

Effective 1/24/2018

**Part 7
Other Public School Participation**

53G-6-701 Definitions.

As used in this part, "fee" means the same as that term is defined in Section 53G-7-501.

Amended by Chapter 497, 2024 General Session

53G-6-702 Dual enrollment.

- (1) As used in this section, "minor" means the same as that term is defined in Section 53G-6-201.
- (2) A person having control of a minor who is enrolled in a regularly established private school or a home school may also enroll the minor in a public school for dual enrollment purposes.
- (3) The minor may participate in any academic activity in the public school available to students in the minor's grade or age group, subject to compliance with the same rules and requirements that apply to a full-time student's participation in the activity.
- (4)
 - (a) A student enrolled in a dual enrollment program in a district school is considered a student of the district in which the district school of attendance is located for purposes of state funding to the extent of the student's participation in the district school programs.
 - (b) A student enrolled in a dual enrollment program in a charter school is considered a student of the charter school for purposes of state funding to the extent of the student's participation in the charter school programs.
- (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules for purposes of dual enrollment to govern and regulate the transferability of credits toward graduation that are earned in a private or home school.

Amended by Chapter 408, 2020 General Session

53G-6-703 Private school and home school students' participation in extracurricular activities in a public school.

- (1) As used in this section:
 - (a) "Academic eligibility requirements" means the academic eligibility requirements that a home school student is required to meet to participate in an extracurricular activity in a public school.
 - (b) "Association" means the same as that term is defined in Section 53G-7-1101.
 - (c) "Extracurricular activity" means the same as that term is defined in Section 53G-7-501.
 - (d) "Initial establishment of eligibility requirements" means an association's eligibility requirements, policies, procedures, and transfer rules that a school student in grade 9 or 10 must meet, and to which the student is bound, to participate on a high school sports team when the student:
 - (i) attends the high school in which the student is selected for membership on a high school sports team; or
 - (ii) does not attend the high school in which the student tries out for and is selected for membership on a high school sports team.
 - (e) "Minor" means the same as that term is defined in Section 53G-6-201.
 - (f) "Parent" means the same as that term is defined in Section 53G-6-201.

- (g) "Principal" means the principal of the school in which a home school student participates or intends to participate in an extracurricular activity.
- (2)
- (a) A minor who is enrolled in a private school or a home school is eligible to participate in an extracurricular activity at a public school as provided in this section.
 - (b) A private school student may only participate in an extracurricular activity at a public school that is not offered by the student's private school.
 - (c)
 - (i) Except as provided in Subsection (2)(d), a private school student or a home school student may only participate in an extracurricular activity at:
 - (A) the school with attendance boundaries within which the student's custodial parent resides; or
 - (B) the school from which the student withdrew for the purpose of attending a private or home school.
 - (ii) A private school student or a home school student retains the ability to participate in an extracurricular activity at a school described in Subsection (2)(c)(i) if the student did not initially establish the student's eligibility at another school in grade 9 or 10.
 - (d) A school other than a school described in Subsection (2)(c)(i) may allow a private school student or a home school student to participate in an extracurricular activity that the public school sponsors and supports if:
 - (i) for an interscholastic competition of athletic teams, the private school student or the home school student meets the initial establishment of eligibility requirements;
 - (ii) for an interscholastic contest or competition for music, drama, or forensic groups or teams, the private school student, subject to Subsection (2)(b), or the home school student meets the entry requirements for participation;
 - (iii) the private school student or the home school student meets the eligibility requirements under this section; and
 - (iv) the private school student or the home school student meets the enrollment requirements for public school in accordance with Part 4, School District Enrollment.
- (3)
- (a) Except as provided in Subsections (4) through (13), a private school student or a home school student is eligible to participate in an extracurricular activity at a public school consistent with eligibility standards:
 - (i) applied to a fully enrolled public school student;
 - (ii) of the public school where the private school student or the home school student participates in an extracurricular activity; and
 - (iii) for the extracurricular activity in which the private school or the home school student participates.
 - (b) A school district or public school may not impose additional requirements on a private school student or a home school student to participate in an extracurricular activity that are not imposed on a fully enrolled public school student.
 - (c)
 - (i) A private school student or a home school student who participates in an extracurricular activity at a public school shall pay the same fees as required of a fully enrolled public school student to participate in an extracurricular activity.
 - (ii) If a local school board or a charter school governing board imposes a mandatory student activity fee for a student enrolled in a public school, the fee may be imposed on a private school student or a home school student who participates in an extracurricular activity at

the public school if the same benefits of paying the mandatory student activity fee that are available to a fully enrolled public school student are available to a private school student or a home school student who participates in an extracurricular activity at the public school.

