

R277. Education, Administration.

R277-409. Public School Membership in Associations.

R277-409-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board; and

(b) Section 53A-1-401, which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.

(2) The purpose of this rule is to place limitations on public school membership in certain associations with rules or policies that conflict with Board policies.

R277-409-2. Definitions.

(1) "Association" means an organization that governs or regulates a student's participation in an interscholastic activity.

(2) "Eligibility" means eligibility to participate in an association-sponsored interscholastic activity.

(3) "Interscholastic activity" means an activity within the state in which the students that participate represent a school in the activity.

(4) "Recruiting" means a solicitation or conversation:

(a) initiated by:

(i) an employee of a school or school district;

(ii) a coach or advisor of an interscholastic activity; or

(iii) a member of a booster, alumni, or other organization that performs a substantially similar role as a booster organization, affiliated with a school or school district; and

(b) to influence a student, or the student's relative or legal guardian, to transfer to a school for the purpose of participating in an interscholastic activity at the school.

R277-409-3. Membership Restrictions.

(1) Beginning with the 2017-2018 school year, a public school may not be a member of, or pay dues to an association that adopts rules or policies that are inconsistent with this R277-409.

(2) An association shall permit the Board to audit the association's:

(a) financial statements; and

(b) compliance with Utah Code, Board rule, and the association's bylaws, policies, rules, and best practices.

(3) An association may not treat similarly situated schools differently in the association's designation of division classifications, or in applying other association policies, based solely on the school's status as a charter school or district public school.

(4) An association may sanction a school, coach, or individual who oversees or works with students as part of an interscholastic activity of a public school if the association finds that the coach or individual:

(a) engaged in recruiting activities; or

(b) violated any other rule or policy of the association.

(5) An association shall establish a policy or rule to govern the association's use of student data that complies with the student data privacy requirements of:

(a) FERPA;

- (b) Title 53A, Chapter 1, Part 14, Student Data Protection Act;
- (c) Title 53A, Chapter 13, Part 3, Utah Family Educational Rights and Privacy Act;
- and
- (d) R277-484.
- (6) An association shall establish policies or rules that require:
 - (a) coaches and individuals who oversee interscholastic activities or work with students as part of an interscholastic activity to meet a set of professional standards that are consistent with the Utah Educator Professional Standards described in Rule R277-515; and
 - (b) the association or public school to annually train each coach or other individual who oversees or works with students as part of an interscholastic activity of a public school on the following:
 - (i) child sexual abuse prevention as described in Section 53A-13-112;
 - (ii) the prevention of bullying, cyber-bullying, hazing, harassment, and retaliation as described in:
 - (A) Title 53A, Chapter 11a, Bullying and Hazing; and
 - (B) R277-613; and
 - (iii) the professional standards described in Subsection (6)(a).
- (7) An association shall establish procedures and mechanisms to:
 - (a) monitor LEA compliance with the association's training requirements described in Subsection (6);
 - (b) sanction individuals who violate the association's professional standards described in Subsection (6)(a);
 - (c) track individuals who violate the association's standards described in Subsection (6)(a); and
 - (d) prohibit individuals who have violated the association's standards described in Subsection (6)(a) from coaching, overseeing, or working with students as part of an interscholastic activity.
- (8) An association shall establish a policy or rule that requires the association to follow requirements similar to the requirements of:
 - (a) Title 52, Chapter 4, Open and Public Meetings Act; and
 - (b) Title 63G, Chapter 2, Government Records Access and Management Act.

R277-409-4. Transferring Student Eligibility to Participate in Association Activities.

- (1) An association may not deny a student eligibility to participate in an interscholastic activity except as provided in Subsection (2).
- (2)(a) After a student has established eligibility to participate in an interscholastic activity at a school at the varsity level, an association shall deny the student's eligibility to participate in that interscholastic activity at the varsity level for up to twelve months at a new school.
 - (b) In the case of a subsequent transfer by the student after a transfer described in Subsection (2)(a), an association shall deny the student's eligibility to participate at the varsity level in any interscholastic activity for twelve months from the date of the student's first attendance at a new school.
- (3) Notwithstanding Subsection (2), an association may not deny a student eligibility to participate in an interscholastic activity at the varsity level if:
 - (a) the student's full family moves outside of the boundaries of the originating

school;

(b) the student's transfer to the new school is a result of a death in the family, which requires the student to move from the student's original residence;

(c) the student's transfer to the new school is a result of a divorce, which requires the student to move from the student's original residence;

(d) the student moves to live with an individual who has legal or physical custody of the student; or

(e)(i) the student has been a victim of bullying; and

(ii) the bullying was reported, documented, and investigated by the school or law enforcement.

(4) If an association denies a student's eligibility to participate in an interscholastic activity at the varsity level as described in Subsection (3), the association shall issue a written decision, with supported findings, explaining the reasons why the student's eligibility to participate at the varsity level at the new school was denied.

R277-409-5. Appeals of Association Actions.

(1) An association shall establish:

(a) a uniform procedure for hearing and deciding:

(i) disputes;

(ii) questions;

(iii) allegations of violations of the association's rules; and

(iv) other issues related to interscholastic activities governed by the association;

(b) an appeals process to review association decisions on issues described in Subsections (1)(a)(i) through (iv) to determine whether the association properly followed the association's rules and procedures; and

(c) an appeal panel, with members as described in Subsection (2), to conduct the appeals process.

(2) The appeal panel shall consist of the following three members, appointed by the Board, who will serve a one year term:

(a) a judge or attorney who is not employed by, or contracts with a school;

(b) a retired educator, principal, or superintendent; and

(c) a retired athletic director or coach.

(3) The Board shall appoint the members of the appeal panel described in Subsection (2):

(a) from the association's nominations described in Subsection (4); and

(b) in accordance with the Board's appointment process.

(4)(a) The association shall nominate up to 3 individuals for each position described in Subsection (2) for the Board's consideration.

(b) If the Board refuses to appoint members to the panel who were nominated by the association as described in Subsection (4)(a), the Board will request additional nominations from the association.

KEY: school, membership, associations

Date of Enactment of Last Substantive Amendment: 2017

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401