

**Representative Jon Hawkins** proposes the following substitute bill:

1                   **INTERSCHOLASTIC ATHLETIC ACTIVITIES ASSOCIATIONS**  
2                                   **REPORTING REQUIREMENTS**

3   2024 GENERAL SESSION

4   STATE OF UTAH

5   **Chief Sponsor: Jon Hawkins**

6   Senate Sponsor: Keith Grover

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8                   **LONG TITLE**

9                   **General Description:**

10                   This bill amends required budgetary reporting and the member of an appeal panel for an  
11                   athletic association.

12                   **Highlighted Provisions:**

13                   This bill:

- 14                   ▶ requires certain reports be made to the Public Education Appropriations
- 15                   Subcommittee;
- 16                   ▶ amends the requirements of certain reports;
- 17                   ▶ expands the allowable reasons for an appeal;
- 18                   ▶ amend the membership of an appeal panel for an athletic association; and
- 19                   ▶ makes technical changes.

20                   **Money Appropriated in this Bill:**

21                   None

22                   **Other Special Clauses:**

23                   None

24                   **Utah Code Sections Affected:**

25                   AMENDS:



- 26 **53G-7-1101**, as last amended by Laws of Utah 2019, Chapter 293
- 27 **53G-7-1102**, as last amended by Laws of Utah 2023, Chapter 340 and last amended by
- 28 Coordination Clause, Laws of Utah 2023, Chapter 493
- 29 **53G-7-1104**, as last amended by Laws of Utah 2019, Chapter 293
- 30 **53G-7-1105**, as last amended by Laws of Utah 2021, Chapters 84, 345
- 31 **53G-7-1106**, as last amended by Laws of Utah 2019, Chapter 293

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

34 Section 1. Section **53G-7-1101** is amended to read:

35 **53G-7-1101. Definitions.**

36 As used in this part:

37 (1) "Alignment" or "realignment" means the initial or subsequent act, respectively, of  
38 assigning a public school a classification or region.

39 (2) "Appeals panel" means the appeals panel created in Section **53G-7-1106**.

40 (3) (a) "Association" means an organization that governs or regulates a student's  
41 participation in an [athletic] interscholastic activity.

42 (b) "Association" does not include an institution of higher education described in  
43 Section **53B-1-102**.

44 (4) "Classification" means the designation of a school based on the size of the school's  
45 student enrollment population for purposes of interscholastic activities.

46 (5) "Eligibility" means eligibility to participate in an interscholastic activity regulated  
47 or governed by an association.

48 (6) "Governing body" means a body within an association that:

49 (a) is responsible for:

50 (i) adopting standards or policies that govern interscholastic activities or the  
51 administration of the association;

52 (ii) adopting or amending the association's governing document or bylaws;

53 (iii) enforcing the standards and policies of the association; and

54 (iv) adopting the association's budget; and

55 (b) has oversight of other boards, committees, councils, or bodies within the  
56 association.

- 57 (7) "Interscholastic activity" means an activity within the state in which:
- 58 (a) a student that participates represents the student's school in the activity; and
- 59 (b) the participating student is enrolled in grade 9, 10, 11, or 12.
- 60 (8) "Public hearing" means a hearing at which members of the public are provided a
- 61 reasonable opportunity to comment on the subject of the hearing.
- 62 (9) "Region" means a grouping of schools of the same classification for purposes of
- 63 interscholastic activities.

64 Section 2. Section **53G-7-1102** is amended to read:

65 **53G-7-1102. Public schools prohibited from membership.**

66 (1) A public school may not be a member of or pay dues to an association that:

67 (a) ~~[is not in compliance with]~~ does not follow transparency and ethics policies that are

68 at least equivalent to:

- 69 (i) this part;
- 70 (ii) Title 52, Chapter 4, Open and Public Meetings Act;
- 71 (iii) Title 63G, Chapter 2, Government Records Access and Management Act; and
- 72 (iv) Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act;

73 (b) does not collect each student's birth certificate and birth certificate amendment

74 history, as that term is defined in Section **53G-6-1001**, or equivalent documentation, as

75 described in Subsection (2), to determine eligibility as a condition of the association's

76 registration process for an athletic team, event, or category; or

77 (c) does not require a student to provide the athlete's date of birth and sex as a

78 condition of the registration process for an athletic team, event, or category.

