

## **SECTION VI ELIGIBILITY (BYLAWS)**

**(Please also refer to Section X for additional bylaws regarding  
Charter, Alternative, Home School, and Non-Member Private School Student  
eligibility for participation)**

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### **6.1 STUDENT PARTICIPATION**

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Student participation in interscholastic activities plays a significant role in personal and educational development. It is used as a means of developing wholesome attitudes and well-rounded citizens, who are better prepared to face the challenges of adult life as a result of their interscholastic experiences. **Participation is a privilege, not a right.** Students earn the privilege to participate by adhering to high standards of personal conduct and academic performance. Personal conduct and attitude of Student participants must reflect high standards of respect, integrity and responsibility.

**Note:** Participant shall be defined as a Student who represents his/her school for any period of time. A participant is any Student who has an official role with an NMAA sanctioned program, including, but not limited to, managers, statisticians, team videographers, etc. Participating students are required to compete in the gender listed on their original or amended birth certificate.

Students participating in interscholastic activities represent the school, depict its character, and serve as role models to other Students. Accordingly, participants are subject to a standard of academic performance and to higher standards of conduct both in and out of the school setting. Continued participation in interscholastic activities is conditioned upon observing and maintaining such standards. It is the responsibility of the Local School District to ensure that necessary disciplinary measures are strictly enforced.

**Note:** The Student and his or her Parent(s) or Legal Guardian(s) are responsible for becoming familiar with the rules and regulations of the New Mexico Activities Association and the Student's respective school. If a Student, the Student's Parent(s) or Legal Guardian(s) falsify information to the school or the New Mexico Activities Association, the Student shall be declared ineligible for participation for a period of 180 school days/365 calendar days in all sports at all levels from the date of discovery that information has been falsely presented.

#### **6.1.1 Purpose**

- A.** Students who participate in interscholastic activities serve as representatives of the Association, their respective schools/districts, and their communities.
- B.** Participants serve as role models and leaders among their peers.
- C.** The NMAA's Sportsmanship Mission is: "To develop champions for the future by utilizing athletics and activities to learn and practice the character traits necessary to live a positive, productive and caring lifestyle."
- D.** The NMAA defines Sportsmanship as: "The act of treating others in a respectful manner, taking personal responsibility for your actions and responding with integrity while engaged in competition."

- E. The NMAA defines it's "Compete with Class" sportsmanship initiative as "Competing in a manner where your attitudes, actions and reactions are synonymous with the ideals of good sportsmanship."
- F. Member schools must provide students with clear guidance regarding NMAA and school expectations and the consequences that can result from any violations of NMAA or school specified rules and regulations.

### 6.1.2 Student Transferring to Follow a Coach

The transfer/residency requirement is implemented as a means to discourage recruitment and reduce the opportunity for undue influence.

Beginning with the summer prior to the 7<sup>th</sup> grade, if a student participates on a non-school team (i.e. AAU, American Legion, club settings, summer program, etc.) that is affiliated with or coached by a coach associated with that same sport at a school other than the one the Student attends or has attended, and then transfers to that school, regardless of change in bona fide residence, it will be assumed that the Student has been recruited to attend that school or transferred to that school for athletic reasons, and the Student will be ineligible for all high school athletic participation for 180 school days/365 calendar days. If the Student transfers to a school that his/her coach has relocated to, regardless of change in the Student's bona fide residence, it will be assumed that the Student transferred to that school for athletic reasons and he/she will be ineligible there for all high school athletic participation for 180 school days/365 calendar days.

***Q1: If a student athlete plays on a summer league team, participates in summer practices etc. at a jr. - sr. high school outside of his/her attendance zone, and then transfers to that school, is he/she in violation of the Student Transferring to Follow a Coach bylaw?***

***A1: Yes. If a student has not officially withdrawn from his/her present school and enrolled in the new school that he/she plans to attend, he/she will be deemed ineligible should he/she choose to transfer to that school after participating on a summer league team, and/or in summer practice, open gym, etc.***

### 6.1.3 Undue Influence of a Student

The use of any of the following inducements constitutes undue influence, resulting in ineligibility for all high school athletic participation for 180 school days/365 calendar days:

- A. Participant living with coach, principal, teacher, or school official without legal guardianship
- B. Any inducement to get parents or students to change residence **or schools** for athletic/non-athletic purposes
- C. Offer or acceptance of money
- D. Reduction or remission of regular tuition (other than need-based financial aid available to all applicants)
- E. Offer or acceptance of board, room, or clothing
- F. Offer or acceptance of money for work in excess of amount regularly paid
- G. Transportation to school by any school official
- H. Offer or acceptance of school privileges not normally granted to other students
- I. Free or reduced rent for parents
- J. Offer for payment of moving expenses for parents
- K. Any Student, family or individual that contacts a coach about attending a school where he or she coaches must be informed that they need to contact the principal, admissions department or guidance department if they have an interest in transferring.
- L. Any meeting with coaches regarding prospective student athletes or their families should be at the request of the family to the individual(s) responsible for school administration and admissions, and must take place at the school.

