

IN THE CIVIL COURT OF FAIRFAX COUNTY

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CIVIL INTAKE

2024 NOV -4 A 11:29

CHRISTOPHER J. FALCONI
CLERK, CIRCUIT COURT
FAIRFAX, VA

PLAINTIFF)
Devin Moore)
5454 Broadmoor Street)
Alexandria, VA 22315)

v.)

NO. 2024 15559

NAME OF DEFENDANT)
Virginia High School League)
1642 State Farm Boulevard,
Charlottesville, VA 22911)

COMPLAINT

COMES NOW, on November 4th, Plaintiff, an individual residing at 5454 Broadmoor Street, Alexandria, VA. The Plaintiff is Pro Se at this time and will obtain counsel at a later date. Plaintiff files this civil action suit against Virginia High School League (VHSL) on the grounds of defamation and racial discrimination.

Parties

1. Plaintiff is the father of a son who relocated to Fairfax County in April 2024. The son is 1 of 14 African-American athletes who moved into the zoned area in the Spring of 2024 and was enrolled at Hayfield Secondary School, his zoned school in Alexandria, VA.
2. Defendant VHSL is the governing organization over high school sports in Virginia, with offices located in Charlottesville, VA and is currently attempting to ban the Hayfield Secondary Varsity team from the playoff season due to racially motivated hate in the community.

Jurisdiction and Venue

3. Venue is proper in this Court pursuant to Section 8.01-262 of the Virginia Code because Defendant resides in Albemarle County; the cause of action, in whole or in part, arose in Albemarle County and Fairfax County, VA.

Background

4. Defendant VHSL reviewed the eligibility of Plaintiff's son to participate in sports at Hayfield Secondary School. Although VHSL initially processed the son's eligibility, Defendant delayed approving his participation, citing alleged recruitment violations and residency concerns.

Counts

COUNT I: Defamation – False Statements of Recruitment Violations

5. On or around August 29, 2024, Defendant, through its Director of Compliance, published a statement in an email distributed to school administrators, coaches, and VHSL officials, stating that Plaintiff's son's eligibility was under review due to evidence suggesting recruitment violations and questionable residency. This statement was false, as both Fairfax County Public Schools (FCPS) and an independent state attorney had already conducted investigations, concluding that no recruitment or residency violations occurred.
6. Defendant's statement implied that Plaintiff's son, along with other African-American athletes, was improperly enrolled at Hayfield Secondary School solely to gain athletic advantage, which is untrue and defamatory. These statements were made recklessly without proper verification and disregarded FCPS's independent findings.

COUNT II: Defamation – Harm to Reputation

7. Defendant VHSL's publication of these false statements to multiple third parties, including school officials and coaching staff, damaged Plaintiff's son's reputation within the school and the broader athletic community. Plaintiff's son has been repeatedly questioned by peers, teachers, and other community members about his "eligibility" and alleged "recruitment," causing him emotional distress and diminishing his standing within the community.
8. Plaintiff's son was held out of athletic competition due to VHSL delaying the review of the file and could not participate in high school football until September 13th causing him to miss one official game (August 30th) of his senior year which impacts his college recruitment opportunities.
9. These false statements have directly impacted Plaintiff's son's reputation as a student-athlete, leading to inquiries and speculative conversations among parents, students, and other schools, suggesting that he was dishonest about his reasons for relocating to Fairfax County. Defendant's statements have also led other schools to view Plaintiff's son with suspicion, further harming his reputation.

COUNT III: Defamation – Intentional and Negligent Harm

9. Defendant VHSL acted negligently by failing to review available evidence from FCPS, which had already investigated and cleared Plaintiff's son of recruitment violations. By disregarding this

evidence, VHSL demonstrated negligence and recklessness in verifying the accuracy of its statements before publishing them to third parties.

10. Additionally, VHSL has failed to retract its statements publicly or issue any clarification, despite the request from parents. This ongoing inaction has sustained and worsened the reputational harm to Plaintiff's son.

Claims for Relief

The false statements published by VHSL that Plaintiff's son's eligibility was under review due to recruitment violations were untrue and have caused reputational damage. Plaintiff, his son, and his son's mother have suffered harm, including emotional distress, loss of standing in the school and community, and potential loss of future athletic opportunities, such as scholarships.

If the postseason eligibility of Hayfield Secondary School is rescinded, the reputational damage to Plaintiff's son will be further compounded, likely affecting his future prospects in college athletics and costing potential scholarship funds.

Damages

11. Plaintiff's son has endured reputational harm as a result of VHSL's false statements, including questions about his character and intentions for relocating to Fairfax County. Additionally, the delays and public statements have caused him distress and alienation within the school and community.
12. Plaintiff's son has lost athletic standing, potentially jeopardizing future college scholarship opportunities that could be worth \$120,000 or more if college recruiters perceive him as a recruited player rather than a genuine resident student-athlete.
13. Plaintiff, the son's mother, and Plaintiff's son have endured undue emotional distress and reputational damage due to VHSL's actions and statements.

