

1 **ELIGIBILITY FOR INTERSCHOLASTIC ACTIVITIES IN**
2 **SECONDARY SCHOOLS**

3 2011 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Mark B. Madsen**

6 House Sponsor: Keith Grover

8 **LONG TITLE**

9 **General Description:**

10 This bill amends provisions related to the eligibility of secondary school students to
11 participate in certain school activities.

12 **Highlighted Provisions:**

13 This bill:

14 ▶ provides that a charter school student is eligible to participate in an extracurricular
15 activity at a public school other than the charter school if the student's charter school
16 is located on the campus of the public school;

17 ▶ provides that a school, school district, or association may not prohibit a student
18 from participating in an interscholastic activity:

19 • based on the student's transfer to a school, enrollment at the student's school of
20 residence, or enrollment at a charter school under certain circumstances;

21 • based on the student's enrollment in a school other than the student's school of
22 residence; or

23 • because the student's parent does not reside within the school's attendance area;

24 ▶ provides that a school, school district, or association may prohibit a student from
25 participating in an interscholastic activity because the student transferred schools
26 under certain circumstances; and

27 ▶ defines terms.



28 **Money Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **53A-1a-519**, as enacted by Laws of Utah 2008, Chapter 233

35 ENACTS:

36 **53A-11-1501**, Utah Code Annotated 1953



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

39 Section 1. Section **53A-1a-519** is amended to read:

40 **53A-1a-519. Charter school students' participation in extracurricular activities at**
41 **other public schools.**

42 (1) A charter school student is eligible to participate in an extracurricular [~~activities~~]
43 activity not offered by the student's charter school at:

44 (a) the school within whose attendance boundaries the student's custodial parent or
45 legal guardian resides; [~~or~~]

46 (b) the public school from which the student withdrew for the purpose of attending a
47 charter school[~~;~~]; or

48 (c) a public school ~~that is not a charter school~~ if the student's charter school is
48a located on the campus of the public
49 school ~~or has local school board approval to locate on the campus of the public school.~~

49a **(2) In addition to the public schools listed in Subsection (1), the State Board of**
49b **Education may establish rules to allow a charter school student to participate in an**
49c **extracurricular activity at a public school other than a public school listed in Subsection (1).**

50 [~~2~~] **(3)** ~~←S~~ A school other than a school described in Subsection (1)(a) [~~or~~], (b), or (c) may
51 allow a charter school student to participate in extracurricular activities other than:

52 (a) interschool competitions of athletic teams sponsored and supported by a public
53 school; or

54 (b) interschool contests or competitions for music, drama, or forensic groups or teams
55 sponsored and supported by a public school.

56 ~~S~~ ~~→~~ [~~3~~] **(4)** ~~←S~~ A charter school student is eligible for extracurricular activities at a public
56a school
57 consistent with eligibility standards as applied to full-time students of the public school.

58 ~~S~~ ~~→~~ [~~4~~] **(5)** ~~←S~~ A school district or public school may not impose additional requirements
58a on a

59 charter school student to participate in extracurricular activities that are not imposed on
60 full-time students of the public school.

61 ~~§~~ → [(5)] (6) ← ~~§~~ (a) The State Board of Education shall make rules establishing fees for
61a charter

62 school students' participation in extracurricular activities at school district schools.

63 (b) The rules shall provide that:

64 (i) charter school students pay the same fees as other students to participate in
65 extracurricular activities;

66 (ii) charter school students are eligible for fee waivers pursuant to Section 53A-12-103;

67 (iii) for each charter school student who participates in an extracurricular activity at a
68 school district school, the charter school shall pay a share of the school district's costs for the
69 extracurricular activity; and

70 (iv) a charter school's share of the costs of an extracurricular activity shall reflect state
71 and local tax revenues expended, except capital facilities expenditures, for an extracurricular
72 activity in a school district or school divided by total student enrollment of the school district
73 or school.

74 (c) In determining a charter school's share of the costs of an extracurricular activity
75 under Subsections ~~§~~ → [(5)] (6) ← ~~§~~ (b)(iii) and (iv), the State Board of Education may establish
75a uniform fees

76 statewide based on average costs statewide or average costs within a sample of school districts.

77 ~~§~~ → [(6)] (7) ← ~~§~~ When selection to participate in an extracurricular activity at a public
77a school is

78 made on a competitive basis, a charter school student is eligible to try out for and participate in
79 the activity as provided in this section.

80 Section 2. Section **53A-11-1501** is enacted to read:

81 **CHAPTER 11. STUDENTS IN SCHOOLS**

82 **Part 15. Secondary School Interscholastic Activities**

83 **53A-11-1501. Eligibility for secondary school interscholastic activities.**

84 (1) As used in this section:

85 (a) "Association" means an organization that governs or regulates a student's
86 participation in an interscholastic activity.

87 (b) "Attendance area" means an area established by a local school board from which
88 students are assigned to attend a certain school.

