

University Interscholastic League

State Executive Committee

Case No. 19-1008-06

**DECISION ON APPEAL**

**October 8, 2019**

**Pflugerville, TX**

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On the above date, the University Interscholastic League (UIL) State Executive Committee (SEC) held a hearing to consider the appeal of a District 8-3A Executive Committee (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 his mother. The following members of the SEC were present and participated in the decision of this case: Mike Motheral, Chair, James Colbert, Curtis Culwell, Johanna Denson, Darrian Dover, and Jodi Duron.

**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. Appellant bounced back and forth from his new school and his previous school several times while also attending a school in another state for a short period. Appellant applied for a residency waiver at his previous school and then transferred to the new school after it was denied.

**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 had attended multiple schools during his freshmen and sophomore years and about the timing of his most recent move to the new school.

Appellant's mother explained that Appellant lived in several different homes for financial and health reasons. Appellant's mother was placed on bed rest after surgery which led them to living with friends. Once recovered, Appellant and his mother moved to Florida to help her father who had fallen ill. Appellant's mother then moved to Georgia to assist her sister while Appellant moved into the previous school's attendance zone with a friend. While living with the friend, Appellant applied for a residency waiver to become varsity eligible. However, his waiver was denied shortly before his mother moved back into his new school's attendance zone. Appellant then moved in with his mother and transferred to the new school.

The athletic director from the previous school indicated that Appellant changed schools for athletic purposes on the Previous Athletic Participation Form (PAPF) because of the timing of Appellant's transfer after his waiver was denied. The athletic director explained that he was not fully aware of Appellant's living situation and would no longer have marked that he moved for athletic purposes.

The chair of the DEC then testified that Appellant was denied varsity eligibility for one calendar year with a 4 to 0 vote because of the timing of the move after the waiver denial.

Appellant and representatives were afforded the opportunity to respond to other testimonies and give a summary statement. Appellant's mother explained that she was unaware Appellant applied for a waiver and that she has moved several times out of necessity, not for athletic reasons.

**Decision**

After hearing testimony, the State Executive Committee voted unanimously to grant the appeal, thus overturning the DEC ruling and making the student eligible for varsity competition.