

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS

South Carolina Association of Public Charter Schools d/b/a Public Charter School Alliance of South Carolina; Brashier Middle College Charter High School, Inc.; Greenville Technical Charter High School; Greer Middle College Charter High School; Fox Creek High School, Inc.; Palmetto Scholars Academy; Legion Collegiate Academy; Oceanside Collegiate Academy; Gray Collegiate Academy; Bishop of Charleston, a Corporation Sole, FBO Bishop England High School; Christ Church Episcopal School; St. Joseph's Catholic School; Southside Christian School

Plaintiffs,

v.

South Carolina High School League,

Defendant.

Case No: 2020-CP-23-02596

**PLAINTIFFS' MOTION FOR A
TEMPORARY RESTRAINING ORDER
AND TEMPORARY INJUNCTION**

Pursuant to Rule 65, SCRCP, Plaintiffs, by their undersigned counsel, hereby move for entry of a temporary restraining order and temporary injunction enjoining Defendant South Carolina High School League (the "League") from enforcing three new amendments to Article III of the League's By-laws addressing student eligibility for interscholastic athletics (the "New Amendments"). Unless the League is immediately enjoined from enforcing the New Amendments, untold numbers of South Carolina students and their families, which are served by the Plaintiffs in this lawsuit, will be punished for exercising their right to school choice by being forced to sit out

from League-sponsored athletic competition in the coming 2020-2021 school year and in the years that follow.

The New Amendments, which were passed at the League's legislative assembly in March, modify Article III Sections 10, 10(D), and 10(M) of the League By-laws and are already detrimentally affecting the school choice options available to South Carolina students and their families. The net effect of the New Amendments is that nearly every student entering a public charter or private school after the seventh grade will be prohibited from participating in League athletics – even junior varsity athletics – for an entire academic year, unless the student's family happens to live in a fictitious, arbitrary, limited attendance zone assigned by the League to the public charter or private school. The fictitious, arbitrary, limited attendance zone assigned by the League is not reflective of those schools' actual attendance zones, which for public charter schools is established pursuant to the South Carolina Public Charter Schools Act of 1996, as amended.

As set forth in the Complaint and Memorandum of Law in Support of this Motion, the New Amendments violate South Carolina law, including but not limited to Department of Education Budget Proviso 1.59, the Equal Access to Interscholastic Activities Act, S.C. Code Ann. § 59-63-100(F), and the South Carolina Charter Schools Act, S.C. Code Ann. § 59-40-10 *et seq.*

The Attorney General of South Carolina has already reached this same conclusion, issuing an opinion to this effect dated April 21, 2020. On the basis of the Attorney General's opinion, Plaintiffs requested the League table the New Amendments, but the League has refused to do so.

In support of this Motion, Plaintiffs are filing as exhibits to their Memorandum the affidavits of administrators for nine of the Plaintiffs, as well as the affidavits of eight (8) South Carolina families, all testifying to the irreparable and immediate harm the New Amendments are causing. That harm will continue unless the League is enjoined from enforcing the New

Amendments. The Plaintiffs furthermore have no adequate remedy at law for the loss of potential students and their families. Each student makes unique, irreplaceable, and immeasurable contributions to the academic, athletic, and extra-curricular life of the school community he or she joins.

Plaintiffs therefore request this Court immediately enter a temporary restraining order enjoining the League from enforcing the three New Amendments to Article III Sections 10, 10(D), and 10(M) of the League By-laws and enter a temporary injunction in due course. Plaintiffs will provide such security as the Court deems necessary in support of the temporary restraining order and temporary injunction.

Respectfully submitted,

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