



NEBO SCHOOL DISTRICT BOARD OF EDUCATION POLICIES AND PROCEDURES

SECTION: J - Students
POLICY TITLE: Student Eligibility for Participation in Extracurricular Activities and Athletic Transfers
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1. PURPOSE AND PHILOSOPHY

The Board of Education encourages students to participate in a variety of athletic and extracurricular activities, and recognizes the many benefits to students who engage in such activities. Participation in athletics and other extracurricular activities is a privilege. There is no constitutional right to participate in such activities, nor are there any life, liberty, or property interests associated therewith.

In order to participate in activities sponsored by the Utah High School Activities Association (UHSAA), a student must meet eligibility requirements with regards to attendance, behavior, residency, academic performance, and other applicable criteria. Nebo School District accepts and supports the constitution, bylaws, regulations, guidelines, and standards established by UHSAA in relation to eligibility for participation. School principals, athletic directors, coaches/advisors, parents, teachers, and all other employees of the schools share in the responsibility of insuring that students meet the expected standards for participation.

Each school, with approval of the principal, may also establish eligibility requirements for participation in activities not sponsored by UHSAA. The cheerleading and student council programs at each school are governed by each school's student constitution and bylaws and not by UHSAA. Eligibility expectations for those programs must be clearly outlined for students and their parents/legal guardians in a disclosure document.

When student athletes in secondary schools transfer schools, athletic eligibility standards established by UHSAA must be satisfied. Violation of these standards may bring about severe sanctions for a student, a coach, a team/program, and/or the school. The Board of Education desires that transferring student athletes meet all UHSAA transfer and eligibility requirements.

2. DEFINITIONS

- 2.1 “Intent and Purpose”** - The student’s reason and motive for requesting a school transfer. The intent and purpose of a school transfer is best determined when sufficient information is gathered, documented, and given to school officials. The foregoing is intended as a general definition and shall not be interpreted in any way as to conflict with or limit UHSAA rules and guidelines.
- 2.2 “Recruitment”** is any act or communication that is performed personally, or through another, which may be objectively seen as an inducement, or part of a process of inducing a student or his/her parent/legal guardian, to have the student enroll or transfer to a particular school outside of the student’s resident school for athletic purposes. The foregoing is intended as a general definition and shall not be interpreted in any way as to conflict with or limit UHSAA rules and guidelines.
- 2.3 “School Participation Fee”** is the seventy-five dollar (\$75.00) per student fee paid by the student’s school of enrollment (charter or online school) to the boundary school within Nebo School District whereat the student desires and is qualified and eligible to participate. Upon payment of the annual School Participation Fee, the student may participate in all extracurricular activities during the school year for which the student is qualified and eligible.
- 2.4 UHSAA Definitions.** The following terms are defined by the Utah High School Activities Association which may be periodically revised. For current definitions, please refer to the current UHSAA Handbook (see www.uhsaa.org).
- 2.4.1 “Athletic Transfer Eligibility”** - UHSAA has established specific transfer eligibility requirements for transferring students who desire to participate in UHSAA sponsored athletics. Transfer students must meet requirements in the following areas: intent and purpose of the transfer, proof of first entry, proof of custody, proof of residency, abandonment of previous residency (if applicable), no unresolved discipline problems at the previous school, transcript/grades from the previous school, no undue influence, and no recruitment.
- 2.4.2 “Change of Residence”** - To be considered a change of residence, the prior residence must be abandoned. This means that the prior residence has been sold, rented to third parties, or transferred from the legal ownership or possession of the parent/legal guardian. The change of residence must include the transfer of personal property ordinarily associated with a legitimate change of residence. To qualify as a change of residence, the prior residence must not be currently used as a residence by either parent or any relative under circumstances in which it could reasonably be inferred that the change of residence was a sham.
- 2.4.3 “First Entry”** - A student enrolling in high school for the first time will be deemed residentially eligible for interscholastic activities even if that first entry is at a school not within the student’s residential area. Unless otherwise excepted, the transfer rule will apply to any subsequent transfer. A student establishes initial eligibility upon entry to high school for the first time. Whenever a student intends to participate in UHSAA activities, the student’s entry to the high school, irrespective of the location, shall be used for purposes of first entry.
- 2.4.4 “Legal Guardian”** - An exception created for students seeking legal guardianship is intended to apply only to those situations in which a bona fide guardian has been appointed by a court of competent jurisdiction for the best interests of the student. Should it appear that a guardian has been appointed or established for the purpose of avoiding the transfer rule, UHSAA may ignore the guardianship and examine the transfer as if no guardian existed. The document must indicate the date of appointment, powers conferred, and whether the guardian was appointed due to death, incompetence, or unsuitability of the parents. For the purposes of athletic

eligibility, a power of attorney does not suffice nor does a district or school guardianship.