- (4) Eligibility requirements based on school attendance are not applicable to a home school student.
- (5) A home school student meets academic eligibility requirements to participate in an extracurricular activity if:
 - (a) the student is mastering the material in each course or subject being taught; and
 - (b) the student is maintaining satisfactory progress towards achievement or promotion.
- (6)
 - (a) To establish a home school student's academic eligibility, a parent, teacher, or organization providing instruction to the student shall submit an affidavit to the principal indicating the student meets academic eligibility requirements.
 - (b) Upon submission of an affidavit pursuant to Subsection (6)(a), a home school student shall:
 - (i) be considered to meet academic eligibility requirements; and
 - (ii) retain academic eligibility for all extracurricular activities during the activity season for which the affidavit is submitted, until:
 - (A) a panel established under Subsection (10) determines the home school student does not meet academic eligibility requirements; or
 - (B) the person who submitted the affidavit under Subsection (6)(a) provides written notice to the school principal that the student no longer meets academic eligibility requirements.
- (7)
 - (a) A home school student who loses academic eligibility pursuant to Subsection (6)(b)(ii)(B) may not participate in an extracurricular activity until the person who submitted the affidavit under Subsection (6)(a) provides written notice to the school principal that the home school student has reestablished academic eligibility.
 - (b) If a home school student reestablishes academic eligibility pursuant to Subsection (7)(a), the home school student may participate in extracurricular activities for the remainder of the activity season for which an affidavit was submitted under Subsection (6)(a).
- (8) A person who has probable cause to believe a home school student does not meet academic eligibility requirements may submit an affidavit to the principal:
 - (a) asserting the home school student does not meet academic eligibility requirements; and
 - (b) providing information indicating that the home school student does not meet the academic eligibility requirements.
- (9) A principal shall review the affidavit submitted under Subsection (8), and if the principal determines it contains information which constitutes probable cause to believe a home school student may not meet academic eligibility requirements, the principal shall request a panel established pursuant to Subsection (10) to verify the student's compliance with academic eligibility requirements.
- (10)
 - (a) A school district superintendent shall:
 - (i) appoint a panel of three individuals to verify a home school student's compliance with academic eligibility requirements when requested by a principal pursuant to Subsection (9); and
 - (ii) select the panel members from nominees submitted by national, state, or regional organizations whose members are home school students and parents.
 - (b) Of the members appointed to a panel under Subsection (10)(a):

- (i) one member shall have experience teaching in a public school as a licensed teacher and in home schooling high school-age students;
 - (ii) one member shall have experience teaching in a higher education institution and in home schooling; and
 - (iii) one member shall have experience in home schooling high school-age students.
- (11) A panel appointed under Subsection (10):
- (a) shall review the affidavit submitted under Subsection (8);
 - (b) may confer with the person who submitted the affidavit under Subsection (8);
 - (c) shall request the home school student to submit test scores or a portfolio of work documenting the student's academic achievement to the panel;
 - (d) shall review the test scores or portfolio of work; and
 - (e) shall determine whether the home school student meets academic eligibility requirements.
- (12) A home school student who meets academic eligibility requirements pursuant to Subsection (11), retains academic eligibility for all extracurricular activities during the activity season for which an affidavit is submitted pursuant to Subsection (6).
- (13)
- (a) A panel's determination that a home school student does not comply with academic eligibility requirements is effective for an activity season and all extracurricular activities that have academic eligibility requirements.
 - (b) A home school student who is not in compliance with academic eligibility requirements as determined by a panel appointed under Subsection (11) may seek to establish academic eligibility under this section for the next activity season.
- (14)
- (a) A public school student who has been declared to be academically ineligible to participate in an extracurricular activity and who subsequently enrolls in a home school shall lose eligibility for participation in the extracurricular activity until the student:
 - (i) demonstrates academic eligibility by providing test results or a portfolio of the student's work to the school principal, provided that a student may not reestablish academic eligibility under this Subsection (14)(a) during the same activity season in which the student was declared to be academically ineligible;
 - (ii) returns to public school and reestablishes academic eligibility; or
 - (iii) enrolls in a private school and establishes academic eligibility.
 - (b) A public school student who has been declared to be behaviorally ineligible to participate in an extracurricular activity and who subsequently enrolls in a home school shall lose eligibility for participation in the extracurricular activity until the student meets eligibility standards as provided in Subsection (3).
- (15) When selection to participate in an extracurricular activity at a public school is made on a competitive basis, a private school student or a home school student is eligible to try out for and participate in the activity as provided in this section.
- (16)
- (a) If a student exits a public school to enroll in a private school or a home school mid-semester or during an activity season, and the student desires to participate in an extracurricular activity at the public school, the public school shall issue an interim academic assessment based on the student's work in each class.
 - (b) A student's academic eligibility to participate in an extracurricular activity under the circumstances described in Subsection (16)(a) is dependent on the student meeting public school academic eligibility standards at the time of exiting public school.

