**South Carolina General Assembly**

125th Session, 2023-2024

**S. 1173**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Hembree

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Introduced in the Senate on March 19, 2024

Currently residing in the Senate

Summary: Interscholastic Sports

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 3/19/2024 Senate Introduced and read first time (Senate Journal‑page 4)

 3/19/2024 Senate Referred to Committee on **Education** (Senate Journal‑page 4)

 3/20/2024 Scrivener's error corrected

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**VERSIONS OF THIS BILL**

[03/19/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/1173_20240319.docx)

[03/20/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/1173_20240320.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59‑63‑105 SO AS TO PROVIDE THAT ANY INTERSCHOLASTIC ATHLETIC ASSOCIATION, BODY, OR ENTITY THAT A PUBLIC SCHOOL DISTRICT JOINS MUST PROVIDE IN THEIR CONSTITUTION, RULES, OR POLICIES A RANGE OF SANCTIONS FOR VIOLATIONS; TO GUARANTEE THAT PRIVATE OR CHARTER SCHOOLS ARE AFFORDED THE SAME RIGHTS AND PRIVILEGES ENJOYED BY ALL MEMBERS; TO GUARANTEE A HOME SCHOOL ATHLETIC TEAM MAY NOT BE DENIED ACCESS TO PRESEASON AND REGULAR SEASON INTERSCHOLASTIC ATHLETICS; TO PROHIBIT THE USE OF NAME, IMAGE, LIKENESS, OR OTHER COMPENSATION FOR PLAY; TO ESTABLISH A PENALTY-FREE TRANSFER WINDOW TWICE A YEAR AND PROVIDING PENALTIES FOR OTHER TRANSFERS; TO ESTABLISH A DIRECT AND IMMEDIATE APPEAL PROCESS TO A PANEL CONSISTING OF NINE MEMBERS; AND TO PROVIDE THAT A PUBLIC SCHOOL MAY NOT AFFILIATE OR BECOME A MEMBER OF AN ASSOCIATION, BODY, OR ENTITY THAT FAILS TO INCLUDE THESE ITEMS; AND BY AMENDING SECTION 59‑39‑160, RELATING TO INTERSCHOLASTIC ACTIVITIES, REQUIREMENTS FOR PARTICIPATION, MONITORING, PARTICIPATION BY PEOPLE WHO ARE HANDICAPPED, AND WAIVERS SO AS TO PROVIDE THAT THE STATE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF EDUCATION’S DETERMINATIONS OF ELIGIBILITY UNDER THIS SECTION ARE BINDING ON A INTERSCHOLASTIC ATHLETIC ASSOCIATION.

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

SECTION 1. Chapter 63, Title 59 of the S.C. Code is amended by adding:

 Section 59‑63‑105. (A) A public school district supported by State funds shall not use any funds or permit any school within the district to use any funds to join, affiliate with, pay dues or fees to, or in any way financially support any interscholastic athletic association, body, or entity unless the constitution, rules, or policies of the association, body, or entity contain the following:

 (1) a range of sanctions that may be applied to a student, coach, team, or program and that account for factors such as the seriousness, frequency, and other relevant factors when there is a violation of the constitution, bylaws, rules, or other governing provisions of the association, body, or entity;

 (2) a guarantee that private or charter schools are afforded the same rights and privileges that are enjoyed by all other members of the association, body, or entity. A private or charter school may not be expelled from or have its membership unreasonably withheld by the association, body, or entity or restricted in its ability to participate in interscholastic athletics including, but not limited to, state playoffs or championships based solely on its status as a private school or charter school. The association, body, or entity shall set reasonable standards for private or charter school admission. A private or charter school denied membership must be provided, in writing within five business days, the reason or reasons for rejection of its application for membership;

 (3) a guarantee that a South Carolina home school athletic team that is a member of a home school athletic association may not be denied access to preseason and regular season interscholastic athletics including, but not limited to, jamborees and invitational tournaments, based solely on its status as a home school athletic team; other rules or policies of the association, body, or entity would apply;

 (4) a prohibition of the use of name, image, or likeness compensation by athletic team members or any other type of compensation for participation by a student on an athletic team. This does not include receipt of an academic merit‑based scholarship or other scholarship available to non‑interscholastic athletes.

 (5) an establishment of a transfer window open twice a year from August 1‑5 and January 5‑10. A student transferring during these times may play interscholastic sports without a transfer penalty. A student transferring at any other time, is subject to a ninety‑day penalty. During this penalty period, an athlete may not practice, train, play, or otherwise engage in an interscholastic sport. A student transferring for a bona fide residency change as provided and defined by the interscholastic athletic association, body, or entity; and

 (6) an establishment of a direct and immediate appeal process, to include emergency appeals, of any eligibility determination or sanction made by the interscholastic athletic association, body, or entity against an interscholastic athlete or an athletic team. The appeal panel shall consist of nine members as follows: two non‑legislative members appointed by the Chairman of the House Education and Public Works Committee, two non‑legislative members appointed by the Chairman of the Senate Education Committee and five members appointed by the governor. Of the five governor appointees, one must be a coach, assistant coach, athletic director, principal, or superintendent of a school in Class A or Class two A division, one from a school in Class three A or Class four A division and one from a school in Class five A division. No more than one member may be from the same school Each member shall serve for a four‑year term with the ability to serve one additional consecutive term. Initially, the appointees designated by the House and Senate shall serve a two‑year term, the appointees are then eligible to serve an additional consecutive four‑year term.

 (B) In the event an association, body, or entity fails to include one of the items listed in this section, public school districts and schools must end their affiliation with the association, body, or entity prior to the beginning of the upcoming school year and are prohibited from paying dues or fees to the association, body, or entity.

SECTION 2. Section 59‑39‑160 of the S.C. Code is amended by adding:

(D) The State Board of Education and the Department of Education’s determinations of eligibility under this section are binding on any interscholastic athletic association, body, or entity of which a public school district supported by state funds is a member or affiliate.

SECTION 3. This act takes effect upon approval by the Governor.

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