- 2.4.5 Recruitment** - The recruiting of student athletes by any person whether connected or not connected with a UHSAA member school is considered a serious violation of UHSAA rules regarding the imposition of undue influence on students for the purposes of athletics. Although under most circumstances UHSAA will not examine the motives behind a student's choice of school upon first entry, there may be other factors beyond residence that could affect a student's eligibility and could impose sanctions on the student, coach, team/program, and/or school. An example of recruiting is where a student or students who, during the school year prior to initial high school participation, have attended a school or coach sponsored camp or have played together on a "super league," "all-star," "select," or other traveling or combined team, attempt to establish eligibility at a UHSAA member school which is outside the residential area for any of those students. Such enrollment will be considered *prima facie* evidence of recruitment. Recruited athletes may have their transfer request denied or the student athletes could be declared ineligible for twelve (12) months. Coaches, teams/programs, and/or schools may also be sanctioned.
- 2.4.6 Residence** - A residence is a place where a student has established his/her true, fixed, and permanent home, and where the family regularly eats, sleeps, and lives. It is the place where the student and his/her parent(s) are habitually present and to which, when departing, they intend to return. Evidence of residence may include, but is not limited to, the following: voter registration records, ecclesiastical membership records, vehicle registration, rent receipts, utility payments, mortgage documentation, or income tax documentation.
- 2.4.7 Student Discipline** - A student suspended, expelled, or otherwise removed for disciplinary reasons, including revocation or non-renewal of open enrollment permit, from one member high school shall be ineligible for interscholastic activities in any other member high school until all conditions for re-admittance have been fulfilled at the school where the suspension, expulsion, revocation, or removal for disciplinary reasons occurred. In no case shall that period exceed twelve (12) months.
- 2.4.8 Transfer Rule** - Any student transferring from one high school to another shall lose eligibility for participation in UHSAA activities (varsity, junior varsity, or sophomore) under the following circumstances: (a) the transfer resulted from the student's intent or purpose to participate in athletics at the transferee's school; (b) the transfer does not otherwise comply with the rules of the Utah State Board of Education; OR (c) a transferring student does not receive confirmation from UHSAA to obtain athletic eligibility. To receive confirmation, any transferring student must provide UHSAA with specific information regarding the circumstances of the transfer. If the transfer was mandated by a school district for disciplinary reasons, the UHSAA member school shall provide UHSAA with notice of the action and the reasons therefore. In transfers which have been mandated by a school or district for disciplinary reasons, whether intra-district, inter-district, or between private and/or public schools, the transferred student shall lose eligibility for UHSAA sponsored activities for a period equal to any suspension, expulsion, or dismissal from the transferring school, but in no case shall the period exceed twelve (12) months.
- 2.4.9 Undue Influence** - The use of undue influence by any person, connected or not connected with a UHSAA member school, to secure the transfer of a student to another UHSAA member school for the purpose of participation in UHSAA athletic activities shall cause the student to be ineligible for UHSAA activities for the period of twelve (12) months and may result in fines and/or suspension of the UHSAA member school.

3. ELIGIBILITY REQUIREMENTS

3.1 Team/Group Selection

- 3.1.1** For any team/group which has limited membership and for which try-outs or auditions are held, an ineligible student may not be selected as a member of the team or group. The deadline for meeting all eligibility requirements is the day on which the final team or group membership list is posted.
- 3.1.2** For any team/group which has unlimited membership and for which try-outs or auditions are not held, a student must meet eligibility requirements prior to the first day on which competition may be held for the activity as set by UHSAA. A student who is not eligible on that date cannot join the team/group after becoming eligible at a later date.
- 3.1.3** As part of the eligibility process, a mandatory team/group membership checklist, provided by UHSAA, must be completed and signed by each player, parent/legal guardian, and coach. The checklist will be kept on file at the school.
- 3.1.4** The list of eligible team/group members will be submitted to the school's athletic director so that an eligibility roster may be filed with UHSAA prior to the established state deadline.