79 (2) Except as provided in Subsection (3), for a student who is homeless or not a United

80 States citizen and who is unable to provide a birth certificate and birth certificate amendment

81 history, the association may collect the student's:

- 82 (a) state-issued identification document, including a driver's license or passport; or
- 83 (b) federally recognized identification document, including a document that the
- 84 Department of Homeland Security issues.

85 (3) Subsection (1)(b) or (2) do not apply to an association for a student who is a

86 homeless child or youth, as defined in the McKinney-Vento Homeless Assistance Act, 42

87 U.S.C. Sec. 11431 et seq.

88 (4) Nothing in this section limits or impairs an LEA's requirement to verify a student's  
89 initial review of eligibility to participate in an athletic team, event, or category under applicable  
90 state or federal law or state board rule, including the student's:

- 91 (a) residency status;
- 92 (b) age;
- 93 (c) sex, verified by the student's birth certificate and birth certificate amendment  
94 history as that term is defined in Section 53G-6-1001;
- 95 (d) academic requirements; or
- 96 (e) school enrollment capacity.

97 (5) Unless otherwise specified, an association's compliance with or an association  
98 employee or officer's compliance with the provisions described in Subsection (1) does not alter:

- 99 (a) the association's public or private status; or
- 100 (b) the public or private employment status of the employee or officer.

101 Section 3. Section 53G-7-1104 is amended to read:

102 **53G-7-1104. Reporting requirements.**

103 (1) An association shall provide [~~a verbal report, accompanied by~~] a written report,  
104 annually to the state board[~~; including:~~] and the Public Education Appropriations  
105 Subcommittee detailing:

- 106 [(1)] (a) the association's annual budget in accordance with Section 53G-7-1105;
- 107 [(2)] (b) a schedule of events scheduled or facilitated by the association;
- 108 [(3)] (c) procedures for alignment or realignment;
- 109 [(4)] (d) any amendments or changes to the association's governing document or  
110 bylaws; and
- 111 [(5)] (e) any other information requested by the state board.

112 Section 4. Section 53G-7-1105 is amended to read:

113 **53G-7-1105. Association budgets.**

114 (1) An association shall:

- 115 (a) adopt a budget in accordance with this section; and
- 116 (b) use uniform budgeting, accounting, and auditing procedures and forms, which shall  
117 be in accordance with generally accepted accounting principles or auditing standards.

118 (2) An association budget officer or executive director shall annually prepare a

119 tentative budget, with supporting documentation, to be submitted to the governing body.

120 (3) The tentative budget and supporting documents shall include the following items:

121 (a) the revenues [~~and~~] and the source of the revenues for the preceding fiscal year;

122 (b) an itemized list of expenditures of the preceding fiscal year;

123 [~~(b)~~] (c) the estimated revenues and expenditures of the current fiscal year;

124 [~~(c)~~] (d) a detailed estimate of the essential expenditures for all purposes for the next  
125 succeeding fiscal year; and

126 [~~(d)~~] (e) the estimated financial condition of the association by funds at the close of the  
127 current fiscal year.

128 (4) The tentative budget shall be filed with the governing body 15 days, or earlier,  
129 before the date of the tentative budget's proposed adoption by the governing body.

130 (5) The governing body shall adopt a budget.

131 (6) Before the adoption or amendment of a budget, the governing body shall hold a  
132 public hearing on the proposed budget or budget amendment.

133 (7) (a) In addition to complying with Title 52, Chapter 4, Open and Public Meetings  
134 Act, in regards to the public hearing described in Subsection (6), at least 10 days before the  
135 public hearing, a governing body shall:

136 (i) publish a notice of the public hearing electronically in accordance with Section  
137 [63A-16-601](#); and

138 (ii) post the proposed budget on the association's Internet website.

