

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  
8 Board's duties and responsibilities under the Utah Constitution and state law.

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

12 **R277-409-2. Definitions.**

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

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

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

19 (~~3~~4) "Recruiting" means a solicitation or conversation:

20 (a) initiated by:

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

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

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

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

29

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

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

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

35 (a) financial statements; and

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

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

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

45 (a) engaged in recruiting activities; or

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

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

49 (a) FERPA;

50 (b) Title 53A, Chapter 1, Part 14, Student Data Protection Act;

51 (c) Title 53A, Chapter 13, Part 3, Utah Family Educational Rights and Privacy  
52 Act; and

53 (d) R277-484.

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

55 (a) coaches and individuals who oversee interscholastic activities or work with  
56 students as part of an interscholastic activity to meet a set of professional standards  
57 that are consistent with the Utah Educator Professional Standards described in Rule  
58 R277-515; and

59 (b) the association or public school to annually train each coach or other

60 individual who oversees or works with students as part of an interscholastic activity  
61 of a public school on the following:

62 (i) child sexual abuse prevention as described in Section 53A-13-112; ~~and~~

63 (ii) the prevention of bullying, cyber-bullying, hazing, harassment, and  
64 retaliation as described in:

65 (A) Title 53A, Chapter 11a, Bullying and Hazing; and

66 (B) R277-613; and

67 (iii) the professional standards described in Subsection (6)(a).

68 (7) An association shall establish procedures and mechanisms to:

69 (a) monitor LEA compliance with the association's training requirements  
70 described in Subsection (6);

71 (b) sanction individuals who violate the association's professional standards  
72 described in Subsection (6)(a);

73 (c) track individuals who violate the association's standards described in  
74 Subsection (6)(a); and

75 (d) prohibit individuals who have violated the association's standards  
76 described in Subsection (6)(a) from coaching, overseeing, or working with students  
77 as part of an interscholastic activity.

78 (8) An association shall establish a policy or rule that requires the association  
79 to follow requirements similar to the requirements of:

80 (a) Title 52, Chapter 4, Open and Public Meetings Act; and

81 (b) Title 63G, Chapter 2, Government Records Access and Management Act.

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

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

86 (2)(a) After a student has established eligibility to participate in an  
87 interscholastic activity at a school at the varsity level, an association shall deny the  
88 student's eligibility to participate in that interscholastic activity at the varsity level for

89 up to twelve months at a new school.

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

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

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

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

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

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

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

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

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

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

113 (1) An association shall establish:

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

115 (i) disputes;

116 (ii) questions;

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

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

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

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

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

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

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

129 (c) a retired athletic director or coach.

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

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

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

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

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

139 **KEY: school, membership, associations**

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

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