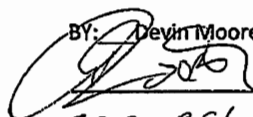
Prayer for Relief

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Summons be issued against Defendant and that Defendant be cited to appear and answer herein. Plaintiff seeks judgment against Defendant for:

1. **Compensatory damages** in the amount of \$1,000,000 to include \$305,000 for legal fees once counsel is obtained.
2. **Additional relief** as deemed appropriate by the Court, including the issuance of a public retraction and apology by VHSL.

This the 4th day of November, 2024.

Respectfully submitted,

BY: Devin Moore _____


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DOMINION Auto Detailing
@GMAIL.com

o R .

09/25/20

Motion for an Emergency Preliminary Injunction

UNITED STATES DISTRICT COURT
FOR THE CIVIL DISTRICT OF FAIRFAX COUNTY
Circuit Court

PLAINTIFFS

Parents of Hayfield Secondary School
Football Team
Parent Representative:
Nicole Kaboli-Monfared
7914 Morning Ride Ct,
Alexandria, VA 22315

NO: _____

FILED
CIVIL PROCESSING
2024 NOV -8 PM 4:00
CLERK OF DISTRICT COURT
FAIRFAX, VA

V.

NAME OF DEFENDANT
Virginia High School League
1642 State Farm Boulevard
Charlottesville, VA 22911

I. PLAINTIFFS' MOTION FOR AN EMERGENCY PRELIMINARY INJUNCTION

Plaintiffs respectfully move this Court for an emergency preliminary injunction under Federal Rule of Civil Procedure 65 to enjoin Defendant VHSL from enforcing a two-season postseason ban against Hayfield Secondary School's Varsity Football Team, pending a final judgment in this matter. The playoff season starts on November 15, 2024.

II. GROUNDS FOR RELIEF

1. Likelihood of Success on the Merits Plaintiffs are likely to prevail on their claims due to the following:

- **Mismanagement of the Investigation:** Plaintiffs argue that VHSL conducted a flawed and reckless investigation based on unverified claims by external parties, leading to reputational harm and unjust penalties against students.
- **False and Harmful Accusations:** VHSL has wrongfully accused Plaintiffs' children of recruitment violations without credible evidence, directly harming students' reputations and

potentially impacting their college recruitment prospects.

- **Negligent Publication of False Information:** VHSL negligently failed to verify the accuracy of its accusations before disseminating them to third parties, thereby inflicting intentional harm on Plaintiffs' children and diminishing their future athletic and academic opportunities.

2. Irreparable Harm Plaintiffs' children will suffer irreparable harm if this injunction is denied:

- **Loss of College Recruitment Opportunities:** The postseason ban prevents 14 senior athletes from showcasing their abilities in playoff games, critical to securing athletic scholarships. The inability to compete in postseason games may eliminate opportunities for scholarships worth approximately \$120,000, including tuition, room, and board.
- **Unrecoverable Eligibility and Opportunities:** Seniors who lose their final playoff season will not be able to reclaim these high school eligibility opportunities, and the ban's long-term effects on underclassmen's future recruitment are severe and irremediable.

3. Balance of Equities The harm Plaintiffs will suffer if this injunction is denied outweighs any potential harm to Defendants:

- **Minimal Impact on VHSL:** Enjoining the ban temporarily does not significantly impair VHSL's functions or goals, while allowing students to pursue postseason opportunities until this matter is resolved.
- **Significant Harm to Plaintiffs:** In contrast, the denial of an injunction imposes immediate, substantial, and irreparable harm on the student-athletes' college recruitment potential and lifelong opportunities.

4. Public Interest Issuing the injunction is in the public interest:

- **Protection of Student Rights:** High school athletes deserve fair and transparent processes that do not arbitrarily or unjustly limit their opportunities.
- **Maintaining the Integrity of High School Sports:** An injunction supports the rights of students to compete fairly and protects their access to opportunities based on merit rather than unsubstantiated external allegations.

III. EXIGENT CIRCUMSTANCES

1. The urgency of this motion is based on the following circumstances:

Immediate Ban: The VHSL imposed a postseason ban on November 8, 2024, impacting the eligibility of Hayfield Secondary's Varsity Football Team and affecting seniors' ability to attract recruitment offers.

Potential for Permanent Loss: The seniors will irreversibly lose their final season and recruitment prospects if this injunction is not granted immediately.

IV. STATEMENT OF FACTS

VHSL imposed a postseason ban on Hayfield Secondary School's Varsity Football Team, affecting 18 seniors poised to enter playoff competition. This decision, based on accusations of recruitment violations and input from outside parties, lacks credible evidence as mandated by VHSL's own handbook. Despite conducting an investigation since August, VHSL delayed communicating this decision until the end of the season, allegedly influenced by external parties hostile to Hayfield's football team.

Greg Keeney is a parent in the Hayfield community who has harassed the head coach online all season and tagged athletes in his social media posts and created aliases to continue to talk about/harass the Hayfield Secondary football team. He can be brought to court to have to testify to his involvement in influencing the VHSL on this decision. He uses aliases on X; JT Smith 12, NovaSports_Unbiased, and Eric "Samurai" Hanson to continuously keep Hayfield Secondary team in social media in a negative light.

