

## **STUDENTS**

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### **STUDENT ACTIVITIES**

## **NON-ENROLLED DISTRICT STUDENTS' PARTICIPATION IN EXTRACURRICULAR ACTIVITIES**

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### **1. DEFINITIONS**

The following definitions apply for purposes of this policy:

- A. "Academic Eligibility Panel" means a three-person panel selected by the District's superintendent from nominees submitted by national, state, or regional organizations whose members are home school students and parents. The three panel members will include:
1. one member with experience teaching in a public school as a licensed teacher and in home-schooling high school-age students;
  2. one member with experience teaching in a higher education institution and in-home schooling; and
  3. one member with experience in home schooling high school-age students.

*Utah Code § 53G-6-703 (2019)*

- B. "Competitive extracurricular activities" means
1. an interscholastic competition of athletic teams sponsored and supported by a public school; or
  2. an interscholastic contest or competition for music, drama, or forensic groups or teams sponsored and supported by a public school.

*Utah Code § 53G-6-703 (2019)*

- C. "Online education" means the use of information and communication technologies to deliver educational opportunities to a student in a location other than a school.

*Utah Code § 53G-6-705(1)(a) (2019)*

- D. "Online student" means a student who participates in an online education program sponsored or supported by the State Board of Education, a school district, or a charter school and who generates funding for the school district or school under Utah Code § 53F-2-102(7) and State Board of Education Rules.

*Utah Code § 53G-6-705(1)(b) (2019)*

- E. "Qualifying online student" means an online student seeking to participate in competitive extracurricular activities at a district school:
1. within the attendance boundaries of which the student's custodial parent resides; or

2. from which the on-line student withdrew for the purpose of participating in an on-line education program.

*Utah Code § 53G-6-705(2) (2019)*

F. “Qualifying charter school student” means a charter school student seeking to participate in competitive extracurricular activities, which are not offered at the student’s charter school, at a district school:

1. within the attendance boundaries of which the student’s custodial parent resides; or
2. from which the charter school student withdrew to attend charter school; or
3. if the student’s charter school is located on or has Board approval to locate on the campus of that district school; or
4. as may be provided for in rules established by the Utah State Board of Education.

*Utah Code § 53G-6-704(1), (2) (2019)*

G. “Qualifying private school student” means a private school student seeking to participate in competitive extracurricular activities, which are not offered at the student’s private school, at a district school:

1. within the attendance boundaries of which the student’s custodial parent resides; or
2. from which the private school student withdrew to attend private school.

*Utah Code § 53G-6-703 (2019)*

H. “Qualifying home school student” means a home school student seeking to participate in competitive extracurricular activities at a district school:

1. within the attendance boundaries of which the student’s custodial parent resides; or
2. from which the home school student withdrew to attend home school.

*Utah Code § 53G-6-703 (2019)*

I. “Qualifying students” means qualifying home school, private school, charter school, or online students as defined above.

## **2. ELIGIBILITY REQUIREMENTS FOR PARTICIPATION IN EXTRACURRICULAR ACTIVITIES FOR QUALIFYING STUDENTS**

Qualifying students who are not enrolled in District schools are eligible to participate in extracurricular activities. Schools may allow non-qualifying students who are not enrolled in District schools to participate in extracurricular activities, with the exception of competitive extracurricular activities.

Qualifying students who are not enrolled in District schools shall be eligible to participate in an extracurricular activity at a District school consistent with eligibility standards:

- A. applied to a fully enrolled District school student;
- B. of the District school where the qualifying student participates in an extracurricular activity; and
- C. for the extracurricular activity in which the qualifying student participates.

District schools may not impose additional requirements on qualifying students to participate in an extracurricular activity that are not imposed on fully enrolled students at the District school.

*Utah Code § 53G-6-703 (2019)*

### **3. ELIGIBILITY REQUIREMENTS FOR PARTICIPATION IN COMPETITIVE EXTRACURRICULAR ACTIVITIES FOR QUALIFYING HOME SCHOOL STUDENTS**

Eligibility requirements based on school attendance are not applicable to a qualifying home school student.

A qualifying home school student meets academic eligibility requirements to participate in an extracurricular activity if:

- A. the student is mastering the material in each course or subject being taught; and
- B. the student is maintaining satisfactory progress towards achievement or promotion.

To establish a qualifying home school student's academic eligibility, a parent, teacher, or organization providing instruction to the student shall submit an academic eligibility affidavit to the principal indicating the student meets academic eligibility requirements. Upon submission of this affidavit, a qualifying home school student shall:

- A. be considered to meet academic eligibility requirements; and
- B. retain academic eligibility for all extracurricular activities during the activity season for which the affidavit is submitted, until:
  - 1. an academic eligibility panel determines the home school student does not meet academic eligibility requirements; or
  - 2. the person who submitted the academic eligibility affidavit provides written notice to the school principal that the student no longer meets academic eligibility requirements.

A home school student who loses academic eligibility pursuant to Subsection (A)(2) above may not participate in an extracurricular activity until the person who submitted the affidavit under Subsection (A)(2) provides written notice to the school principal that the home school student has reestablished academic eligibility. If a home school student reestablishes academic eligibility as described above, the home school student may participate in extracurricular activities for the remainder of the activity season.

A person who has probable cause to believe a home school student does not meet academic eligibility requirements may submit an affidavit to the principal:

- A. asserting the home student does not meet academic eligibility requirements; and
- B. providing information indicating that the home school student does not meet the academic eligibility requirements.

A principal shall review the affidavit, and if the principal determines it contains information which constitutes probable cause to believe a home school student may not meet academic eligibility requirements, the principal shall request an academic eligibility panel to verify the student's compliance with academic eligibility requirements.

The District Superintendent shall appoint an academic eligibility panel to verify a home school student's compliance with academic eligibility requirements when requested by a principal. A panel shall:

- A. review the affidavit and may confer with the person who submitted the affidavit;
- B. request the home school student to submit test scores or a portfolio of work documenting the student's academic achievement to the panel;
- C. review the test scores or portfolio of work; and
- D. determine whether the home school student meets academic eligibility requirements.

If the panel determines that the home school student meets academic eligibility requirements, the student will retain academic eligibility for all extracurricular activities during the activity season for which an affidavit was submitted. A panel's determination that a home school student does not comply with academic eligibility requirements is effective for an activity season and all extracurricular activities that have academic eligibility requirements.

*Utah Code § 53G-6-703 (2019)*

#### **4. EXTRACURRICULAR ACTIVITIES FEES**

Qualifying students who participate in an extracurricular activity at a District school shall pay the same fees as required of fully enrolled District school students to participate in an extracurricular activity.

If the District imposes a mandatory student activity fee for a student enrolled in a District school, the fee may be imposed on a qualifying student who participates in an extracurricular activity at a District school if the same benefits of paying the mandatory student activity fee that are available to a fully enrolled District school student are available to a qualifying student who participates in an extracurricular activity at the District school.

*Utah Code § 53G-6-703 (2019)*

All fees, including school participation fees, student participation fees and activity fees shall be paid prior to student participation. School fees for qualifying students shall be waived by

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the District if required under Utah law and state board of education policy. However, the student's on-line or charter school shall be responsible for payment of waived fees to the District.

*Utah Admin. Rules R277-438-4 (December 8, 2016)*

*Utah Admin. Rules R277-494-3(7) (December 16, 2020)*