**Q1: *If a student not presently enrolled in a school and/or members of the student's family meet with a coach in any type of setting or capacity (home, restaurant, etc.) and the student then transfers to that school, would that coach/student/family be deemed to have been in violation of the Undue Influence of a Student bylaw?***

**A1: *Yes. If a student is interested in transferring to another school, all communication should take place with the guidance counselor, and/or school administration, inclusive of the director of athletics, if requested.***

**Q2: *If a parent initiates contact with a coach with the intent of discussing the possibility of his/her son or daughter transferring schools to play in the coach's program, what would be an appropriate response from the coach?***

**A2: *The coach should immediately inform the parent that discussing the issue with him/her would be in violation of NMAA bylaws and should the parent choose to discuss the transfer of his/her son or daughter, he/she should do so with the school guidance counselor and or members of the school's administrative team. The coach should also inform the parent that he/she would be glad to discuss program specifics with them if and when the student has completed the enrollment process.***

**Q3: *Is it permissible for a coach to contact a student or his /her parents prior to the student's enrollment in the school?***

**A3: *No, a coach may not contact a student or his/her parents prior to the student's enrollment in the school at which he/she coaches. This shall apply to all students whether they have previously been involved in athletics or not. .***

**Q4: *If a Student pre-enrolls in a school prior to officially withdrawing from his/her present school, can a coach begin the process of communicating with that student and/or allowing him/her to attend out of season work outs, etc.?***

**A4: *No. Members of a coaching staff are to have NO contact with a student athlete presently in attendance at another school. The communication process may only begin once the Student has finalized the withdrawal process from his/her present school.***

#### **6.1.4 Compliance**

- A.** Eligibility rules shall comply with the intent and purpose of:
  - 1.** Federal laws superceding state and local laws.
  - 2.** New Mexico State Law including the Children's Code and Open Enrollment Statutes.
- B.** Eligibility rules and standards apply to Students who participate in interscholastic activities.
- C.** The NMAA does not discriminate or preclude Students from participating based upon disabilities defined by the Americans with Disabilities Act (ADA). (See 6.12.2)
- D.** Member schools may establish and administer eligibility rules which exceed standards defined in the NMAA policies and procedures handbook.

**6.2.1 Extracurricular Activities – Student Participation**

**A. Academic Eligibility**

1. A Student shall have a 2.0 grade point average with no more than one (1) F, based on a 4.0 grading scale, or its equivalent, either cumulatively or for the six or nine week grading period immediately preceding participation. Grades earned during a summer session must be placed on a student’s transcript by the school registrar prior to the first day of the Fall semester in order for the course to be utilized for eligibility purposes.
  - a. All class work counted for eligibility must be acceptable for graduation.
  - b. The GPA is based on a 4.0 scale with an allowance for consideration of honors points.
  - c. Cumulative provision
    1. The cumulative provision may be applied only at the beginning of a semester.
    2. Only semester grades can be used, and all semester grades starting with the 9<sup>th</sup> grade year must be utilized. (As cumulative grades start with the 9<sup>th</sup> grade year, the cumulative provision cannot be used for middle school/junior high Students.)
    3. The cumulative provision may not be applied if a Student has more than one “F” in the semester grading period immediately preceding participation.
    4. A student must have passed a minimum of 51% of coursework taken by a full-time student in the semester grading period immediately preceding participation to take advantage of the cumulative provision option.
  - d. Stricter guidelines may be imposed by the local school board/district.
2. A Student must be enrolled in and pass at least 51% of the member school’s regular class schedule in courses that will be counted towards his/her graduation and in regular attendance during the current as well as the previous grading period.
3. A student enrolled in on campus courses for less than 51% of the school day may have their eligibility determined by semester grades only.

***Q1: Can a course listed on the transcript as earning “no credit” be utilized for eligibility purposes as one of the courses that a student is taking?***

***A1: No, to be included in a student’s class load for eligibility, a course must be a credit earning course which counts towards the student’s graduation.***

***Q2: How is the eligibility status of a student who is in physical attendance at a member school’s campus for a maximum of one-half of the school day and concurrently enrolled at the local post- secondary institution or in online courses determined?***

***A2: The student’s eligibility can be determined either at the end of each grading period or semester ( for the following semester). It is the prerogative of the Athletic Director to choose to take on the responsibility of securing grades from the post-secondary institution / online program at the conclusion of each grading period or semester to determine student eligibility. Whatever is done for one must be done for all students in this situation. If the AD chooses to determine eligibility at the end of each semester for these students, their eligibility/ineligibility status will be for the entire following semester as opposed to the following grading period.***

**Q3:** *A student has two (2) Fs on the second quarter grades, but only one (1) F on the semester grades. Can the semester grades be used for determining academic eligibility?*

**A3:** *Yes. In determining academic eligibility, you first look at the quarter grades. If a student is not eligible based upon the 2.0 and no more than one (1) F criteria, then the semester grades can be utilized to determine academic eligibility. At that point, if a student is not eligible based on quarter or semester grades, you may use the cumulative provision as long as the student does not have more than one (1) F for the semester grades.*

**Q4:** *A student is scholastically ineligible based upon his/her fourth quarter grades. Although the quarter grades contain only one (1) F, the semester grades contain two (2) Fs. Can the cumulative provision be used to achieve eligibility?*

**A4:** *No. If the semester grades contain two (2) Fs, the cumulative provision cannot be utilized to achieve scholastic eligibility.*

**Q5:** *If not taking a full schedule of classes, how many classes must a student take in order to participate?*

**A5:** *The student must take at least 51% of the regular or A/B block schedule in order to be considered eligible to participate. If not taking a full schedule of classes, a student may fail one (1) course as long as he/she passes a minimum of 51% of what would be considered a full time schedule of classes, and meets the minimum 2.0 GPA criteria. Example: In a school with an 8 period school day, a student taking 7 courses must pass 6 or a student taking 6 courses must pass 5. A student taking 5 cannot fail a class. In a school with a 6 period school day, a student taking 5 courses must pass 4. A student taking 4 courses cannot fail a class.*

**Q6:** *If not taking a full schedule of classes, how many classes must a student take on an A/B block schedule in order to participate?*

