



SOUTH CAROLINA HIGH SCHOOL LEAGUE

Jerome P. Singleton, Commissioner
P. O. Box 211575
Columbia, South Carolina 29221-6575
Phone: 803-798-0120 ♦ www.schsl.org

OZZIE AHL
President
Rock Hill

SAM TUTEN
Vice President
Johnsonville

MIKE BEASLEY
Bainwell

KANDACE BETHEA
Marion

RYAN BROWN
Columbia

MARTY CONNER
Rock Hill

RAY COOPER
Prosperity

BARON DAVIS
Columbia

TONY FOLK
St. George

KEITH KISER
Greenville

SAM JONES
Eastover

ANNA MILLER
Chapin

ANDREA PRIDGEN
Green Sea

JOE QUIGLEY
Little River

KAREN RADCLIFFE
Ashley Ridge

MICHAEL STONE
Mullins

MAUREEN TILLER
Clinton

JOSH TRAHAN
North Augusta

STEVE WILSON
St. Matthews

November 20, 2019

Brenda Corley, Principal
Oceanside Collegiate Academy
580 Faison Road
Mount Pleasant, SC 29466

Dear Ms. Corley:

The Executive Committee made the following decision concerning Oceanside Collegiate Academy High School's football program:

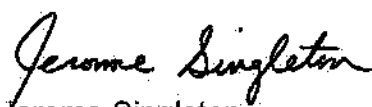
- The forfeitures remain in place.
- The fine has been reduced to \$8,250.00

The presentation was done very professionally and to the point. The committee appreciated your efforts.

If you wish to appeal the Executive Committee's decision to the Appellate Panel, please notify the League Office in writing by 1:00 pm on November 21, 2019.

Please let me know if you have any questions.

Sincerely,


Jerome Singleton
Commissioner



SOUTH CAROLINA HIGH SCHOOL LEAGUE

Jerome P. Singleton, Commissioner
P. O. Box 211575
Columbia, South Carolina 29221-6575
Phone: 803-798-0120 Fax: 803-737-0029 www.schsl.org

To: Brenda Corley, Principal – Oceanside Collegiate Academy
From: Jerome Singleton, Commissioner
Subject: Time of scheduled appearance before Executive Committee
Date: November 18, 2019

You are scheduled to appear before the Executive Committee on November 20, 2019, to present your case for sanction relief. The meeting will be held at the South Carolina High School League Office, 121 Westpark Boulevard, Columbia, South Carolina. Your scheduled appearance time is 11:00 a.m.

Please refer to page 1 of the League's By-Laws for the procedures to be used when making appeals to the Executive Committee. You are to forward copies of your request brief to members of the Executive Committee. Each committee person must receive a complete copy of all pertinent information prior to the meeting. You will have 10 minutes to make your presentation to the Committee.

Date: November 20, 2019
Time: 11:00 a.m.
Site: South Carolina High School League
121 Westpark Boulevard
Columbia, South Carolina

Failed 17-0

reduce fine to \$8250.00

Zimbra

jsingle@schsl.org

Oceanside

From : Brenda Corley
<bcorley@oceansidecollegiateacademy.org>

Mon, Nov 04, 2019 02:41 PM

Subject : Oceanside

To : Jerome Singleton <jsingle@schsl.org>

Cc : Skip Lax <skip@schsl.org>, Andy Patrick
<apatrick@pcaschools.org>, Mike D'Angelo
<mdangelo@pcaschools.org>, Tyler Turner
<tturner@turnercaudell.com>

Jerome,

OCA is appealing the SCHSL's findings that OCA violated an alleged bylaw and/or rule that prohibits players from dressing out for junior varsity and varsity games on consecutive days, even if those players do not play in one or both games. Accordingly, OCA is appealing the SCHSL's decision that OCA forfeit (1) The Gray Collegiate Academy game, (2) The North Myrtle Beach High School Game, and (3) the Burke High School game, along with the SCHSL's decision to impose a fine in the amount of \$16,500.00.

Notwithstanding OCA's appeal, OCA is willing for the benefit and convenience of all student-athletes, coaches, teams, and schools in the AA classification to be seeded as the #4 seed in Region 6, regardless of the outcome of OCA's appeal as its relates to the forfeiture of the three games listed above.

