

University Interscholastic League

Waiver Review Board

Case No. 17-0801-01

DECISION ON APPEAL

August 1, 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 his mother and assistant 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, Georgia Johnson, Harry Miller, Brad Connelly, Gary Bates, Pauline Hargrove, and Allen Sapp.

Background and Facts

Appellant sought a waiver of the parent residence rule, Section 403 (f) and Section 442, UIL *Constitution and Contest Rules*, because he desired to live with his mother who separated from his father and moved into a neighboring school's attendance zone.¹

Appellant attempted to stay at his previous school after moving in with his mother, but because he had difficulty finding rides to and from school, he decided to transfer to the school in whose attendance zone his mother's house was located.

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, his mother, and school personnel, 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 relevant to the case, answer questions from the WRB and Waiver Officer, and close the

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.

hearing with a summary statement. Among other things, WRB members inquired about why Appellant transferred schools several months after moving in with his mother, why he no longer lived with his father, and which school he desired to attend. Appellant's mother separated from his father and moved into a neighboring school district with her mother and sister. Appellant then decided to move in with his mother so she wouldn't be alone. At first, Appellant attempted to remain at his previous school while living with his mother, but their financial situation made it too difficult. Appellant's mother testified that taking off work to provide rides for Appellant was too financially burdensome to continue. Subsequently, Appellant transferred to the school that he was zoned for while living with his mother. Appellant clarified that his two sisters remained with his father and he continues to visit periodically. Appellant's mother stated that his father wanted him to stay, but it was Appellant's choice to move with her so that she was not alone.

UIL staff clarified for the board the parent residence rule Section 442(g)(1), *UIL Constitution and Contest Rules*, that states if a student's parents separate (and are not divorced), and if one parent remains in the attendance zone where the student has been attending school, the student's residence is presumed to be that of the parent who did not move.

Appellant contended that he desired to remain at his previous school, but it was not possible while living with his mother. His mother explained that they were unaware Appellant would not be varsity eligible if he transferred.

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 unanimously 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.