

1                   **PARTICIPATION IN EXTRACURRICULAR ACTIVITIES**

2                                   **AMENDMENTS**

3   2023 GENERAL SESSION

4   STATE OF UTAH

5                                   **Chief Sponsor: Jordan D. Teuscher**

6                                   Senate Sponsor: Lincoln Fillmore

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8   **LONG TITLE**

9   **General Description:**

10           This bill amends provisions amending student participation in extracurricular activities.

11   **Highlighted Provisions:**

12           This bill:

- 13           ▶ defines terms;
- 14           ▶ allows a private school student, a home school student, a charter school student, or
- 15 an online school student to participate in extracurricular activities outside of the
- 16 student's public school of residence under certain circumstances;
- 17           ▶ prohibits a public school from participation in an athletics association that does not
- 18 collect a birth certificate or other identifying documents during the registration
- 19 process;
- 20           ▶ allows athletes without access to a birth certificate to provide alternative
- 21 documentation to an athletic association in certain circumstances; and
- 22           ▶ makes technical and conforming changes.

23   **Money Appropriated in this Bill:**

24           None

25   **Other Special Clauses:**

26           None

27   **Utah Code Sections Affected:**

28   AMENDS:

29           **53G-6-703**, as last amended by Laws of Utah 2019, Chapter 293

- 30 [53G-6-704](#), as last amended by Laws of Utah 2019, Chapter 293
- 31 [53G-6-705](#), as last amended by Laws of Utah 2019, Chapter 293
- 32 [53G-6-1001](#), as enacted by Laws of Utah 2022, Chapter 478
- 33 [53G-7-1102](#), as renumbered and amended by Laws of Utah 2018, Chapter 3

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

36 Section 1. Section [53G-6-703](#) is amended to read:

37 **[53G-6-703](#). Private school and home school students' participation in**  
 38 **extracurricular activities in a public school.**

39 (1) As used in this section:

40 (a) "Academic eligibility requirements" means the academic eligibility requirements  
 41 that a home school student is required to meet to participate in an extracurricular activity in a  
 42 public school.

43 (b) "Association" means the same as that term is defined in Section [53G-7-1101](#).

44 (c) "Extracurricular activity" means the same as that term is defined in Section  
 45 [53G-7-501](#).

46 (d) "Initial establishment of eligibility requirements" means an association's eligibility  
 47 requirements, policies, procedures, and transfer rules that a school student in grade 9 or 10  
 48 must meet, and to which the student is bound, to participate on a high school sports team when  
 49 the student:

50 (i) attends the high school in which the student is selected for membership on a high  
 51 school sports team; or

52 (ii) does not attend the high school in which the student tries out for and is selected for  
 53 membership on a high school sports team.

54 [~~(b)~~] (e) "Minor" means the same as that term is defined in Section [53G-6-201](#).

55 [~~(c)~~] (f) "Parent" means the same as that term is defined in Section [53G-6-201](#).

56 [~~(d)~~] (g) "Principal" means the principal of the school in which a home school student  
 57 participates or intends to participate in an extracurricular activity.

58 (2) (a) A minor who is enrolled in a private school or a home school ~~[shall be]~~ is  
59 eligible to participate in an extracurricular activity at a public school as provided in this  
60 section.

61 (b) A private school student may only participate in an extracurricular activity at a  
62 public school that is not offered by the student's private school.

63 (c) (i) Except as provided in Subsection (2)(d), a private school student or a home  
64 school student may only participate in an extracurricular activity at:

65 ~~[(i)]~~ (A) the school ~~[within whose]~~ with attendance boundaries within which the  
66 student's custodial parent resides; or

67 ~~[(ii)]~~ (B) the school from which the student withdrew for the purpose of attending a  
68 private or home school.

69 (ii) A private school student or a home school student retains the ability to participate  
70 in an extracurricular activity at a school described in Subsection (2)(c)(i) if the student did not  
71 initially establish the student's eligibility at another school in grade 9 or 10.