Thank you,

--

Brenda Corley

Principal
Oceanside Collegiate Academy



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OZZIE AHL
President
Rock Hill

November 4, 2019

SAM TUTEN
Vice President
Johnsonville

Brenda Corley, Principal
Oceanside Collegiate Academy
580 Faison Road
Mount Pleasant, South Carolina 29466

MIKE BEASLEY
Barnwell

KANDACE BETHEA
Marion

RE: Participation of JV Football players

RYAN BROWN
Columbia

Dear Ms. Corley:

MARTY CONNER
Rock Hill

This letter is written in reference to the violations committed by Oceanside Collegiate Academy High School football team during the football season.

RAY COOPER
Prosperity

By admission of the school's administration, the school permitted student-athlete football players to participate in Thursday and Friday night contests on four occasions. The dates and opponents on these occasions are as follows:

BARON DAVIS
Columbia

TONY FOLK
St. George

KEITH KISER
Greenville

Dates

Teams

SAM JONES
Eastover

September 12-13,
2019

Gray Collegiate Charter High School (Subvarsity & Varsity)

ANNA MILLER
Chapin

September 26-27,
2019

North Myrtle Beach High School (Subvarsity) & Legion
Academy Charter High School (Varsity)

ANDREA PRIDGEN
Green Sea

October 10-11, 2019

Colleton County High School (Subvarsity) & Burke High
School (Varsity)

JOE QUIGLEY
Little River

October 17-18, 2019

Phillip Simmons High School (Subvarsity & Varsity)

KAREN RADCLIFFE
Ashley Ridge

MICHAEL STONE
Mullins

As stated in the SC High School League Bylaws (Article III; Section 16.A), "Any student in the uniform of one of the competing schools and permitted in the bench area is considered as having participated in the game or scrimmage."

MAUREEN TILLER
Clinton

JOSH TRAHAN
North Augusta

These student-athletes are limited to one subvarsity OR one varsity scheduled football contest per week. Given that the student-athletes participated in two scheduled contests during the week, they are ineligible participants during the second contest of the identified four weeks.

STEVE WILSON
St. Matthews

As a result, there were 44 different ineligible student-athletes that participated during these four individual weeks. As noted in the SCHSL Bylaws (Article III; Section 16.B), "The penalties which may be assessed when an ineligible student participates are:

All contests in which the ineligible player dressed may be forfeited." Additionally, "The school will be reprimanded and fined." Accordingly, your school must forfeit all contests in which the ineligible athletes participated.

The Executive Committee has also instructed the League Office staff to be very consistent in the enforcement of rules and regulations. The "Guidelines for Discipline" are on pages 19-20 of the Rules & Regulations section of the League Handbook.

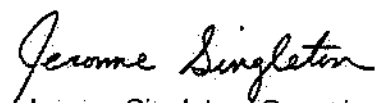
In accordance with these instructions, your school is to be fined \$22,000.00 for permitting 44 ineligible students to participate. However, I am capping the fine at \$16,500.00.

Because time is of the essence as it relates to completing the brackets, if you wish to appeal the League's ruling on the forfeiture, please notify the League office in writing (email is acceptable) **no later than one hour within receipt of this correspondence.** If no appeal request is received within this time period, the League will post the playoff brackets reflecting the results of Classification AA; Region 6 order of finish.

Thank you for your attention to this matter.

If you have any additional questions, please contact this office.

Sincerely,



Jerome Singleton, Commissioner
SC High School League



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November 4, 2019

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MAUREEN TILLER
Clinton

JOSH TRAHAN
North Augusta

STEVE WILSON
St. Matthews

Dates

Teams

September 12-13, 2019	Gray Collegiate Charter High School (Subvarsity & Varsity)
September 26-27, 2019	North Myrtle Beach High School (Subvarsity) & Legion Academy Charter High School (Varsity)
October 10-11, 2019	Colleton County High School (Subvarsity) & Burke High School (Varsity)
October 17-18, 2019	Phillip Simmons High School (Subvarsity & Varsity)

As stated in the SC High School League Bylaws (Article III; Section 16.A), "Any student in the uniform of one of the competing schools and permitted in the bench area is considered as having participated in the game or scrimmage."

These student-athletes are limited to one subvarsity OR one varsity scheduled football contest per week. Given that the student-athletes participated in two scheduled contests during the week, they are ineligible participants during the second contest of the identified four weeks.

