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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
56th Legislature, 1st Session, 2023

Bill Number	<u>SB384</u>	Sponsor	<u>Maestas</u>
Tracking Number	<u>.223409.2</u>	Committee Referrals	<u>SEC/SHPAC</u>
Short Title	<u>School Athletics Changes</u>		
Analyst	<u>Condon</u>	Original Date	<u>2/19/2023</u>
		Last Updated	<u></u>

BILL SUMMARY

Senate Bill 384 (SB384) creates a new section in the Public School Code to:

- Prohibit coaches from recruiting a student to participate in an athletic activity at another school;
- Ban schools from prohibiting student participation in an athletic activity if that student participated in the same athletic activity in a different school;
- Allow students to participate in an athletic activity practice during an in-semester transfer, but does not allow the student to compete in the athletic activity until the semester following the semester in which the student transferred to the school; and
- Allow a student in the eighth grade to participate in a high school athletic activity without losing a season of eligibility to participate in that athletic activity in high school.

FISCAL IMPACT

The bill does not contain an appropriation.

SUBSTANTIVE ISSUES

Student Athlete Policies. The National Federation of State High School Associations (NFHS) is the national leader and advocate for high school athletics. NFHS is comprised of 51 member state associations (including Washington, D.C.), and serves 19,500 high schools. The New Mexico Athletic Association (NMAA) serves as New Mexico's state association and has a membership of more than 160 high schools and 200 middle schools. NMAA has established four major statewide standing bodies through which specific issues are discussed. The NMAA commission is the standing body that is responsible for making recommendations to the NMAA board pertaining to association policies, rules, regulations, and operating procedures. These rules, regulations, and operating procedures are what currently guide most student athletes and school policies concerning athletics.

Commission members must be employed by a member school district in good standing or be an elected member of a member school board or board of directors. This membership may include district associates and/or assistants, athletic or activity directors, or school principals/headmasters

or principal/headmaster associates and/or assistants. The commission consists of sixteen members representing differing groups for the purpose of providing fair policies that provide parity across schools, districts, and geographic parts of the state. Commission members are eligible for an unlimited number of consecutive terms provided that all other commission qualifications are satisfactorily met, and each term is three years. In their agency analysis, NMAA notes that the passage of SB384 would largely be repetitive and unnecessary as most of the bill already exists within the context of the New Mexico Activities Association (NMAA) [Handbook](#). The current policies in the NMAA Handbook prohibit coaches from recruiting a student to participate in an athletic activity at another school and imposes fines, and student athletes that transfer schools are ineligible for all high school athletic participation for 180 school days out of 365 calendar days. The handbook also allows middle school students to participate in high school sports and states, “A senior high student is eligible for no more than four seasons in any sport unless that student participated at the senior high level during his/her 8th grade year in which he/she is eligible for no more than five seasons.”

ADMINISTRATIVE IMPLICATIONS

Currently, the NMAA is responsible for enforcing policies and procedures, reviewing violations, and imposing sanctions when appropriate. It is not clear how the passage of SB384 would impact NMAA authority and how violations of this new section of the Public School Code would be resolved.

SOURCES OF INFORMATION

- LESC Files
- New Mexico Athletic Association

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