- (c) A student may appeal an academic eligibility determination made under Subsection (16)(b) in accordance with procedures for appealing a public school student's academic eligibility.

Amended by Chapter 340, 2023 General Session

53G-6-704 Charter school students' participation in extracurricular activities at other public schools.

- (1) As used in this section:
 - (a) "Association" means the same as that term is defined in Section 53G-7-1101.
 - (b) "Extracurricular activity" means the same as that term is defined in Section 53G-7-501.
 - (c) "Initial establishment of eligibility requirements" means the same as that term is defined in Section 53G-6-703.
- (2) A charter school student is eligible to participate in an extracurricular activity not offered by the student's charter school at:
 - (a) the school with attendance boundaries within which the student's custodial parent resides, if, for an interscholastic competition of athletic teams, the student did not initially establish the student's eligibility at another public school in grade 9 or 10;
 - (b) the public school from which the student withdrew for the purpose of attending a charter school; or
 - (c) a public school that is not a charter school if the student's charter school is located on the campus of the public school or has local school board approval to locate on the campus of the public school.
- (3) In addition to the public schools listed in Subsection (2), the state board may establish rules to allow a charter school student to participate in an extracurricular activity at a public school other than a public school listed in Subsection (2).
- (4) A school other than a school described in Subsection (2) may allow a charter school student to participate in an extracurricular activity a public school sponsors and supports if:
 - (a) for interschool competitions of athletic teams, the charter school student meets the initial establishment of eligibility requirements;
 - (b) for interschool contests or competitions for music, drama, or forensic groups or teams, the charter school student meets the entry requirements for participation;
 - (c) the charter school student meets the eligibility requirements under this section; and
 - (d) the charter school student meets the enrollment requirements for public school in accordance with Part 4, School District Enrollment.
- (5) A charter school student is eligible for an extracurricular activity at a public school consistent with eligibility standards as applied to full-time students of the public school.
- (6) A school district or a public school may not impose additional requirements on a charter school student to participate in an extracurricular activity that are not imposed on full-time students of the public school.
- (7)
 - (a) The state board shall make rules establishing fees for charter school students' participation in an extracurricular activity at school district schools.
 - (b) The rules shall provide that:
 - (i) charter school students pay the same fees as other students to participate in an extracurricular activity;
 - (ii) charter school students are eligible for fee waivers pursuant to Section 53G-7-504;

- (iii) for each charter school student who participates in an extracurricular activity at a school district school, the charter school shall pay a share of the school district's costs for the extracurricular activity; and
- (iv) a charter school's share of the costs of an extracurricular activity shall reflect state and local tax revenues expended, except capital facilities expenditures, for an extracurricular activity in a school district or a school divided by total student enrollment of the school district or the school.
- (c) In determining a charter school's share of the costs of an extracurricular activity under Subsections (7)(b)(iii) and (iv), the state board may establish uniform fees statewide based on average costs statewide or average costs within a sample of school districts.
- (8) When selection to participate in an extracurricular activity at a public school is made on a competitive basis, a charter school student is eligible to try out for and participate in the activity as provided in this section.

Amended by Chapter 340, 2023 General Session

53G-6-705 Online students' participation in extracurricular activities.

- (1) As used in this section:
 - (a) "Association" means the same as that term is defined in Section 53G-7-1101.
 - (b) "Extracurricular activity" means the same as that term is defined in Section 53G-7-501.
 - (c) "Initial establishment of eligibility requirements" means the same as that term is defined in Section 53G-6-703.
 - (d) "Online education" means the use of information and communication technologies to deliver educational opportunities to a student in a location other than a school.
 - (e) "Online student" means a student who:
 - (i) participates in an online education program sponsored or supported by the state board, a school district, or a charter school; and
 - (ii) generates funding for the school district or the school pursuant to Subsection 53F-2-102(4) and rules of the state board.
- (2) An online student is eligible to participate in an extracurricular activity at:
 - (a) the school with attendance boundaries within which the student's custodial parent resides, if, for an interscholastic competition of athletic teams, the student did not initially establish the student's eligibility at another public school in grade 9 or 10; or
 - (b) the public school from which the student withdrew for the purpose of participating in an online education program.
- (3) A public school other than a school described in Subsection (2) may allow an online student to participate in an extracurricular activity that the public school sponsors and supports if:
 - (a) for interschool competitions of athletic teams sponsored and supported by a public school, the online school student meets the initial establishment of eligibility requirements;
 - (b) for interschool contests or competitions for music, drama, or forensic groups or teams sponsored and supported by a public school, the online school student meets the entry requirements for participation;
 - (c) the online school student meets the eligibility requirements under this section; and
 - (d) the online school student meets the enrollment requirements for public school in accordance with Part 4, School District Enrollment.
- (4) An online student is eligible to participate in an extracurricular activity at a public school consistent with eligibility standards as applied to full-time students of the public school.

