

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) Subsection [53E-3-401](#)(4), 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 membership in
10 certain associations with rules or policies that conflict with Board policies.

11 **R277-409-2. Definitions.**

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

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

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

17 (a) initiated by:

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

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

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

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

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

26

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

28 (1) Beginning with the 2017-2018 school year, a public school may not be a member
29 of, or pay dues to an association that adopts rules or policies that are inconsistent with this
30 R277-409-3.

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

32 (a) financial statements; and

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

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

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

41 (a) engaged in recruiting activities; or

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

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

45 (a) FERPA;

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

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

48 and

49 (d) [R277-484](#).

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

51 (a) coaches and individuals who oversee interscholastic activities or work with
52 students as part of an interscholastic activity to meet a set of professional standards that
53 are consistent with the Utah Educator Professional Standards described in Rule R277-
54 ~~[515]~~[217](#); and

55 (b) the association or public school to annually train each coach or other individual

56 who oversees or works with students as part of an interscholastic activity of a public school
57 on the following:

58 (i) child sexual abuse prevention as described in Section [53G-9-207](#);

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

61 (A) [Title 53G, Chapter 9, Part 6, Bullying and Hazing](#); and

62 (B) [R277-613](#); and

63 (iii) the professional standards described in Subsection (6)(a).

64 (7) An association shall establish procedures and mechanisms to:

65 (a) monitor LEA compliance with the association's training requirements described
66 in Subsection (6);

67 (b) sanction individuals who violate the association's professional standards
68 described in Subsection (6)(a);

69 (c) track individuals who violate the association's standards described in Subsection
70 (6)(a); and

71 (d) prohibit individuals who have violated the association's standards described in
72 Subsection (6)(a), including sex offenders, from coaching, managing, overseeing, training,
73 or working with students as part of an interscholastic activity.

74 (8) An association shall establish a policy or rule that requires the association to
75 follow requirements similar to the requirements of:

76 (a) [Title 52, Chapter 4, Open and Public Meetings Act](#); and

77 (b) [Title 63G, Chapter 2, Government Records Access and Management Act](#).

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79 **KEY: school, membership, associations**

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

81 **Authorizing, and Implemented, or Interpreted Law: [Art X Sec 3](#); [53E-3-401\(4\)](#)**