V. CONCLUSION

For the reasons outlined above, Plaintiffs respectfully request this Court:

1. Issue a preliminary injunction halting the enforcement of VHSL's postseason ban against Hayfield Secondary School's Varsity Football Team.
2. Approve security, permit Plaintiffs to conduct expedited discovery, and grant any other relief deemed appropriate by the Court.

FCPS Division Counsel will provide any needed supporting documents to anyone at the court reviewing this injunction imposed by parents. His email is jefoster@fcps.edu.

Certified that a true and exact copy of the same document and as delivered to VHSL by email on November 8th.

November 8, 2024

Respectfully submitted,

Parents of Hayfield Secondary School Varsity Football Team .

Submitted by: Nicole Kaboli-Monfared

Signed by: Nicole Kaboli-Monfared

Attorneys for Plaintiffs: Pro Se Representation until counsel is obtained.

Wednesday, November 6, 2024

Dear Mr. Gafford:

A VHSL Executive Sportsmanship Sub-Committee convened a meeting on Monday, November 4, 2024 via Zoom for the purpose of an appeal of the VHSL's recommendations related to a member school, Hayfield Secondary School, in Fairfax County. The VHSL has asserted that Hayfield Secondary School was in violation of:

1. Policy 27-9-1 Proselytizing Rule - No member school or group of individuals representing the school shall subject a student from another school to undue influence by encouraging him/her to transfer from one school to another for League activities.
2. Policy 26-4-1 Guiding Principle - League member schools and their individual and team representatives are required to observe and comply implicitly with both the spirit and the letter of all League rules and regulations in those interscholastic activities regulated and sponsored by a district or a region. These rules and regulations are applicable to all who represent their schools in VHSL, Inc. sponsored interscholastic competition, whether individual or team, whether varsity, junior varsity or reserve.

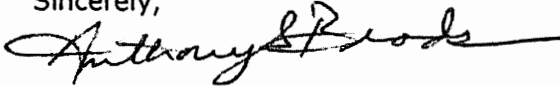
The VHSL recommended that the Hayfield Secondary School football program be placed on probation pursuant to (27-11-13(2) Penalties) for the 2024 and 2025 seasons. The football team may play a regular season schedule but may not participate in any play-off toward a district, regional or state championships during those seasons.

During closed session, the VHSL presented evidence to the Sub-Committee in support of the recommendation for probation and the Hayfield Secondary School/Fairfax County contingent presented evidence in support of vacating the sanction.

Based upon the evidence, verbal and written, the VHSL Executive Sportsmanship Sub-Committee concluded that Hayfield Secondary School violated the Proselytizing Rule, Policy 27-9-1 and the Guiding Principle articulated in Policy 26-4-1. Accordingly, the Sub-Committee voted unanimously (3-0) to uphold the VHSL recommendation to place the Hayfield Secondary School football program on probation for the 2024 and 2025 seasons.

If the appellant is so inclined, the procedures for further appeal will be provided by the VHSL.

Sincerely,



Anthony S Brads, Ed.D.

Virginia High School League Sportsmanship Committee
Via email to Ty Gafford, Assistant Director - Compliance, VHSL
1642 State Farm Boulevard
Charlottesville, VA 22911

November 4, 2024

Dear Sportsmanship Committee:

Hayfield Secondary School respectfully requests that the Sportsmanship Committee reject the recommendation from Virginia High School League (VHSL) Executive Director Billy Haun to place the Hayfield Secondary School Football Program on probation for the 2024 and 2025 seasons for which the team would be banned from participation in any play-off game toward district, regional or state championships. The *Virginia High School League Violation Interpretation*, provided to Hayfield administration on October 30, 2024, in response to Hayfield's request, alleges that the Hayfield Secondary School violated two VHSL policies: Policy 27-9-1 Proselytizing Rule and Policy 26-4-1 Guiding Principle. The information contained herein and attached will prove, with objective evidence, that (a) the *Virginia High School League Hayfield Secondary School Football Program Summary* (VHSL Summary) and *Violation Interpretation* are devoid of evidence that the Hayfield Football Program or Hayfield Secondary School violated the proselytizing rule or General Principle, (b) Hayfield Secondary implemented numerous actions to ensure transfer students were in compliance with all VHSL rules prior to being added to the 2024 Football Master Eligibility List (MEL), and (c) the VHSL Summary misrepresents and omits facts within the report resulting in an inaccurate portrayal of actions taken by Hayfield Secondary and Fairfax County Public Schools (FCPS), on behalf of Hayfield Secondary, to comply with VHSL rules.

RESPONSE TO ALLEGATIONS

The VHSL Summary, emailed to Hayfield administration October 23, 2024, and the Violation Interpretation emailed to Hayfield administration on October 30, 2024, is based on assumption and innuendo and is devoid of evidence of violation of the Proselytizing Rule or the Guiding Principle.

