

1 **R277. Education, Administration.**

2 **R277-409. Public School Membership in Associations.**

3 **R277-409-1. Authority and Purpose.**

4 (1) This rule is authorized by:

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

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

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

11 **R277-409-2. Definitions.**

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

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

16 (~~2~~3) "Interscholastic activity" means an activity within the state in which the
17 students that participate represent a school in the activity.

18 (~~3~~4) "Recruiting" means a solicitation or conversation:

19 (a) initiated by:

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

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

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

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

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28 **R277-409-3. Membership Restrictions.**

29 (1) Beginning with the 2017-2018 school year, a public school may not be a member
30 of, or pay dues to an association that adopts rules or policies that are inconsistent with this
31 R277-409[~~3~~].

32 (2) An association shall permit the Board to audit the association's:
33 (a) financial statements; and
34 (b) compliance with Utah Code, Board rule, and the association's bylaws, policies,
35 rules, and best practices.

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

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

42 (a) engaged in recruiting activities; or
43 (b) violated any other rule or policy of the association.

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

46 (a) FERPA;
47 (b) Title 53A, Chapter 1, Part 14, Student Data Protection Act;
48 (c) Title 53A, Chapter 13, Part 3, Utah Family Educational Rights and Privacy Act;
49 and
50 (d) R277-484.

51 (6) An association shall establish policies or rules that require:

52 (a) coaches and individuals who oversee interscholastic activities or work with
53 students as part of an interscholastic activity to meet a set of professional standards that
54 are consistent with the Utah Educator Professional Standards described in Rule R277-
55 515; and
56 (b) the association or public school to annually train each coach or other individual
57 who oversees or works with students as part of an interscholastic activity of a public school
58 on the following:

59 (i) child sexual abuse prevention as described in Section 53A-13-112; ~~and~~
60 (ii) the prevention of bullying, cyber-bullying, hazing, harassment, and retaliation as
61 described in:

62 (A) Title 53A, Chapter 11a, Bullying and Hazing; and
63 (B) R277-613; and

- 64 (iii) the professional standards described in Subsection (6)(a).
65 (7) An association shall establish procedures and mechanisms to:
66 (a) monitor LEA compliance with the association's training requirements described
67 in Subsection (6);
68 (b) sanction individuals who violate the association's professional standards
69 described in Subsection (6)(a);
70 (c) track individuals who violate the association's standards described in Subsection
71 (6)(a); and
72 (d) prohibit individuals who have violated the association's standards described in
73 Subsection (6)(a) from coaching, overseeing, or working with students as part of an
74 interscholastic activity.
75 (8) An association shall establish a policy or rule that requires the association to
76 follow requirements similar to the requirements of:
77 (a) Title 52, Chapter 4, Open and Public Meetings Act; and
78 (b) Title 63G, Chapter 2, Government Records Access and Management Act.

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

80 (1) An association may not deny a student eligibility to participate in an
81 interscholastic activity except as provided in Subsection (2).

82 (2)(a) After a student has established eligibility to participate in an interscholastic
83 activity at a school at the varsity level, an association shall deny the student's eligibility to
84 participate in that interscholastic activity at the varsity level for up to twelve months at a
85 new school.

86 (b) In the case of a subsequent transfer by the student after a transfer described in
87 Subsection (2)(a), an association shall deny the student's eligibility to participate at the
88 varsity level in any interscholastic activity for twelve months from the date of the student's
89 first attendance at a new school.

90 (3) Notwithstanding Subsection (2), an association may not deny a student eligibility
91 to participate in an interscholastic activity at the varsity level if:

92 (a) the student's full family moves outside of the boundaries of the originating
93 school;

94 (b) the student's transfer to the new school is a result of a death in the family, which

95 requires the student to move from the student's original residence;

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

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

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

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

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

107 **R277-409-5. Appeals of Association Actions.**

108 (1) An association shall establish:

109 (a) a uniform procedure for hearing and deciding:

110 (i) disputes;

111 (ii) questions;

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

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

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

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

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

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

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

123 (c) a retired athletic director or coach.

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

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

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

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

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

133 **KEY: school, membership, associations**

134 **Date of Enactment of Last Substantive Amendment: [2016]2017**

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