



SOUTH CAROLINA HIGH SCHOOL LEAGUE

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MEMORANDUM

TO: Superintendents, Principals, and Athletics Directors
FROM: Dr. Jerome Singleton, Commissioner
DATE: May 19, 2022
RE: Recent Legislation

Greetings:

As most of you are aware, the South Carolina General Assembly recently passed legislation related to athletic participation based on the gender of the student as determined by the student's biological sex at birth. The legislation provides as follows:

Article 5, Chapter 1, Title 59 of the 1976 Code is amended by adding:

"Section [59-1-500](#). (A) For purposes of this section, a statement of a student's biological sex on the student's official birth certificate is considered to have correctly stated the student's biological sex at birth if the statement was filed at or near the time of the student's birth.

(B)(1) Interscholastic, intercollegiate, intramural, or club athletic teams or sports that are sponsored by a public elementary or secondary school or public postsecondary institution must be expressly designated as one of the following based on the biological sex at birth of team members:

- (a) males, men, or boys;
- (b) females, women, or girls; or
- (c) coed or mixed, including both males and females.

(2) Athletic teams or sports designated for males, men, or boys shall not be open to students of the female sex unless no team designated for females in that sport is offered at the school in which the student is enrolled.

(3) Athletic teams or sports designated for females, women, or girls shall not be open to students of the male sex.

(4) A private school or a private institution sponsoring an athletic team or sport in which its students or teams compete against a public school or institution must also comply with this section for the applicable team or sport.

(C)(1) A student who is deprived of an athletic opportunity or suffers any direct or indirect harm as a result of a violation of this section may initiate a cause of action against the school or postsecondary institution as provided in subsection (C)(4).

(2) A student who is subject to retaliation or other adverse action by a school, postsecondary institution, or athletic association or organization as a result of reporting a violation of this section to an employee or representative of the school, institution, or athletic association or organization, or to any state or federal agency with oversight of schools or post-secondary institutions in this State, may initiate a cause of action against the school, postsecondary institution, or athletic association or organization as provided in subsection (C)(4).

(3) A school or post-secondary institution that suffers any direct or indirect harm as a result of a violation of this section may initiate a cause of action against the governmental entity, licensing or accrediting organization or athletic association or organization as provided in subsection (C)(4).

(4) An action arising under this section must be commenced within two years after the alleged injury and subject to the South Carolina Tort Claims Act, as provided in Section [15-78-10](#), et seq."

This law would prohibit participation by transgender students, as eligibility for a team must be based on the student's biological sex at birth. Therefore, the guideline for hardship appeals for transgender students that were adopted in 2016 will no longer be in place, as the League's Constitution "recognizes and appreciates that any change in state or federal law which affects the activities of this organization shall supersede the governing documents of this organization which are its Constitution, Bylaws, Rules, and Regulations."

Additionally, the legislation provides the following:

Article 1, Chapter 63, Title 59 of the 1976 Code is amended by adding:

"Section [59-63-72](#). 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 recognizes, sanctions, and regulates interscholastic competition of wrestling teams composed exclusively of female students."

To comply with this new law, the League staff has begun exploring the logistics of recognizing, sanctioning, and regulating the sport of girls' wrestling. As part of this exploration, I ask that all schools interested in offering a girl's wrestling program for the 2022-2023 school year please notify the League as soon as possible so that we may continue the formulating, organizing, and preparing for a season. A survey to the member schools will be forthcoming.

If you have any other questions, please do not hesitate to contact me