As a result, there were 44 different ineligible student-athletes that participated during these four individual weeks. As noted in the SCHSL Bylaws (Article III; Section 16.B), "The penalties which may be assessed when an ineligible student participates are:

All contests in which the ineligible player dressed may be forfeited." Additionally, "The school will be reprimanded and fined." Accordingly, your school must forfeit all contests in which the ineligible athletes participated.

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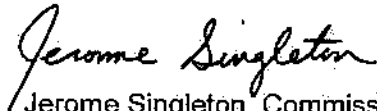
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Thank you for your attention to this matter.

If you have any additional questions, please contact this office.

Sincerely,

A handwritten signature in black ink that reads "Jerome Singleton". The signature is written in a cursive, flowing style.

Jerome Singleton, Commissioner
SC High School League



OCEANSIDE COLLEGIATE ACADEMY

580 Faison Road
Mount Pleasant, SC 29466

TELEPHONE: 843.936.7128 • EMAIL: bcorley@oceansidecollegiateacademy.org

OFFICE OF THE PRINCIPAL

To: Commissioner Jerome Singleton
From: Brenda Corley, Principal
Date: October 24, 2019
Re: Varsity Football Game vs. Philip Simmons High School

Dear Commissioner Singleton:

Early this week, the SCHSL called Oceanside Collegiate Academy to inquire about three (3) JV football student-athletes and their participation during last Friday's Varsity Football game at Philip Simmons High School. After speaking with Coach Grier, we acknowledge that this did in fact occur, although each of the three student-athletes participated in only 4 quarters cumulatively between the JV and Varsity games, and this was an isolated incident that has not occurred any other time. Our coaching staff interpreted the language in a way that led them to believe that player participation was correlated to "quarters" and not games. Article III (Student Eligibility), Section 7 (Participation and Practice Limitations) of the SCHSL's Bylaws, which is the only single-location in the South Carolina High School League's Constitution, Bylaws, or Rules and Regulations that directly addresses limitations on a football player's participation, states that "A student may participate in only one football game in any one day."

Given that the score in the game between Oceanside Collegiate Academy and Phillip Simmons High School was 56-0 at the time, it goes without saying that Coach Grier's decision to play JV players was not made to gain any sort of competitive advantage. **In fact, the decision was made to promote player safety, sportsmanship, and integrity.** It would be remiss of me if I did not use this opportunity to share the following information that I learned during my investigation of this incident:

- At halftime of the game, when the score was 56-0, Philip Simmons had the opportunity to run the clock and according to the game official, their coach chose not to. I question why the Philip Simmons coaching staff would not take advantage of an option offered to protect the safety of the players and the integrity of the game.
- In the second half, our team demonstrated sportsmanship and *took a knee on the one-yard line in order not to score.*

With the information above in mind, Coach Grier and his staff were concerned for the safety of the

players on both teams and the overall score of the game, which led to the decision to play the three JV players in the second half of the game. Not many years ago, Oceanside Collegiate Academy found itself in situations similar to the one Philip Simmons High School encountered last Friday and our coaching staff wanted to do better than what was done to us by many member schools. Coach Grier is a steward for both our school and the sport of football, dedicating most of his adult life to not only growing and promoting the game he loves, but also building confidence and teaching those important "life skills," like sportsmanship and integrity, to the players and coaches under his tutelage- regardless of his win/loss record.

Since our inception, Oceanside Collegiate Academy and our football program has shown its commitment to following the policies and procedures of the SCHSL and being a member and partner in good-standing. I am hopeful the SCHSL will take all of the above information into consideration when rendering its decision on this matter and not punish student athletes for adult behavior.

Respectfully,

Brenda Corley, Principal

MEMORANDUM

TO: Executive Committee

FROM: Tom Barlow, Facilitator
Tyler Turner, Facilitator

DATE: November 20, 2019

RE: Executive Summary of Findings of Sub-Committee on Competitive Balance

Members of the Executive Committee:

The Sub-Committee formed to look at the issue of competitive balance between traditional public schools and non-traditional schools (private schools, charter schools, and magnet schools) shares its findings in the summary below. We appreciate the opportunity to examine this important issue, and while we do not have a finalized proposal to present to the Executive Committee, we believe we have narrowed some of the issues. The Sub-Committee acknowledges that its main focus of discussion – a success factor applied to all schools – needs further input from the Executive Committee, League Staff, and member schools.