72 (d) A school other than a school described in Subsection (2)(c)(i) ~~[or (ii)]~~ may allow a  
73 private school student or a home school student to participate in an extracurricular activity  
74 ~~[other than:]~~ that the public school sponsors and supports if:

75 (i) for an interscholastic competition of athletic teams [sponsored and supported by a  
76 public school; or], the private school student or the home school student meets the initial  
77 establishment of eligibility requirements;

78 (ii) for an interscholastic contest or competition for music, drama, or forensic groups or  
79 teams [sponsored and supported by a public school:], the private school student, subject to  
80 Subsection (2)(b), or the home school student meets the entry requirements for participation;

81 (iii) the private school student or the home school student meets the eligibility  
82 requirements under this section; and

83 (iv) the private school student or the home school student meets the enrollment  
84 requirements for public school in accordance with Part 4, School District Enrollment.

85 (3) (a) Except as provided in Subsections (4) through (13), a private school student or a

86 home school student [~~shall be~~] is eligible to participate in an extracurricular activity at a public  
87 school consistent with eligibility standards:

88 (i) applied to a fully enrolled public school student;

89 (ii) of the public school where the private school student or the home school student  
90 participates in an extracurricular activity; and

91 (iii) for the extracurricular activity in which the private school or the home school  
92 student participates.

93 (b) A school district or public school may not impose additional requirements on a  
94 private school student or a home school student to participate in an extracurricular activity that  
95 are not imposed on a fully enrolled public school student.

96 (c) (i) A private school student or a home school student who participates in an  
97 extracurricular activity at a public school shall pay the same fees as required of a fully enrolled  
98 public school student to participate in an extracurricular activity.

99 (ii) If a local school board or a charter school governing board imposes a mandatory  
100 student activity fee for a student enrolled in a public school, the fee may be imposed on a  
101 private school student or a home school student who participates in an extracurricular activity  
102 at the public school if the same benefits of paying the mandatory student activity fee that are  
103 available to a fully enrolled public school student are available to a private school student or a  
104 home school student who participates in an extracurricular activity at the public school.

105 (4) Eligibility requirements based on school attendance are not applicable to a home  
106 school student.

107 (5) A home school student meets academic eligibility requirements to participate in an  
108 extracurricular activity if:

109 (a) the student is mastering the material in each course or subject being taught; and

110 (b) the student is maintaining satisfactory progress towards achievement or promotion.

111 (6) (a) To establish a home school student's academic eligibility, a parent, teacher, or  
112 organization providing instruction to the student shall submit an affidavit to the principal  
113 indicating the student meets academic eligibility requirements.

114 (b) Upon submission of an affidavit pursuant to Subsection (6)(a), a home school  
115 student shall:

116 (i) be considered to meet academic eligibility requirements; and

117 (ii) retain academic eligibility for all extracurricular activities during the activity season  
118 for which the affidavit is submitted, until:

119 (A) a panel established under Subsection (10) determines the home school student does  
120 not meet academic eligibility requirements; or

121 (B) the person who submitted the affidavit under Subsection (6)(a) provides written  
122 notice to the school principal that the student no longer meets academic eligibility  
123 requirements.

124 (7) (a) A home school student who loses academic eligibility pursuant to Subsection  
125 (6)(b)(ii)(B) may not participate in an extracurricular activity until the person who submitted  
126 the affidavit under Subsection (6)(a) provides written notice to the school principal that the  
127 home school student has reestablished academic eligibility.

128 (b) If a home school student reestablishes academic eligibility pursuant to Subsection  
129 (7)(a), the home school student may participate in extracurricular activities for the remainder of  
130 the activity season for which an affidavit was submitted under Subsection (6)(a).

131 (8) A person who has probable cause to believe a home school student does not meet  
132 academic eligibility requirements may submit an affidavit to the principal:

133 (a) asserting the home school student does not meet academic eligibility requirements;  
134 and

135 (b) providing information indicating that the home school student does not meet the  
136 academic eligibility requirements.

137 (9) A principal shall review the affidavit submitted under Subsection (8), and if the  
138 principal determines it contains information which constitutes probable cause to believe a  
139 home school student may not meet academic eligibility requirements, the principal shall  
140 request a panel established pursuant to Subsection (10) to verify the student's compliance with  
141 academic eligibility requirements.

