

MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Angie Stallings, Associate Superintendent
Policy and Communication

DATE: November 5-6, 2015

ACTION: *R277-494 Charter School and Online Student Participation in Extracurricular or Co-curricular School Activities (Amendment)*

Background:

R277-494 was amended and approved by the Board on third and final reading during the Board's October 9, 2015 meeting. Since the rule was filed with the Division of Administrative Rules, additional issues were identified that need to be addressed.

Key Points:

The amendments to R277-494 require a charter or online student to pay the \$75 school participation fee, formerly paid for by the student's charter or online school. The \$75 fee is in addition to any activity specific fee the student is required to pay before participating in an extracurricular or co-curricular activity. The rule is also amended to eliminate the need for a student to obtain approval from the student's charter or online school before the student participates in an activity.

Anticipated Action:

It is proposed that the Law and Licensing Committee consider approving R277-494, as amended, on first reading and, if approved by the Committee, the Board consider approving R277-494, as amended, on second reading.

Contact: Angie Stallings, 801-538-7550

1 **R277. Education, Administration.**

2 **R277-494. Charter, Online, Home, and Private School Student Participation in**
3 **Extracurricular or Co-curricular School Activities.**

4 R277-494-1. Authority and Purpose.

5 (1) This rule is authorized by:

6 (a) Utah Constitution Article X, Section 3, which vests general control and
7 supervision of public education in the Board;

8 (b) Subsection 53A-1-401(3), which permits the Board to adopt rules in
9 accordance with its responsibilities;

10 (c) Subsection 53A-1a-519(6)(a), which directs the Board to make rules
11 establishing fees for a charter school student's participation in extracurricular or co-
12 curricular activities at certain public schools; and

13 (d) Subsection 53A-2-214(6), which directs the Board to make rules
14 establishing fees for an online student's participation in extracurricular or co-
15 curricular activities at certain public schools.

16 (2) The purpose of this rule is to inform school districts, charter and online
17 schools, and parents of:

18 (a) school participation fees; and

19 (b) state-determined requirements for a charter school or a public online
20 school student to participate in an extracurricular activity at a student's boundary
21 school.

22 **R277-494-2. Definitions.**

23 (1) "Activity fee" means a fee that:

24 (a) is approved by a local school board or public school;

25 (b) is charged to all students to participate in an activity sponsored by or
26 through the public school; and

27 (c) entitles a public school student to:

28 (i) participate in a school activity;

29 (ii) try out for an extracurricular or co-curricular school activity;

30 (iii) receive transportation to an activity; and

31 (iv) attend a regularly scheduled public school activity.

32 (2) "Co-curricular activity" means a school district or school activity, course,
33 or experience that includes a required regular school day component and an after
34 school component, including a special program or activity such as a program for a
35 gifted and talented student, a summer program, and a science or history fair.

36 (3) "Extracurricular activity" means an athletic program or activity sponsored
37 by a public school and offered, competitively or otherwise, to a public school student
38 outside of the regular school day or program.

39 (4) "Online school" means a formally constituted public school that offers
40 full-time education delivered primarily over the internet.

41 (5) "Qualifying school" means:

42 (a) for purposes of a charter school student, a school described in Subsection
43 53A-1a-519(1);

44 (b) for purposes of an online school student, a school described in Subsection
45 53A-2-214(2); and

46 (c) for purposes of a private or home school student, a school described in
47 Subsection 53A-11-102.6(2)(c).

48 (6) "School of enrollment" means the public school that maintains the
49 student's cumulative file, enrollment information and transcript for purposes of high
50 school graduation.

51 ([8]7) "Student [participation]activity specific fee" means the fee charged to
52 all participating students by a qualifying school for a designated extracurricular or co-
53 curricular activity consistent with Rule R277-407.

54 ([7]8) "[School]Student participation fee" means the fee paid by [the]a charter
55 or online [school]student to a qualifying school consistent with Subsections R277-
56 494-3(2), [or] R277-494-4(2), or R277-494-5(2) for the student's participation in an
57 extracurricular or co-curricular activity.

58 **R277-494-3. Charter and Online School Student Participation in Extracurricular**
59 **Activities at Another Public School.**

60 (1) A charter or online school student may participate in an extracurricular
61 activity at a qualifying school if:

62 (a) the extracurricular activity is not offered by the student's charter or online

63 school;

64 (b) the student satisfies:

65 (i) for a charter school student, the requirements of Subsection
66 53A-1a-519(3);

67 (ii) for an online school student, the requirements of Subsection 53A-2-
68 214(3); and

69 (iii) the requirements of this rule;

70 (c) the student meets the qualifying school's standards and requirements; and

71 (d) the student's parent agrees to provide the student transportation to the
72 qualifying school for the extracurricular activity.

73 ~~[(2)(a) A charter or online school of enrollment shall determine if the charter
74 or online school will allow students to participate in extracurricular school activities
75 at qualifying schools.~~

76 ~~—— (b) If a charter or online school allows one student to participate in an
77 extracurricular activity at a qualifying school, the charter or online school shall allow
78 all interested students to participate.]~~

79 (2)([c]a) A charter or online school student[~~'s school of enrollment~~] shall pay
80 a one-time annual [school]student participation fee of \$75.00[~~per student~~] to the
81 qualifying school at which the charter or online school student desires to participate.

82 ([d]b) Upon annual payment of the [school]student participation fee, the
83 student may participate in all extracurricular or co-curricular school activities at the
84 school during the school year for which the student is qualified and eligible.

