

University Interscholastic League

State Executive Committee

Case No. 17-0322-10

DECISION ON APPEAL

March 22, 2017

Austin, TX

On the above date, the University Interscholastic League (UIL) State Executive Committee (SEC) held a hearing to consider the appeal of a District Executive Committee's (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 guardian. The following members of the SEC were present and participated in the decision of this case: Mike Motheral, Chair, Johanna Denson, Paul Galvan, Gil Garza, Amy Jacobs, and Marcus Nelson.

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*.¹ Appellant, moved from Puerto Rico to Texas with his parents, but then then moved in with his current guardian after his mother returned to Puerto Rico. Appellant has lived with his guardian for nearly two years, during which time he completed the 8th grade and is currently attending the 9th grade in the same school district. Appellant met his current guardian at a baseball tournament near Appellant's previous home in Puerto Rico.

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 how Appellant met his guardian, why he moved from Puerto Rico to Texas, and about the select baseball teams he has played for. Appellant has lived with the guardian for nearly two years, and during that time, Appellant has completed the 8th grade and is currently attending the 9th grade in the same school district. Appellant was ruled ineligible to participate in varsity athletics during his 9th grade year. UIL staff clarified that Appellant was ineligible for varsity athletics during his second year with the school district because that was his first opportunity to

¹ Section 443, of the *UIL Constitution and Contest Rules* states that the district executive committee (DEC) is to determine whether or not a student changed schools for athletic purposes, when considering each student who changed schools and has completed the eighth grade, whether or not the student has represented a school in grades eight through twelve. A student who changes schools for athletic purposes is not eligible to compete in varsity League contest(s) at the school to which he or she moves for at least one calendar year.

participate in varsity athletics. The guardian testified that he met Appellant at a select baseball tournament in Puerto Rico and then invited Appellant to play in a baseball tournament in Florida. While in Florida, Appellant's parents decided they wanted to stay in America, so the guardian hired Appellant's father to work in a warehouse and hired his mother as a nanny. Appellant's mother returned to Puerto Rico after only three weeks which led Appellant to move in with the guardian.

Appellant's current athletic director testified that the relationship regarding Appellant and his guardian was brought to his attention shortly after he was hired by current and former administration. The athletic director investigated the situation and reported his findings to the District Executive Committee in order to be fully transparent.

The Chair of the DEC explained that they voted 7-0-1 to deny eligibility. The Chair stated that if an 8th grader was found to have changed schools for athletic purposes, their ineligibility was to begin their freshmen year. The chair testified that the determining factor for the committee was Appellant's affiliation with the guardian who was heavily involved with select baseball. UIL staff affirmed that a student's freshmen year is the first opportunity that a DEC can declare a student ineligible to participate in varsity athletic contests if they are found to have changed schools for athletic reasons.

Appellant and representatives were afforded the opportunity to respond to other testimonies and give a summary statement. Appellant's guardian testified that while talking with several families in Puerto Rico, it was Appellant's story that caught his attention. He claimed that when they met Appellant lived in an 8x8 area, his father was in jail, and his mother couldn't find a job. Appellant's guardian argued that Puerto Rico was full of baseball players that get drafted into the major leagues each year, so if Appellant was making decisions based on athletic reasons, he would stay in Puerto Rico.

Decision

After hearing the argument and evidence presented by the Appellant and representatives, the SEC voted 5-0 to deny the Appellant's request to overturn the District Executive Committee's decision. As a result, the decision of the DEC is upheld and the Appellant's request for varsity eligibility is denied.