- (5) A school district or public school may not impose additional requirements on an online school student to participate in an extracurricular activity that are not imposed on full-time students of the public school.
- (6)
 - (a) The state board shall make rules establishing fees for an online school student's participation in an extracurricular activity at school district schools.
 - (b) The rules shall provide that:
 - (i) online school students pay the same fees as other students to participate in an extracurricular activity;
 - (ii) online school students are eligible for fee waivers pursuant to Section 53G-7-504;
 - (iii) for each online school student who participates in an extracurricular activity at a school district school, the online school shall pay a share of the school district's costs for the extracurricular activity; and
 - (iv) an online school's share of the costs of an extracurricular activity shall reflect state and local tax revenues expended, except capital facilities expenditures, for an extracurricular activity in a school district or school divided by total student enrollment of the school district or school.
 - (c) In determining an online school's share of the costs of an extracurricular activity under Subsections (6)(b)(iii) and (iv), the state board may establish uniform fees statewide based on average costs statewide or average costs within a sample of school districts.
- (7) When selection to participate in an extracurricular activity at a public school is made on a competitive basis, an online student is eligible to try out for and participate in the activity as provided in this section.

Amended by Chapter 340, 2023 General Session

53G-6-706 Placement of a student of a home school, micro-education entity, or home-based microschool, who transfers to a public school.

- (1) For the purposes of this section, "parent" means the same as that term is defined in Section 53G-6-201.
- (2) When a home school student, a home-based microschool student, or a micro-education entity student transfers from a home school, a home-based microschool, or a micro-education entity to a public school, the public school shall place the student in the grade levels, classes, or courses that the student's parent and the school administrator determine are appropriate based on the parent's assessment of the student's academic performance.
- (3)
 - (a) Within 30 days of the student's placement in a public school grade level, class, or course, either the student's teacher or the student's parent may request a conference to consider changing the student's placement.
 - (b) If the student's teacher and the student's parent agree on a placement change, the public school shall place the student in the agreed upon grade level, class, or course.
 - (c) If the student's teacher and the student's parent do not agree on a placement change, the public school shall evaluate the student's subject matter mastery in accordance with Subsection (3)(d).
 - (d) The student's parent has the option of:
 - (i) allowing the public school to administer, to the student, assessments that are:
 - (A) regularly administered to public school students; and

- (B) used to measure public school students' subject matter mastery and determine placement; or
 - (ii) having a private entity or individual administer assessments of subject matter mastery to the student at the parent's expense.
 - (e) After an evaluation of a student's subject matter mastery, a public school may change the student's placement in a grade level, class, or course.
- (4) In accordance with Section 53G-6-702, this section does not apply to a student who is dual enrolled in a public school and a:
- (a) home school;
 - (b) home-based microschool; or
 - (c) micro-education entity.

Amended by Chapter 464, 2024 General Session

53G-6-707 Interstate compact students -- Inclusion in attendance count -- Foreign exchange students -- Annual report -- Requirements for exchange student agencies.

- (1) A school district or charter school may include the following students in the district's or school's membership and attendance count for the purpose of apportionment of state money:
- (a) a student enrolled under an interstate compact, established between the state board and the state education authority of another state, under which a student from one compact state would be permitted to enroll in a public school in the other compact state on the same basis as a resident student of the receiving state; or
 - (b) a student receiving services under Title 80, Chapter 2, Part 9, Interstate Compact on Placement of Children.
- (2) A school district or charter school may:
- (a) enroll foreign exchange students that do not qualify for state money; and
 - (b) pay for the costs of those students with other funds available to the school district or charter school.
- (3) Due to the benefits to all students of having the opportunity to become familiar with individuals from diverse backgrounds and cultures, school districts are encouraged to enroll foreign exchange students, as provided in Subsection (2), particularly in schools with declining or stable enrollments where the incremental cost of enrolling the foreign exchange student may be minimal.
- (4)
- (a) A local school board or charter school governing board shall require each approved exchange student agency to provide it with a sworn affidavit of compliance prior to the beginning of each school year.
 - (b) The affidavit shall include the following assurances:
 - (i) that the agency has complied with all applicable policies of the state board;
 - (ii) that a household study, including a background check of all adult residents, has been made of each household where an exchange student is to reside, and that the study was of sufficient scope to provide reasonable assurance that the exchange student will receive proper care and supervision in a safe environment;
 - (iii) that host parents have received training appropriate to their positions, including information about enhanced criminal penalties under Subsection 76-5-406(2)(j) for persons who are in a position of special trust;
 - (iv) that a representative of the exchange student agency shall visit each student's place of residence at least once each month during the student's stay in Utah;

