

Subchapter N. WAIVER OF ELIGIBILITY RULES

Section 463: APPLICATION FOR WAIVER

(a) WHO MAY APPLY.

- (1) When a student does not comply with Sections 400 (g) and 408 because that student has not met the requirements for graduation four years after first entering into the ninth grade and has missed an entire season's participation in a specific activity due to inadvertent circumstances other than an athletic injury, that student may apply for a waiver of the apparent non-compliance and a declaration of eligibility in those activities that were missed. A student may apply for a waiver of the four-year rule only once. The fact that a member school does not offer a specific activity is not grounds for claiming the student was unable to participate in that activity.

(2) *Parent Residence Rule.*

- (A) If a District Executive Committee or the State Executive Committee finds that a student does not comply with Sections 403(f) and 442 (residence rules), that student may apply for a waiver of the apparent non-compliance and a declaration of eligibility. **As An Exception:** A student who is found by a District Executive Committee, or upon appeal, the State Executive Committee, to have changed schools for athletic purposes or other impermissible reasons may return within thirty (30) days after being ruled ineligible to the school the student left without need of a parent residence waiver as long as all other eligibility rules are satisfied. In cases where there is a dispute regarding the student's qualification for this exception, the Executive Director or his or her designee may make a determination as to whether the student qualifies.
 - (B) A waiver of the residence rule shall be null and void in regards to the school the student has moved to when either the District Executive Committee or the State Executive Committee determines that the student changed schools for athletic purposes.
 - (C) If a student who has been granted a waiver returns to the school in the attendance zone where the parents reside, a Previous Athletic Participation Form shall be furnished to the District Executive Committee, who will rule on the student's eligibility at that school.
- (3) Students who change schools from one independent school district to another independent school district to enroll in the International Baccalaureate Program may apply for a waiver of Sections 403 (f) and 442 (residence rules) to be eligible for varsity athletics the first year of attendance.
 - (4) *Age Rule, Sections 403 (b) and 446.* If a student is nineteen or older and has met all the criteria in Section 446 prior to the end of his or her second year in high school, but the superintendent does not submit proper verification to the District Executive Committee and the UIL, that student may apply for a waiver if:
 - (A) the student has or had a disability which delayed his or her education for a year or more;

- (B) the student is currently in special education and under the auspices of an ARD committee or is currently identified as a 504 student by a 504 committee; and
- (C) the student has not already participated an extra year under this exception.

NOTE: This waiver procedure is only for students who are unable to obtain the required certification from the superintendent as outlined in Section 446.

- (5) *Retroactive Waiver Procedure* (Refer to Section 469).
- (b) **PROCEDURE.** The application must be in writing on the UIL Application for Waiver form and signed by the student and, if the student is under 18 years of age, by a parent or guardian. The applicant shall submit a copy of all documentation to the superintendent. The superintendent shall send a copy of the application to the chair of the District Executive Committee. The chair shall notify members of the district that the application has been filed. Unless the student is indigent or a dependent of an active military personnel, he or she shall pay a \$100 filing fee to the UIL when the application is filed.

Section 464: SUBMISSION TO WAIVER OFFICER

- (a) The applicant for a waiver shall submit with the application statements of the facts and circumstances that excuse the apparent non-compliance with the rules.
- (b) An applicant for a waiver of the age-rule, Sections 403 (b) and 446, must also submit the following:
 - (1) an applicant who is a special education student must provide documentation of special education status and documentation that a disability delayed his or her education by at least one year;
 - (2) an applicant who is a student with a history of a disability must provide documentation from a 504 committee proving the existence and length of time of the disability that caused the delay of at least one year in his or her education; and
 - (3) applicants must submit documentation and/or a statement of the facts and circumstances indicating that the applicant was unable to obtain the required certification from the superintendent.

Section 465: DECISION BY WAIVER OFFICER

- (a) **DECISION.** Within 14 days after the Waiver Officer determines that the application is complete,

the Waiver Officer shall upon the basis of the application and written statements decide whether the waiver should be granted and the applicant declared eligible.

(b) BASIS FOR DECISION.

(1) *Residence Rule, Sections 403 (f) and 442.*

(A) *International Baccalaureate Program.* The waiver of the residence requirements of a student who changes schools to enroll in the International Baccalaureate Program may be granted unless the District Executive Committee has determined the student changed schools for athletic purposes.

(B) *Other Waivers of Parent Residence Rule.* If the Waiver Officer finds that the circumstances that caused the student to be ineligible were caused by involuntary and/or unavoidable action such that the Waiver Officer could not reasonably expect the student to comply with the rules, the Waiver Officer shall grant the waiver.

