

University Interscholastic League

Waiver Review Board

Case No. 16-1018-01

**DECISION ON APPEAL**

**October 18, 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 mother, guardian and coach at the school student currently attends. The following members of the WRB were present and participated in the decision of this case: Diana Negrete, Chair, Brad Connelly, Jimmy Thomas, 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 is a dual citizen who moved from Mexico to live with a family friend to attend a school in which he could experience the American culture in regards to participating in sports and being on a team.<sup>1</sup> Appellant's mother wanted him to have the same athletic experiences she had growing up in America as opposed to the experiences he was currently gaining from living in a small town in Mexico.

**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, required personal letters, 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

---

<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.

hearing with a summary statement. Among other things, WRB members inquired about why Appellant chose to transfer to a school in the United States, his experience in America compared to Mexico, and if he participated in a league outside of school with any of his new teammates. Appellant's mother testified that she was unaware of the UIL parent residence rules since she grew up in Colorado, where she was a four-sport athlete in high school and played college basketball. Varsity athletics played a large role in her high school education and so she wanted her son to experience the same school spirit and competitive environment that only schools in the United States offer. Appellant then testified that his mother would often tell him about how different schools in the United States are compared to the school he was attending in a small Mexican town. Moving to a different school in a nearby larger city was not an option according to Appellant's mother who explained that larger cities in Mexico are much more dangerous than the small town they lived in. In addition to experiencing high school athletics in the United States, Appellant's mother also encouraged Appellant's transfer so that he could attend a church with a youth group since the church they attend in Mexico has a predominantly older population. Appellant testified that he wanted to transfer because his mom told him how good it was being on a high school team in the United States. He further explained that in Mexico he was coached by a dentist with limited knowledge of competitive swimming. After attending swim camps at the age of 13, and then winning medals at a national meet at the age 14, Appellant became interested in pursuing competitive swimming in high school. Appellant's coach testified that opportunity was the main reason for Appellant transferring to the school. He stated that Appellant has potential to compete at a level in which he would be recruited by college coaches who find athletes at the UIL State Meet. Appellant's coach argued that it would be unfair for him to not compete at the varsity level.

### **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.