**A6:** *The student must take and pass a minimum of 51 % of the regular A/B block schedule and maintain a minimum 2.0 GPA.*

**Q7:** *Do off-campus courses (ex., dual enrollment) count towards a student's eligibility?*

**A7:** *Yes, all courses listed on a student's transcript must be factored into a student's grade point average for eligibility purposes.*

**Q8:** *A student receives an "Incomplete," At the time the AD checks for eligibility, how is this calculated in the GPA?*

**A8:** *Incompletes (I), failing withdrawals (WF) and no grades (N) are treated as an "F" for GPA purposes.*

**Q9:** *Do online courses such as Nova Net count towards a student's eligibility?*

**A9:** *Yes all courses listed on a student's transcript must be factored into a student's grade point average for eligibility purposes.*

## **B. Academically Ineligible Player**

1. Practice - The student may practice with the team if it is determined by the school's administration that he/she is demonstrating academic progress towards eligibility.
2. Participation - The Student CANNOT participate in any interscholastic event at any level of competition during the period of ineligibility. The Student may participate in team functions at the school only. A student who has participated in an interscholastic event(s) during his/her period of academic ineligibility must sit out the number of games/events/contests that he/she participated in once he/she becomes academically eligible.

***Q1: A student who has participated in an interscholastic event during his/her period of academic ineligibility must sit out the number of games that he/she has participated in once he/she becomes academically eligible. What if the number of games played in during the ineligible period exceeds the number of games remaining in the season?***

***A1: If the student is an underclassman, the penalty will carry over into that specific sport season for the following year.***

3. Travel - The Student CANNOT travel to any interscholastic event or activity with the team during the period of ineligibility.
4. Games – The student may take part in game preparation but CANNOT dress out in uniform or sit on the bench in street clothes with the team during games.

## **C. Attendance Requirements**

Pursuant to New Mexico State Statute 22-12-2.1, the Local School District is required to enforce that no student shall be absent from school for school-sponsored interscholastic extracurricular activities in excess of fifteen days per semester, and no class may be missed in excess of fifteen times per semester. Exception - Absences due to participation in state and national competitions.

## **D. Open Enrollment Eligibility**

A ninth grade Student who has not previously competed in interscholastic sports at the high school level has his/her open enrollment choice. The Student may compete without reference to his/her immediate or previous scholastic record in eighth grade (last grading period and/or semester, whichever is applicable). The end of the 1<sup>st</sup> grading period in 9<sup>th</sup> grade establishes the beginning of the scholarship requirements for this Student.

### **6.2.2 Waiver Request for Scholarship Requirement**

In case the scholastic record for the previous semester/grading period is incomplete due to sickness or death in the immediate family or any other legitimate cause, the Student may petition the NMAA, through the administrative head of the school of attendance, for a waiver of the previous semester/grading period scholarship requirement.

### **6.2.3 Special Education**

- A. Students enrolled in a special education program (classification levels 1 or 2) who have been determined, by the Individualized Educational Program Committee, to be eligible for special education services for less than 50% of the school day, are subject to the same scholastic requirements as stated in 6.2.1.

- B.** Scholastic eligibility criteria for Students (classification levels 3 or 4) who are provided special education services for 50% or more of the regular school day, is determined by the Individualized Educational Program Committee. The Student's current IEP must indicate that a specific educational plan is in place should the student not meet NMAA academic eligibility requirements for athletic participation.

**Q1:** *If a level 2 special education student has not met academic eligibility criteria during a grading period and the IEP committee convenes and adjusts the student's level to 3, can the committee grant the student immediate eligibility?*

**A1:** *No, since the student did not meet eligibility criteria during the previous grading period, he/she must serve that grading period of ineligibility. For purposes of academic eligibility, Level 1 and 2 students fall under the same set of guidelines as regular ed. students.*

**Q2:** *What requirements must be met for academically ineligible 3 and 4 level students to gain academic eligibility for participation ?*

**A2:** *In order to gain academic eligibility for participation, the student's IEP must define academic goals, specific to athletic eligibility, that the student must meet or make progress toward prior to he/she being declared eligible to participate.*

#### **6.2.4 Make-Up Class in Summer School**

A Student may make up one (1) class during summer school by earning a passing grade in that exact class from an accredited program. The new grade may be substituted for the original grade in that class providing the local school policy permits. Summer school is defined as an extension of the spring semester for that year only. If the course is to be utilized for determining a student's eligibility, it must be placed on the transcript prior to the first day of the school year.

**Q1:** *A Student completes an online correspondence course prior to the first day of school. The grade for the course is not submitted to the school's registrar for inclusion in the student's transcript until the second week of school. Can the course be used to determine the student's eligibility for the initial grading period?*

**A1:** *No, all coursework to be utilized for the initial eligibility period of a school year must be included on the Student's transcript prior to the first day of the school year.*

**Q2:** *A student fails his/her English class during the normal school year, and takes a typing class in the summer. Does the grade received replace the failing grade received in the English class?*

**A2:** *No. To replace a grade, the exact same course must be taken. Otherwise, all grades, including the failing grade and the summer school grade, must be considered in calculating the GPA for eligibility purposes.*

**Q3:** *Can a summer school or off campus course (online, etc.) be factored into a student's semester GPA if the course does not replace an existing grade?*

**A3:** *Yes, even though the course will not replace an existing grade, it can be factored into a student GPA for the preceding semester as long as the course appears on the student's transcript within the required timeframe.*

### 6.2.5 Scholarship Requirements Established by Member Schools

Member schools may establish and administer scholarship requirements which exceed the minimum requirements stated herein. Students transferring to a school must meet the scholarship requirements established by that school.

