

Senator Mark B. Madsen proposes the following substitute bill:

**SCHOOL TRANSFERS - PARTICIPATION
IN EXTRACURRICULAR ACTIVITIES**

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mark B. Madsen

House Sponsor: _____

LONG TITLE

General Description:

This bill addresses transfer students' participation in extracurricular activities.

Highlighted Provisions:

This bill:

▶ prohibits discrimination against a student:

- applying for enrollment in a school that is not the student's school of residence;

and

- whose intent is to participate in varsity athletics;

▶ prohibits rejection of a student's application for enrollment in a school that is not the

student's school of residence solely upon the basis that the student intends to

participate in varsity athletics; and

▶ provides that a student who transfers to a public or private school does not lose

eligibility to participate in extracurricular activities for the reason that the student's

intent to participate in an extracurricular activity is a reason for the transfer.

Monies Appropriated in this Bill:

None

Other Special Clauses:



26 None

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **53A-2-208**, as repealed and reenacted by Laws of Utah 1993, Chapter 119

30 ENACTS:

31 **53A-15-1201**, Utah Code Annotated 1953



33 *Be it enacted by the Legislature of the state of Utah:*

34 Section 1. Section **53A-2-208** is amended to read:

35 **53A-2-208. Rules for acceptance and rejection of applications.**

36 (1) A local school board shall adopt rules governing acceptance and rejection of
37 applications required under Section 53A-2-207.

38 (2) Standards for accepting or rejecting an application for enrollment may include:

39 (a) the capacity of the program, class, grade level, or school building;

40 (b) maintenance of heterogeneous student populations if necessary to avoid violation of
41 constitutional or statutory rights of students;

42 (c) not offering a program the student requires; and

43 (d) willingness of prospective students to comply with district policies.

44 (3) (a) Standards for accepting or rejecting an application for enrollment may not
45 include:

46 (i) previous academic achievement[;];

47 (ii) athletic or other extracurricular ability[;];

48 (iii) the fact that the student requires special education services for which space is
49 available[;];

50 (iv) proficiency in the English language[;]; or

51 (v) previous disciplinary proceedings, except as provided in Subsection (3)(b).

52 (b) A board may provide for the denial of applications from students who:

53 (i) have committed serious infractions of the law or school rules, including rules of the
54 district in which enrollment is sought[;]; or

55 (ii) have been guilty of chronic misbehavior which would, if it were to continue after
56 the student was admitted[;];

Fiscal Note

**S.B. 223 1st Sub. (Green) - School Transfers - Participation in
Extracurricular Activities**

2008 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