Proselytizing

Hayfield Secondary has no knowledge of proselytizing in the Hayfield Football Program. The VHSL Handbook states the following with respect to the Proselytizing Rule:

No member school or group of individuals representing the school shall subject a student from another school to undue influence by encouraging him/her to transfer from one school to another for League activities (27-9-1).

Interpretation (27-9-2)

The appropriate District Committee shall decide what constitutes undue influence on the basis of the **evidence** presented in each case. Undue influence has generally been interpreted to mean an act by any person or group connected with the school or not connected with a school to persuade a student to enroll in a school outside the areas in which he/she resides or persuade his/her parents or guardian to move to the areas of another school. Some specific examples of undue influence are:

- (1) Being asked to move by a member of the school faculty.
- (2) Being asked to move by a booster organization or a member of such an organization.
- (3) Being given tuition, free textbooks, allowance for transportation or consideration not afforded other students, athletic or non-athletic.
- (4) Any other **evidence** that a transfer or enrollment was made because of athletic ability.

Penalty (27-9-3): Any school adjudged guilty of bringing such undue influence to bear upon a student through any individual connected with the school, either directly or indirectly, shall be subject to such disciplinary action as the appropriate District Committee or interDistrict Committee may impose.

(Emphasis added). The VHSL provides speculation and assumptions as "evidence" of violation of the Proselytizing Rule. Specifically, the VHSL provides four assertions as their evidence. The first assertion states:

1. The VHSL held District Eligibility Appeal meetings for eight Hayfield students. The principal, who is the chair of the National District, confirmed that no parents attended the meetings. One parent communicated with our office that they (the parent and student) were never made aware of an appeal meeting taking place even though the parents and student are provided the opportunity to participate in these meetings. Instead, the families were represented at the district meetings by Hayfield's DSA, Mr. Fritts.

The VHSL *Application for Transfer Rules Appeal* form (pg. 2), Exhibit A, gives parents the option of attending the District Committee Hearing. Specifically, the form requests that the parent notate one of the following: (a) I DO wish to be present at the District Committee Hearing or (b) I DO NOT wish to be present at the District Committee Hearing and are required to provide their signature and a daytime phone number. Exhibit B includes the appeal form for all nine (9) students who appealed to the District Committee for which all but one parent indicated "I DO NOT wish to be present at the

District Committee Hearing.” Upon investigating VHSL’s report that one family indicated that they were not aware of an appeal meeting, we found that the parent who completed the appeal form, the father, selected I DO NOT wish to be present at the District Committee Hearing as evidenced in Exhibit C. As a result, the District Committee did not provide an appeal meeting date or time, which is consistent with the District Committee process when a parent indicates they are not attending. While this student’s father initiated the appeal process and completed the form, the student’s mother may have been unaware as the parents are separated as noted in the parent’s statement, Exhibit C.

The Hayfield parents chose an option – not attending the hearing – provided by the VHSL on the VHSL form. If lack of parent attendance at district appeal meetings is going to be interpreted as an indication that proselytizing is occurring, the VHSL should expressly state that on the form provided to parents. It should also expressly require parent participation and provide alternate methods of participation to ensure accessibility and to ensure the needs of our diverse communities are met. Further, just as we do not make assumptions regarding parent intent, interest, or commitment when parents do not attend parent-teacher conferences, back-to-school night, or other school-related functions, it is ill-conceived that one would make assumptions about parents “intent” or conclude that their non-attendance at a district appeal meeting – after providing that as an option – is evidence that a *transfer or enrollment was made because of athletic ability*.

The second assertion levied by the VHSL includes inaccurate information and misrepresents required documentation, per the VHSL *Application for Transfer Rules Appeal* form, required as documentation for the District Appeal Committee. Specifically, the VHSL alleges the following as evidence of proselytizing:

2. All available information was not presented to the District Appeal Committee. For at least four students, FCPS conducted Residency checks. All Residency checks were completed by August 7, 2024, which was prior to any of the eight District Appeal hearings. The Findings and Recommendations of three reports were that the *bona-fide* address findings were either inconclusive or that the *bona-fide* address was difficult to resolve because the student could stay at his mother’s residence in Fairfax County as well as staying at his parent’s address in Prince William County on any given day of the week. One Residency check verified the student’s address was bona fide.

Given hearsay that a transfer student from Prince William County did not reside in the Hayfield boundary, Hayfield Secondary voluntarily requested residency checks for 14 students who transferred from various schools to Hayfield that were participating in off-season workouts or who had otherwise expressed interest in playing football between May 13, 2024 and May 16, 2024. In accordance with the Fairfax County Public School (FCPS) Residency Referral Guide, Exhibit D, Hayfield requested that the central Student

Registration Office investigate the residency of the referred students. Contrary to the assertion by the VHSL, the residency checks for referred students listed on the 2024 Hayfield Football MEL were not completed until August 26, 2024, because of student vacations and trips during the summer break. While a number of the residency checks had been completed before the close of the 2023-24 school year, some students' referrals had not yet been completed as the Student Registration Office supports residency referrals for the entire 180,000 student school division. Students with an inconclusive residency status in early August continued to be the subject of ongoing FCPS investigations throughout the remainder of the month. Given that FCPS students were on summer break from June 13, 2024 to August 18, 2024, Exhibit E, it was important for residency officers to be able to make community observations when school was in session and students resumed their school schedules such that the Student Registration Office could make an informed determination.

