

**Effective 1/24/2018**

**Part 11**  
**Public School Membership in Associations**

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

As used in this part:

- (1) "Alignment" or "realignment" means the initial or subsequent act, respectively, of assigning a public school a classification or region.
- (2) "Appeals panel" means the appeals panel created in Section 53G-7-1106.
- (3)
  - (a) "Association" means an organization that governs or regulates a student's participation in an athletic interscholastic activity.
  - (b) "Association" does not include an institution of higher education described in Section 53B-1-102.
- (4) "Classification" means the designation of a school based on the size of the school's student enrollment population for purposes of interscholastic activities.
- (5) "Eligibility" means eligibility to participate in an interscholastic activity regulated or governed by an association.
- (6) "Governing body" means a body within an association that:
  - (a) is responsible for:
    - (i) adopting standards or policies that govern interscholastic activities or the administration of the association;
    - (ii) adopting or amending the association's governing document or bylaws;
    - (iii) enforcing the standards and policies of the association; and
    - (iv) adopting the association's budget; and
  - (b) has oversight of other boards, committees, councils, or bodies within the association.
- (7) "Interscholastic activity" means an activity within the state in which:
  - (a) a student that participates represents the student's school in the activity; and
  - (b) the participating student is enrolled in grade 9, 10, 11, or 12.
- (8) "Public hearing" means a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.
- (9) "Region" means a grouping of schools of the same classification for purposes of interscholastic activities.

Amended by Chapter 293, 2019 General Session

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

- (1) A public school may not be a member of or pay dues to an association that:
  - (a) is not in compliance with:
    - (i) this part;
    - (ii) Title 52, Chapter 4, Open and Public Meetings Act;
    - (iii) Title 63G, Chapter 2, Government Records Access and Management Act; and
    - (iv) Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act;
  - (b) does not collect each student's birth certificate , as that term is defined in Section 53G-6-1001, or subject to Subsection (3), equivalent documentation, as described in Subsection (2)(a), to determine eligibility as a condition of the association's registration process for an athletic team, event, or category; or

- (c) does not require a student to provide the student's date of birth and sex as a condition of the registration process for an athletic team, event, or category.
- (2)
- (a) For a student who is not a United States citizen and who is unable to provide a birth certificate, as that term is defined in Section 53G-6-1001, the association may collect the student's:
    - (i) state-issued identification document, including a driver's license or passport; or
    - (ii) federally recognized identification document, including a document that the Department of Homeland Security issues.
  - (b) If a student who is not a United States citizen is unable to provide a document under Subsection (2)(a), the association may collect other reliable proof of a student's date of birth and sex, including:
    - (i) an affidavit from the student's parent or legal guardian attesting:
      - (A) to the student's date of birth and sex; and
      - (B) that the parent or legal guardian is unable to obtain a document described in Subsection (2)(a); and
    - (ii) one of the following:
      - (A) a religious, hospital, or physician certificate;
      - (B) verified school records;
      - (C) verified immunization records; or
      - (D) documentation from a social service provider.
- (3)
- (a) Subsection (1)(b) does not apply to an association for a student who is a homeless child or youth, as defined in the McKinney-Vento Homeless Assistance Act, 42 U.S.C. Sec. 11431 et seq.
  - (b) For a student who is a homeless child or youth, including an unaccompanied homeless child or youth, an association may collect:
    - (i) an affidavit from the student's parent or guardian, or the student if the student is an unaccompanied homeless child or youth, indicating that the student does not meet the necessary requirements to obtain a document described in Subsection (2)(a); and
    - (ii) a document described in Subsection (2)(b)(ii).
- (4) Nothing in this section limits or impairs an LEA's requirement to verify a student's initial review of eligibility to participate in an athletic team, event, or category under applicable state or federal law or state board rule, including the student's:
- (a) residency status;
  - (b) age;
  - (c) sex, verified by the student's birth certificate, as that term is defined in Section 53G-6-1001;
  - (d) academic requirements; or
  - (e) school enrollment capacity.
- (5) Unless otherwise specified, an association's compliance with or an association employee or officer's compliance with the provisions described in Subsection (1) does not alter:
- (a) the association's public or private status; or
  - (b) the public or private employment status of the employee or officer.

**53G-7-1103 Governing body membership.**

- (1)
- (a) A governing body shall have 15 members as follows:

- (i) six members who:
    - (A) are each an elected member of a local school board; and
    - (B) each represent a different classification;
  - (ii)
    - (A) one school superintendent representing the two largest classifications;
    - (B) one school superintendent representing the two classifications that are next in diminishing size to the smaller of the two classifications described in Subsection (1)(a)(ii)(A); and
    - (C) one school superintendent representing the two classifications that are next in diminishing size to the smaller of the two classifications described in Subsection (1)(a)(ii)(B);
  - (iii)
    - (A) one school principal representing the two largest classifications;
    - (B) one school principal representing the two classifications that are next in diminishing size to the smaller of the two classifications described in Subsection (1)(a)(iii)(A); and
    - (C) one school principal representing the two classifications that are next in diminishing size to the smaller of the two classifications described in Subsection (1)(a)(iii)(B);
  - (iv) one representative of charter schools;
  - (v) one representative of private schools, if private schools are members of or regulated by the association; and
  - (vi) one member representing the state board.
- (b) Only a member respectively described in Subsection (1)(a)(iv) or (v) may be elected or appointed by or represent charter or private schools on the governing body.
- (2)
- (a) A member described in Subsection (1)(a)(i), (ii), (iii), or (v) may be elected, appointed, or otherwise selected in accordance with association rule or policy to the extent the selection reflects the membership requirements in Subsection (1)(a)(i), (ii), (iii), or (v).
  - (b) A governing body member described in Subsection (1)(a)(vi) shall be the chair of the state board or the chair's designee if the designee is an elected member of the state board.

Amended by Chapter 293, 2019 General Session

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

An association shall provide a verbal report, accompanied by a written report, annually to the state board, including:

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

Amended by Chapter 293, 2019 General Session

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

- (1) An association shall:
  - (a) adopt a budget in accordance with this section; and
  - (b) use uniform budgeting, accounting, and auditing procedures and forms, which shall be in accordance with generally accepted accounting principles or auditing standards.
- (2) An association budget officer or executive director shall annually prepare a tentative budget, with supporting documentation, to be submitted to the governing body.

- (3) The tentative budget and supporting documents shall include the following items:
  - (a) the revenues and expenditures of the preceding fiscal year;
  - (b) the estimated revenues and expenditures of the current fiscal year;
  - (c) a detailed estimate of the essential expenditures for all purposes for the next succeeding fiscal year; and
  - (d) the estimated financial condition of the association by funds at the close of the current fiscal year.
- (4) The tentative budget shall be filed with the governing body 15 days, or earlier, before the date of the tentative budget's proposed adoption by the governing body.
- (5) The governing body shall adopt a budget.
- (6) Before the adoption or amendment of a budget, the governing body shall hold a public hearing on the proposed budget or budget amendment.
- (7)
  - (a) In addition to complying with Title 52, Chapter 4, Open and Public Meetings Act, in regards to the public hearing described in Subsection (6), at least 10 days before the public hearing, a governing body shall:
    - (i) publish a notice of the public hearing electronically in accordance with Section 63A-16-601; and
    - (ii) post the proposed budget on the association's Internet website.
  - (b) A notice of a public hearing on an association's proposed budget shall include information on how the public may access the proposed budget as provided in Subsection (7)(a).
- (8) No later than September 30 of each year, the governing body shall file a copy of the adopted budget with the state auditor and the state board.

Amended by Chapter 84, 2021 General Session  
Amended by Chapter 345, 2021 General Session

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

- (1)
  - (a) An association shall establish a uniform procedure for hearing and deciding:
    - (i) disputes;
    - (ii) allegations of violations of the association's rules or policies;
    - (iii) requests to establish eligibility after a student transfers schools; and
    - (iv) disputes related to alignment or realignment.
  - (b) An individual may appeal to an appeals panel established in this section an association decision regarding a request to establish eligibility after a student transfers schools.
- (2)
  - (a) There is established an appeals panel for an association decision described in Subsection (1)
    - (b).
  - (b) The appeals panel shall consist of the following three members:
    - (i) a judge or attorney who is not employed by, or contracts with, a school;
    - (ii) a retired educator, principal, or superintendent; and
    - (iii) a retired athletic director or coach.
  - (c) A review and decision by the appeals panel is limited to whether the association properly followed the association's rules and procedures in regard to a decision described in Subsection (1)(b).
  - (d)
    - (i) An association shall adopt policies for filing an appeal with the appeals panel.

- (ii) The appeals panel shall review an appeal and issue a written decision explaining the appeals panel's decision no later than 10 business days after an appeal is filed.
- (e) The appeals panel's decision is final.
- (3)
  - (a) The state board shall appoint the members of the appeals panel described in Subsection (2):
    - (i) from the association's nominations described in Subsection (3)(b); and
    - (ii) in accordance with the state board's appointment process.
  - (b)
    - (i) The association shall nominate up to three individuals for each position described in Subsection (2) for the state board's consideration.
    - (ii) If the state board refuses to appoint members to the panel who were nominated by the association as described in Subsection (3)(b)(i), the state board shall request additional nominations from the association.
    - (iii) No later than 45 days after the association provides the nominations, the state board shall appoint to the appeals panel an individual from the names provided by the association.
  - (c) For the initial membership, the state board shall appoint two of the positions having an initial term of three years and one position having an initial term of two years.
  - (d) Except as required by Subsection (3)(e), as terms of appeals panel members expire, the state board shall appoint each new member or reappointed member to a two-year term.
  - (e) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.
- (4) The state board shall reimburse an association for per diem and travel expenses of members of the appeals panel.

Amended by Chapter 293, 2019 General Session