The Sub-Committee met on September 24, October 10, October 22, November 5 and November 18. The following individuals served on the Committee:

Dr. Harrison Goodwin- Superintendent, Chesterfield County Schools
Paul Anderson- Principal, Ware Shoals High School
Brian Newsome- Principal, Gray Collegiate Charter School
Jason Johns- Principal, Nation Ford High School
Mike Drummond- Athletics Director, York Preparatory Academy Charter
Paul Runey- Athletics Director, Bishop England High School
Dr. Leonard Kupersmith- Headmaster, Christ Church Episcopal School
Tad DuBose- Athletics Director, Abbeville High School
Jason Cox- Principal, Battery Creek High School
Eric Wells- Athletics Director, High Point Academy Charter High School
Jeremy Holland- Athletics Director, James Island Charter High School
Jason Powell- Athletics Director, Westwood High School

In addition, members of the League staff and legal counsel, Michael Montgomery, were present for every meeting. The president of the Executive Committee, Dr. Ozzie Ahl, also attended every meeting.

Issue of Competitive Balance

The first task of the Sub-Committee was to determine if there was a competitive advantage enjoyed by non-traditional public schools. There was much discussion on this topic, and the Sub-Committee examined many pieces of data, including:

- Classification breakdown of traditional public schools and non-traditional public schools
- State champion and runner-up results by sport for each classification (up to AAAA) for the last three years
- Total number of athletes at each school by sport over the last three years (pulled from Certificates of Eligibility)
- Total eligibility numbers by school for the last three years (counting multi-sport athletes only once)
- Numbers of transfer students per school, broken down by grade, for the last three years.

After spending much of the first two meetings discussing this issue, the Sub-Committee members were polled as to whether they believe non-traditional schools enjoy certain advantages over traditional public schools. Representatives from traditional public schools believed that such advantages do exist and highlighted such factors as (a) the outcomes in terms of number of state championships won by non-traditional schools; (b) the speed at which certain non-traditional schools were having success; and (c) the ability of non-traditional schools to attract students from a larger geographic area and their flexibility in the screening/application process.

Representatives from the non-traditional public schools did not necessarily agree that non-traditional public schools enjoyed inherent competitive advantages. Several representatives acknowledged the benefits of attracting students from a larger geographic area, but they did not feel that this alone created a competitive advantage. Representatives from the non-traditional schools also highlighted possible advantages enjoyed by traditional public schools, such as better funding, better facilities, and easier transportation. Representatives from non-traditional public schools also believed that certain recent SCHSL bylaw changes had equally allowed traditional public schools to get students from beyond their attendance zone, i.e. 9th grade choice and intra-district transfers.

Finally, we would mention that there was no consensus among the Sub-Committee in identifying what factor or factors provided the biggest competitive advantage. Several Sub-Committee members also noted other possible reasons for the disproportionate success believed to be enjoyed by non-traditional schools, such as location (urban vs. rural).

Despite the lack of a formal agreement on this initial issue, all Sub-Committee members agreed to look at potential ways to address competitive balance.

Possible Competitive Balance Solutions

The Sub-Committee also reviewed the following information regarding possible solutions:

- Overview of other state athletic association policies on classification of non-traditional public schools
- Application of a “success factor” using the formula used by Alabama and applying it to SCHSL member schools based on playoff results from the last two school years. (success factor applied by sport)
- Application of a “success factor” using a formula created by the Sub-Committee and applying to SCHSL member schools based on playoff results from the last two years (success factor applied by school)

At the outset, the Sub-Committee discussed the recurring budget proviso that has been passed by the S.C. Legislature every year since 2013 and states, in pertinent part:

(2) (a) guarantees that private or charter schools are afforded the same rights and privileges that are enjoyed by all other members of the association, body, or entity. A private or charter school may not be expelled from or have its membership unreasonably withheld by the association, body, or entity or restricted in its ability to participate in interscholastic athletics including, but not limited to, state playoffs or championships based solely on its status as a private school or charter school. The association, body, or entity shall set reasonable standards for private or charter school admission. A private or charter school denied membership must be provided, in writing within five business days, the reason or reasons for rejection of its application for membership;

As a result of this proviso, the Sub-Committee did not spend much time considering possible solutions such as a system for separate championships for non-traditional schools or a success factor that would only apply to non-traditional schools.

