

SC High School League pleads for law change to help deal with charter school concerns

By [Lou Bezjak](#) Updated May 04, 2023 9:57 AM



Gray Collegiate, a charter school, won the boys and girls state championships in Class 2A this season. Jeff Blake *Jeff Blake Photo*

The South Carolina High School League would like to tweak some existing state legislation, a move they say will help them deal with simmering competitive balance concerns within the league.

Commissioner Jerome Singleton was among the SCHSL representatives Tuesday who voiced public support for removing language from a proviso they say currently restricts the league's ability to govern its charter and private school teams. Those schools' growing domination in athletics and what, if anything, should be done about it are hot-button issues statewide.

"Some things are just unique to private and charter schools that can't be addressed because of the proviso," Singleton said Tuesday in front of the S.C. House Education K12 Subcommittee.

That uniqueness, Singleton explained to The State on Wednesday, includes such things as enrollment caps and the ability to attract students from outside a traditional attendance zone.

There's a proviso — or temporary law — that's renewed in the state budget each year that, among other things, "guarantees that private or charter schools are afforded the same rights and privileges that are enjoyed by all other members of the association" and that participation cannot be restricted in "state playoffs or championships based solely on its status as a private school or charter school."

The S.C. House Education K12 Subcommittee on Tuesday heard about multiple bills that attempt to address growing concerns with athletics at those private and charter schools. Those bill discussions were part of an ongoing debate about fair play among South Carolina high school sports, particularly among the state's smallest classifications of 1A and 2A.



There were 219 schools in the S.C. High School League as of the 2022-24 league realignment. Of those, 15 are charter schools and four are private schools — and four new charter schools have been approved

for membership.

Gray Collegiate in West Columbia and other S.C. charters — along with several private schools that compete in the public league — have been increasingly dominant in sports in recent years. Critics say the charters that are sports-focused attract higher-caliber athletes and build powerful teams. And because they cap enrollment, they compete for state championships against the smaller and traditionally rural high schools in Class 1A and Class 2A.

In the current school year alone, 13 of the 16 S.C. High School League fall and winter sports team championships in Class 1A and Class 2A were won by charter or private schools.

The debate over competitive balance spilled onto the play field this year in spring sports.

In March, after a couple of lopsided defeats, Fairfield County schools Superintendent J.R. Green gave his district's high school teams the OK to forfeit games against Gray. Fairfield Central High's softball and soccer teams did just that. Two other local schools — Eau Claire (girls soccer) and Keenan (boys and girls soccer) — also forfeited games against the War Eagles after Fairfield's decision.

Green is among those who are calling for change and say there's a competitive imbalance at the 1A and 2A levels.

Tuesday's subcommittee meeting discussed such legislation as [House bill 4121](#), which calls for athletics-based charter schools to not be eligible for postseason play "unless the playoff and championship competitions only include charter schools as participants."

Other bills — including [House bill 3871](#) and [House bill 3305](#) — call for charter and private school sports teams to be placed in a higher athletics classification “if they accept students living outside of the public high school attendance zone in which they are located.”

But none of those House bills would have an impact unless the proviso, established 10 years ago, is changed.

Removing the charter and private school conditions from the proviso would allow the S.C. High School League to suggest and push forward its own plan for competitive balance — something they don’t believe would stand up in court under the current wording of the law.

Whether or not the proviso language can be removed before this state legislative session ends May 11 remains to be seen. It’s likely too late for any of the bills that were brought up during Tuesday’s meeting to make it through the S.C. House this year. If the proviso isn’t changed this session, that too will have to wait until 2024.

The S.C. High School league will start making plans in the late fall for its next realignment, which will go into effect for the 2024-26 school years. Realignment — which can move schools up or down in classification based on enrollment changes — happens in the state every two years and is the main way the SCHSL currently can address competitive balance.

SCHSL appellate panel members Otis Rawl and Andy Tweito also spoke on the matter Tuesday in front of the S.C. House Education K12 Subcommittee. Both advocated for getting rid of the proviso.

“The playing field is not level and we have to do something about the proviso. That would make things so much smoother,” Tweito said. “If we

can eliminate that proviso, we can eliminate 99 percent of the problems. The league is handcuffed. They cannot make decisions that need to be made concerning concerning different level of playoffs, etcetera."

In other states

South Carolina isn't the only state dealing with competitive balance issues:

- North Carolina is considering its own legislation that deals with concerns about charter and private schools that play in that state's public school league. One bill there [would factor the student population's makeup for those charter or non-public schools](#) into which classification they're placed in. If the majority of one charter school's students would typically be assigned to a Class 4A school, for example, then that charter would compete in Class 4A.

- Georgia, Tennessee and about 20 other states have a "multiplier" system in place. Under Georgia's new multiplier rule passed in 2021, a student who comes into a school from outside that school's district would count as three students and affect the school's total enrollment figure — and likely make that school "play up" and in a higher classification and face tougher competition.

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