

University Interscholastic League

Waiver Review Board

Case No. 16-0912-04

DECISION ON APPEAL

**September 12, 2016
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 stepfather, 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, Harry Miller, 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*, because she desired to attend a public school to receive better preparation for college.¹ Appellant considered several different schools before choosing a public school outside of her attendance zone. After much consideration, Appellant chose a school she felt had smaller class sizes, was academically stronger and provided a safer environment.

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 former coach from her previous high school, a copy of the student's transcript, a map of crime reports in the area, and a Division of Performance Reporting document from TEA. 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.

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.

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 hearing with a summary statement. Among other things, WRB members inquired how far the new school is from their home, how many other schools are closer, if the new school offers sub-varsity sports, and if Appellant played sports outside of school. Appellant stated that the school was approximately fifteen minutes from their home. Appellant's mother clarified that she would have been varsity eligible at three different schools in their attendance zone. Appellant's current athletic director explained that the school has a small enrollment number, which prevents them from being able to offer sub-varsity teams in all sports. Appellant testified that she plays club volleyball outside of school and one member of the team does attend her current school. Appellant further stated that she has known the team member since they were small children and she did not influence her decision to transfer. When asked why she chose to transfer, Appellant asserted that she chose the school because it was small like the private school she attended, yet being a public school, it afforded academic opportunities not available at the private school.

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.