After looking at other states and how they have recently addressed this issue, the Sub-Committee did not have much interest in looking at a multiplier being added to students who attend a school outside their normal attendance zone.

Success factor by school

The focus of the last two meetings centered on the possibility of a success factor being applied to all schools. Discussion began on a success factor that would apply to a school as a whole based on the aggregate performance of all sports teams. The Sub-Committee generally agreed to the following guidelines:

- A school would be moved up a classification from where it would be classified according to enrollment in the following situation:
 - The school receives 25% of the available “points” in that classification

- 4 points are awarded for a championship game appearance OR finishing in the top two for any open championship
- 2 points are awarded for making the semifinals in a sport OR finishing third or fourth in an open championship
- Available points in a classification per year were initially determined by multiplying the number of sports for which a championship was awarded by 6 points (i.e., Class A offers 8 championships, so the total number of points available is 48 per year, or 96 points over a two-year period). Given the concern regarding schools who may excel in every sport offered but don't offer enough sports to get close to the 25% threshold, the Sub-Committee then agreed that the percentage should be based on the number of sports offered by the school. That may require a different percentage to be used as the standard, but the formula should be based on the number of points earned compared to the total number of points that the school could have earned in the sports in which it participated
- The maximum classification move would be one class above enrollment count, and the school would be able to move back down to its enrollment classification during the next realignment period if it did not have success at the higher classification.
- A member school would never be allowed to move down a classification below its enrollment count based on lack of success.

Possible disadvantages and unanswered questions about a success factor by school

- The "look-back" period for calculating success could present challenges given the time when realignment is usually done. Because realignment occurs during the middle of the second year of a realignment period, it would be impossible to have a full set of two years of data in one realignment period to apply to the next realignment period. One possible solution was to simply take the six preceding sports seasons (fall, winter, spring) regardless of how they fall during the school year and use those results in calculating a school's success factor when doing realignment.
- One disadvantage to a success factor by school is that it "penalizes" poorly performing sports at a school that moves up a classification. For example, a school may earn enough points to move up because it excels at five sports, but the two other two sports are not competitive. The two non-competitive sports will now be moved up to a higher classification along with the higher-achieving teams.
- There was some disagreement over whether to include football in this success factor calculation. In other words, if football is excluded, a school who qualifies to move up a classification will remain in football at the classification commensurate with the school's enrollment count. Other discussion included consulting with the sports medicine advisory sub-committee on safety concerns of "playing up" a classification for football, and whether football should be given its own separate formula for a success factor that would result in moving a school to a higher classification.

- There was no substantive discussion on what the point threshold would be, if any, for a school to stay in a higher classification instead of moving back down to a classification commensurate with enrollment after a two-year period of “playing up” a classification.

Success factor by sport

The Sub-Committee looked closely at Alabama’s model for a success factor, which applies by sport. This model also allows certain sports to be looked at jointly, such as boys and girls basketball, to account for difficulties in sports that are typically scheduled together. The advantage to the success factor by sport model is that it removes the possibility of a non-competitive sports team moving up to compete in a higher classification due to the overall success of other programs at a school.

However, the Sub-Committee generally agreed that the concerns over travel, scheduling, loss of rivalries, and organizational challenges to possibly having a school compete in two different classifications based on the specific sport were too great to work through at this time. Several members of the Sub-Committee noted that it would take a change in mindset for how schools communicate and interact with classification and region officers to allow it to work. While some general parameters of a success factor by sport were acceptable- for example, a school must have made a state championship appearance in that sport during the preceding two-year period before that sport would move up to a higher classification- the Sub-Committee did not come up with its own point formula that would apply by sport. At the very least, the Sub-Committee noted that the point threshold used by sport in Alabama, which only applies to private schools, was probably too low to apply to all schools in South Carolina.

Conclusion

We appreciate the hard work of the Sub-Committee and the way they approached these issues. The members of the Sub-Committee were respectful to each other and appreciated the difficult nature of the assignment. We hope this summary is helpful to the High School League’s efforts to address these issues between traditional public schools and non-traditional public schools.

