

Representative Jordan D. Teuscher proposes the following substitute bill:

IMMIGRANT STUDENT ATHLETE PARTICIPATION AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jordan D. Teuscher

Senate Sponsor: Lincoln Fillmore

LONG TITLE

General Description:

This bill provides that an athletic association may collect other certain documentation for a student that is homeless or not a United States citizen that confirms the student's date of birth and sex.

Highlighted Provisions:

This bill:

- ▶ provides that an athletic association may collect documentation for a student that is homeless or not a United States citizen that confirms the student's date of birth and sex; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

53G-7-1102, as last amended by Laws of Utah 2023, Chapter 340 and last amended by Coordination Clause, Laws of Utah 2023, Chapter 493



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

Section 1. Section **53G-7-1102** is amended to read:

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 [~~and birth certificate amendment history~~], 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 [~~athlete's~~] student's date of birth and sex as a condition of the registration process for an athletic team, event, or category.

(2) (a) [~~Except as provided in Subsection (3), for~~] For a student who is [~~homeless or~~] not a United States citizen and who is unable to provide a birth certificate [~~and birth certificate amendment history~~], as that term is defined in Section **53G-6-1001**, the association may collect the student's:

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

~~(b)~~ (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:

57 (A) a religious, hospital, or physician certificate;

58 (B) verified school records;

59 (C) verified immunization records; or

60 (D) documentation from a social service provider.

61 (3) (a) Subsection (1)(b) [~~or (2) do~~] does not apply to an association for a student who
62 is a homeless child or youth, as defined in the McKinney-Vento Homeless Assistance Act, 42
63 U.S.C. Sec. 11431 et seq.

64 (b) For a student who is a homeless child or youth, including an unaccompanied
65 homeless child or youth, an association may collect:

66 (i) an affidavit from the student's parent or guardian, or the student if the student is an
67 unaccompanied homeless child or youth, indicating that the student does not meet the
68 necessary requirements to obtain a document described in Subsection (2)(a); and

69 (ii) a document described in Subsection (2)(b)(ii).

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

73 (a) residency status;

74 (b) age;

75 (c) sex, verified by the student's birth certificate [~~and birth certificate amendment~~
76 ~~history~~], as that term is defined in Section [53G-6-1001](#);

77 (d) academic requirements; or

78 (e) school enrollment capacity.

79 (5) Unless otherwise specified, an association's compliance with or an association
80 employee or officer's compliance with the provisions described in Subsection (1) does not alter:

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

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

83 **Section 2. Effective date.**

84 If approved by two-thirds of all the members elected to each house, this bill takes effect
85 upon approval by the governor, or the day following the constitutional time limit of Utah
86 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
87 the date of veto override.