

University Interscholastic League

State Executive Committee

Case No. 16-0927-04

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 mother. 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 mother claimed to have moved to a new school district because Appellant was having academic and discipline issues at his previous school (School A). It was determined by a DEC that Appellant moved to the new school (School B) for athletic reasons. After attending School B for one semester, Appellant then participated in workouts, football practices, and a scrimmage with another school (School C) during the summer without enrolling at the school. On the first day of the new school year, Appellant then transferred back to School A, where he previously had academic and discipline problems.

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 why Appellant left School A originally, how he was able to practice with School C without enrolling, and why he returned to School A. Appellant's mother testified that she made the decision to transfer

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.

Appellant from School A to School B because of the problems he was having with both discipline and academics. Appellant's sister stayed with a friend so that she could remain at School A. Appellant testified that his discipline improved at School B, but he was unable to catch up academically. Appellant's mother further clarified that his discipline had improved at School B, but she wanted to return School A so that they could live in one house with Appellant's sister. She stated that the group of friends who were influencing Appellant's poor discipline at School A had graduated, therefore, Appellant was not having the same issues as before. Appellant explained that he had planned on returning to School A, but chose to stay with a friend over the summer and attend football workouts, practice and a scrimmage at School C.

Appellant's athletic director and principal at School B testified that their head football coach did not mark that Appellant moved for athletic reasons on the Previous Athletic Participation Form (PAPF), but did indicate he was prohibited from participating in athletics because the DEC ruled that he moved there for athletic reasons. The athletic director testified that they were confused after receiving a PAPF from both School A and School C within ten days of each other during the summer break. She further clarified that she has no reason to believe Appellant returned to School A for athletic reasons.

The athletic director and superintendent from School A testified about Appellant's transfer from their school and then his transfer back to the school. The athletic director originally marked that Appellant moved to School B for athletic reasons after conversations he had with Appellant about his eligibility if he moved, and the timing of his move after being assigned to the district's alternative center for discipline issues. The athletic director further clarified that the discipline issues were never in athletics or with coaches. He stated that Appellant was not returning to School A for athletic reasons because there was no other place for him to go since his mother has returned to the home she inherited within School A's attendance zone.

The coach at School C testified that Appellant practiced with the team before he could register because the school registrar was on summer break. He stated that he kept in constant communication with Appellant and his mother about eligibility requirements, and felt confident he may be eligible after the mother presented him a lease agreement for a home within their attendance zone.

The chair of the DEC explained that they voted 4-0 to deny Appellant varsity eligibility for one calendar year based on Appellant having been ruled to have moved from School A to School B for athletic reasons by the previous DEC. The DEC also had concerns that Appellant's mother produced a lease agreement in the attendance zone of School C after he participated in summer workouts there, yet Appellant returned to School A after admitting to the coach that he believed he would most likely not be eligible at School C.

The coach at School C then clarified Appellant's mother produced a lease on the Friday before the school year began, but then Appellant left once he received the PAPF from School B indicating that Appellant had moved there for athletic reasons.

The chair of the DEC that found Appellant had moved from School A to School B for athletic reasons testified that they came to that conclusion based on Appellant's conversations with the coach from School A about his eligibility if he moved in with his grandmother, and the fact that the family moved despite maintaining a residence in School A's district.

The Chair of the SEC reminded the board that they were to only rule on whether the last move was for athletic purposes or not, and that generally, a student is eligible somewhere. The main concern expressed by board members was the timespan of the return to School A from School B, and Appellant's participation at School C during the summer.

The superintendent from School A clarified for the SEC that Appellant never served his time at the alternative campus because of an error in documentation by the campus assistant principal, and it would not be fair to make him serve the days this late in the school year.

Appellant and his mother were afforded the opportunity to respond to other testimonies and give a summary statement. Appellant's mother explained that they first moved to School A after his father passed away, which was also when his discipline issues began. She further testified that they moved to School B to address the discipline issues, although she was not aware he was assigned to School A's district alternative campus. Appellant's mother concluded that they returned to School A after looking at his poor grades.

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.