***Q1: A student, whose previous grading period and cumulative GPA are between 2.0 and 2.4 (no more than 1 F), transfers to a school that has established a minimum 2.5 GPA as a requirement for athletic participation. Does that student meet NMAA academic criteria to participate?***

***A1: No. A student must meet the minimum academic standards of the school that he/she is attending in order to be deemed eligible for participation at that school.***

### 6.2.6 Grace Period

The school is allowed up to seven (7) school days from the last day of the grading period (six or nine weeks) for grades to be gathered and recorded and the eligibility/ineligibility of student athletes to be determined for the next grading period.

***Q1: Although grades have not been officially posted, the grading period has ended, and a Student, upon report from his teachers, has now become academically eligible to participate. Can these “reported” grades be used for eligibility?***

***A1: No. The Athletic Administrator at each member school must set a date at the end of each grading period to declare student eligibility for ALL students participating during the following grading period. A student cannot be declared eligible prior to or after that date.***

***Q2: A Student with an “Incomplete” grade, made up the work two weeks after the grading period. Can this amended grade now be used for eligibility?***

***A2: No. There is a seven (7) school day grace period from the last day of the grading period for grades to be gathered and recorded for eligibility determination. The Incomplete grade must have been remedied by the end of the day that the AD declares the academic eligibility status of all students at the conclusion of a particular grading period.***

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## 6.3 ENROLLMENT REQUIREMENTS

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Prior to participating in any interscholastic activity including but not limited to practice sessions, in-season or off-season practice/workout sessions, summer practice/workout sessions, or school district approved athletic elective credit classes, the following conditions apply:

### 6.3.1 Student Enrollment

The Student must be officially admitted to the public high school in his or her designated attendance zone, obtain a school district approved transfer to a school outside his or her designated attendance zone, or be enrolled in a private, charter, alternative or home school. (See Open Enrollment Choice 6.4.1)

### **6.3.2 Bona Fide Student**

The Student participant must be a Bona Fide Student of the member school for which he/she participates or represents. Bona Fide Student is defined as a student who is enrolled in a minimum of 51% of the member school's regular class schedule and is in regular attendance at the NMAA member school. The Student must be enrolled in courses that are credit earning, are applicable to high school graduation requirements and are to be included in the Student's high school transcript.

**Note:** See 6.3.5 for regulations governing Charter, Home, Alternative, and Non-Member Private School students.

### **6.3.3 Use of Student's Own Legal Name**

The Student participant must be enrolled under his/her own legal name.

### **6.3.4 Attendance Zone Determination**

Attend the high school in his or her designated Attendance Zone or the high school of his/her Open Enrollment Choice. Private Schools and Charter Schools do not have a designated attendance zone.

**A.** The attendance zone is based on the bona fide residence of the Student's Parent(s) or Legal Guardian.

#### **1. Residence of Student, Parent(s), Spouse**

- a.** The residence of a single, divorced, or widowed Student is presumed to be that of the parents of the Student.
- b.** The residence of a married Student is presumed to be that of his or her spouse.

### **6.3.5 Participating at Schools other than those Attended**

Students attending Charter Schools, Alternative Schools, Home Schools, or Non-Member Private Schools may participate at schools other than those that they attend, providing they meet eligibility criteria. (Please see specific rules and regulations governing Charter, Alternative, Home, and Non-Member Private Schooled students outlined in Section 10 of this handbook.) NMAA member private school and/or NMAA member public school students are ineligible to participate in NMAA sanctioned activities/athletics outside of the school in which they attend.

### **6.3.6 Enrollment Timeline for Participation**

**A.** A Student entering school for the first time in a school year must have enrolled by the tenth (10) school day of that semester to be considered for immediate athletic eligibility.

**B.** If not enrolled by the tenth (10) day, the Student is ineligible until his/her eleventh (11) day of attendance.

**C.** The 10-day rule applies, if the Student is absent from school for ten (10) or more school days and is officially dropped from the school registry, unless he/she is out of school due to documented illness or injury. A Student is required to practice the appropriate number of days in advance of participation in a contest/game/match. \*See individual sport bylaws in Section VII.

### 6.3.7 Non-Athletic Residential Requirements

Bowling is the only non-athletic activity sanctioned by the NMAA whose participants must meet the same residential regulations required of athletic participants.

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## 6.4 OPEN ENROLLMENT

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### 6.4.1 Open Enrollment Choice

- A. An incoming ninth grade student, or an eighth grade student who participates at the high school level, will have made his/her Open Enrollment Choice. The Open Enrollment Choice can be to attend a school within the attendance zone of his/her primary residence or attend a school outside the attendance zone of his/her primary residence, to include a private school, with an approved transfer.
1. An incoming ninth grade student, upon his/her initial enrollment in ninth grade, will have an Open Enrollment Choice to enroll in a member public, private, tribal, independent, parochial, charter, alternative, or home school.
  2. An eighth grade student who participates in high school athletics, at any level of competition, will make his/her Open Enrollment Choice at the eighth grade level.
  3. An out-of-state student making a bona fide resident move will have an Open Enrollment Choice to enroll in a member school upon their initial enrollment in the state of New Mexico.
  4. Open enrollment choice is not an option for foreign students in this country without their parents and/or legal guardians.

**Note:** Athletic Directors (at all levels) must submit the online “8<sup>th</sup> Grade Participation Form” to the NMAA signed by the Parent and Athletic Director prior to 8<sup>th</sup> Graders participating at the high school level. 8<sup>th</sup> grade students are ineligible to participate at any level until the NMAA has confirmed receipt of the “8<sup>th</sup> Grade Participation Form.”

