

Intradistrict Communication

DATE: May 11, 2023

TO: High School Administrators

FROM: Michael Anderson, Associate Superintendent
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SUBJECT: Extracurricular Activity Participation by Private, Home, Online, Charter, and Out-of-Boundary Students

[House Bill 209](#) from the 2023 Legislative Session became effective on May 3, 2023. This bill clarifies eligibility requirements for participation in extra-curricular activities by private, home, online, and charter school students. These changes are outlined in this memo with a reminder of the guidelines for eligibility of out-of-boundary students. Administrators should review the text of the law for more specific guidelines. Additional rules and procedures will be developed by USBE and UHSAA in the near future.

The bill specifically address eligibility and participation in “extracurricular activities”, which are defined in Utah Code [53G-7-501](#) as an “activity, a course, or a program that is: not directly related to delivering instruction; not a curricular activityⁱ or co-curricular activityⁱⁱ; and provided, sponsored, and supported by an LEA.” Additionally, nothing in HB 209 gives private, home, online, or charter school students preferential standing or treatment in tryouts or qualifications; it merely establishes that students who meet eligibility requirements be treated the same as traditionally enrolled students.

Private, home, online, and charter school students who meet initial eligibility requirementsⁱⁱⁱ for interscholastic athletic competitions, the entry requirements for participation in interscholastic music, drama, or forensic competition, and the enrollment requirements for the school are allowed to try out for and participate on teams as a traditionally enrolled student would.

The attached table outlines additional requirements in the law for students in each of the four categories. Private school, online school, and charter school students must meet academic eligibility requirements for participation in the same manner as a traditionally enrolled student. Information on academic eligibility should be obtained from the student’s school of enrollment.

Home school students must also demonstrate academic eligibility. HB 209 outlines a lengthy process for demonstrating, validating, and appealing eligibility. This process is summarized in the attached document, “HB 209 Academic Eligibility for Home School Students.”

Out-of-Boundary Students: HB 209 does NOT address participation in extracurricular activities by traditionally enrolled students who do not reside in the boundary of the school on whose teams or groups they wish to participate (such as 9th grade students trying out for teams at a high school that is not their boundary school). As a reminder, these students are only eligible for participation on teams and groups when they have an appropriately approved out-of-boundary permit. Qualification for or placement on a team is not sufficient reason for the granting of a permit. **High school administrators should ensure that coaches and group supervisors are aware of this requirement before holding tryouts or establishing rosters.**

Collection of Birth Certificates: HB 209 also prohibits schools from being members in or paying dues to an association that does not either collect birth certificates as part of the association’s registration process for a team, even for category, or that does not require a student to provide their date of birth and sex as part of the registration process. LEA’s specifically may continue to verify initial eligibility for participation in activities, including verification of residency, age, sex (as verified by a birth certificate), academic requirements, and school enrollment capacity.

As written, HB 209 requires the association to collect the birth certificate or age/sex information. At present, schools should continue enrollment of students following established processes and wait for clarification from UHSAA and USBE on how this requirement will be met.

ⁱ [53G-7-501](#) defines a “curricular activity” as “an activity, a course, or a program that is: intended to deliver instruction; provided, sponsored, or supported by an LEA; and conducted only during school hours.”

ⁱⁱ [53G-7-501](#) defines a “co-curricular activity” as “an activity, a course, or a program that: is an extension of a curricular activity; is included in an instructional plan and supervised or conducted by a teacher or education professional; is conducted outside of regular school hours; is provided, sponsored, or supported by an LEA; and includes a required regular school day activity, course, or program.”

ⁱⁱⁱ [53G-7-501](#) defines “initial eligibility requirements” as “an association’s eligibility requirements, policies, procedures, and transfer rules that a school student in grade 9 or 10 must meet, and to which the student is bound to participate on a high school sports team” when the student either attends or does not attend the school where they have been selected for membership on a sports team.