142 (10) (a) A school district superintendent shall:  
143 (i) appoint a panel of three individuals to verify a home school student's compliance  
144 with academic eligibility requirements when requested by a principal pursuant to Subsection  
145 (9); and  
146 (ii) select the panel members from nominees submitted by national, state, or regional  
147 organizations whose members are home school students and parents.  
148 (b) Of the members appointed to a panel under Subsection (10)(a):  
149 (i) one member shall have experience teaching in a public school as a licensed teacher  
150 and in home schooling high school-age students;  
151 (ii) one member shall have experience teaching in a higher education institution and in  
152 home schooling; and  
153 (iii) one member shall have experience in home schooling high school-age students.  
154 (11) A panel appointed under Subsection (10):  
155 (a) shall review the affidavit submitted under Subsection (8);  
156 (b) may confer with the person who submitted the affidavit under Subsection (8);  
157 (c) shall request the home school student to submit test scores or a portfolio of work  
158 documenting the student's academic achievement to the panel;  
159 (d) shall review the test scores or portfolio of work; and  
160 (e) shall determine whether the home school student meets academic eligibility  
161 requirements.  
162 (12) A home school student who meets academic eligibility requirements pursuant to  
163 Subsection (11), retains academic eligibility for all extracurricular activities during the activity  
164 season for which an affidavit is submitted pursuant to Subsection (6).  
165 (13) (a) A panel's determination that a home school student does not comply with  
166 academic eligibility requirements is effective for an activity season and all extracurricular  
167 activities that have academic eligibility requirements.  
168 (b) A home school student who is not in compliance with academic eligibility  
169 requirements as determined by a panel appointed under Subsection (11) may seek to establish

170 academic eligibility under this section for the next activity season.

171 (14) (a) A public school student who has been declared to be academically ineligible to  
172 participate in an extracurricular activity and who subsequently enrolls in a home school shall  
173 lose eligibility for participation in the extracurricular activity until the student:

174 (i) demonstrates academic eligibility by providing test results or a portfolio of the  
175 student's work to the school principal, provided that a student may not reestablish academic  
176 eligibility under this Subsection (14)(a) during the same activity season in which the student  
177 was declared to be academically ineligible;

178 (ii) returns to public school and reestablishes academic eligibility; or

179 (iii) enrolls in a private school and establishes academic eligibility.

180 (b) A public school student who has been declared to be behaviorally ineligible to  
181 participate in an extracurricular activity and who subsequently enrolls in a home school shall  
182 lose eligibility for participation in the extracurricular activity until the student meets eligibility  
183 standards as provided in Subsection (3).

184 (15) When selection to participate in an extracurricular activity at a public school is  
185 made on a competitive basis, a private school student [~~and~~] or a home school student [~~shall be~~]  
186 is eligible to try out for and participate in the activity as provided in this section.

187 (16) (a) If a student exits a public school to enroll in a private school or a home school  
188 mid-semester or during an activity season, and the student desires to participate in an  
189 extracurricular activity at the public school, the public school shall issue an interim academic  
190 assessment based on the student's work in each class.

191 (b) A student's academic eligibility to participate in an extracurricular activity under  
192 the circumstances described in Subsection (16)(a) [~~shall be based~~] is dependent on the student  
193 meeting public school academic eligibility standards at the time of exiting public school.

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

197 Section 2. Section **53G-6-704** is amended to read:

198           **53G-6-704. Charter school students' participation in extracurricular activities at**  
199 **other public schools.**

200           (1) As used in this section:

201           (a) "Association" means the same as that term is defined in Section [53G-7-1101](#).

202           (b) "Extracurricular activity" means the same as that term is defined in Section  
203 [53G-7-501](#).

204           (c) "Initial establishment of eligibility requirements" means the same as that term is  
205 defined in Section [53G-6-703](#).

206           ~~[(1)]~~ (2) A charter school student is eligible to participate in an extracurricular activity  
207 not offered by the student's charter school at:

208           (a) the school ~~[within whose]~~ with attendance boundaries within which the student's  
209 custodial parent resides, if, for an interscholastic competition of athletic teams, the student did  
210 not initially establish the student's eligibility at another public school in grade 9 or 10;

211           (b) the public school from which the student withdrew for the purpose of attending a  
212 charter school; or

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

216           ~~[(2)]~~ (3) In addition to the public schools listed in Subsection ~~[(1)];~~ (2), the state board  
217 may establish rules to allow a charter school student to participate in an extracurricular activity  
218 at a public school other than a public school listed in Subsection ~~[(1)];~~ (2).

