

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

Elizabeth Jensen,

Plaintiff,

vs.

South Carolina High School League; Brashier  
Middle College Charter High School; and  
South Carolina Board of Education

Defendants.

IN THE COURT OF COMMON PLEAS

THIRTEENTH JUDICIAL CIRCUIT

C.A. NO.: 2019-CP-23-04967

**Affidavit Michelle Jensen**

**WHEREAS**, Michelle Jensen, mother of Plaintiff Elizabeth Jensen, ("Affiant"), personally appeared before me, who being first duly sworn, upon her oath says, to the best of her knowledge, as follows:

1. That Affiant attests that Elizabeth Jensen is currently a senior at Brashier Middle College and with a grade point average of 3.9 and 21.5 of the 24 credits she needs to graduate in the spring of 2020;
2. On December 6, 2018 I met with Elizabeth's school counselor to discuss what Elizabeth's College English 101 course failure meant moving forward, and the school made no mention of it impacting her eligibility for sports participation;
3. On April 17, 2019, I again met with the counselor and discussed Elizabeth retaking the college English 101 course during the summer semester and was informed that the school would send course information for her to register and make it up in the summer;
4. On June 5, 2019, I followed up by email to the counselor requesting the summer registration information, however, was then informed that the summer English 101 class had already begun on May 20, 2019 so Elizabeth could not register for the class;
5. I then helped Elizabeth find an online English 101 course and requested the required school approval but the school did not approve the course in time for her to take the class;
6. I had not been informed that this class was needed for her eligibility to compete in athletics but was trying to help her get the course;
7. Eight days prior to the first swim meet, on or about August 14, 2019, I was informed by the athletic director for the first time that Elizabeth was ineligible to compete due to failure to pass 5 Carnegie classes for the previous school year.

8. Elizabeth did pass 4 classes as required by the Board of Education but did not receive credit for the physics class. Unlike the non-charter high schools, Brashier requires that the student achieve an 80 to receive course credit. Elizabeth made a 77 in her physics class which would have received credit at any of the other public non-charter schools in the area against which Brashier competes. It is technically a C at these other schools. The other schools are on a 10 point scale and only need a 60 to receive course credit.

9. I requested that the decision that she was academically ineligible be appealed because had she been at another public school, she would have received credit and been eligible. Moreover, she did technically pass the course based on her numerical grade of 77. She did not fail the course.

10. The South Carolina High School League ByLaws state "Article XII Section 7 Definition: overall passing average Overall passing average may be calculated by GPA or by numerical average, whichever is more advantageous to the athlete."

11. When determining if Elizabeth passed physics class, The League should consider Elizabeth's numerical number, 77, and determine that she did pass the 4 classes for purpose of determining eligibility.

12. Elizabeth is a two time state champion swimmer being recruited by schools across the country.

13. She will be irreparably harmed if she is not able to compete in her senior season.

14. I requested that Brashier appeal to the Board of Education for a waiver due to the misinformation provided by the district personnel and due to the disparity caused by the interpretation of the Rules as they apply to the Charter school athletes differently than their regular high school competitors.

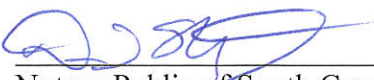
FURTHER AFFIANT SAYETH NOT.

IN WITNESS WHEREOF, Affiant has executed this instrument under seal as of this 30th day of August 2019.

**AFFIANT:**

  
\_\_\_\_\_  
Michelle Jensen

Sworn to and subscribed before me  
this 30th day of August 2019.

  
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Notary Public of South Carolina  
My commission expires: 2-1-2029