

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

A. Brief Explanation of Proposed Amendment

This proposed amendment to Section 469 of the UIL Constitution and Contest Rules eliminates a foreign exchange students' ability to request and receive a retroactive waiver.

B. Factual and Policy Justifications

All foreign exchange students must have a parent residency waiver in order to be eligible to participate in varsity sports. To allow a foreign exchange student to play a complete season without a school seeking a waiver for them is grossly negligent at best. The possibility of a retroactive waiver lends an air of uncertainty to a foreign exchange student's eligibility and the contests that he or she has participated in.

C. Proposed Amendment

Section 469: RETROACTIVE WAIVER

- (a) WHO MAY APPLY. If a District Executive Committee has determined that a student, WHO IS NOT A FOREIGN EXCHANGE STUDENT, BUT who is OTHERWISE ineligible according to Section 400 (g) or 403 (f) has participated in a varsity contest, and the District Executive Committee and the superintendent of the school the student attends jointly request a retroactive waiver, the Waiver Officer shall review the facts of that case.
- (b) APPLICATION PROCEDURE. The application must be in writing on the UIL Application for Waiver form, and signed by the superintendent, the chair of the District Executive Committee, the student and a parent or guardian if the student is under 18.
- (c) REVIEW PROCEDURE. The information shall be presented to the Waiver Officer who shall decide whether the waiver should be granted and the applicant declared eligible.
- (d) EFFECT OF DECISION. In granting a waiver, the Waiver Officer may determine that the student's eligibility is retroactive to any date during the current school year, so long as the student has been continually eligible under all rules other than the rule being waived since that date. If the Waiver Officer denies the waiver, the applicant may appeal the decision to the Waiver Review Board. The appeal must be accompanied by a \$700 payment to be applied to the filing fee. The filing fee is the actual expense incurred in convening the waiver review board. The balance of the fee shall be billed to the school or parent after expenses are calculated.
- (e) Exception to Above Procedure. The UIL Waiver Officer can rule on a retroactive waiver, after the season in question is complete, without consent from a District Executive Committee when the request comes from a parent and has no bearing on the district race. The application fee is \$700.

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.