

University Interscholastic League

Waiver Review Board

Case No. 16-1003-04

**DECISION ON APPEAL**

**October 3, 2016**

**Austin, TX**

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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, mother and lawyer. The following members of the WRB were present and participated in the decision of this case: Jimmy Thomas, Chair, Gary Bates, Brad Connelly, Steve Arthur, Roland Hernandez 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 Appellant claimed he was bullied as a freshman at the school he was zoned to attend.<sup>1</sup> Appellant attended two private schools since his freshmen year, but chose to return to a public school his senior year because his family could no longer afford the high cost of a private school, and the long drive to the private school each day caused hardships. Appellant was approved for an intra-district transfer in accordance with the school district's policy.

**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, a newspaper article, the transfer policy from his school district, personal letters from the student, his father, his current coach, and his 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

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<sup>1</sup> 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.

relevant to the case, answer questions from the WRB and Waiver Officer, and close the hearing with a summary statement. After hearing an opening statement by Appellant's lawyer, the WRB members inquired about what schools Appellant had attended, what steps the family took to address the bullying, why he chose his current school, if he played baseball outside of school with any of his current teammates, and about where his brother attended school. Appellant's father testified that he transferred to a private school in the summer after his freshmen year because he was bullied to a point where a psychologist prescribed him medication for anxiety. He further explained that they had discussed the bullying during Appellant's freshmen year with a counselor and a coach, but did not feel they addressed the problem adequately. Appellant stated he transferred from one private school to another private school after his sophomore year in order to play baseball with his friends. Appellant's father and mother spoke about how they were hesitant to enroll him in the current school, but decided to after hearing recommendations by other parents whose children attended there. They stated that the culture was better at the new school than at the public school he attended as a freshman. Appellant's lawyer pointed out that Appellant's family was very invested in the school he attended as a freshman, having donated over twenty thousand dollars in supplies and services to the baseball program. Appellant contended that the donations were another reason that upperclassmen bullied him during his time there. Appellant further testified that he had not played summer baseball on a team with students at his current school. He also explained that his older brother was currently playing college baseball, but as a senior in high school, he transferred with Appellant to the private school. The UIL Waiver Officer asked where Appellant would attend school if his decision were upheld. Appellant's father answered that Appellant was currently a top baseball prospect so he had to play somewhere this year, therefore he would return to 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.