***Q1: Has an 8<sup>th</sup> grade student who participates on a high school team at the sub varsity level made his open enrollment choice?***

***AI: Yes, an open enrollment choice has been made for all sports, when a student participates at any level of high school competition.***

- B. The Open Enrollment Choice will allow entering ninth grade students to be eligible immediately at all levels of competition, providing all other requirements are met. (See 6.1.2 and 6.1.3 for situations which would make an eighth grade/freshman student ineligible for Open Enrollment Choice.)
- C. If a Student utilizes his/her Open Enrollment Choice as an incoming ninth grader to enroll in a school outside the attendance zone of his/her primary residence, the Student will NOT be classified as a transfer Student. The Student must follow the Open Enrollment process as established by his/her local school district.
- D. If a Student changes schools after the Open Enrollment Choice, he/she is classified as a transfer Student. All transfer rules then apply. (See 6.6)

***Q1: A Student makes his/her Open Enrollment choice at a private school or a school that is located outside of his/her attendance area. If the student leaves his/her school in good standing then enrolls in his/her home attendance area school is the student eligible for varsity athletic participation?***

***A1: No. The Student is considered a transfer student and is ineligible for varsity athletic participation for 180 school days from the date of enrollment. Once the student has made the Open Enrollment choice at a private or out-of-district school, he/she no longer retains eligibility at the home attendance area school.***

***Q2: If a student, grades 10 thru 12 transfers with their family from out of state to a community in our state, is that student afforded immediate eligibility through Open Enrollment Choice at the school of his/her choice?***

***A2: Yes, if the student makes a bona fide residence move into the state of New Mexico with their family.***

***Q3: If a student, grades 10 thru 12, transfers with their family from out of state to a community in our state, is that student afforded immediate eligibility through Open Enrollment Choice at a private school?***

***A3: Yes, if the student makes a bona fide residence move into the state of New Mexico with their family.***

- E. Failure to follow the approved local school district Open Enrollment process or providing false information to the school's administration for enrollment purposes will result in the following:
1. The Student is suspended from participation immediately. Once the Student achieves an approved Open Enrollment to the school of his/her Open Enrollment Choice, he or she is ineligible for 180 school days/365 calendar days from the time of the approved enrollment.

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## **6.5 BONA FIDE RESIDENCE**

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**6.5.1** If a Student enrolls in the high school within the attendance boundaries of the Student's primary residence and resides with his or her Parent or Legal Guardian, the Student is a bona fide resident of that attendance zone providing all other requirements are met. (Note: With the exception of freshmen participating at the high school level for the first time and non-senior Students participating exclusively at the sub-varsity level, required NMAA petition documentation must be presented to the NMAA for an eligibility ruling prior to the Student's participation in NMAA sanctioned events.)

- A. A Student is eligible to participate at the varsity level once the Student, Parent(s) or Legal Guardian(s) have established a bona fide residence and all petition documents have been approved by the NMAA.

**B. Bona Fide Residence Criteria**

1. Documentation for the establishment of a bona fide residence shall be provided to the NMAA as follows:
  - a. Does the Student's Parent, Legal Guardian, or other person whose residence determines the Student's residence own a house or condominium or rent a house or apartment in the school district and attendance zone? Parents must provide

documentation to verify the purchase, lease, or rental of a home or living quarters located in the new attendance zone. A lease or rental agreement must be for at least one year in duration.

- b. Does the Student and Parent or Legal Guardian have their furniture and personal effects in the new district and attendance zone? There shall not be any personal effects or furniture belonging to the family at the previous residence.
- c. Does the Student and the Parent or Legal Guardian receive their mail (other than business or office mail) in the new district and attendance zone? The family shall submit a change of mailing address to the Post Office.
- d. Do the siblings of the Student attend schools within that attendance zone?
- e. Do the Parent(s) or Legal Guardian(s) regularly live in the new district and attendance zone?
  - 1. The new residence shall accommodate the entire family.
  - 2. The former residence shall be on the market at a reasonable market price, or sold, or the lease or rental agreement shall be terminated, or the home abandoned.
  - 3. All utilities and telephone services shall be disconnected or no longer in the family's name.
- f. Items used for personal identification purposes should reflect the current/new address.

### C. Conditions of Eligibility/Ineligibility for Students Establishing a Bona Fide Residence

- 1. If the Student enrolls at the school located within the attendance zone of the Student's new bona fide residence, the Student is eligible immediately once bona fide residence pursuant to Rule 6.5.1 B 1 (a-f) and good standing is established through the petition process. The Student shall be enrolled ten (10) days and practice the required number of days prior to participation in a competitive event. However, if a student transfers after he/she has begun participation in a sport at his/her former school (five or more days of practice), regardless of change in residence, the Student will be ineligible for the remainder of that particular sport specific season. A Student cannot represent two schools in the same sport in the same season. Exceptions to this rule must be petitioned to the Association (See 6.13.1 B & C).
- 2. A Student shall be in good standing and eligible at the previous school. The receiving school shall obtain from the previous school, documentation that the Student left the previous school scholastically eligible to participate under NMAA guidelines, had a clean discipline record, acceptable attendance, and no fines, fees and/or outstanding debts owed to the school. (Form C)

**Note:** If a Student, the Student's Parent(s) or Legal Guardian(s) falsify information to the school or the New Mexico Activities Association, the Student shall be declared ineligible for participation for a period of 180 school days/365 calendar days in all sports at all levels from the date of discovery that information has been falsely presented.