3.2 Participation

An ineligible student may not represent the school in any of the activities governed by this policy. A student who is deemed to be ineligible may not do any of the following: (a) be in uniform on competition day; (b) warm up with the team; (c) be introduced as a member of the team; (d) sit on the bench with the team; OR (e) travel with the team.

3.3 Attendance

A student becomes ineligible for participation in extracurricular activities if he/she has received a Notice of Truancy and/or a Habitual Truant Citation. Eligibility is restored as soon as the Notice of Truancy and/or the Habitual Truant Citation has been cleared and approval given by a school administrator.

3.4 Behavior

In order to participate in extracurricular activities a student must be in good standing with the school. Students who have been suspended or expelled from school become ineligible for participation during the period of the suspension or expulsion. Behavior expectations are also established by UHSAA and district/school policies. Additional behavior expectations for participation in extracurricular activities may be established by teams/groups so long as they are clearly outlined for students and their parent/legal guardians in a disclosure document.

3.5 Residency

- 3.5.1** Except as noted in Paragraphs 3.5.2 below, a student must be enrolled as a full-time student in the school in order to participate in extracurricular activities. Acceptable enrollment includes students who are participating in non-district education programs approved by Nebo School District.
- 3.5.2** A home school or private school student may participate in extracurricular activities at the school within the catchment area he/she resides, provided that:
 - 3.5.2.1** The student is dually enrolled in the district for at least half of the school day; AND

in calculating or recording the grade is discovered when the report cards are issued, the error may be corrected.

3.6.4 Except as outlined above, a grade may not be changed for the sole purpose of allowing a student to become eligible (see Nebo School District grading policies for additional information).

3.6.5 The grade “P” received from any class which grades on a pass/fail basis is not counted when assessing the GPA for eligibility purposes. The grades “F” – Fail, “I” – Incomplete, “NG” – No Grade, or “NC” – No Credit, are considered failing grades until made up.

3.6.6 For activities which occur during the first grading period in the fall, eligibility is based on the last report card issued for the preceding spring. Incoming tenth grade students must meet the same eligibility standards based upon the previous spring report card. Deficiencies or other grades earned during that grading period may be made up during the summer, but make-up course-work must be in the same subject and done through a district approved program.

3.7 Academic Performance – Non-Athletic Activities

3.7.1 Individual schools, with approval of the school principal, may establish the GPA requirement to be met for cheerleading, student council, clubs, and other events and activities not sponsored by UHSAA.

3.7.2 Any other exceptions to this policy for those activities must be approved by the school principal and must be clearly identified in the team, club, or group disclosure statement.

3.8 Eligibility Related to the Use of Alcohol, Tobacco, or Drugs

The use of alcohol, tobacco, and illegal drug use is strictly prohibited. Students who use any of the above substances during a season will be subject to the sanctions outlined in the UHSAA Handbook. Students may also be subject to school disciplinary action as set forth in district or school policies. Coaches may impose a more restrictive policy for a given team, but in order to do so they must include that information in the team disclosure statement.

3.9 Ninth Grade Students

A ninth grade student is eligible to participate only on the high school teams, groups, and other extracurricular programs in which boundaries the student resides. For purposes hereof, a ninth grade student’s resident school is determined by the address of his/her custodial parent(s)/legal guardian(s) and the school boundary associated with that address.

4. CHARTER AND ONLINE SCHOOL STUDENT PARTICIPATION IN EXTRACURRICULAR ACTIVITIES

4.1 A student attending a charter school or who is participating in an online education program sponsored or supported by the Utah State Board of Education, a school district, or a charter school, may be eligible to participate in extracurricular activities at a school in Nebo School District. In the case of a charter school student, the student may be eligible to participate only if such extracurricular activities are not offered by the student’s charter school. The following is the designated school where an eligible charter or online school student may participate in extracurricular activities:

4.1.1 The school within whose attendance boundaries the student’s custodial parent or legal guardian resides; OR

- 4.1.2** The school from which the student withdrew for the purpose of attending the charter school or participating in the online education program.
- 4.2** A charter or online school student is eligible to participate in extracurricular activities at the district school consistent with the same eligibility standards as applied to full-time students enrolled in the district school.
- 4.3** Charter and online schools shall pay the applicable School Participation Fee to the district school for each participating student. The School Participation Fee shall be paid prior to the student's participation in the extracurricular activity. Upon payment of the annual School Participation Fee, the student may participate in all extracurricular activities during the school year for which the student is qualified and eligible.
- 4.4** Participating charter and online school students shall be responsible to pay any and all other activity fees, participation fees, player-pack fees, etc. that are approved by the Board of Education and which are required of all students to participate in the extracurricular activity. Any and all such fees shall be paid prior to the student's participation in the extracurricular activity.
- 4.5** If a participating charter or online school student qualifies for fee waivers, in whole or in part, all waived fees shall be paid to the district school by the student's charter or online school prior to participation in the extracurricular activity.
- 4.6** Charter and online school students may not participate in extracurricular or co-curricular activities which require student enrollment in a regularly scheduled class at the district school.

5. ATHLETIC TRANSFERS

5.1 Attend and Play Where You Live. It is the desire of Nebo School District that all schools develop and maintain strong community loyalty, balance, equity, and fairness. Accordingly, it is the district's position and preference that students should attend school and participate in athletics within the boundaries in which they reside. A student's athletic eligibility is established at the school in which boundary he/she resides. Notwithstanding this preference, resident students may be able to attend another school within the district through the Open Enrollment procedures or Administrative Transfers. However, a school transfer under these procedures does not establish eligibility for athletic participation. In fact, a school transfer may adversely affect a student's eligibility to participate in athletics sanctioned by UHSAA wherein the student may be ineligible to participate for up to twelve (12) months.

5.2 School Transfer

When a student athlete desires to transfer to another school, all requirements for the transfer and enrollment will first be considered independent of the requirements for UHSAA athletic eligibility. Student athletes who have first satisfied all requirements for a school transfer must then satisfy all UHSAA eligibility transfer requirements in order to participate in UHSAA sponsored athletics.

5.3 Athletic Participation Form

Student athletes transferring to a school within the district are required to complete a Nebo School District Athletic Participation Form. Completed Athletic Participation Forms shall be delivered to the District Athletic Coordinator, or his/her designee, at the district office. Student athletes are required to satisfy all UHSAA eligibility requirements by providing information and documentation of the following:

- 5.3.1** A statement of reasons for the transfer;
- 5.3.2** Proof of first entry;
- 5.3.3** Proof of custody;

- 5.3.4 Proof of residency;
- 5.3.5 Proof of abandonment of previous residency (if applicable);
- 5.3.6 Discipline records from the previous school;
- 5.3.7 Transcript/grades from previous school;
- 5.3.8 Disclosure of participation on non-school athletic teams/activities in the past two (2) years; AND
- 5.3.9 Disclosure of any undue influence.

5.4 Multiple School Attendance

A student attending a class or program at another school in the district, other than the one where he/she regularly attends, is eligible to participate in interscholastic competition only at the school where the student's permanent records are maintained and where he/she is considered a full-time student.

5.5 Alternative Schools

Students attending alternative high schools in the district are eligible to participate in interscholastic competition only at the high school in whose attendance area they reside.

5.6 Discontinued Athletic Programs

If a school discontinues its participation in a UHSAA sponsored athletic program, any student that had previously participated in that program while attending that school may transfer, without the loss of eligibility, to a different UHSAA member school which offers that program.

5.7 School Closure, New School, or Boundary Changes

If a UHSAA member school closes, a new school is constructed, or school boundaries are changed, any student athlete affected by these changes shall be eligible and expected to participate at the new UHSAA member school in whose aligned boundaries he/she resides. A student opting to attend and participate in a UHSAA member school other than their aligned school must follow regular UHSAA eligibility and transfer procedures.

5.8 Wards of the Court or State

A student who is a ward of the court or the state and is placed in a school by court order may become eligible for interscholastic activities at that school by petitioning and receiving approval of UHSAA.

5.9 Divorce and Legal Separation

If, immediately subsequent to a Decree of Divorce or the entry of a court order establishing a legal separation, a student transfers to a new school attendance area with a parent who has legal custody of that student, that student shall be eligible to participate in interscholastic competition in the new school attendance area. Any subsequent transfer, even if to the residence of another parent with legal or joint custody, shall be subject to the transfer rule.

5.10 Disciplinary Removal

A student suspended, expelled, or otherwise removed for disciplinary reasons, including revocation or non-renewal of open enrollment permit, from a UHSAA member high school shall be ineligible for interscholastic activities in any other UHSAA member school until all conditions for re-admittance have been fulfilled at the school where the suspension, expulsion, or removal for disciplinary reasons occurred. In no case shall that period exceed twelve (12) months.