219           ~~[(3)]~~ (4) A school other than a school described in Subsection ~~[(1)(a), (b), or (c)]~~ (2)  
220 may allow a charter school student to participate in ~~[extracurricular activities other than:]~~ an  
221 extracurricular activity a public school sponsors and supports if:

222           (a) for interschool competitions of athletic teams [sponsored and supported by a public  
223 school; or], the charter school student meets the initial establishment of eligibility  
224 requirements;

225           (b) for interschool contests or competitions for music, drama, or forensic groups or



226 teams [~~sponsored and supported by a public school.~~], the charter school student meets the entry  
227 requirements for participation;

228 (c) the charter school student meets the eligibility requirements under this section; and

229 (d) the charter school student meets the enrollment requirements for public school in  
230 accordance with Part 4, School District Enrollment.

231 [~~(4)~~] (5) A charter school student is eligible for an extracurricular [~~activities~~] activity at  
232 a public school consistent with eligibility standards as applied to full-time students of the  
233 public school.

234 [~~(5)~~] (6) A school district or a public school may not impose additional requirements  
235 on a charter school student to participate in an extracurricular [~~activities~~] activity that are not  
236 imposed on full-time students of the public school.

237 [~~(6)~~] (7) (a) The state board shall make rules establishing fees for charter school  
238 students' participation in an extracurricular [~~activities~~] activity at school district schools.

239 (b) The rules shall provide that:

240 (i) charter school students pay the same fees as other students to participate in an  
241 extracurricular [~~activities~~] activity;

242 (ii) charter school students are eligible for fee waivers pursuant to Section [53G-7-504](#);

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

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

250 (c) In determining a charter school's share of the costs of an extracurricular activity  
251 under Subsections [~~(6)(b)(iii) and (iv)~~] (7)(b)(iii) and (iv), the state board may establish  
252 uniform fees statewide based on average costs statewide or average costs within a sample of  
253 school districts.

254           ~~[(7)]~~ (8) When selection to participate in an extracurricular activity at a public school is  
255 made on a competitive basis, a charter school student is eligible to try out for and participate in  
256 the activity as provided in this section.

257           Section 3. Section **53G-6-705** is amended to read:

258           **53G-6-705. Online students' participation in extracurricular activities.**

259           (1) As used in this section:

260           ~~(a)~~ "Association" means the same as that term is defined in Section [53G-7-1101](#).

261           ~~(b)~~ "Extracurricular activity" means the same as that term is defined in Section  
262 [53G-7-501](#).

263           ~~(c)~~ "Initial establishment of eligibility requirements" means the same as that term is  
264 defined in Section [53G-6-703](#).

265           ~~[(a)]~~ (d) "Online education" means the use of information and communication  
266 technologies to deliver educational opportunities to a student in a location other than a school.

267           ~~[(b)]~~ (e) "Online student" means a student who:

268           (i) participates in an online education program sponsored or supported by the state  
269 board, a school district, or a charter school; and

270           (ii) generates funding for the school district or the school pursuant to Subsection  
271 [53F-2-102](#)(4) and rules of the state board.

272           (2) An online student is eligible to participate in an extracurricular ~~[activities]~~ activity  
273 at:

274           (a) the school ~~[within whose]~~ with attendance boundaries within which the student's  
275 custodial parent resides, if, for an interscholastic competition of athletic teams, the student did  
276 not initially establish the student's eligibility at another public school in grade 9 or 10; or

277           (b) the public school from which the student withdrew for the purpose of participating  
278 in an online education program.

279           (3) A public school other than a school described in Subsection ~~[(2)(a) or (b)]~~ (2) may  
280 allow an online student to participate in an extracurricular ~~[activities other than]~~ activity that  
281 the public school sponsors and supports if:

282 (a) for interschool competitions of athletic teams sponsored and supported by a public  
283 school[; or], the online school student meets the initial establishment of eligibility  
284 requirements;

285 (b) for interschool contests or competitions for music, drama, or forensic groups or  
286 teams sponsored and supported by a public school[-], the online school student meets the entry  
287 requirements for participation;

288 (c) the online school student meets the eligibility requirements under this section; and

289 (d) the online school student meets the enrollment requirements for public school in  
290 accordance with Part 4, School District Enrollment.

291 (4) An online student is eligible [~~for~~] to participate in an extracurricular [~~activities~~]  
292 activity at a public school consistent with eligibility standards as applied to full-time students  
293 of the public school.

294 (5) A school district or public school may not impose additional requirements on an  
295 online school student to participate in an extracurricular [~~activities~~] activity that are not  
296 imposed on full-time students of the public school.

