TO MAKE CONFORMING CHANGES; TO AMEND SECTION 59-40-50(C)(3)(d) OF THE 1976 CODE, RELATING TO CHARTER SCHOOL STUDENTS, TO CLARIFY REQUIREMENTS FOR PARTICIPATION IN EXTRACURRICULAR ACTIVITIES AND TO MAKE CONFORMING CHANGES; AND TO DEFINE NECESSARY TERMS.

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

SECTION 1. Section 59-63-100 of the 1976 Code 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 student’ is a child enrolled in private school, as defined in Section 59-1-110.

(B) Individual, eligible Governor’s school students, ~~and~~ home school students, charter school students, and private school students may not be denied by a school district the opportunity to participate in interscholastic activities.

(1) In the case of Governor’s school students, home school students, and private school students, a student is eligible to participate in interscholastic activities if the:

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

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

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

~~(2)~~(b) student’s teacher, in the case of a Governor’s school student or private 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 the school in which the student is enrolled ~~a Governor’s school. 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)~~(c) student participating in interscholastic activities:

~~(a)~~(i) resides within the attendance boundaries of the school for which the student participates; or

~~(b)~~(ii) 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)~~(d) 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; and

(e) student does not have access to the interscholastic activity at the school in which he is enrolled.

~~(C)~~(2) In the case of charter school students, a student is eligible to participate in interscholastic activities in the manner described in Chapter 40, Title 59, if the:

(a) student’s teacher, in the same manner required in subsection (B)(1)(b), certifies by affidavit to the student’s school district that the student fully complies with the law and any attendance, class, or enrollment requirements for the charter school in which he is enrolled; and

(b) 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 charter school student, Governor’s school student, ~~or~~ home school student, or private 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 Governor’s school student, ~~or~~ home school student, or private 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 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. An individual Governor’s school student may not participate in an interscholastic activity of a public school district if the school that 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 charter school students, Governor’s school students, ~~or~~ home school students, or private school students in interscholastic activities if the students are otherwise eligible to participate in accordance with the requirements of this Title.”

SECTION 2. Section 59-40-40 of the 1976 Code is amended by adding an appropriately numbered new item to read:

“( ) ‘Extracurricular activities’ means interscholastic activities as defined in Section 59-63-100.”

SECTION 3. Section 59-40-50(C)(3)(d) of the 1976 Code is amended to read:

“(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, except that a charter school student must also comply with the requirements described in Section 59-63-100(B)(2).”

SECTION 4. This act takes effect upon approval by the Governor.

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