

University Interscholastic League

Waiver Review Board

Case No. 17-0207-02

DECISION ON APPEAL

**February 7, 2017
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 father and athletic director of the school the student currently attends. The following members of the WRB were present and participated in the decision of this case: Diana Negrete, Chair, Gary Bates, Brad Connelly, 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 transferred to a school in Florida for six months and then returned to the school in Texas that he had attended for the previous 15 years of his life.¹ Appellant claimed that the culture and environment at the school in Florida prevented him from being successful academically, so he moved in with his grandparents and re-enrolled in the school that he had attended most of his life. Appellant's father added that he and his wife had lived in the school district and were active members of the community for almost forty years before moving to Florida.

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, personal letters from the student, his father, his current athletic director, and a 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 relevant to the

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.

case, answer questions from the WRB and Waiver Officer, and close the hearing with a summary statement. Among other things, WRB members inquired about how Appellant felt when his parents decided to move his family to Florida, why he chose to move in with his grandparents, and why he was removed from the baseball team at his previous school. Appellant's father testified that he and his wife had been part of the community for 38 years before moving his family to Florida for economic opportunities. He stated that Appellant attended his current school for all but six months of his academic career, and assured the WRB that he was not trying to "abuse the system" after pointing out that Appellant would have been on varsity since his freshmen year had the family not moved. He added that Appellant was currently living with his grandparents four miles outside of the school's attendance zone. Appellant explained that it had been a good choice to return to the school he was familiar with because he was doing better academically and with life in general. He clarified that he did not want to move to Florida, but he had no control over the decision so he tried to make the best of the situation. He further testified that he was removed from the baseball team in Florida after missing two practices over Spring Break, but the coach had asked him to return to the team several times before he transferred. Appellant's father concluded that they would welcome the opportunity for him to be eligible for varsity athletics since it adds to the enjoyment of school and plays a role in his overall success.

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 4-0 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.