Additionally, only students with whom the FCPS Student Registration Office believed to be residents, following records reviews and community observations, were added to the initial 2024 Hayfield Football MEL that was submitted on August 28, 2024. Three (3) students had inconclusive residency reports (Exhibit F) as of the date the initial 2024 Hayfield Football MEL was submitted. When comparing the names of students with inconclusive residency reports as of August 28, 2024, and the current 2024 Hayfield Football MEL, Exhibit G, it is clear that the student(s) with inconclusive residency, who were not subsequently declared eligible by an Independent Hearing Officer, are not listed on the 2024 Hayfield Football MEL nor have they played in any Hayfield football contests during the 2024 season. In short, Hayfield Secondary, in partnership with numerous FCPS central offices, took great care to ensure potential football players were bona fide students, in accordance with VHSL Rule 28A-2-1 (bona fide student rule), by first ensuring students met FCPS residency requirements.

Beyond ensuring that students met the residency requirements, Hayfield Secondary was responsive to all requests of the District Committee and Hayfield parents provided, to the best of their ability, required documentation to the District Committee. Per the VHSL *Application for Transfer Rules Appeal* form, Exhibit A, the appellant is to provide four (4) documents with their appeal form: (1) letter explaining the reason for transfer, (2) a statement from the previous school's principal, (3) a copy of the student's transcript; and (4) a copy of the District Committee's Appeals Report. The VHSL form does not request residency investigation reports, nor does it require that a residency investigation be conducted by the school prior to an appeal for the Transfer Rule to be submitted. As noted above, Hayfield Secondary voluntarily initiated the residency referrals as a part of its unwavering commitment to maintain the school's high standards and to ensure due diligence in upholding VHSL rules and policies. Further, when the District Committee requested information, beyond that which was listed on the appeal form, and when the Committee had questions, Hayfield Secondary fully cooperated and responded timely.

The third assertion by VHSL relative to proselytizing, relative to families' housing status is ill-conceived. Specifically, VHSL states:

3. Multiple parents provided either shared housing agreements or six-month rental agreements. The VHSL Transfer Rule states that “*The change must be made with the intent that it is permanent.*”

The VHSL assertion that lease length and shared housing are evidence that families' housing intentions are less than permanent, and in violation of the transfer rule, indicates the VHSL may have a limited understanding of economic factors that impact housing and/or the economy in northern Virginia where housing is in short supply and is incredibly expensive. *Examining the Cost of Living in Northern Virginia: A Comprehensive Guide*, indicates that the cost of living in northern Virginia consistently ranks among the highest in the nation. *Insights Into Housing and Community Development Policy* (June, 2021), authored by the U.S. Department of Housing and Urban Development Office of Policy Development and Research, indicates that shared housing is leveraged as an affordable living option for some families, particularly in urban areas with high cost housing. Specifically, the article provides the following insight into shared housing:

Shared housing, generally defined as a living arrangement in which two or more unrelated people share a house or apartment, is an affordable living arrangement in the United States, particularly in urban areas with high housing costs. Shared housing ranges from home sharing, where a homeowner rents out a room in the owner-occupied property to a person seeking affordable housing, to co-living, where an individual rents a private room in a single-family or multifamily building but shares common areas with other tenants.

Further, *Insights Into Housing and Community Development Policy* (June, 2021, pg. 1) states “shared housing arrangements can vary from short-term, transient housing to long-term, permanent housing.” Hence, shared housing is not evidence that any family intends for their residency to be less than permanent and thus is not evidence of violation of the Transfer Rule (28A-7).

Just as shared housing is not automatically indicative that housing is intended to be less than permanent, lease lengths do not define one's intention regarding the housing length either. While 12-month leases are most prevalent, families across the United States have leases of other lengths. According to the U.S. Bureau of Labor and Statistics, responses to the Consumer Price Index (CPI) Housing Survey from January 2022 to June 2022 indicated 59.6 percent of leases were for 12 months, 31.8 percent of leases were month to month, and 8.6 percent of leases were some other length. In Virginia, the Code of Virginia (§ 55.1-1302) includes an automatic renewal of rental agreements that are one year or longer unless specific action is taken by the tenant or landlord. Hence, a landlord or tenant in Virginia might opt to leverage a lease of less than 12-months to ensure both parties are pleased with the leasing agreement.

If the VHSL equates lease length of less than 12-months and/or shared housing as an indication that families' intent relative to housing is not permanent, and thus a violation of

the Transfer Rule, it should be expressly noted in the VHSL Handbook. While such imposition would likely adversely impact families experiencing higher levels of economic disadvantage across the Commonwealth and does not reflect our value of cultural responsiveness, it would be transparent. The VHSL Summary reference to shared housing and lease length as evidence of violation of the Transfer Rule implies that this unwritten standard is being imposed, *ex post facto*, without member schools, students, families, and the larger community being aware until after they are sanctioned. Hayfield Secondary is committed to ensuring our student athletes and staff comply with all VHSL rules and want to make certain that we do so in a transparent, culturally responsive manner that honors the socioeconomic diversity our community brings to Fairfax County and to the state of Virginia as a whole.

