

University Interscholastic League

Waiver Review Board

Case No. 23-0823-08

**DECISION ON APPEAL**

**August 23, 2023**

**Virtual Meeting**

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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 her father, mother, coach, athletic coordinator and two District Executive Committee chairs. The following members of the WRB were present and participated in the decision of this case: Jimmy Thomas, Chair, Robert O'Connor, Gary Bates, and Judd Marshall.

**Background and Facts**

Appellant sought a waiver of the parent residence rule, Section 403 (f) and Section 442, UIL *Constitution and Contest Rules*, as the appellant opted for enrollment in a private school during her 8th and 9th grade academic years. Subsequently, she transferred to a school within her district for which she was not originally zoned.

**Waiver Officer's Decision**

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 hearing with a summary statement. Among other things, WRB members inquired if the student was playing at the junior varsity level.

The appellant conveyed that she attended a private school during her 8th and 9th grade years, expressing dissatisfaction with the subpar academics and lack of challenge. Socially, she felt out of place and found greater acceptance at her current school, where she has established more connections. Her father argued that they departed from the previous school due to academic struggles, deeming it detrimental to her success. The decision to enroll in the new school was

influenced by its open campus, providing greater freedom and flexibility. Highlighting their military background, the father indicated plans to relocate to the new school's attendance zone once their house is sold. He emphasized the potential disruption to her education if she were to attend her zoned school and then move again. Despite the initial academic motivation for the move, he stressed the importance of sports in her life for teamwork, work ethic, and their integral role in her academic pursuits.

**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 3- 0 to deny the request, thus Appellant remained ineligible for varsity competition for one calendar year.