- (v) that the agency will cooperate with school and other public authorities to ensure that no exchange student becomes an unreasonable burden upon the public schools or other public agencies;
 - (vi) that each exchange student will be given in the exchange student's native language names and telephone numbers of agency representatives and others who could be called at any time if a serious problem occurs; and
 - (vii) that alternate placements are readily available so that no student is required to remain in a household if conditions appear to exist which unreasonably endanger the student's welfare.
- (5)
- (a) A local school board or charter school governing board shall provide each approved exchange student agency with a list of names and telephone numbers of individuals not associated with the agency who could be called by an exchange student in the event of a serious problem.
 - (b) The agency shall make a copy of the list available to each of its exchange students in the exchange student's native language.
- (6) Notwithstanding Subsection 53F-2-303(3)(a), a school district or charter school shall enroll a foreign exchange student if the foreign exchange student:
- (a) is sponsored by an agency approved by the state board;
 - (b) attends the same school during the same time period that another student from the school is:
 - (i) sponsored by the same agency; and
 - (ii) enrolled in a school in a foreign country; and
 - (c) is enrolled in the school for one year or less.

Amended by Chapter 335, 2022 General Session

53G-6-708 Career and technical education program alternatives.

- (1) A secondary student may attend a technical college described in Section 53B-2a-105 if the secondary student's career and technical education goals are better achieved by attending a technical college as determined by:
 - (a) the secondary student; and
 - (b) if the secondary student is a minor, the secondary student's parent.
- (2) A secondary student served under this section by a technical college described in Section 53B-2a-105 shall be counted in the average daily membership of the sending school district or charter school.

Amended by Chapter 293, 2019 General Session

53G-6-709 Participation of students with a disability in extracurricular activities.

- (1) A student with a disability may not be denied the opportunity of participating in a public school program or extracurricular activity solely because of the student's age or disability, unless the participation threatens the health or safety of the student.
- (2) The school district or charter school, in cooperation with the Utah Department of Health shall establish criteria used to determine the health and safety factor.
- (3) Subsection (1) applies to a student who:
 - (a) has not graduated from high school with a regular diploma; and
 - (b) is under the age of 22, if participation is recommended by the student's individualized education program team.

Renumbered and Amended by Chapter 187, 2019 General Session

53G-6-710 Home-centered, school-supported enrollment option.

(1) As used in this section:

(a) "Home-centered, school-supported enrollment option" means an enrollment option for an LEA that allows participating students to:

- (i) complete the course work for one or more courses or subject areas from home during part of the school day; and
- (ii) attend in-person instruction for the remainder of the school day.

(b) "Local education agency" or "LEA" means a school district or charter school.

(c) "Participating student" means a student who is:

- (i) enrolled in an LEA; and
- (ii) approved to participate in a home-centered, school-supported enrollment option provided by the LEA.

(2)

(a) An LEA may provide a home-centered, school-supported enrollment option.

(b) An LEA that provides a home-centered, school-supported enrollment option shall:

- (i) establish standards and requirements for student participation;
- (ii) provide the instructional materials to be used by a participating student;
- (iii) provide a participating student's parent with resources the LEA considers appropriate to assist in parent involvement with student learning;
- (iv) develop assessments to measure a participating student's academic progress;
- (v) administer the assessments described in Subsection (2)(b)(iv) to a participating student, subject to Subsection 53G-6-803(9); and
- (vi) monitor compliance with the standards and requirements established under Subsection (2)(b)(i).

(3) A student who attends a home school pursuant to Section 53G-6-204 is not eligible to participate in a home-centered, school-supported enrollment option.

(4) A participating student is subject to a statewide assessment, as defined in Section 53E-4-301, to the same extent as a student who is not participating.

(5) A student's participation in a home-centered, school-supported enrollment option provided by an LEA does not reduce or otherwise affect enrollment count for purposes of computing the LEA's Minimum School Program funds under Title 53F, Chapter 2, State Funding -- Minimum School Program.

Enacted by Chapter 60, 2023 General Session