Finally, VHSL shares transiency data to substantiate their claim of proselytizing but fails to provide evidence that there was any undue influence on the students or their families to enroll at Hayfield Secondary or evidence that the enrollment or transfer was made due to athletic ability. Specifically, VHSL states the following:

4. Fourteen students transferred from Freedom HS to Hayfield Secondary School after Coach Overton was announced as the Hayfield coach on February 16, 2024. All fourteen students are football players who played for Coach Overton at Freedom. No other students transferred from Freedom to Hayfield during the offseason, only football players.

The VHSL *Application for Transfer Rules Appeal* form requires that the appellant provide a letter explaining the rationale for the transfer. Parents of each of the nine (9) students provided the required, written rationale to the District Committee with their appeal form. No rationale stated that the transfer was motivated by athletic ability. No rationale stated the transfer was motivated because the parent or their child was asked to come to Hayfield Secondary to play football. Instead, a number of parents divulged matters of a personal nature (marital separation/divorce, providing care for a family member, etc.) in their letter as to their rationale for transferring their child. Despite sharing their individualized reasons, VHSL has disregarded their accounts and concluded proselytizing without proof of the contrary.

Further, VHSL attempts to make a connection between Freedom High School and Hayfield Secondary but fails to provide a comprehensive view of the data. Specifically, in sharing data relative to the Freedom High School Football Team, the VHSL fails to highlight that 14 of the 36 players eligible to return to the Freedom Football Team for the 2024 season, who are not on the 2024 Hayfield Secondary Football Team, are either not playing for Freedom or have transferred to other schools. If evidence of proselytizing is student athletes playing at a new school under the leadership of a coach that also coached them at a former school, VHSL should expressly state in writing that this is not permitted. If this is the case, has the VHSL levied an allegation of proselytizing against other member schools, in any sport, that are coached at new schools by coaches that previously coached them at a different school? In either case, this is yet another

example of unwritten rules being implemented *ex post facto* by the VHSL which does not build trust within the community.

Hayfield Secondary does not support or condone any violation of VHSL rules, to include proselytizing. When Hayfield Secondary was made aware of allegations of proselytizing, a comprehensive external review was conducted and no allegation was substantiated (Exhibit I). However, VHSL alleges that its inquiry resulted in a determination that proselytizing occurred. Yet, VHSL provides no objective evidence, no employee is named as being the person(s) who placed undue influence on a student and/or family, and no player is identified as being recruited. Hayfield Secondary stands ready to take action to address any VHSL violation, should evidence be provided that a violation actually occurred. The VHSL should be held to the same standard as the schools they represent, by being required to make data-informed decisions that are grounded in objective evidence.

Guiding Principle

Hayfield Secondary is not in violation of the Guiding Principle as there is no evidence that Hayfield Secondary violated any VHSL rule with respect to the 2024 Hayfield Football Program and Hayfield took great care to ensure students met the Bona Fide Student and Transfer Rules prior to being added to the 2024 Football MEL. The VHSL Handbook defines the Guiding Principle as follows:

26-4-1 Guiding Principle - League member schools and their individual and team representatives are required to observe and comply implicitly with both the spirit and the letter of all League rules and regulations in those interscholastic activities regulated and sponsored by a district or a region. These rules and regulations are applicable to all who represent their schools in VHSL, Inc. sponsored interscholastic competition, whether individual or team, whether varsity, junior varsity or reserve.

The VHSL seeks to assert that Hayfield Secondary has harmed other schools, namely Freedom High School. Specifically, VHSL states the following in the VHSL Summary (pg. 5):

Freedom High School is the three-time defending Class 6 state champion with a 29-game winning streak. This year Freedom will play a 6-game schedule. The team has only eight players returning from last year's 12-0 squad. The entire program only has fifty players, two of whom are seniors. Of the thirty-six players eligible to return to Freedom for the 2024 season, twenty-eight are no longer playing for Freedom. The students and community at Freedom HS have been disadvantaged.

This is presumptuous and misleading. If Hayfield Secondary is being held responsible for the decreased participation in Freedom's football program because former players transferred to Hayfield, are other VHSL member schools where former Freedom football

players now attend receiving the same inquiry? Specifically, are other schools where former Freedom players now attend and play football being accused of violating the Guiding Principle? It is difficult to understand how Hayfield Secondary, or any other school that former Freedom players now attend and play, could be held responsible for violating a rule that does not presently exist (i.e., schools allowing a student to play for their team if their former team is now not thriving in number). Again, if the VHSL wishes to impose certain rules or requirements, it is essential that those rules be articulated in writing for transparency, not only for member schools, but for students, families, and the larger community and not *ex post facto* which seems to be the current case.

