

University Interscholastic League

State Executive Committee

Case No. 16-0817-05

DECISION ON APPEAL

August 17, 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, uncle, and a family friend. The following members of the SEC were present and participated in the decision of this case: Mike Motheral, Chair, Darrian Dover, Paul Galvan, Johanna Denson, Robin Battershell, James Colbert, Phil Cotham, Gil Garza, Amy Jacobs, and Marcus Nelson.

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*.¹ Appellant's father claimed to have moved after the third varsity football game to another district for health and financial reasons despite having concerns about Appellant's football position and playing time. Appellant established residency in the district through the McKinney-Vento Education of Homeless Children and Youth Assistance Act.

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 district, the conversations Appellant's father had with the previous head football coach and district athletic director, and how they were able to pay for outside coaching. Appellant, his father, and siblings lived within the previous school attendance zone with Appellant's aunt due to he father being physically handicapped by an illness. The father's

¹ 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 night 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.

health declined to a point where he became too great of a burden on Appellant's aunt causing Appellant and his father to move in with Appellant's sister. Appellant and his father explained that Appellant attempted to stay at his previous school but could no longer find a ride once his sister obtained a full time job and his father was hospitalized. Appellant's father testified that being hospitalized forced Appellant to abruptly change schools. Appellant was admitted to the new school under the McKinney-Vento Education of Homeless Children and Youth Assistance Act. Appellant's father stated that he met twice with the head football coach. One meeting was a brief conversation during a team event, while the other was a phone conversation to find out how Appellant was progressing at quarterback.

Appellant's previous head football coach testified that Appellant's father expressed concern that the coaching staff was not taking into account Appellant's quarterback experience and ability gained from his non-school training with professional coaches. The athletic director of Appellant's previous school district stated that Appellant's father contacted him as a representative of coaches in the community that were displeased with the school's previous head coach and then advocated for the district to promote an assistant coach on the staff to head coach. The athletic director admitted that Appellant's father did not express a concern with the hire of the current head football coach over the assistant coach he advocated for.

The chair of the DEC explained that they voted 5-0-2 to deny Appellant varsity eligibility for one calendar year based on Appellant's father being displeased about his son not starting at quarterback.

Appellant and representatives were afforded the opportunity to respond to other testimonies and give a summary statement. Appellant's uncle stated that the minutes from the DEC meeting were not accurate and accused the head football coach of misrepresenting the phone conversation with Appellant's father. Appellant's uncle asserted that Appellant's father actually communicated to the coach that he was happy Appellant was playing linebacker because the position is similar to a quarterback for the defense. He further argued that they had a note from a doctor and an affidavit from Appellants aunt who works for Child Protective Services stating that the decision for Appellant and his father to move with Appellant's sister was in their best interest. Appellant's father clarified that community members asked him to approach the school district's athletic director regarding the former head football coach because of his position in the community as president of the local youth football association. Appellant's father explained that Appellant's outside training was provided by a grant he won to attend a football camp.

Decision

After hearing the argument and evidence presented by the Appellant and representatives, the SEC voted 6-3 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.