297 (6) (a) The state board shall make rules establishing fees for an online school student's  
298 participation in an extracurricular [~~activities~~] activity at school district schools.

299 (b) The rules shall provide that:

300 (i) online school students pay the same fees as other students to participate in an  
301 extracurricular [~~activities~~] activity;

302 (ii) online school students are eligible for fee waivers pursuant to Section [53G-7-504](#);

303 (iii) for each online school student who participates in an extracurricular activity at a  
304 school district school, the online school shall pay a share of the school district's costs for the  
305 extracurricular activity; and

306 (iv) an online school's share of the costs of an extracurricular activity shall reflect state  
307 and local tax revenues expended, except capital facilities expenditures, for an extracurricular  
308 activity in a school district or school divided by total student enrollment of the school district  
309 or school.

310 (c) In determining an online school's share of the costs of an extracurricular activity  
311 under Subsections (6)(b)(iii) and (iv), the state board may establish uniform fees statewide  
312 based on average costs statewide or average costs within a sample of school districts.

313 (7) When selection to participate in an extracurricular activity at a public school is  
314 made on a competitive basis, an online student is eligible to try out for and participate in the  
315 activity as provided in this section.

316 Section 4. Section **53G-6-1001** is amended to read:

317 **53G-6-1001. Definitions.**

318 As used in this part:

319 (1) "Athletic association" means an association, as that term is defined in Section  
320 [53G-7-1101](#).

321 (2) "Birth certificate" means an official record of an individual's date of birth, place of  
322 birth, sex, and parentage, including a supplementary certificate of birth or birth certificate  
323 amendment and amendment history as provided in Sections [26-2-10](#) and [26-2-11](#).

324 [~~2~~] (3) "Commission" means the School Activity Eligibility Commission created in  
325 Section [53G-6-1003](#).

326 (4) "Does not correspond with the sex designation" means that a student's sex  
327 designation for an interscholastic activity in which a student seeks participation does not  
328 correspond with the sex designation on the student's birth certificate or an amendment,  
329 including the amendment history, to the student's birth certificate that the Division of Vital  
330 Records and Statistics provides.

331 [~~3~~] (5) "Female-designated" means that an interscholastic activity is designated  
332 specifically for female students.

333 [~~4~~] (6) "Gender-designated" means that an interscholastic activity or facility is  
334 designated specifically for female or male students.

335 [~~5~~] (7) "Gender identity" means the same as that term is defined in Section  
336 [34A-5-102](#).

337 [~~6~~] (8) "Interscholastic activity" means an activity in which a student represents the

338 student's school in the activity in competition against another school.

339       ~~[(7)]~~ (9) "Male-designated" means that an interscholastic activity is designated  
340 specifically for male students.

341       ~~[(8)]~~ (10) "Student" means a student who is enrolled in a public school that participates  
342 in interscholastic activities.

343       Section 5. Section **53G-7-1102** is amended to read:

344       **53G-7-1102. Public schools prohibited from membership.**

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

346       ~~(a)~~ is not in compliance ~~[on or after July 1, 2017,]~~ with:

347       ~~[(a)]~~ (i) this part;

348       ~~[(b)]~~ (ii) Title 52, Chapter 4, Open and Public Meetings Act;

349       ~~[(c)]~~ (iii) Title 63G, Chapter 2, Government Records Access and Management Act; and

350       ~~[(d)]~~ (iv) Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act[-];

351       (b) does not collect each student's birth certificate, as that term is defined in Section

352 53G-6-1001, or equivalent documentation, as described in Subsection (2), to determine

353 eligibility as a condition of the association's registration process for an athletic team, event, or

354 category; or

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

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

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

358 States citizen and who is unable to provide a birth certificate, the association may collect the

359 student's:

360       (a) state-issued identification document, including a driver's license or passport; or

361       (b) federally recognized identification document, including a document that the

362 Department of Homeland Security issues.

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

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

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

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

369            (a) residency status;

370            (b) age;

371            (c) sex, verified by the student's birth certificate as that term is defined in Section

372 [53G-6-1001](#);

373            (d) academic requirements; or

374            (e) school enrollment capacity.

375            [~~2~~] (5) Unless otherwise specified, an association's compliance with or an association  
376 employee or officer's compliance with the provisions described in Subsection (1) does not alter:

377            (a) the association's public or private status; or

378            (b) the public or private employment status of the employee or officer.