

University Interscholastic League

Waiver Review Board

Case No. 23-1115-01

DECISION ON APPEAL

November 15, 2023
Virtual Meeting

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, uncle, aunt and coach. The following members of the WRB were present and participated in the decision of this case: Leslie Slovak, Chair, Silvia Salinas, and Lisa Langston.

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, a dual citizen, relocated from Austria to reside with her aunt and uncle. This move transpired as her parents initiated their entrepreneurial ventures in Austria, leaving them with insufficient time to address their daughter's developmental needs.

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.

Appellant currently lives with her aunt and uncle in Texas, having moved from Austria due to her parents change in work. Appellant's father, having changed careers three years ago, emphasized the challenge of balancing career demands with his daughter's developmental needs. Despite exploring various avenues such as applying for an International Baccalaureate (IB) program in Austria and considering Foreign Exchange Programs, practical constraints and familial ties to Texas led them to seek alternative solutions.

The father, being an American citizen with family in Texas, expressed reservations about the financial investment in Foreign Exchange Programs. Additionally, he highlighted the UIL statement, arguing that the rules aimed to equalize opportunities for students and regulate competition. He questioned the terms "avoidable" and "involuntary" in the context of his daughter's situation, emphasizing the importance of sports in her life and the limitations imposed by their unique family circumstances.

Acknowledging the family's efforts to explore available organizations and programs, the father presented the challenges of their work dynamic, with him often on the road for business and his wife working part-time while also managing household responsibilities. Although Appellant had reached an age where she could stay home alone for a day or two, the family sought support from relatives during longer times of increased travel.

Appellant tearfully expressed her initial lack of awareness about the potential issues surrounding her participation in basketball. The coach highlighted the lack of rules addressing dual citizenship and contended that Appellants presence did not hinder other players on the team.

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.