The VHSL also asserts that Hayfield did not take action to address the eligibility of transfer students in April 2024. Specifically, the VHSL states the following:

The inactions of the Hayfield administration to properly address the eligibility of the transfer students in April encouraged the number of students transferring to Hayfield Secondary School to continue. The Hayfield administration did not “observe and comply implicitly with the spirit and letter of the League rules and regulations.” This failure of the administration to uphold VHSL policy and stay focused on the purpose of VHSL activities has negatively affected many students and communities.

VHSL is partially correct in that Hayfield Secondary did make an error with respect to the Transfer Rule for the Hayfield Track and Field Team, but it was not in regard to the Hayfield Football Program. While reviewing documents, Hayfield Secondary discovered a violation of the Transfer Rule for the Hayfield Track and Field Program for Spring 2024, for which transfer students competed in one (1) contest without approval of a transfer exception. Upon realizing the violation, Hayfield Secondary immediately self-reported the violation to the VHSL and to every principal in the National District for which Hayfield Secondary is a participant (Exhibit J). Hayfield Secondary owns this error and apologizes for it. Hayfield has already revised its processes and procedures to ensure this error does not occur in the future. Additionally, Hayfield Secondary welcomes the opportunity to participate in any additional professional development and complete any corrective action deemed appropriate by the VHSL.

While Hayfield Secondary acknowledges the compliance error with our Track and Field Program, Hayfield Secondary implemented numerous steps to foster compliance with the VHSL rules with the Hayfield Football Program. In doing so, Hayfield Secondary solicited the assistance of multiple FCPS departments to support residency investigations and employee relations matters. Between April and August, Hayfield Secondary engaged in substantial, ongoing partnership with the FCPS Activities and Athletics Department as evidenced by approximately 53 calls and dozens of emails across the four (4) month period. Hayfield Secondary also created a tracking system for transfers, that was shared with leadership from the FCPS Activities and Athletics Department whereby it notated items such as updates on residency investigations, appeal updates, and communications with families (Exhibit K). Most notably, Hayfield

Secondary and the FCPS Executive Director for Athletics and Activities met with staff from the VHSL on August 28, 2024, to review each students' situation prior to listing any students on the 2024 Hayfield Football MEL (Exhibit L). Any transfer in which the VHSL had reservations or wonderings was not added by Hayfield to the MEL. Hence, contrary to VHSL's opinion, there is objective evidence that Hayfield Secondary engaged in active efforts to ensure transfer students first met the Bona Fide Student Rule (28A-2) by implementing residency checks in addition to the division enrollment process, then met the Transfer Rule (28A-7) by reviewing each student case with the VHSL, completing the VHSL processes for declaring eligibility for transfer students, and only adding students to the 2024 Hayfield Football MEL after they were approved by the appropriate governing body (i.e., VHSL District Committee, VHSL Executive Committee, Independent Hearing Officer). Moreover, Hayfield Secondary upheld both the letter and spirit of the Guiding Principle by (a) acknowledging, owning, and self reporting the compliance error with the Track and Field Program and (b) by implementing a multifaceted process, leveraging school, division, and external resources, to ensure that transfer students seeking participation on the Hayfield Secondary Football Team met the bona fide student and transfer rules prior to being added to the 2024 Hayfield Football MEL.

THE SPORTSMANSHIP COMMITTEE IS NOT A RUBBER STAMP AND HAYFIELD SECONDARY SCHOOL REQUESTS THAT THE COMMITTEE REJECT THE RECOMMENDATION OF A POSTSEASON BAN FOR HAYFIELD FOOTBALL

On the morning of Saturday, November 2, 2024, local media in Northern Virginia ran an article headlined: "Virginia High School League Bans Fairfax County's Hayfield High School Football from the Postseason." Link here: [Hayfield football from Fairfax County banned from playoffs | Prince William | insidenova.com](https://www.insidenova.com/news/vhsl-bans-fairfax-countys-hayfield-high-school-football-from-the-postseason)

This article raises deep concerns that VHSL has failed to follow its own rules and has deprived Hayfield of its fundamental right to due process because the penalty of a postseason ban may be imposed only by a committee empowered with such authority under the VHSL rules. The Sportsmanship Committee has not even considered this matter yet, or issued a decision.

The Executive Director of VHSL issued a summary of findings in late October. In the summary, he states that the Hayfield football program would be placed on "probation" for two years (probation status prohibits a school from participating in the postseason). The Executive Director does not have the unilateral authority, per the VHSL Handbook, to impose those sanctions (15-2-3 (5)). The penalty of probation may be imposed only by a committee empowered with such authority. The VHSL Sportsmanship Committee meeting will take place on Monday, November 4. The Sportsmanship Committee is

empowered with the authority to accept the Director's recommendation, modify it, or reject the recommendation.

