COMMITTEE REPORT

March 11, 2021

**S. 615**

Introduced by Senator Young

S. Printed 3/11/21--S.

Read the first time February 25, 2021.

**THE COMMITTEE ON EDUCATION**

To whom was referred a Bill (S. 615) to amend Section 59‑63‑100 of the 1976 Code, relating to nonpublic school student participation in the interscholastic activities of public schools, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, on page 1, by striking lines 27 through 41, and on page 2, by striking lines 1 through 12 and inserting:

/ “( )(1) Notwithstanding the provisions of this section, individual students who attend private schools in this State may not be denied by a public school district the opportunity to try out for and, if selected, participate in an interscholastic athletic program offered at a public school in the district if the:

(a) student resides within the attendance zone boundaries of the public school;

(b) private school that the student attends is not a member of the South Carolina High School League and the private school’s enrollment for grades nine through twelve does not exceed two hundred students;

(c) private school attended by the student does not offer the particular sport for the student’s gender;

(d) particular sport in which the student seeks to participate is offered at the public school located in the attendance zone where the student resides;

(e) student notifies the superintendent of the public school district in writing of his intent to try out in the particular sport as a representative of the public school before the beginning date of the season for the sport in which he wishes to try out;

(f) student pays for all sport-specific fees charged by the public school for an individual student to participate in the particular sport; and

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

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

(ii) class and enrollment requirements of the private entity that supervises the particular sport.

(2) A public school district may not contract with a private entity that supervises interscholastic athletic programs if the private entity prohibits the participation of private school students in interscholastic athletic programs supervised by the entity.” /

Renumber sections to conform.

Amend title to conform.

GREG HEMBREE for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**State Expenditure**

This bill allows students who attend private schools to participate in high school sports at a public high school if:

 the student resides within the attendance zone boundaries of the high school;

 the private school attended by the student does not offer the particular high school league sport for the student’s gender;

 the particular high school league sport in which the student seeks to participate is offered at the local public high school located in the attendance zone where the student resides;

 the student notifies the superintendent of the public school district of his intent to participate in the sport as a representative of the school before the beginning date of the season for the sport; and

 the student meets all public school district eligibility requirements with certain exceptions.

Further, the bill forbids a school district from contracting with a private entity that supervises high school league sports if the private entity prohibits the participation of private school students in high school league sports supervised by the entity.

This bill will have no expenditure impact on SDE since it does not alter the duties or responsibilities of the agency.

**Local Expenditure**

This bill allows students who attend private schools to participate in high school sports at a public high school if:

 the student resides within the attendance zone boundaries of the high school;

 the private school attended by the student does not offer the particular high school league sport for the student’s gender;

 the particular high school league sport in which the student seeks to participate is offered at the local public high school located in the attendance zone where the student resides;

 the student notifies the superintendent of the public school district of his intent to participate in the sport as a representative of the school before the beginning date of the season for the sport; and

 the student meets all public school district eligibility requirements with certain exceptions.

Further, the bill forbids a school district from contracting with a private entity that supervises high school league sports if the private entity prohibits the participation of private school students in high school league sports supervised by the entity.

SDE indicates that the provisions of this bill will allow some eligible private school students to participate in high school sports within public school districts. Although data are not available to quantify the number of eligible private school students that will participate in high school sports in public school districts, SDE anticipates that the number will be a small percentage of the private school student population since most private schools currently offer a large number of athletic teams. Therefore, SDE expects any expenses associated with a potential increase in the number of private school students participating in high school sports within public school districts to be minimal and to be managed within the existing budgets of the local districts.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 59‑63‑100 OF THE 1976 CODE, RELATING TO NONPUBLIC SCHOOL STUDENT PARTICIPATION IN THE INTERSCHOLASTIC ACTIVITIES OF PUBLIC SCHOOLS, TO PROVIDE LIMITED SITUATIONS IN WHICH HIGH SCHOOL STUDENTS WHO ATTEND PRIVATE SCHOOLS MAY PARTICIPATE IN HIGH SCHOOL LEAGUE SPORTS OFFERED AT PUBLIC HIGH SCHOOLS; AND TO DEFINE NECESSARY TERMS.

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

SECTION 1. A. Section 59‑63‑100 of the 1976 Code is amended by adding an appropriately lettered new subsection at the end to read:

“( )(1) Notwithstanding the provisions of this section, individual high school students who attend private schools in this State may not be denied by a public school district the opportunity to participate in a high school league sport offered at a public high school in the district if the:

(a) student resides within the attendance zone boundaries of the high school;

(b) private school attended by the student does not offer the particular high school league sport for the student’s gender;

(c) particular high school league sport in which the student seeks to participate is offered at the local public high school located in the attendance zone where the student resides;

(d) student notifies the superintendent of the public school district in writing of his intent to participate in the high school league sport as a representative of the school before the beginning date of the season for the high school league sport in which he wishes to participate; and

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

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

(ii) class and enrollment requirements of the private entity that supervises the high school league sport.

(2) A school district may not contract with a private entity that supervises high school league sports if the private entity prohibits the participation of private school students in high school league sports supervised by the entity.”

B. Section 59‑63‑100(A) of the 1976 Code is amended by adding an appropriately numbered new item to read:

“( ) ‘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.”

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

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