

University Interscholastic League

Waiver Review Board

Case No. 17-0207-01

DECISION ON APPEAL

February 7, 2017

Austin, TX

On the above date, the University Interscholastic League (UIL) Waiver Review Board (WRB) held a hearing to consider the appeal of the UIL Waiver Officer's decision to deny student/Appellant a parent residency waiver. Student/Appellant was represented at the hearing by her father, mother and athletic director of the school the student currently attends. The following members of the WRB were present and participated in the decision of this case: Diana Negrete, Chair, Gary Bates, Brad Connelly, Steve Arthur and Georgia Johnson.

Background and Facts

Appellant sought a waiver of the parent residence rule, Section 403 (f) and Section 442, UIL *Constitution and Contest Rules*, after she transferred to a smaller school because she did not feel accepted by the students at her previous school.¹ Appellant claimed that her grades suffered because of the negative environment at her previous school, but she was now excelling in the more accepting environment of her new school. Appellant's father stated that they were seeking a waiver because Appellant's new school does not offer junior varsity athletics.

Waiver Officer's Decision

The completed waiver request application originally submitted to the Waiver Officer included a copy of a completed Previous Athletic Participation Form, personal letters from the student, her father, her current athletic director, and a coach from her previous high school, and a copy of the student's transcript. The Waiver Officer denied because, in the opinion of the Waiver Officer, the documentation presented did not demonstrate that the circumstances that cause the student to be ineligible were caused by involuntary and/or unavoidable action such that the student could not reasonably be expected to comply with the rule, Section 465 of the UIL *Constitution and the Contest Rules*.

Waiver Review Board Discussion

Appellant sought to overturn the UIL Waiver Officer's decision to deny a parent residency waiver request. Appellant and representatives were allowed to present facts

¹ Section 403 (f), of the UIL *Constitution and Contest Rules* states, generally and subject to certain exceptions, that in order for a student representative to be eligible for varsity athletic competition the student must be a resident of the member school district (See Section 442) and a resident of the attendance zone in which the participant school being attended is situated. In this case, none of the exceptions stated in Section 403 applied. Section 442 addresses student/parent residency in more detail.

relevant to the case, answer questions from the WRB and Waiver Officer, and close the hearing with a summary statement. Among other things, WRB members inquired about why Appellant transferred schools and if her parents met with the previous school's administration about issues she had with other students. Appellant's father stated that she was not happy at her previous school because students picked on her in the hallway and during lunch which caused her grades to drop. He said that she would have been on JV at her previous school in track and softball, and he would have liked for her to be on JV at the new school if it was offered. Appellant claimed that she had known the kids at her previous school her whole life, but they did not accept her because she did not dress like them, was not as academically strong as they were, and her parents did not have as much money as their parents. Appellant affirmed that the environment at her new school was much more comforting which allowed her to be happier and make better grades in more advanced courses. Appellant explained that neither she nor her parents met with the school administrators to address issues with the other students. Appellant's athletic director testified that the school was very strong academically, but they did not have enough students to fill JV teams for all sports. He argued that Appellant would miss out on the many benefits of competing with a team if she was not granted a waiver.

Decision

Section 468 (a) of the UIL *Constitution and Contest Rules* states that the WRB's basis for decision will be focused on whether or not the circumstances that caused the student to be ineligible were caused by involuntary and/or unavoidable action such that the student could not reasonably be expected to comply with the rules.

After hearing the argument and evidence presented by the Appellant and representatives, the WRB voted 3-1 to deny the Appellant's request to overturn the Waiver Officer's decision. As a result, the decision of the Waiver Officer is upheld and the Appellant's request for a waiver of the parent residency rule is denied.