

**Proposed Amendment to the
University Interscholastic League Constitution and Contest Rules**

A. Brief Explanation of Proposed Amendment

This proposed Amendment to Section 465 of the UIL Constitution and Contest Rules requires all foreign exchange students to apply for a parent residency waiver by no later than the district certification deadline for the sport(s) in which the student wishes to participate.

B. Factual and Policy Justifications

All foreign exchange students need a parent residency waiver; this amendment would just impact the timing of when they may apply. The amendment would establish a date certain by which all foreign exchange students must seek a waiver. Waiting until after the district certification to seek a waiver makes the timelines more difficult to manage as the playoffs have already started and creates questions within the district regarding eligibility. This deadline would also avoid the problems that can arise from playing an ineligible player should the waiver be denied and an appeal be necessary.

C. Proposed Amendment

Section 465: DECISION BY WAIVER OFFICER

- (a) DECISION. Within 14 days after the Waiver Officer determines that the application is complete, the Waiver Officer shall upon the basis of the application and written statements decide whether the waiver should be granted and the applicant declared eligible.
- (b) BASIS FOR DECISION.
 - (1) *Residence Rule, Sections 403 (f) and 442.*
 - (A) *International Baccalaureate Program.* The waiver of the residence requirements of a student who changes schools to enroll in the International Baccalaureate Program may be granted unless the District Executive Committee has determined the student changed schools for athletic purposes.
 - (B) *Other Waivers of Parent Residence Rule.* If the Waiver Officer finds that the circumstances that caused the student to be ineligible were caused by involuntary and/or unavoidable action such that the Waiver Officer could not reasonably expect the student to comply with the rules, the Waiver Officer shall grant the waiver.
 - (2) *Four Year Rule, Sections 400 (g) and 408.* If the Waiver Officer finds that the circumstances that caused the student to be ineligible were caused by involuntary and/or unavoidable action such that the Waiver Officer could not reasonably expect the student or the parents to comply with the rule, and if those same circumstances caused the student to miss an entire season's participation in an activity, the Waiver Officer shall grant the waiver.
 - (3) *Foreign Exchange Students.* The waiver of the residence requirement of a foreign exchange student may be granted under the following conditions:
 - (A) a copy of the student's J-1 visa and certification papers from the approved CSIET (Council on Standards for International Educational Travel) United States Foreign Exchange Program accompanies the waiver form;
 - (B) the exchange student has not completed four years of high school attendance and/or graduated from high school;
 - (C) the exchange student has not received advanced training (defined as training which is above and beyond that which is normally provided in Texas public schools) in the germane activity prior to arriving in Texas, such as pre-Olympic training, being nationally ranked or having similar status in a sport, or participation on a national team;
 - (D) the exchange student has not been placed with a host or a school based on athletic interests or abilities, whether initiated or caused by a student, a natural or host parent, a school, a program or any other interested party; and
 - (E) the exchange student meets all other University Interscholastic League eligibility rules.
 - (F) A FOREIGN EXCHANGE STUDENT MUST APPLY FOR AND RECEIVE AN APPROVED WAIVER BEFORE THE DISTRICT CERTIFICATION DEADLINE.
 - (4) *Age Rule, Sections 403 (b) and 446.*

- (A) If the Waiver Officer finds that the student meets the requirements set forth in Section 463, the Waiver Officer shall grant the waiver.
- (B) The decision of the Waiver Officer shall be final.
- (5) The waiver is granted for specific athletic activities. If students wish to participate in an athletic activity other than the specific one(s) for which they were originally granted a waiver, such requests shall be presented by the school to the District Executive Committee which shall grant or deny the request. Notifying the Waiver Officer for each subsequent sport is not required.
- (6) Ignorance of the rules is not a basis for granting a waiver.
- (c) NOTIFICATION. The Waiver Officer shall promptly send a copy of the decision to the applicant, superintendent, principal and the chair of the District Executive Committee.
- (d) EFFECT OF DECISION. If the Waiver Officer decides that the applicant is eligible, the student may participate in a UIL contest until the Waiver Review Board issues a change in eligibility status by overturning the waiver.

D. Potential Fiscal Impact of the Proposed Rule to Member Schools

This proposed amendment should have no significant fiscal impact on member schools.

E. Legislative Council Consideration; Effective Date

If approved by the Legislative Council and the Commissioner of Education, this amendment shall be effective August 1, 2017.