(2) *Four Year Rule, Sections 400 (g) and 408.* If the Waiver Officer finds that the circumstances that caused the student to be ineligible were caused by involuntary and/or unavoidable action such that the Waiver Officer could not reasonably expect the student or the parents to comply with the rule, and if those same circumstances caused the student to miss an entire season's participation in an activity, the Waiver Officer shall grant the waiver.

(3) *Foreign Exchange Students.* The waiver of the residence requirement of a foreign exchange student may be granted under the following conditions:

(A) a copy of the student's J-1 visa and certification papers from the approved CSIET (Council on Standards for International Educational Travel) United States Foreign Exchange Program accompanies the waiver form;

(B) the exchange student has not completed four years of high school attendance and/or graduated from high school;

(C) the exchange student has not received advanced training (defined as training which is above and beyond that which is normally provided in Texas public schools) in the germane activity prior to arriving in Texas, such as pre-Olympic training, being nationally ranked or having similar status in a sport, or participation on a national team;

- (D) the exchange student has not been placed with a host or a school based on athletic interests or abilities, whether initiated or caused by a student, a natural or host parent, a school, a program or any other interested party; and
- (E) the exchange student meets all other University Interscholastic League eligibility rules.
- (F) A foreign exchange student must apply for and receive an approved waiver before the district certification deadline.
- (4) *Age Rule, Sections 403 (b) and 446.*
 - (A) If the Waiver Officer finds that the student meets the requirements set forth in Section 463, the Waiver Officer shall grant the waiver.
 - (B) The decision of the Waiver Officer shall be final.
- (5) The waiver is granted for specific athletic activities. If students wish to participate in an athletic activity other than the specific one(s) for which they were originally granted a waiver, such requests shall be presented by the school to the District Executive Committee which shall grant or deny the request. Notifying the Waiver Officer for each subsequent sport is not required.
- (6) Ignorance of the rules is not a basis for granting a waiver.
- (c) NOTIFICATION. The Waiver Officer shall promptly send a copy of the decision to the applicant, superintendent, principal and the chair of the District Executive Committee.
- (d) EFFECT OF DECISION. If the Waiver Officer decides that the applicant is eligible, the student may participate in a UIL contest until the Waiver Review Board issues a change in eligibility status by overturning the waiver.

Section 466: REVIEW OF WAIVER OFFICER'S DECISION

- (a) Except in appeals under the age rule, Section 465 (b)(4), the applicant, the parent or guardian of the applicant, or any superintendent may request a review of the decision of the Waiver Officer. The request for review must be in writing and be accompanied by payment of a \$200.00 filing fee. If the applicant or the applicant's parents request the review, and the applicant is indigent or a dependent of an active military personnel, the filing fee may be waived. During the school year requests

must be received by the Waiver Review Board within 15 days after the decision of the Waiver Officer was mailed. During the summer holidays, requests must be received by the Waiver Review Board no later than September 1 or immediately after the first meeting of the District Executive Committee, whichever occurs sooner.

- (b) RULES OF BOARD. The Waiver Review Board shall adopt and publish the rules of procedure to be followed by it in reviews. In accordance with Section 150, the Waiver Review Board or a UIL Hearing Officer may hold an informal hearing with witness testimony and other evidence, or decide the appeal based on the written record.
- (c) REVIEW SCHEDULE. Unless the request for review is received less than seven days before its next meeting, the Waiver Review Board shall schedule the review of the case at its next meeting except for appeals that have been transferred to a UIL Hearing Officer. The Board may meet monthly from August through March and may meet at such other times as the Chair of the Board may designate. The seven-day limit may be waived if the Waiver Review Board is scheduled to meet to review other cases.
- (d) REVIEW. The entire Waiver Review Board, a panel of three members, or a UIL Hearing Officer may review the case. If a member of the Board is involved in the case being reviewed, that member shall abstain from deliberations and voting, and the Chair of the Board may appoint a person to sit in that member's place.
- (e) REVIEW PROCEDURE. The review shall be conducted in accordance with the rules and procedures of the Waiver Review Board and may consist of an informal meeting where witnesses are allowed to testify or may be decided on the written record. The application for waiver, the written material submitted to the Waiver Officer by the applicant, superintendent, principal and District Executive Committee, and the decision of the Waiver Officer constitute the written record made before the Waiver Officer.
- (f) ARGUMENT. In cases where an informal hearing is conducted, the Waiver Officer, applicant, superintendent, principal and District Executive Committee may submit written documentation or make oral argument. The Board or a UIL Hearing Officer may limit the time for oral argument.
- (g) PRECEDENT MANUAL. The Waiver Review Board shall adopt rules concerning the creation and maintenance of a precedent manual which shall contain decisions of the Waiver Review Board that have sufficient precedential value to warrant

publication. Opinions in the precedent manual will be composed of a synopsis of the facts of the case along with the panel's decision and a brief explanation of the basis for the decision. UIL staff may assist in the drafting and preparation of the opinion as directed by the board.

