

University Interscholastic League

State Executive Committee

Case No. 16-0913-02

**DECISION ON APPEAL**

**September 13, 2016  
Austin, TX**

---

On the above date, the University Interscholastic League (UIL) State Executive Committee (SEC) held a hearing to consider the appeal of a District Executive Committee's (DEC) decision to deny Student/Appellant varsity eligibility for one calendar year for changing schools for athletic purposes. Student/Appellant was represented at the hearing by his father. The following members of the SEC were present and participated in the decision of this case: Mike Motheral, Chair, Johanna Denson, Phil Cotham, Gil Garza, and Daryl Wade.

**Background and Facts**

Appellant sought to overturn the DEC's decision to deny varsity eligibility for one calendar year for violation of the rule that prohibits students from moving for athletic purposes, Section 443, *UIL Constitution and Contest Rules*.<sup>1</sup> Appellant's father claimed that he put his home on the market at a high price, and decided to sell after someone agreed to purchase the home at the price he was asking. They were allowed eight days to stay in the home after the sale finalized. Appellant's father argued that they were unable to find housing in their current city within those eight days, so they were forced to move to a neighboring city. The coach at Appellant's previous school marked that the student moved for athletic purposes on the Previous Athletic Participation Form (PAPF) because he believed the student moved in order to raise his GPA in order to be eligible to attend a Division 1 (D1) college after graduation.

**State Executive Committee Discussion**

Appellant sought to overturn the DEC's decision to deny varsity eligibility for one calendar year. Appellant and representative were allowed to present facts relevant to the case, answer questions from the SEC, and close the hearing with a summary statement. Among other things, SEC members inquired about the timing of Appellant's transfer to the new school, the online course Appellant took through Texas Tech ISD (TTISD), the conversations Appellant's father had with a local recruiter, and how far the previous school was from their new home. Appellant's father testified that they sold their home at the end of April, therefore Appellant transferred at the beginning of May during the previous school year. Appellant stated that he completed all but one week of spring football with his previous school and did not participate in spring football with his new school. Appellant testified that he took the online courses from TTISD for credits, not to

---

<sup>1</sup> Section 443, of the *UIL Constitution and Contest Rules* states that the district executive committee (DEC) is to determine whether or not a student changed schools for athletic purposes, when considering each student who changed schools and has completed the eighth grade, whether or not the student has represented a school in grades eight through twelve. A student who changes schools for athletic purposes is not eligible to compete in varsity League contest(s) at the school to which he or she moves for at least one calendar year.

raise his GPA. Appellant learned about the available courses from the assistant principal at his previous school. Appellant's father admitted that when the previous school informed him that Appellant had cheated on the final exam from TTISD, he called the assistant principal and warned him that he needs to be careful about accusing his son of cheating. The cheating allegation was substantiated. Appellant's father then testified that they did not have a relationship with the recruiter that he was accused of being aligned with. He stated that he had his own recruiter who did not get along with the recruiter in question. Appellant declared that he had only met the recruiter in question once at a 7 on 7 tournament, but had not spoken to him before or since. Appellant's father explained that their new home was approximately 12 miles from the previous school and it would not have been a problem for Appellant to have continued attending there. However, Appellant's father decided Appellant would transfer to the new school because of the difficulty providing rides home from practice for Appellant's his younger brother and sister who has medical problems.

The assistant principal, athletic director and principal from the previous school testified about the courses Appellant took through TTISD, the recruiter they felt influenced his decision to move, and why they thought Appellant moved for athletic reasons. The assistant principal confirmed that he had told Appellant about the courses available through TTISD, and stated that Appellant's father threatened to sue the school for slander when he was informed that Appellant had cheated on his finals. The athletic director stated that he was bombarded by players saying Appellant was trying to recruit kids to transfer to the new school with him, and that a recruiter was going to help him boost his GPA. The athletic director clarified that he thought Appellant transferred schools to increase his GPA in order to be eligible to attend a D1 college, and therefore he changed for athletic purposes. The principal stated that she investigated the move and then made an accusation that the Appellant's father provided a fraudulent contract regarding the sale of their home.

A representative from Appellant's new school provided documentation relevant to the hearing. The committee asserted that they had seen the documentation that was submitted and asked if she had anything else that would show it was not a change for athletic reasons. The representative made a statement about the lease and sale of property and then stated that she was available to answer any questions.

The chair of the DEC testified that the committee voted 5-0-1 to deny Appellant varsity eligibility. He stated that the decision was based on a letter from a coach at the previous school regarding a conversation with Appellant's cousins when he drove them home. The chair further explained that affidavits were provided to discredit the letter, but the committee did not hear anything that discredited the former athletic director's testimony.

Appellant and representatives were afforded the opportunity to respond to other testimonies and give a summary statement. Appellant's father argued that the DEC meeting was unfair because one of the DEC members reached out to the former athletic director before the hearing. Appellant's father explained that a coach from the previous school emailed the DEC member about Appellant's move and blamed it on influence from the recruiter. The DEC member then emailed the former athletic director asking if it was a legitimate move, in which the athletic director responded that it was not. Appellant's father read an email from the DEC member explaining to the former athletic director that he was involved in making a decision on the PAPF because Appellant was

moving to a school in his district. Appellant's father claimed he did not present all of the evidence at the DEC hearing because he did not believe he would receive a fair hearing. Appellant then testified that he did not want to leave his previous school because he was the star on the team and enjoyed playing football with his cousins. He claimed he had to move because of his siblings. Appellant's father concluded that he never had conversations with the previous athletic director about football.

The chair of the DEC asked to make an additional comment in which he clarified the recruiter's name did come up at the first meeting and there were "shenanigans" going on at the previous school.

Appellant's father closed the hearing by noting that a DEC member had stated that Appellant was eligible somewhere and wishing him the best on his appeal.

**Decision**

After hearing the argument and evidence presented by the Appellant and representatives, the SEC voted 4-0 to grant the Appellant's request to overturn the District Executive Committee's decision. As a result, the decision of the DEC is overturned and the Appellant's request for varsity eligibility is granted.