The members of the Sportsmanship Committee are each superintendents of their respective school divisions, charged with the heavy responsibility to ensure that they run their school divisions in compliance with all applicable laws and regulations and that all actions taken against students or employees are based on evidence. As outlined above, the VHSL recommendation is not based on facts or evidence and does not comply with VHSL's own rules. Therefore, Hayfield Secondary respectfully requests that the Sportsmanship Committee reject the Executive Director's recommendation and proposes the following three (3) actions:

1. The Sportsmanship Committee places the burden of proof with the VHSL given the VHSL is alleging that a violation occurred. Additionally, the Sportsmanship Committee uses a preponderance of the evidence as the threshold when making its data-informed decision.
 - a. This request is being made as the VHSL Handbook does not include such guidance. Further, this requested threshold is consistent with that of most civil cases and that included in other state's high school athletic handbooks (i.e., North Carolina High School Athletic Association).
2. The Sportsmanship Committee rejects the recommendation of the VHSL Executive Director due to (a) insufficient evidence that the Hayfield Secondary School violated the Proselytizing Rule (27-9-1) or the Guiding Principle (26-4-1) and (b) the sanction does not align with the sanction progression outlined in the VHSL Handbook.

The VHSL Handbook defines probation as follows:

Probation is a more severe penalty, based on the nature of the incident, a second incident within the sport or academic activity within a two-year period or cumulative warnings over a period of time within the school. A school or program on probation may not enter any play-off toward a district, regional or state championship nor may the school enter any sanctioned event.

VHSL failed to prove that any incident (violation) occurred within the Hayfield Football Program during the 2024 season and as a result cannot base its severe recommendation on the "nature of the incident." Additionally, the Hayfield Football Program has not had any incident (violation) in at least the past 10 years nor has Hayfield Secondary had any cumulative warnings over a period of time within the school. As a result, the recommendation put forth by the VHSL is not in alignment with the progression of sanctions as outlined in the VHSL Handbook.

3. The Sportsmanship Committee requires that the VHSL Handbook be reviewed and revised by a multidisciplinary team to clarify criteria, timelines, and processes to foster clear, transparent, and consistent expectations for the member schools, students, and families.

Hayfield Secondary thanks the Sportsmanship Committee for reviewing this response and the enclosed evidence. Hayfield Secondary is committed to upholding excellence in both academics and athletics. We firmly support and are guided by the principles outlined in the VHSL Code of Conduct in our athletic programs and hold the essence of sportsmanship in high regard. We believe that a well-rounded education inspires students to pursue their passions and develop their talents, fostering an environment of integrity, respect, and accountability. Our dedicated educators create engaging learning experiences that promote critical thinking and collaboration, while our athletic programs emphasize teamwork, discipline, and sportsmanship. Administrators and coaches are committed to modeling exemplary behavior, ensuring that all participants demonstrate respect for opponents, officials, and teammates. Through a diverse array of extracurricular activities, we empower students to explore new interests and cultivate leadership skills. This holistic approach nurtures not only academic success but also shapes individuals who excel in all aspects of life, embodying the spirit of cooperation and collaboration that contributes to the positive development of our communities.

Sincerely,



Dr. Darin A. Thompson
Principal

Enclosures

cc: Dr. Geovanny Ponce, Chief of Schools - FCPS
Dr. Michelle Boyd, Assistant Superintendent - FCPS
Tom Horn, Executive Director Activities & Student Athletics - FCPS
Dr. Billy Haun, Executive Director - VHSL

EXHIBIT LIST

Exhibit	Exhibit Description
A	VHSL Application for Transfer Rules Appeal Form (Blank)
B	District Committee Appellant VHSL Application for Transfer Rules Appeal Forms (9)
C	Unique Student - District Committee Appellant VHSL Application for Transfer Rules Appeal Form
D	Fairfax County Public School (FCPS) Residency Referral Guide
E	FCPS School Calendars (2023-24 & 2024-25)
F	Residency Reports: Students with Inconclusive Status
G	2024 Hayfield Football MEL
H	District Committee Chair Statement
I	Key Findings of External Investigation – Hayfield Secondary School Football Program
J	Email to VHSL and National District Principals Regarding Track and Field
K	Hayfield Secondary Transfer Tracking Document
L	August 28th Meeting Calendar Invite with VHSL

Note: Additional evidence can be provided upon request.

Below are samples of the racism the community has displayed in the Fairfax Underground group towards players on the Hayfield Secondary team that has led to this ban due to the hate in the community and people contacting VHSL to include stating VHSL would take money to stop our team from playing.



Options: Reply • Quote

Re: High School Football 2024

Posted by: American Football ()

Date: January 18, 2024 03:23PM

Is for niggers and fags


Attachments:




2:53

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<  **Karen Bettis-Davis** 1h · 🌐 ...

 **Bobby Cosner**
Karen Bettis-Davis my lawyers, keeping his kids temporarily suspended this year was a win for me. Everybody knows he's a thief.


36m Like Reply

 **Karen Bettis-Davis**
Bobby Cosner your lawyers? Doesn't that make you the bully and the thief? Make it make sense. You got money for layers maybe you should invest in therapy my friend.

30m Like Reply

 **Bobby Cosner**
Karen Bettis-Davis yes! MY financed lawyers! Stealing from kids and bullying them to quit! Pure po 🤡 coach! Glad he got his ars whooped last night!

28m Like Reply

 **Karen Bettis-Davis**
Bobby Cosner if I was a deplorable