From: [Brenda Corley](#)
To: [Jerome Singleton](#)
Cc: [Skip Lax](#); [Andy Patrick](#); [Mike D'Angelo](#); [Tyler Turner](#)
Subject: Oceanside
Date: Monday, November 4, 2019 2:41:38 PM

Jerome,

OCA is appealing the SCHSL's findings that OCA violated an alleged bylaw and/or rule that prohibits players from dressing out for junior varsity and varsity games on consecutive days, even if those players do not play in one or both games. Accordingly, OCA is appealing the SCHSL's decision that OCA forfeit (1) The Gray Collegiate Academy game, (2) The North Myrtle Beach High School Game, and (3) the Burke High School game, along with the SCHSL's decision to impose a fine in the amount of \$16,500.00.

Notwithstanding OCA's appeal, OCA is willing for the benefit and convenience of all student-athletes, coaches, teams, and schools in the AA classification to be seeded as the #4 seed in Region 6, regardless of the outcome of OCA's appeal as it relates to the forfeiture of the three games listed above.

Thank you,

--

Brenda Corley
Principal
[Oceanside Collegiate Academy](#)



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November 19, 2019

South Carolina High School League Executive Committee
South Carolina High School League
PO Box 211575
Columbia, SC 29221

Re: Oceanside Collegiate Academy

Dear South Carolina High School League Executive Committee:

Our law firm represents Oceanside Collegiate Academy ("OCA"), a South Carolina public charter high school located in Mount Pleasant, South Carolina. The purpose of this letter is to provide the South Carolina High School League ("SCHSL") Executive Committee with information related to OCA's appeal of a portion of the SCHSL's written decision dated November 4, 2019 imposing penalties on OCA's football program. A copy of the SCHSL's written decision regarding OCA is attached as **Exhibit A**.

Specifically, OCA is appealing the SCHSL's finding that OCA violated an alleged bylaw and/or rule that prohibits players from dressing out for junior varsity and varsity football games on consecutive days, even if those players do not play in one or both games. Accordingly, OCA respectfully requests that the following penalties associated with that finding be overturned: forfeiture of the Gray Collegiate Academy game, forfeiture of the Legion Collegiate Academy game, forfeiture of the Burke High School game, and a fine in the amount of \$16,500.00. A copy of the email sent by Brenda Corley, OCA's Principal, to Commissioner Jerome Singleton notifying the SCHSL of this appeal is attached as **Exhibit B**.

OCA is not appealing the portion of the SCHSL's November 4, 2019 decision finding that OCA must forfeit its game against Philip Simmons. While OCA's football coach is relatively new to South Carolina and did not willfully or intentionally violate the Bylaws or Rules and Regulations, OCA recognizes that the spirit of the SCHSL's interpretation of disallowing players to play in games on two consecutive days is to protect player safety, and therefore OCA has accepted forfeiture of its game against Philip Simmons. Nonetheless, OCA would ask going forward that the SCHSL clarify the language in its governing documents so that the participation rule can be uniformly understood by all coaches and fairly enforced by the SCHSL. As background information, a copy of Ms. Corley's letter to the SCHSL dated October 24, 2019 explaining what happened in OCA's football game against Philip Simmons game is attached as **Exhibit C**.

The basis for OCA's appeal before you is as follows.

Facts

OCA allowed of a total 44 students to dress for both junior varsity and varsity football games the following weekends:

- September 12-13, 2019 – Gray Collegiate Academy (junior varsity & varsity)
- September 26-27, 2019 – North Myrtle Beach High School (junior varsity) and Legion Collegiate Academy (varsity)
- October 10-11, 2019 – Colleton County High School (junior varsity) and Burke High School (varsity).
- October 17-18, 2019 – Philip Simmons High School (junior varsity and varsity)

With respect to the scope of this appeal, no OCA student that dressed for junior varsity and varsity games on consecutive days actually participated in games on consecutive days.

Issue

The issue is whether the SCHSL Bylaws and/or Rules and Regulations prohibit a member school from dressing students for junior varsity and varsity football games on consecutive days if the students do not participate in games on consecutive days.

Standard of Review

The South Carolina High School League is a state actor and required to provide Constitutional due process to its member schools. *See Brentwood Academy v. Tennessee Secondary Sch. Athletic Ass'n*, 531 U.S. 288 (2001) (holding that Tennessee Athletic Association's regulatory enforcement action was "state action" for purposes of Fourteenth Amendment).

