

University Interscholastic League

State Executive Committee

Case No. 16-0927-02

DECISION ON APPEAL

**September 27, 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 legal guardian. The following members of the SEC were present and participated in the decision of this case: Mike Motheral, Chair, Darrian Dover, Paul Galvan, Robin Battershell, James Colbert and Amy Jacobs.

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 guardian claimed to have rented a home with a family member and transferred Appellant from his previous school (School A) to his new school (School B) after the football season started strictly for financial reasons.

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, the conversations Appellant's guardian had with Appellant's previous head football coach, and what other residency options were considered. Appellant's guardian testified that Appellant attended his previous school (School A) on a local intra-district transfer waiver, however, the waiver was revoked when Appellant was assigned to an alternative campus for discipline reasons. At that time, Appellant was required to enroll in the school (School B) within the attendance zone of his guardian's residence. However, Appellant'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 eight 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.

guardian then separated from his wife and moved in with his aunt in School A's attendance zone. Therefore, Appellant was allowed to continue attending School A according to the school district's policy. Appellant's guardian then explained that his aunt's two-bedroom apartment was too small, so he rented a house with his cousin in School B's attendance zone which led to Appellant having to transfer to School B during the football season. He stated that he was on a limited budget and could not find adequate housing within School A's attendance zone.

Appellant's previous athletic director and principal testified that Appellant's previous head football coach did not mark that Appellant moved for athletic reasons on the Previous Athletic Participation Form, but did indicate he was suspended from the school athletics program because of his assignment to the alternative campus. The principal explained that he questioned the timing of the move since it occurred after a game in which Appellant did not play and Appellant rejected the option to stay at School A after the coach explained that he could apply for a transfer waiver to continue attending there. The athletic director clarified that the coach was mistaken about Appellant having the option to stay at the school since it was district policy to not grant a second intra-district transfer waiver once revoked.

Appellant's current football coach testified that the previous coach was the only person at the DEC hearing who had first hand knowledge of the situation and his indication on the Previous Athletic Participation Form that Appellant did not move for athletic reasons was not given enough credence.

The chair of the DEC explained that they voted to deny Appellant varsity eligibility for one calendar year based on Appellant's previous football coach's statement that the move was not "all for athletic reasons." He testified that the DEC was suspicious of the timing of the move since the guardian was able to find Appellant a way to stay at School A after his intra-district transfer waiver was first revoked, but then chose to move to School B's attendance zone after Appellant did not play in a football game.

Appellant and representatives were afforded the opportunity to respond to other testimonies and give a summary statement. Appellant testified that he loved his previous school and that playing time was never an issue. He wasn't comfortable living in the cramped apartment and so he supported his guardian taking advantage of an opportunity to better their living situation when it came available. Appellant's guardian concluded that he has always had a good relationship with the previous coach and never questioned his decisions.

Decision

After hearing the argument and evidence presented by the Appellant and representatives, the SEC voted 5-0 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.