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## 6.6 TRANSFER STUDENT

### 6.6.1 Transfer Students defined:

- A. A Student who enrolls in a high school outside of the attendance boundaries of the Student's bona fide residence. (Exception 6.4 "Open Enrollment Choice")
- B. A Student who resides with someone other than his or her Parent(s), Primary Custodial Parent, Legal Guardian(s).

- C. A Student who transfers to his/her home district school after having made an Open Enrollment choice at a school outside of his/her attendance zone.
- D. A student attending a private (to include boarding) school after making their Open Enrollment Choice.

**6.6.2 Conditions of Eligibility for Transfer Students**

- A. A Student must obtain a local school district approved Open Enrollment transfer.
- B. A Student shall submit to the receiving school a transcript of credits and grades showing eligibility at the previous or sending school. The receiving school must have the transcript prior to allowing the transfer Student to begin counting his or her days of ineligibility.
- C. A Student shall be in good standing and eligible at the previous school. The receiving school shall obtain from the previous school, documentation that the Student left the previous school scholastically eligible to participate under NMAA guidelines, had a clean discipline record, acceptable attendance, and no fines, fees, and/or outstanding debts owed to the school.
- D. The Student is eligible immediately for sub-varsity level competition if the student left the previous school in good standing. If not enrolled by the tenth (10) day of the school year, the Student is ineligible until his/her eleventh (11) day of attendance at the new school and after participation in the required number of practices. Senior transfer Students may not compete on the sub-varsity level.
- E. If a Student leaves his/her previous school in good standing (NMAA Petition Form C), the Student is ineligible for varsity level participation for 180 school / 365 calendar days. School days are determined using the official local school district's calendar and does not include summer school. If the student does not leave his/her school in good standing, the student is ineligible in all sports at all levels of competition for 180 school / 365 calendar days *or* until all disciplinary measures / debts from the sending school have been satisfied.
- F. Failure to achieve an approved school district transfer or providing false information will result in immediate suspension from participation for 180 school/365 calendar days in all sports at all levels.

***Q1: A Student makes his/her Open Enrollment choice at a private school or a school that is located outside of his/her attendance area. If the student leaves his/her school in good standing then enrolls in his/her home attendance area school is the student eligible for varsity athletic participation?***

***A1: No. The Student is considered a transfer student and is ineligible for varsity athletic participation for 180 school days from the date of enrollment. Once the student has made the Open Enrollment choice at a private or out-of-district school, he/she no longer retains eligibility at the home attendance area school.***

***Q2: If a student leaves a school with unpaid fines or unmet disciplinary requirements will that student be held out of competition at his/her new school until restitution has been made?***

***A2: Yes, based on the form C received from the sending school, the NMAA will rule students at any level of competition, ineligible until all restitution, monetary or disciplinary, has been satisfied.***

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**6.7 CONDITIONS OF GUARDIANSHIP**

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**Note: Legal guardianship must be established at least one calendar year before the transfer in order to be considered for eligibility purposes.**

**6.7.1 Legal Guardian**

If a Student's Parents are alive but a Legal Guardian of his or her person is appointed by an appropriate district court judicial authority, the residence of the Student is presumed to be that of the Legal Guardian. If not appointed by a district court judicial authority, the Student is considered a transfer student and is ineligible for varsity level participation for 180 school/365 calendar days. Legal guardianship must be established at least one calendar year before the transfer in order to be considered for eligibility purposes.

***Q1: Will a custody document signed by a Notary Public or a Municipal Court Judge suffice in determining legal guardianship for NMAA eligibility?***

***A1: No, all custodial documents used to determine legal guardianship for NMAA eligibility must be signed by a District Court Judge.***

**6.7.2 Deceased Parents**

If a Student's Parents are deceased and a guardianship of his or her person has not been appointed, the residence of the Student is presumed to be that of the grandparent, aunt, uncle, adult brother or sister, or other person with whom the Student is living and by whom the Student is supported.

**6.7.3 Custodial (2017 - SB213)**

- A.** The child care boarding facility to which a Student has been assigned by an appropriate governmental authority is presumed to be the residence of the Student.
- B.** If a Student is moved to a foster home in another school attendance zone or school district, the foster home is considered the residence of the Student.
- C.** The mental health treatment facility to which a Student has been assigned pursuant to the Children's Mental Health and Developmental Disabilities Act is presumed to be the residence of the Student.

**6.7.4. Legally Separated Parents**

- A.** If a Student's Parents separate (and are not divorced), and one Parent remains in the attendance zone where the Student had previously been attending school, the Student's residence is presumed to be that of the Parent who did not move.
- B.** In the event both Parents move outside their current attendance zone, the Student must establish a bona fide residence with only one Parent and petition for immediate eligibility in the attendance zone of that Parent. The transfer rule applies after any future relocation of the Student.
- C.** A student who moves from parent to parent, or from legal guardian to legal guardian the first time in his/her high school career, will be eligible provided the following conditions are met:
  - 1.** Student is making his/her first move
  - 2.** The move is not within the same or adjoining district

3. The move was neither athletically motivated nor was the move because of recruitment as certified by the administrators involved

#### **6.7.5 Divorced Parents**

- A. The divorce must be finalized by judicial order.
- B. A student must establish full time residence with either parent in order to retain eligibility at his/her present school or gain immediate eligibility at the new school.
- C. In the event that both Parents move outside their current attendance zone, the Student must establish a bona fide residence with one Parent and may petition for immediate eligibility. The transfer rule applies after any future relocation of the Student.
- D. A student who moves from parent to parent, or from legal guardian to legal guardian the first time in his/her high school career, will be eligible provided the following conditions are met:
  1. Student is making his/her first move
  2. The move is not within the same or adjoining district
  3. The move was neither athletically motivated nor was the move because of recruitment as certified by the administrators involved