In South Carolina, procedural due process requires fair notice and proper standards for adjudication. *Curtis v. State*, 345 S.C. 557, 571, 549 S.E.2d 591, 598 (2001). "A law is unconstitutionally vague if it forbids or requires the doing of an act in terms so vague that a person of common intelligence must necessarily guess as to its meaning and differ to its application." *Id.* at 572, 549 S.E.2d at 598. "A statute may be unconstitutionally vague where '(1) it does not provide fair notice of the conduct prescribed,' or '(2) it confers on the trier of fact unstructured and unlimited discretion to determine whether an offense has been committed.'" *S.C. Dep't Social Servs. v. Michelle G.*, 407 S.C. 499, 504, 757 S.E.2d 388, 392 (2014).

Analysis of Bylaws and Rules and Regulations

Under the SCHSL's Bylaws, "A student may participate in only one football game in any one day," and "Participation on junior varsity and "B" teams will be left to the discretion of the local school authorities." SCHSL Bylaws, Article III (Student Eligibility), Section

(Participation and Practice Limitations). Under the SCHSL's Rules and Regulations pertaining to football "Eligible football players who dress but do not participate in the varsity game may play in the subvarsity game the following day, or the immediate following Monday." SCHSL Rules and Regulations, Football Rule #6. Significantly, Football Rule #6 clearly distinguishes between "dressing" and "participation" for eligible players.

Nowhere in the SCHSL Bylaws or Rules and Regulations does it state "a student may not dress for junior varsity and varsity football games on consecutive days" or anything remotely similar. The SCHSL staff has attempted to string together (1) a football rule that does not mention players on page 46 of the Rules and Regulations, (2) a "helpful interpretation" that does not mention football on page 1 of the Rules and Regulations, and (3) a section in the Bylaws that applies to players who have been declared "ineligible," to create an alleged rule prohibiting eligible players from dressing for junior varsity and varsity football games on consecutive days.

In the light most favorable to the SCHSL, the alleged "rule" concocted by the SCHSL staff is vague and inconsistent with the other language in the Bylaws and Rules and Regulations cited in the first paragraph of this section. The language currently in the Bylaws and Rules and Regulations does not provide fair notice of the conduct alleged by the SCHSL staff to be prohibited. Further, the vague and conflicting language in the Bylaws and Rules and Regulations gives the SCHSL unstructured and unlimited discretion to determine whether an offense has or has not been committed. This is an egregious violation of Constitutional due process. If the SCHSL wishes to prohibit member schools from dressing players for football games on consecutive days, it needs to revise the language in the Bylaws and Rules and Regulations and clearly provide schools with notice of the rule by stating "A student may not dress for junior varsity and varsity football games on consecutive days." Until that is done, the SCHSL will have failed to meet fundamental due process requirements to enforce such a rule.

Additionally, because of the amount of the fine imposed for this alleged violation and for other reasons, OCA believes it is being unfairly targeted and harmed by the SCHSL and others. Commissioner Singleton was quoted and published in the Post & Courier as stating "Oceanside Collegiate Academy used illegal players in four games," and that "the rules are pretty clear cut." OCA vehemently disagrees with these published statements, and OCA is extremely disappointed that the SCHSL and others appear to be intentionally and maliciously seeking to damage the reputation of OCA and individuals associated with the school. OCA has provided the SCHSL with the information it has requested, traveled to Columbia to meet with the SCHSL staff at their request, accepted a lower playoff seed for the convenience of the SCHSL and other member schools, and generally been respectful to the SCHSL throughout this process, and OCA should be treated with similar respect.

Conclusion


For the reasons stated above and others, OCA respectfully requests that the SCHSL Executive Committee overturn the SCHSL staff's decision that OCA must forfeit its games against Gray Collegiate Academy, Legion Collegiate Academy, and Burke High School and must pay a

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fine in the amount of \$16,500.00 because its dressed, but did not play, players in junior varsity and varsity games on consecutive days.

With kind regards, I am

Sincerely yours,

A handwritten signature in black ink, appearing to read "Tyler R. Turner". The signature is fluid and cursive, with a long horizontal stroke at the end.

Tyler R. Turner

tturner@turnercaudell.com

/s/ws

c : Mr. Jerome Singleton
Michael Montgomery, Esq.
Ms. Brenda Corley