

University Interscholastic League

Waiver Review Board

Case No. 16-1018-02

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 students/Appellants a parent residency waiver. Students/Appellants are brothers who were represented at the hearing by their father, mother, coach, and athletic director of the school the students 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

Appellants sought a waiver of the parent residence rule, Section 403 (f) and Section 442, UIL *Constitution and Contest Rules*, because they transferred to a school closer to their home that offered more academic opportunities.¹ Appellants, one a junior and one a senior, both stated that they wanted to attend a good college after high school in which they could pursue a degree in the medical field. Appellants testified that their new school offered dual credit and advanced placement (AP) courses not available at their previous school.

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, a copy of the students' transcript and a list of advanced courses offered at their previous school. The Waiver Officer denied because, in the opinion of the Waiver Officer, the documentation presented did not demonstrate that the circumstances that cause the students to be ineligible were caused by involuntary and/or unavoidable action such that the students could not reasonably be expected to comply with the rule, Section 465 of the UIL Constitution and the Contest Rules.

Waiver Review Board Discussion

Appellants sought to overturn the UIL Waiver Officer's decision to deny a parent residency waiver request. Appellants and representatives were allowed to present facts

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.

relevant to the case, answer questions from the WRB and Waiver Officer, and close the hearing with a summary statement. Among other things, WRB members inquired about the proximity of the new school compared to the previous school, about what sports they participate in, and why they chose to transfer during their junior and senior years. Appellants' father testified that they live just inside the previous school's attendance zone, so they are actually located approximately twenty miles closer to the new school. He explained that the previous school is a football powerhouse, and having been a part of a state champion football team in high school, he wanted his sons to have the same experience he did. However, Appellants' chose to concentrate on playing only tennis so they could keep up with their academics. He further explained that the academic level offered at the previous school declined after the district released several good teachers for financial reasons. Appellants' mother testified that they were not aware the new school had a tennis class during the school day and that they offered a fall tennis season until after they transferred. She further explained that she graduated from Appellants' new school and she did not want her sons to attend there because of its struggle with gangs and drugs. She changed her mind after talking to her former English teacher who revealed that the school has dramatically improved academically in recent years. Appellants' athletic director added that the school district has improved from having only seven out of twenty-seven schools labeled academically acceptable to now having twenty-two out of twenty-seven schools receive the acceptable status. Appellant who is a senior, testified that he has been on varsity since his freshmen year, and wanted to maintain a varsity status so that colleges would view him as a well-rounded student. His father explained that, unlike his new school, the previous school did not offer enough advanced courses for him to fill a schedule during his senior year. Appellants' athletic director informed the committee that it would be difficult to find a match for a senior to play on junior varsity and so his tennis career would be over if the waiver is denied.

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 Appellants' 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.