- (1) Before being published in the precedent manual, a draft of the written opinion must be reviewed and approved by a majority of the members of the hearing panel that heard the case.
- (2) The precedent manual shall serve to provide guidance to Waiver Review Board Panel's when considering similar cases.
- (3) The Waiver Review Board's Precedent Manual shall be published on the University Interscholastic League's website.

Section 468: REVIEW DECISION PROCESS

(a) BASIS FOR DECISION.

- (1) *Residence Rule, Sections 403 (f) and 442.*
 - (A) International Baccalaureate Program. The waiver of the residence requirements of a student who changes schools from one independent school district to another independent school district to enroll in the International Baccalaureate Program may be granted unless the District Executive Committee has determined the student changed schools for athletic purposes.
 - (B) Other Waivers of Parent Residence Rule. If the Board or Hearing Officer finds that 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, the waiver shall be granted.
- (2) *Four-Year Rule, Sections 400 (g) and 408.* If the Board or Hearing Officer finds that 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 rule, and if those same circumstances caused the student to miss an entire season's participation in an activity, the waiver shall be granted.
- (3) *Foreign Exchange Students.* The waiver of the residence requirement of a foreign exchange student may be granted under the following conditions:

- (A) a copy of the student's J-1 visa and certification papers from the approved CSIET (Council on Standards for International Educational Travel) United States Foreign Exchange Program accompanies the waiver form;
 - (B) the exchange student has not completed four years of high school attendance and/or graduated from high school;
 - (C) the exchange student has not received advanced training (defined as training which is above and beyond that which is normally provided in Texas public schools) in the germane activity prior to arriving in Texas, such as pre-Olympic training, being nationally ranked or having similar status in a sport, or participation on a national team;
 - (D) the exchange student has not been placed with a host or a school based on athletic interests or abilities, whether initiated or caused by a student, a natural or host parent, a school, a program or any other interested party; and
 - (E) the exchange student meets all other University Interscholastic League eligibility rules.
- (4) The waiver may be specific to an activity.
 - (5) Ignorance of the rules is not a basis for granting a waiver.
- (b) ANNOUNCEMENT OF DECISION. The Board or Hearing Officer shall announce a decision in writing within 15 days after the review.
 - (c) REHEARING; EFFECT OF DECISION. The eligibility status of the applicant as determined by the Board or Hearing Officer is effective on the date the decision is announced. The Board may grant a rehearing on cases that are waived by the Board provided new credible evidence is presented by the District Executive Committee, and it may grant a rehearing on cases that are denied by the Board provided new credible evidence is presented by the applicant or the school the applicant is attending.
 - (d) NOTIFICATION. A copy of the decision shall be sent to the applicant, the superintendent or principal and the chair of the District Executive Committee and each member in the district.

Section 469: RETROACTIVE WAIVER

- (a) WHO MAY APPLY. If a District Executive Committee has determined that a student, who is not a foreign exchange student, but who is otherwise

ineligible according to Section 400 (g) or 403 (f) has participated in a varsity contest, and the District Executive Committee and the superintendent of the school the student attends jointly request a retroactive waiver, the Waiver Officer shall review the facts of that case.

- (b) APPLICATION PROCEDURE. The application must be in writing on the UIL Application for Waiver form, and signed by the superintendent, the chair of the District Executive Committee, the student and a parent or guardian if the student is under 18.
- (c) REVIEW PROCEDURE. The information shall be presented to the Waiver Officer who shall decide whether the waiver should be granted and the applicant declared eligible.
- (d) EFFECT OF DECISION. In granting a waiver, the Waiver Officer may determine that the student's eligibility is retroactive to any date during the current school year, so long as the student has been continually eligible under all rules other than the rule being waived since that date. If the Waiver Officer denies the waiver, the applicant may appeal the decision to the Waiver Review Board. The appeal must be accompanied by a \$700 payment to be applied to the filing fee. The filing fee is the actual expense incurred in convening the waiver review board. The balance of the fee shall be billed to the school or parent after expenses are calculated.
- (e) EXCEPTION TO ABOVE PROCEDURE. The UIL Waiver Officer can rule on a retroactive waiver, after the season in question is complete, without consent from a District Executive Committee when the request comes from a parent and has no bearing on the district race. The application fee is \$700.

Section 470: SUBMITTING FALSE INFORMATION

If the Waiver Officer, the UIL hearing officer or the Waiver Review Board finds that information was submitted on behalf of an applicant that the applicant knew was false, the Waiver Officer, hearing officer or the Waiver Review Board shall declare the applicant ineligible for one year and the contests in which the applicant competed on behalf of the school he or she now attends forfeited.