89 (c) "Interscholastic activity" means an activity within the state in which the students

90 that participate:

91 (i) are in grades nine through 12; and

92 (ii) represent a school in the activity.

93 (d) "Qualifying year" means:

94 (i) for a student transferring between schools pursuant to the requirements of Section
 95 53A-2-207, the school year that begins after June 30 and immediately following the submission
 96 of an application for admission to a school in accordance with Section 53A-2-207;

97 (ii) the school year that begins after June 30 and immediately following the student's
 98 enrollment at the student's school of residence for a student:

99 (A) transferring from a school to the student's school of residence;

100 (B) transferring from a private school to the student's school of residence; or

101 (C) who attended school from home prior to enrolling at the student's school of
 102 residence; or

103 (iii) for a student enrolling at a charter school, the school year that begins after June 30
 104 and immediately following the student's enrollment at the charter school.

105 (e) "Recruiting" means a solicitation or conversation:

106 (i) initiated by:

107 (A) an employee of a school or school district; ~~§~~→ [or] ←~~§~~

108 (B) a coach or advisor of an interscholastic activity; ~~§~~→ or

108a (C) a member of a booster, alumni, or other organization that performs a substantially
 108b similar role as a booster organization, affiliated with a school or school district; ←~~§~~

109 (ii) to influence a student, or the student's relative or legal guardian, to transfer to a
 110 school for the purpose of participating in an interscholastic activity at the school; and

111 (iii) with an offer for the student, or the student's relative or legal guardian, that the
 112 school ~~§~~→ or person ←~~§~~ has the capacity to fulfill.

113 (f) "School" means a public school.

114 (g) "School of residence" means the school to which a student is assigned to attend
 115 based on the student's place of residence.

116 (2) Except as provided in Sections 53A-1a-519, 53A-2-214, and 53A-11-102.6, a
 117 school, a school district, or an association may not prohibit a student from participating in an
 118 interscholastic activity during a qualifying year because:

119 (a) except as provided in Subsection (3), the student transferred between schools or
 120 participated in an interscholastic activity at another school during the prior school year if:

- 121 (i) the student:
- 122 (A) submitted an application for admission to the school for the qualifying school year
- 123 in accordance with Section 53A-2-207 between December 1 and June 30 prior to the qualifying
- 124 school year; ~~§~~→ [and] ←~~§~~
- 125 (B) received written notification of acceptance of the application described in
- 126 Subsection (2)(a)(i)(A) on or before June 30 prior to the qualifying school year; ~~§~~→ and
- 126a (C) is transferring between schools for the first time during high school; ←~~§~~
- 127 (ii) the student ~~§~~→ :
- 127a (A) ←~~§~~ is accepted for late enrollment to the school for the school year prior to
- 128 the qualifying school year; ~~§~~→ [or] and
- 128a (B) is transferring between schools for the first time during high school;
- 128b (iii) the student:
- 128c (A) transfers from a school to a charter school;
- 128d (B) enrolls at the charter school on or before June 30 prior to the qualifying school
- 128e year; and
- 128f (C) is transferring between schools for the first time during high school; or
- 129 [~~(iii)~~] (iv) ←~~§~~ the student:
- 130 (A) transfers from a school to the student's school of residence; and
- 131 (B) enrolls for the qualifying school year at the student's school of residence on or
- 132 before June 30 prior to the qualifying school year;
- 133 (b) the student enrolls at the student's school of residence on or before June 30 prior to
- 134 the qualifying school year:
- 135 ~~§~~→ [~~(c)~~] ~~the student enrolls at a school that is a charter school on or before June 30 prior to~~
- 136 ~~the qualifying school year;~~
- 137 — ~~(d)~~ (c) ←~~§~~ the student enrolls in a school other than the student's school of residence; or
- 138 ~~§~~→ [~~(e)~~] (d) ←~~§~~ the student's parent does not reside within the school's attendance area.
- 139 (3) Notwithstanding Subsection (2)(a), a school, a school district, or an association
- 140 may prohibit a student from participating in an interscholastic activity based on the student's
- 141 transfer between schools if the school, school district, or association can prove that the student
- 142 was recruited to transfer ~~§~~→ [solely] primarily ←~~§~~ for an athletic purpose by:
- 143 (a) an employee of a school or school district; ~~§~~→ [or] ←~~§~~
- 144 (b) a coach ~~§~~→ or advisor ←~~§~~ of an interscholastic activity ~~§~~→ ; or
- 144a (c) a member of a booster, alumni, or other organization that performs a substantially
- 144b similar role as a booster organization, affiliated with a school or school district. ←~~§~~ .

Legislative Review Note
as of 1-25-11 1:22 PM

Office of Legislative Research and General Counsel

FISCAL NOTE

S.B. 53

SHORT TITLE: **Eligibility for Interscholastic Activities in Secondary Schools**

SPONSOR: **Madsen, M.**

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

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

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.