



PRESS RELEASE

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May 18, 2020

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Four private schools and the Diocese of Charleston participate in lawsuit against the South Carolina High School League

Four private state high schools and the Diocese of Charleston are part of a group named as plaintiffs in a lawsuit filed today against the South Carolina High School League (SCHSL). Bishop England High School in Charleston, Christ Church Episcopal School and St. Joseph's Catholic School in Greenville, and Southside Christian School in Simpsonville are suing the SCHSL over recent amendments that penalize their student athletes and restrict parents from fully exercising their legally protected right to school choice. Eight public charter schools and the Public Charter School Alliance of South Carolina are also plaintiffs in the lawsuit.

"We are participating in this lawsuit because of the League's blatant discrimination against our students," said Patrick Finneran, principal of Bishop England High School. "These amendments will hurt student athletes first and foremost. The South Carolina High School League oversees many games in South Carolina, but it should not be permitted to play games with the lives of South Carolina students and families."

The lawsuit claims that newly passed amendments to the SCHSL's By-Laws that address the eligibility of students entering public charter and private schools "have impaired the right and freedom of students who enroll at Plaintiff Schools after the beginning of seventh grade to establish immediate eligibility to participate in interscholastic athletics at Plaintiff Schools, and thus discriminate improperly against the Plaintiff Schools." On April 21, 2020, the Attorney General of South Carolina issued an opinion agreeing that the new SCHSL amendments likely violate numerous state laws, including a requirement in the state budget that SCHSL provide public charter and private schools the same rights and privileges as it gives to traditional public schools.

Before these recent amendments were passed, most students entering a public charter or private school after seventh grade who lived in the boundaries of the traditional public school district where the public charter or private school was located could play varsity athletics immediately, and those coming to the public charter or private school from outside the traditional public school district could play junior varsity athletics. The new amendments ban all students entering after seventh grade from playing sports for one year unless those students happen to transfer in ninth grade and live within a narrowly-defined attendance zone assigned by SCHSL to each public charter or private school, or happen to have a change of residence into the same attendance zone before the beginning of the school year. In many cases these SCHSL-assigned attendance zones have no relation to where a public charter or private school actually draws its students, and therefore these narrow exceptions will not apply. SCHSL has also done away entirely with

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junior varsity eligibility for entering students who are not otherwise eligible to play varsity sports. In contrast to the situation faced by public charter and private schools, a traditional public school in an open enrollment district like Greenville County will still be able to welcome students who live anywhere in the district and permit them to play sports, without regard to whether the students live in the school's attendance zone.

"Although we are honored to be members of the SCHSL, we cannot stand by when the League makes a rule change that is targeted directly to students of public charter and private schools and not for all students in the state," said Dr. Sam Barfell, superintendent of Southside Christian School. "These new amendments hurt students by arbitrarily infringing upon the rights of these students to fully participate in athletics and benefit from the friendship, discipline, team building and leadership opportunities that are uniquely provided through high school athletics."

In addition to hurting students, the SCHSL's new amendments restrict parents and guardians from fully exercising their legal right to school choice by restricting the interscholastic opportunities available to students who choose public charter and private schools.

"I am dismayed that this new ruling does not allow a child to complete their educational career in a Catholic school. A child can start in one of our many Catholic elementary schools but not have the opportunity to attend Catholic high school. This is an absurd restriction on religious liberty and parents' right to choose the best educational option for their children," said Keith Kiser, headmaster of St. Joseph's Catholic School.

"CCES has been a proud member of the SCHSL since 1975 and values the opportunity for its students to participate in league sports. Restricting the eligibility for an entire year in all sports to students entering our school in eighth through twelfth grade is an affront to parents whose right to choose schools we respect and a brutal injustice to the affected students. Additionally, interscholastic sports competition provides a natural means for new students to integrate readily into the school community. In the upcoming year, after months of social isolation and insecurity resulting from the pandemic, it is very important to give new students every chance to feel a sense of belonging. For the sake of students and their parents, we seek to nullify these unjust and illegal amendments," said Dr. Leonard Kupersmith, head of school at Christ Church Episcopal School.

The Plaintiffs are requesting a temporary injunction ordering the SCHSL to cease enforcement of its new amendments. Second, they want the court to deem these amendments as unlawful and permanently stop the League from enforcing them.

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