

Can I Participate in Sports and Other UIL Activities When I Have to Change Foster Care Placements?

Yes. Texas law says that foster children who are placed in a foster home or facility can attend school in that district and that no requirement can be imposed about how long they have to live there to keep them from participating in any activity sponsored by the school district. That means that a foster youth should be immediately eligible to participate in any activity. The University Interscholastic League (UIL), which is the organization that regulates most academic and athletic competitions between schools, also has rules that say a foster youth is eligible to participate in all activities and is considered a resident of wherever they are placed by an “appropriate authority.” An appropriate authority includes CPS, the Court, and a Child Placement Agency. The Texas Attorney General has also issued an opinion that makes clear that whenever a foster youth student is moved to a new foster home or facility by an authority, the student is still covered by these laws and is immediately eligible for activities.

If you are in foster care or under a CPS court oversight and school officials are telling you that you are not eligible to participate in activities because you just moved to the district, your parents don’t live in the district, because you are in foster care or something like that, you need to tell them that they are misinformed. You can print this out and show it to them. (You should remember that there will be other eligibility rules that may come up after you have been attending the school, such as that you will need to pass classes and not have bad behavior.) If that still does not resolve the problem, you should contact the Texas Foster Youth Justice Project for free help. Call us at 1-877-313-3688 or email us at info@texasfosteryouth.org.

Information, Law and Rules About Foster Youth Eligibility For School Activities:

School Officials Can Contact the UIL

A school official can contact the UIL for help in understanding the eligibility of foster youth. They can call 512-471-5883. Information about who to specifically speak to at UIL can be found at <http://www.uil-texas.org/files/constitution/uil-ccr-appendix-iii.pdf>.

Texas Education Code Sec. 25.001(f): Admission

A child placed in foster care by an agency of the state or by a political subdivision shall be permitted to attend the public schools in the district in which the foster parents reside free of any charge to the foster parents or the agency. A durational residence requirement may not be used to prohibit that child from fully participating in any activity sponsored by the school district.

<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.25.htm>

UIL Constitution and Contest Rules Section 440: Eligibility Athletics

Subject to the other sections of this subchapter, an individual is eligible to participate in a League varsity athletic contest as a representative of a participant school if that individual:

(a) meets all the requirements of Section 400;
(b) is a resident of the member school district (see Section 442), and a resident of the attendance zone in which the participant school being attended is situated. . .

UIL Constitution and Contest Rules

Section 442: Residence in School District and Attendance Zone

. . .(e) **Custodial** *The residence of a student assigned by appropriate authority to a foster home or a home licensed by the state as a child care boarding facility, or placed in a home by the Texas Youth Commission, is presumed to be at the home. If a student's parent(s) move the student to a foster home in another school district, the student is not eligible, but may apply for a waiver.*

See <http://www.uiltexas.org/policy/constitution> for information about the UIL constitution.

See <http://www.uiltexas.org/files/constitution/uil-ccr-subchapter-m.pdf> for these specific provisions.

Texas Attorney General Opinion No. MW-43

Re: Eligibility of foster children to participate in interscholastic League Activities
<https://www.oag.state.tx.us/opinions/opinions/46white/op/1979/pdf/MW0043.pdf>

This is a several page document that discusses the eligibility of foster youth for school activities. (The Education Code Provision discussed, Sec. 21.031, is now Sec. 25.001(f).) An Attorney General Opinion is a written interpretation of existing law. The Attorney General writes opinions as part of their responsibility to act as legal counsel for the State of Texas. Unless or until an opinion is modified or overruled by statute, judicial decision, or subsequent Attorney General Opinion, an Attorney General Opinion is presumed to correctly state the law.

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