



ALAN WILSON  
ATTORNEY GENERAL

September 23, 2025

Dr. Jerome P. Singleton  
Commissioner  
South Carolina High School League  
PO Box 211575  
Columbia, SC 29221-6575

Dear Dr. Singleton:

Attorney General Alan Wilson referred your letter to the Opinions section for a response. In your letter you ask whether Proviso 1.112 of the 2025-2026 state budget would apply to a student who attends a private school outside of South Carolina but seeks to participate in an interscholastic athletic program at a public school in South Carolina. As discussed below, Proviso 1.112 is limited to students who “attend independent schools in this State.”

Proviso 1.112 of the 2025-2026 state budget allows students who attend independent schools to participate in the interscholastic athletic programs of the public schools for which they are zoned under certain conditions. See § 1.112, Act No. 69, 2025. You note in your letter that the restrictions on participation listed in subsection A address *inter alia* the student’s residence, § 1.112(A)(1); the independent school’s involvement in the South Carolina High School League, § 1.112(A)(2); and whether the sport is offered at the public school located in the attendance zone where the student resides, § 1.112(A)(4); but, the subsections do not, either individually or together, specify whether the independent school which the student attends must be located in the State of South Carolina. However, the chapeau of subsection (A) reads, “No funds appropriated or authorized in this act that are distributed to a school district may be used to deny individual students who attend independent schools in this State....” § 1.112(A) (emphasis added).

When construing a statute, the primary goal is to understand and give effect to the intent of the legislature. Hodges v. Rainey, 341 S.C. 79, 85, 533 S.E.2d 578, 581 (2000). Where possible, legislative intent “should be ascertained primarily from the plain language of the statute.” State v. Hudson, 366 S.C. 237, 246, 519 S.E.2d 577, 581 (Ct. App. 1999). We believe the plain language of Proviso 1.112 permits us to answer your question without resorting to other rules of statutory construction.

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The introductory phrase of subsection A only requires school districts receiving state funds to allow participation in interscholastic athletic programs pursuant to Proviso 1.112 by students who attend an independent school in the State of South Carolina. Therefore, Proviso 1.112 would not apply to a student who attends a private school outside of South Carolina but seeks to participate at a public school in South Carolina.

Sincerely,



David Leggett  
Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook  
Solicitor General Emeritus