139 (b) A notice of a public hearing on an association's proposed budget shall include  
140 information on how the public may access the proposed budget as provided in Subsection  
141 (7)(a).

142 (8) No later than September 30 of each year, the governing body shall file a copy of the  
143 adopted budget with:

144 (a) the state auditor [~~and~~];

145 (b) the state board[~~;~~]; and

146 (c) the Public Education Appropriations Subcommittee.

147 Section 5. Section **53G-7-1106** is amended to read:

148 **53G-7-1106. Procedures for disputes -- Appeals -- Appeals panel --**

149 **Compensation.**

- 150 (1) (a) An association shall establish a uniform procedure for hearing and deciding:  
151 (i) disputes;  
152 (ii) allegations of violations of the association's rules or policies;  
153 (iii) requests to establish eligibility after a student transfers schools; and  
154 (iv) disputes related to alignment or realignment.

155 (b) An individual or public school may appeal to an appeals panel established in this  
156 section an association decision regarding:

- 157 (i) a request to establish eligibility after a student transfers schools[-]; or  
158 (ii) disputes or allegations of violations of the association's rules of policies.

159 (2) (a) There is established an appeals panel for an association decision described in  
160 Subsection (1)(b).

161 (b) (i) ~~[The]~~ Except as provided in Subsection (2)(b)(ii), the appeals panel shall consist  
162 of the following three members:

- 163 ~~[(i)]~~ (A) a judge or attorney who is not employed by, or contracts with, a school;  
164 ~~[(ii)]~~ (B) a retired educator, principal, or superintendent; and  
165 ~~[(iii)]~~ (C) a retired athletic director or coach.

166 (ii) If an appeal is regarding the outcome of post-season competition, the appeals panel  
167 shall consist of the members described in Subsection (2)(b)(i) and:

- 168 (A) one member of the Senate, whom the president of the Senate appoints; and  
169 (B) one member of the House of Representatives, whom the speaker of the House of  
170 Representatives appoints.

171 (c) A review and decision by the appeals panel is limited to whether the association  
172 properly followed the association's rules and procedures in regard to a decision described in  
173 Subsection (1)(b).

- 174 (d) (i) An association shall adopt policies for filing an appeal with the appeals panel.  
175 (ii) The appeals panel shall review an appeal and issue a written decision explaining  
176 the appeals panel's decision no later than 10 business days after an appeal is filed.

177 (e) The appeals panel's decision is final.

178 (3) (a) The state board shall appoint the members of the appeals panel described in  
179 Subsection (2)(b)(i):

- 180 (i) from the association's nominations described in Subsection (3)(b); and

181 (ii) in accordance with the state board's appointment process.

182 (b) (i) The association shall nominate up to three individuals for each position  
183 described in Subsection (2)(b)(i) for the state board's consideration.

184 (ii) If the state board refuses to appoint members to the panel who were nominated by  
185 the association as described in Subsection (3)(b)(i), the state board shall request additional  
186 nominations from the association.

187 (iii) No later than 45 days after the association provides the nominations, the state  
188 board shall appoint to the appeals panel an individual from the names provided by the  
189 association.

190 (c) For the initial membership, the state board shall appoint two of the positions having  
191 an initial term of three years and one position having an initial term of two years.

192 ~~[(4)]~~ (4) Except as required by Subsection ~~[(3)(e)]~~ (5), as terms of appeals panel  
193 members expire, the ~~[state board]~~ appointing authorities shall appoint each new member or  
194 reappointed member to a two-year term.

195 ~~[(e)]~~ (5) When a vacancy occurs in the membership for any reason, the replacement  
196 shall be appointed for the unexpired term.

197 ~~[(4)]~~ (6) The state board shall reimburse an association for per diem and travel  
198 expenses of members of the appeals panel described in Subsection (2)(b)(i).

199 (7) The salary and expenses of an appeals panel member who is a legislator shall be  
200 paid in accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter 3,  
201 Legislator Compensation.

202 Section 6. **Effective date.**

203 This bill takes effect on May 1, 2024.