

R277-409 received final approval by the Utah State Board of Education on June 4, 2020. R277-409 will be published in the July 1, 2020 Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of August 8, 2020.

R277. Education, Administration.

R277-409. Public School Membership in Associations.

R277-409-1. Authority and Purpose.

(1) This rule is authorized by:

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

(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law .

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

R277-409-2. Definitions.

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

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

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

(a) initiated by:

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

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

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

(b) to influence a student, or the student's relative or legal guardian, to transfer to a school for the purpose of participating in an interscholastic activity at the school.

(4) "Sex offender" has the same meaning as described in Section 77-27-21.7.

R277-409-3. Membership Restrictions.

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

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

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

(a) financial statements; and

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

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

(4) An association may sanction a school, coach, or individual who oversees or works with students as part of an interscholastic activity of a public school if the association finds that the coach or individual:

(a) engaged in recruiting activities; or

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

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

(a) FERPA;

(b) Title 53E, Chapter 9, Part 3, Student Data Protection Act;

(c) Title 53E, Chapter 9, Part 2, Utah Family Educational Rights and Privacy Act;

and

(d) R277-484.

(6) An association shall establish policies or rules that require:

(a) coaches and individuals who oversee interscholastic activities or work with students as part of an interscholastic activity to meet a set of professional standards that are consistent with the Utah Educator Professional Standards described in Rule R277-~~545~~217; and

(b) the association or public school to annually train each coach or other individual who oversees or works with students as part of an interscholastic activity of a public school on the following:

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- (i) child sexual abuse prevention as described in Section 53G-9-207;
- (ii) the prevention of bullying, cyber-bullying, hazing, harassment, and retaliation as described in:
 - (A) Title 53G, Chapter 9, Part 6, Bullying and Hazing; and
 - (B) R277-613; and
 - (iii) the professional standards described in Subsection (6)(a).
- (7) An association shall establish procedures and mechanisms to:
 - (a) monitor LEA compliance with the association's training requirements described in Subsection (6);
 - (b) sanction individuals who violate the association's professional standards described in Subsection (6)(a);
 - (c) track individuals who violate the association's standards described in Subsection (6)(a); and
 - (d) prohibit individuals who have violated the association's standards described in Subsection (6)(a), including sex offenders, from coaching, managing, overseeing, training, or working with students as part of an interscholastic activity.
- (8) An association shall establish a policy or rule that requires the association to follow requirements similar to the requirements of:
 - (a) Title 52, Chapter 4, Open and Public Meetings Act; and
 - (b) Title 63G, Chapter 2, Government Records Access and Management Act.

KEY: school, membership, associations

Date of Enactment of Last Substantive Amendment: December 8, 2016

Authorizing, and Implemented, or Interpreted Law: Art X Sec 3; 53E-3-401(4)