

MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Angie Stallings, Associate Superintendent
Policy and Communication

DATE: December 3-4, 2015

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

Background:

Amendments to R277-494 were approved by the Board on second reading during the Board's November 6, 2015 meeting. The Board passed a motion to refer R277-494 back to the Law and Licensing Committee to discuss whether the Board has the authority to establish a fee for activities in schools and to continue to discuss if \$75 is an appropriate amount for the student participation fee.

Key Points:

The Committee will discuss the \$75 fee that a charter, online, home, or private school student is required to pay before participating in an extracurricular or co-curricular activity.

Anticipated Action:

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

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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 extracurricular or co-curricular
26 activity sponsored by or 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 activity fee
52 charged to all participating students by a qualifying school for a designated
53 extracurricular or co-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]~~ (a) 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 (b) A charter or online school that is required to pay a fee waiver student's
116 participation fee or student activity specific fee as described in Subsection (7)(a)
117 shall pay the student participation fee and any student activity specific fees to the
118 qualifying school before the charter or online school student may begin to participate
119 in the extracurricular activity at the qualifying school.

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

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

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

126 (ii) the student satisfies:
127 (A) for a charter school student, the requirements of Subsection
128 53A-1a-519(3);
129 (B) for an online school student, the requirements of Subsection
130 53A-2-214(3); and
131 (C) the requirements of this rule;
132 (iii) the student meets the qualifying school's standards and requirements; and
133 (iv) the student's parent agrees to provide the student transportation to the
134 qualifying school for the co-curricular activity.

135 (b) A charter or online school may negotiate with a public school other than
136 a school described in Subsection (1) to participate in a co-curricular activity at the
137 other public school, including:
138 (i) a debate, drama, or choral program;
139 (ii) a specialized course or program offered during the regular school day; and
140 (iii) a school's sponsored enrichment program or activity.

141 (c) A student who participates in a co-curricular activity described in
142 Subsection (1)(b) shall meet:
143 (i) the same attendance, discipline, and course requirements expected of the
144 public school's full-time students;
145 (ii) for a charter school student, the requirements of Subsection 53A-1a-
146 519(3); and
147 (iii) for an online school student, the requirements of Subsection 53A-2-
148 214(3).

149 (2)(a) A charter or online school of enrollment shall determine if the school will
150 allow students to participate in co-curricular school activities at qualifying schools.

151 (b) If a charter or online school allows one student to participate in a
152 co-curricular activity at a qualifying school, the charter or online school shall allow all
153 interested students to participate.

154 (3)([e]a) A charter or online school student~~['s school of enrollment]~~ shall pay:
155 (i) a ~~[school]~~one-time annual participation fee of \$75.00 per student to the
156 qualifying school at which the charter or online school student desires to
157 participate~~[-]; and~~

158 (ii) any required student activity specific fees.

159 (b) If a charter or online school student pays a \$75.00 fee to a qualifying
160 school as described in Subsection R277-494-3(2)(a), the charter or online student
161 is not required to pay an additional \$75.00 student participation fee described in
162 Subsection (3)(a)(i) to the qualifying school in the same year.

163 ([3]4) A charter or online school student participating under this rule shall
164 meet all eligibility requirements and timelines of the public school.

165 (5)(a) If a participating charter or online school student qualifies for a fee
166 waiver, in accordance with Rule R277-470, the charter or online student's school of
167 enrollment shall pay the student participation fee and any waived student activity
168 specific fees to the qualifying school.

169 (b) A charter or online school that is required to pay a fee waiver student's
170 participation fee or student activity specific fee as described in Subsection (5)(a),
171 shall pay the student participation fee and any student activity specific fees to the
172 qualifying school before the charter or online school student may begin to participate
173 in the co-curricular activity at the qualifying school.

174 **R277-494-5. Private or Home School Student Participation in Extracurricular**
175 **Activities.**

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

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

180 (b) the student satisfies the requirements of:

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

182 (ii) this rule; and

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

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

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

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

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

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

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

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

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

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

201 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(3);**
202 **53A-1a-519(6)(a); 53A-2-214(6)**