85 ~~[(e) A charter or online school of enrollment shall cooperate fully with all
86 qualifying schools:~~

87 ~~—— (i) regarding students' participation in try-outs, practices, pep rallies, team
88 fund raising efforts, scheduled games, and required travel; and~~

89 ~~—— (ii) by providing complete and prompt reports of student academic and
90 citizenship progress or grades, upon request.]~~

91 (3) The [school]student participation fee described in Subsection (2)([c]a) is
92 in addition to:

93 (a) a student [participation]activity specific fee for a specific extracurricular
94 activity; and

95 (b) the activity fee charged to all students in a qualifying school to supplement
96 a school activity as assessed by the school consistent with this rule.

97 (4) Except as provided in Subsection (6), a charter or online school student
98 who participates in an extracurricular activity at a qualifying school shall pay a
99 student participation fee ~~[or]~~ and all required student activity specific fees to the
100 qualifying school in accordance with deadlines set by the qualifying school.

101 (5) All fees, including ~~[school]~~ student participation fees; and student
102 [participation] activity specific fees; ~~[-, and activity fees]~~ shall be paid prior to a charter
103 or online school student's participation in an activity at the qualifying school.

104 (6) A charter or online school of enrollment shall cooperate fully with all
105 qualifying schools:

106 (a) regarding students' participation in try-outs, practices, pep rallies, team
107 fund raising efforts, scheduled games, and required travel; and

108 (b) by providing complete and prompt reports of student academic and
109 citizenship progress or grades, upon request.

110 ~~[(6)7]~~ If a participating charter or online school student qualifies for a fee
111 waiver, in accordance with Rule R277-470, the charter or online student's school of
112 enrollment shall pay ~~[all]~~ the student participation fee and any waived student
113 [participation] activity specific fees to the qualifying school prior to the student's
114 participation in an activity at the qualifying school.

115 **R277-494-4. Charter or Online School Student Participation in Co-Curricular**
116 **Activities.**

117 (1)(a) A charter or online school student may participate in a co-curricular
118 activity at a qualifying school if:

119 (i) the co-curricular activity is not offered by the student's charter or online
120 school;

121 (ii) the student satisfies:

122 (A) for a charter school student, the requirements of Subsection
123 53A-1a-519(3);

124 (B) for an online school student, the requirements of Subsection
125 53A-2-214(3); and

126 (C) the requirements of this rule;

127 (iii) the student meets the qualifying school's standards and requirements; and

128 (iv) the student's parent agrees to provide the student transportation to the

129 qualifying school for the co-curricular activity.

130 (b) A charter or online school may negotiate with a public school other than

131 a school described in Subsection (1) to participate in a co-curricular activity at the

132 other public school, including:

133 (i) a debate, drama, or choral program;

134 (ii) a specialized course or program offered during the regular school day; and

135 (iii) a school's sponsored enrichment program or activity.

136 (c) A student who participates in a co-curricular activity described in

137 Subsection (1)(b) shall meet:

138 (i) the same attendance, discipline, and course requirements expected of the

139 public school's full-time students;

140 (ii) for a charter school student, the requirements of Subsection 53A-1a-

141 519(3); and

142 (iii) for an online school student, the requirements of Subsection 53A-2-

143 214(3).

144 (2)(a) A charter or online school of enrollment shall determine if the school will

145 allow students to participate in co-curricular school activities at qualifying schools.

146 (b) If a charter or online school allows one student to participate in a

147 co-curricular activity at a qualifying school, the charter or online school shall allow all

148 interested students to participate.

149 (3)([c]a) A charter or online school student~~['s school of enrollment]~~ shall pay

150 a ~~[school]~~one-time annual participation fee of \$75.00 per student to the qualifying

151 school at which the charter or online school student desires to participate.

152 (b) If a charter or online school student pays a \$75.00 fee to a qualifying

153 school as described in Subsection R277-494-3(2)(a), the charter or online student

154 is not required to pay an additional \$75.00 student participation fee described in

155 Subsection (3)(a) to the qualifying school in the same year.

156 ~~([3]4)~~ A charter or online school student participating under this rule shall

157 meet all eligibility requirements and timelines of the public school.

158 **R277-494-5. Private or Home School Student Participation in Extracurricular**
159 **Activities.**

160 (1) In accordance with Section 53A-11-102.6, a private or home school
161 student may participate in an extracurricular activity at a qualifying school if:

162 (a) for a private school student, the extracurricular activity is not offered by the
163 student's private school;

164 (b) the student satisfies the requirements of:

165 (i) Section 53A-11-102.6; and

166 (ii) this rule; and

167 (c) the student meets the qualifying school's standards and requirements.

168 (2) Except as provided in Subsection (3), a private or home school student
169 shall pay an annual student participation fee of \$75.00 [~~or~~] and any required student
170 activity specific fees to the qualifying school:

171 (a) before the student may participate in the extracurricular activity at the
172 qualifying school; and

173 (b) in accordance with deadlines set by the qualifying school.

174 (3) If a private or home school student qualifies for a fee waiver in accordance
175 with Rule R277-407, the qualifying school shall waive the student participation fee
176 [~~or~~] and any required student activity specific fees in accordance with the
177 requirements of Rule R277-407, School Fees.

178 **R277-494-6. Private or Home School Student Participation in Co-curricular**
179 **Activities.**

180 A private or home school student may participate in a co-curricular activity at
181 a public school in accordance with the dual enrollment provisions of rule R277-438.

182 **KEY: extracurricular, co-curricular, activities, student participation**

183 **Date of Enactment or Last Substantive Amendment: [2015]2016**

184 **Notice of Continuation: October 15, 2015**

185 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(3);**

186 **53A-1a-519(6)(a); 53A-2-214(6)**