#### **6.7.6 Independent Self-Supporting Student**

- A. A self-supporting Student (married or independent) may be eligible for athletic competition in the attendance zone in which he/she resides provided all other eligibility requirements are met. The criteria for achieving independent self-supporting status for purposes of eligibility are as follows:
  1. Must be residing on his/her own, paying for lodging, food, clothing, household maintenance, transportation, etc. from funds/revenues generated through current earnings. Students achieving eligibility under this rule cannot have been subsidized trust, savings, or other means by which their existence would be endowed, both past and present.
  2. Must show evidence to the satisfaction of the Director that he/she is not receiving support from anyone other than him/herself.
  3. Must show evidence that the Student has lodging, phone, insurance, transportation, etc. clearly under his/her name and is responsible for the payment thereof.
  4. Reaching the age of 18 is not a factor in determining independent status in terms of determining eligibility for interscholastic activities.

**Note:** NMAA Administration will make determination as to eligibility status, based on documentation received.

#### **6.7.7 Boarding Schools**

##### **A. Students Residing on Campus**

Students who are residing on campus and attending NMAA member institutions which have the capacity to board or provide residence to individuals who are bona fide Students at the member institution, are eligible providing the following conditions are met:

1. The student must provide an affidavit, signed by both the Student and Parents, attesting to the fact that he/she has not in any way been influenced or recruited to enroll in the institution for athletic or activity purposes.
2. The Student left the previous school in good standing.
3. The intent of the move is to stay with this institution and not attend another high school for the remainder of his/her secondary educational career.
4. The Student has not attended the same or another boarding school, in or out of state, and applied this exception to another institution.
5. The Student will remain under the jurisdiction of this institution and be subject to all of the same rules as any other Student who attends the petitioning school during the course of his/her tenure at the school.

**B. Students Not Residing on Campus**

1. Students who are not residing on campus and attending NMAA member institutions which have the capacity to board or provide residence to individuals who are bona fide Students at that member institution will fall under the same guidelines as transfer Students.

**6.7.8 Parents Living Outside the United States**

A Student of American Parents working or stationed outside of the United States may be eligible if petitioned through the Director.

**6.8 ELIGIBILITY / EXCEPTIONAL CIRCUMSTANCES**

**6.8.1 Eligibility Retention**

A Student participant enrolled for 180 school/365 calendar days as a bona fide resident or transfer Student retains eligibility for subsequent years as long as the Student remains enrolled at the school and meets all other NMAA eligibility requirements.

***Q1: If a student's parents move outside of the district but the student chooses to remain at the school that he/she is presently attending, does that student retain eligibility?***

***A1: Yes, once a student has gained eligibility retention at a school, that student will retain residential eligibility, even if his/her parents move out of the district, for as long as he/she continues to consecutively attend there or until his/her eligibility has been exhausted.***

***Q2: If a Student/Parent/Legal Guardian enrolls the Student at the new home district school after utilizing retention eligibility, will the Student gain immediate varsity eligibility at the new home district school?***

***A2: No. Once retention eligibility is used, the Student forfeits eligibility at the new home district school.***

***Q3: How long must a student be in attendance at a school before he/she is eligible to use the eligibility retention regulation?***

***A3: A student is eligible to utilize the eligibility retention regulation one year from his/her initial day of attendance at a school.***

## **6.8.2 Foreign Students**

### **A. International Student Exchange Participant**

Eligible immediately if the Student is participating in a formal program sanctioned through the Council on Standards for International Educational Travel (CSIET). Students who receive a foreign exchange waiver are eligible to participate in NMAA sanctioned athletic events for a period of one calendar school year. If they return for a second year to the host school or any other member school, they are ineligible to participate in NMAA sanctioned athletic events.

### **B. Foreign Students (non U.S. citizens)**

Foreign Students who enter this country without their parents/legal guardians and enroll in a NMAA member high school without a formal sanctioned CSIET program are ineligible for 180 school / 365 calendar days at the varsity level. A Foreign Student who enrolls during his/her senior year may not participate in NMAA sanctioned events. It is not permissible for foreign students to live with coaches, administrators, or school officials without U.S. court ordered legal guardianship (See Undue Influence, 6.1.3). Foreign Students residing at boarding schools are exempt from this rule.

**Note:** Foreign Students who enter NMAA member schools without their parents and/or Legal Guardians are not afforded an Open Enrollment Choice

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## **6.9 ELIGIBILITY REVIEW**

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When determining the eligibility status of Students, it is the school's responsibility to read and follow all NMAA policies and procedures. The policies and procedures apply to all levels of competition unless specifically stated otherwise. It is the responsibility of administrators to ensure that Association standards are satisfied within each school's athletics and activities programs. If deviations are discovered, it is the administrator's responsibility to communicate them to the Association.

