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MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Angie Stallings, Deputy Superintendent
Policy and Communication

DATE: October 6-7, 2016

ACTION: R277-409 *Public School Membership in Associations (New)*

Background:

The Board adopted R277-409 on first reading during the Board's September meeting. R277-409 places limitations on a public school's membership in an interscholastic activity association. The rule has been amended and is coming back to the Board for additional consideration.

Board Strategic Plan:

This item supports the following imperative and strategies in the Board's Strategic Plan:
Oversight - Monitor, review, and provide general supervision to all public education institutions and other entities for which the State Board has responsibility.

Anticipated Action:

The Board will consider approving R277-409 on second and final reading.

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1 **R277. Education, Administration.**

2 **R277-409. Public School Membership in Associations.**

3 **R277-409-1. Authority and Purpose.**

4 (1) This rule is authorized by:

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

7 (b) Section 53A-1-401, which allows the Board to make rules to execute the
8 Board's duties and responsibilities under the Utah Constitution and state law.

9 (2) The purpose of this rule is to place limitations on public school
10 membership in certain associations with rules or policies that conflict with Board
11 policies.

12 **R277-409-2. Definitions.**

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

15 (2) "Interscholastic activity" means an activity within the state in which the
16 students that participate represent a school in the activity.

17 (3) "Recruiting" means a solicitation or conversation:

18 (a) initiated by:

19 (i) an employee of a school or school district;

20 (ii) a coach or advisor of an interscholastic activity; or

21 (iii) a member of a booster, alumni, or other organization that performs a
22 substantially similar role as a booster organization, affiliated with a school or school
23 district; and

24 (b) to influence a student, or the student's relative or legal guardian, to
25 transfer to a school for the purpose of participating in an interscholastic activity at the
26 school]; and

27 ~~(c) with an offer for the student, or the student's relative or legal guardian, that~~
28 ~~the school or person has the capacity to fulfill].~~

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30 **R277-409-3. Membership Restrictions.**

31 (1) Beginning with the 2017-2018 school year, a public school may not be a

32 member of, or pay dues to an association that adopts rules or policies that are
33 inconsistent with this R277-409-3.

34 (2) An association shall permit the Board to audit the association's:

35 (a) financial statements; and

36 (b) compliance with Utah Code, Board rule, and the association's bylaws,
37 policies, rules, and best practices.

38 (3) An association may not treat similarly situated schools differently in the
39 association's designation of division classifications, or in applying other association
40 policies, based solely on the school's status as a charter school or district public
41 school.

42 (4) An association may sanction a school, coach, or individual who oversees
43 an interscholastic activity of a public school if the association finds that the coach or
44 individual:

45 (a) engaged in recruiting activities; or

46 (b) violated any other rule or policy of the association.

47 (5) An association shall establish a policy or rule to govern the association's
48 use of student data that complies with the student data privacy requirements of:

49 (a) FERPA;

50 (b) Title 53A, Chapter 1, Part 14, Student Data Protection Act;

51 (c) Title 53A, Chapter 13, Part 3, Utah Family Educational Rights and Privacy
52 Act; and

53 (d) R277-484.

54 (6) An association shall establish a policy or rule that requires the association
55 or public school to annually train each coach or other individual who oversees an
56 interscholastic activity of a public school on the following:

57 (a) child sexual abuse prevention as described in Section 53A-13-112; and

58 (b) the prevention of bullying, cyber-bullying, hazing, harassment, and
59 retaliation as described in:

60 (i) Title 53A, Chapter 11a, Bullying and Hazing; and

61 (ii) R277-613.

62 (7) An association shall establish a policy or rule that requires the association
63 to follow requirements similar to the requirements of:

64 [\(a\) Title 52, Chapter 4, Open and Public Meetings Act; and](#)
65 [\(b\) Title 63G, Chapter 2, Government Records Access and Management Act.](#)

66 **KEY: school, membership, associations**

67 **Date of Enactment of Last Substantive Amendment: 2016**

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