5.11 Foreign Students

A foreign student must be on a Council of Standards for International Education Travel or a Utah State Office of Education approved placement program. Foreign exchange students must possess a current J-1 Visa, issued by the U.S. State Department. The foreign exchange program must assign students to host families by a method that ensures no student, or his/her parents, school, or other interested party may influence the assignment for athletics or for other purposes. Foreign exchange students may not be selected or placed on any basis related to his/her athletic interests or abilities.

5.12 Eligibility Review

5.12.1 The eligibility of student athletes transferring to another school shall be reviewed by the Nebo School District Athletic Review Committee (the "Committee"). The Committee shall be formed by the District Athletic Coordinator, or his/her designee, which shall include district personnel and when reasonably possible the principals from the resident school and the receiving school. The Committee will review the Nebo School District Athletic Participation Forms and any associated information and documentation. The Committee may also request additional information or clarification. The Committee, in its discretion, may provide to the students' parents/legal guardians information and notice of potential issues concerning athletic eligibility in accordance with UHSAA eligibility rules and guidelines.

5.12.2 It is to be expressly understood that UHSAA has exclusive authority and jurisdiction to render a final decision regarding a student's athletic eligibility. Any information, issues, or opinions rendered by the Committee referenced in Paragraph 4.12.1 above are to be clearly understood as such and do not constitute a final decision. Accordingly, there shall be no claim for any detrimental reliance or non-reliance upon any information, issues, or opinions rendered by the district regarding a student's athletic eligibility pursuant to UHSAA rules and guidelines. The intent in having the district review and provide information, issues, and opinions as to a student's athletic eligibility according to UHSAA rules and guidelines is to provide the student and his/her parents/legal guardians with information and notice of potential issues concerning athletic eligibility so that they can make an informed decision concerning the school transfer.

6. ELIGIBILITY DECISION

Parents/legal guardians are responsible to obtain a final decision from UHSAA regarding their student's athletic eligibility by providing UHSAA with any applicable and necessary information and documentation (including completing the UHSAA Transfer of Eligibility Forms, etc.) in accordance with UHSAA rules and procedures.

7. DUE PROCESS FOR EXTRACURRICULAR ACTIVITIES NOT UNDER THE AUTHORITY AND JURISDICTION OF UHSAA

7.1 In the event there is an issue or dispute concerning athletics or other extracurricular activities that does not fall within the exclusive authority and jurisdiction of UHSAA (i.e., athletics and extracurricular activities not sponsored by UHSAA, specific items delegated to the district by UHSAA, junior high school athletics, district policies and procedures, etc.), the following due process procedures shall be followed:

7.1.1 The student and his/her parent(s)/legal guardians shall notify and meet with the school principal or his/her designee to discuss the issue or dispute. The school principal or designee shall investigate the matter and render a decision within a reasonable time period consistent with applicable district policies and procedures. The decision of the school principal or designee shall be communicated to the

student and his/her parent(s)/legal guardian(s) along with the option to appeal the decision to the Nebo School District Athletic Review Committee (the "Committee").

- 7.1.2** In order to appeal the decision to the Committee, the student's parent(s)/legal guardians shall contact the District Athletic Coordinator. The District Athletic Coordinator shall organize the Committee and convene a meeting with the student's parent(s)/legal guardian(s). The Committee shall render a decision within a reasonable time period consistent with applicable district policies and procedures. The decision of the Committee is final and constitutes satisfaction of all administrative remedies.

8. INTERPRETATION

In the event that any term, condition, or provision of this policy conflicts with any UHSAA eligibility rules and guidelines, as they may be periodically revised, the terms, conditions, and provisions of this policy shall be deemed to be automatically amended to comply with UHSAA eligibility rules and guidelines. In the event any term, condition, or provision of this policy is required to be included herein by UHSAA eligibility rules and guidelines, this policy shall be deemed to be automatically amended to include such terms, conditions, or provisions.

EXHIBITS

None

REFERENCES

Nebo School District – Student Enrollment and School Transfer Policy #JECB

Utah Code Ann. §53A-11-102.5

Utah Administrative Code R277-438

Utah Administrative Code R277-494

FORMS

Nebo School District Athletic Participation Form

UHSAA Transfer of Eligibility Forms
