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**ELIGIBILITY FOR INTERSCHOLASTIC  
ATHLETICS RESOLUTION**

2004 GENERAL SESSION

STATE OF UTAH

**Sponsor: Ann W. Hardy**

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**LONG TITLE**

**General Description:**

This resolution of the House of Representatives urges the Utah State Board of Education to review and take action to resolve concerns regarding student transfers and athletic eligibility.

**Highlighted Provisions:**

This resolution:

- ▶ urges the Utah State Board of Education to review, in consultation with the Utah High School Activities Association, issues related to student transfers and athletic eligibility and take action to resolve concerns regarding these processes ~~h~~ <sup>H</sup> ~~and~~ ~~urges that legislative action be taken in the 2005 General Session if these issues are not resolved by the end of 2004~~ <sup>h</sup> .

**Special Clauses:**

None

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*Be it resolved by the House of Representatives of the state of Utah:*

WHEREAS, Utah Code Subsection 53A-2-208(4) states "The State Board of Education, in consultation with the Utah High School Activities Association, shall establish policies regarding nonresident student participation in interscholastic competition.";

WHEREAS, an audit published by the Office of the Legislative Auditor General in June, 2003 indicated that there are inconsistencies between bylaws of the Utah High School



28 Activities Association and rules of the Utah State Office of Education regarding the transfer  
29 and athletic eligibility of students;

30 WHEREAS, academics is the purpose of public education and athletic participation is a  
31 privilege that should be conducted in a way that is beneficial to all who desire to participate;

32 WHEREAS, academics and not athletics should determine school choice;

33 WHEREAS, rules of the State Board of Education and bylaws of the Utah High School  
34 Activities Association should prevent recruiting of all students at any age for the purpose of  
35 playing sports at a particular high school and address the issues identified in the Legislative  
36 Auditor General's audit;

37 WHEREAS, the rules and bylaws should treat equally all students who want to compete  
38 athletically for a high school outside of their home boundary whether they make this decision  
39 before or after beginning high school;

40 WHEREAS, the Utah State Board of Education has asked for additional time to review  
41 the issue and take action;

42 WHEREAS, efforts to bring consistency to the rules of the Utah State Office of  
43 Education and the bylaws of the Utah High School Activities Association should ensure that  
44 they are also consistent with state law; and

45 WHEREAS, if action is not taken before the 2005 General Session, the Legislature  
46 should strongly consider taking action to resolve the issues surrounding student transfers and  
47 athletic eligibility:

48 NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the  
49 state of Utah urges the Utah State Board of Education to review, in consultation with the Utah  
50 High School Activities Association, the issues related to student transfers and athletic  
51 eligibility and take action to resolve concerns regarding these processes.

52 ~~Â [BE IT FURTHER RESOLVED that the House of Representatives urges that, if these~~  
53 ~~issues are not resolved by the end of 2004, action be taken in the 2005 General Session.] Â~~

54 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Utah State  
55 Board of Education, the Utah State Office of Education, and the Utah High School Activities  
56 Association.

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**Legislative Review Note**

as of 2-11-04 2:00 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**

**State Impact**

Requirements of this resolution can be handled within existing budgets.

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**Individual and Business Impact**

No fiscal impact.

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**Office of the Legislative Fiscal Analyst**