

University Interscholastic League

Waiver Review Board

Case No. 16-0912-09

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 his father and mother. 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 he desired to transfer to a school that was less crowded than the large 6A school he previously attended in order to experience less anxiety and less academic competition.¹ Appellant's mother is an employee at the school, so he was eligible for an out of district transfer based on the school districts policy. Appellant's father stated that he was surprised when his son was ruled ineligible for varsity competition because he was not moving for athletic reasons.

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 father, his current athletic director, and a coach from his previous high school, 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 who Appellant lived with, why he is moving after two years in high school, if he played on a team outside of school, and if the family was informed of the impact a transfer would have on his varsity eligibility. Appellant's mother testified that he has lived with her ever since she and the father divorced. Appellant explained that he was not performing at a high level academically at his previous school. His father claimed that since the transfer, Appellant has significantly improved his class ranking. Appellant clarified that he did not concentrate on academics the first two years in high school, but has now matured to a level where he realizes the impact academics will have on his future. Appellant subsequently chose to transfer to a school where he had a better chance of achieving academic success. Appellant admitted to having previously played on a club basketball team outside of school with teammates from his new school. Appellant's mother and father explained that they were unaware that he would lose varsity eligibility because the school district approved the transfer. Appellant's father stated that he did not think it was right for his son to be punished by losing varsity eligibility, when they were not informed of the rules before transferring.

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.