### **6.9.1 Local Schools**

- A.** Local schools shall administer the eligibility review procedure and make eligibility decisions based on the following NMAA eligibility rules:
- 1.** Enrollment/Open Enrollment Choice (6.4)
  - 2.** If a Student-athlete resided with and continues to reside with the same individual or family other than a Parent or Legal Guardian prior to 7<sup>th</sup> grade
  - 3.** Bona Fide Student (at initial/open enrollment) (6.5)
  - 4.** Semesters of Attendance (6.12) – unless an exception is being petitioned
  - 5.** Participation Limits (6.13) - unless an exception is being petitioned
  - 6.** Dual Participation (6.13.2)
  - 7.** Parental Consent (6.14)
  - 8.** Physical Fitness (6.15)
  - 9.** Scholarship, including cumulative provision (6.2)
  - 10.** Eligibility Retention (6.8.1)
  - 11.** Eligibility for participation at the sub-varsity level only (all paperwork – including Form C, must be reviewed by the Athletic Director and remain in the student's file until graduation).
  - 12.** Charter, Alternative, Home, and Non-Member Private School (10.1 – 10.7)
  - 13.** Foreign Exchange Students (6.8.2)

14. 8<sup>th</sup> grade participation (6.4.1.2)

- B. Documents signed by the AD and principal which are pertinent to the above rulings must be maintained in the Student's file both at the school and the NMAA office until that Student's graduation.
- C. The local school assumes all responsibility for errors or misinterpretation of rules.

### 6.9.2 NMAA Office

- A. The NMAA Office shall administer the eligibility review procedure and make eligibility decisions based on the following NMAA eligibility rules:
  - 1. Transfers (6.6)
  - 2. Parents Living Outside the US (6.7.8)
  - 3. Amateur Status (6.18)
  - 4. Participation Limits (6.13) – exceptions only
  - 5. Semesters of Attendance (6.12) – exceptions only
  - 6. Transfer Student with New Bona Fide Residence (6.5)
  - 7. Boarding Schools (6.7.7)
  - 8. Foreign Students (6.8.2)
  - 9. Hardship - Hardship Petitions must be submitted with Forms A, C, school transcripts and Transfer Rule Hardship Petition before the Hardship Review Committee can rule on the petition. All documentation necessary for a ruling on hardship petition must be provided at the time of the initial petition. Additional documentation after the ruling will not be accepted. The Hardship Review Committee will meet no less than every other month during the school year.
  - 10. Married Student (6.7.6)
  - 11. Self-supporting Student (6.7.6)
  - 12. Eligibility issues pursuant to court or legal orders
  - 13. Special Education (6.2.3)
  - 14. Incomplete Scholastic Record due to sickness or death of immediate family member (6.2.2)
  - 15. Undue Influence of a Student Athlete (6.1.3)
  - 16. Student Transferring to Follow a Coach (6.1.2)
  - 17. 8<sup>th</sup> Grade Participation (6.4.1.2)

### B. Did Not Participate

A transfer student who did not participate in a particular sport at his/her former school during the previous school year may petition the Executive Director for immediate eligibility at the varsity level. The student must have been in good standing and academically eligible for participation at their former school prior to their transfer. This exception can be used only once.

### 6.9.3 Petition Process

**Note: A Student must be academically eligible prior to submission of the petition (regular or hardship).**

- A. The member school petitioner shall submit required NMAA Petition Forms A, C and a transcript of grades. The NMAA reserves the right to request any other form of information that will assist in determining the Student's eligibility. If a Hardship is being petitioned, the Transfer Rule Hardship Petition Form must also be completed.

- B. The member school petitioner shall submit to the NMAA office:
  - 1. Correspondence and/or Form A stating:
    - a. Name of Student
    - b. Reason for petition/exception (If hardship, in addition to Forms A, student transcript and Form C, the Transfer Rule Hardship Petition must also be submitted.)
    - c. Eligibility rule being petitioned or a narrative explaining specifics of the transfer.
    - d. Facts in case
  - 2. School record/Transcripts (must include grades from most recent grading period).
  - 3. Record from previous school/good standing (Form C)
  - 4. All documentation necessary for a ruling on petition (bona fide residence documentation, medical records, divorce decrees, court documents, documents establishing hardship, etc.) must be provided at the time of the initial petition.
  
- C. Each member school petitioner shall complete the required forms and submit the documentation to the NMAA office.
  - 1. A Student may practice but is not permitted to participate in games/contests at the varsity level until a decision has been received from the NMAA via email, facsimile, official phone call or U.S. Mail. (This criteria does not pertain to sub-varsity competition, although documentation verifying that the student left his/her previous high school in good standing is required prior to sub varsity participation.)
  - 2. Transfer students who will participate at the sub-varsity level only, do not need to be petitioned to the NMAA, although a Form C must be requested by the petitioner at the receiving school to ensure that the student left the sending school in good standing. If a Form C indicates that the student did not leave in good standing (ex. fines owed, disciplinary measures not satisfied) the form C document must be submitted to NMAA administration for review and ruling prior to eligibility declaration.

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## **6.10 USE OF INELIGIBLE STUDENT PARTICIPANT**

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### **6.10.1 Penalty for Use of Ineligible Student Participant**

A member school or coach allowing an ineligible Student to participate in an interscholastic activity will be subject to sanctions as determined by the Executive Director which may include forfeiture of games. (See 2.2)

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## **6.11 GED/HIGH SCHOOL DIPLOMA**

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### **6.11.1 GED/High School Diploma**

A Student's eligibility for participation is ended once that Student earns or is eligible for his/her GED or high school diploma or its equivalent.

- A. A Student who leaves high school and completes a full-time early release post-secondary education/training program (GED or its equivalent) is no longer eligible for interscholastic competition even though the Student later returns to high school.
- B. A senior Student who is eligible in the spring semester continues to be eligible for all spring interscholastic activities even though graduation exercises may precede the completion of interscholastic activities for that specific semester.

***Q1: A Student withdraws from high school to attend a semester long fire fighting program offered by the city as a requirement for employment. The Student plans to return to the high school to graduate. Is the Student eligible to participate during his/her semester of absence?***

***A1: No, a student must be enrolled in at least 51% of the school's full schedule of classes in order to be eligible to participate.***

***Q2: A Student is taking GED courses during the evenings in addition to being enrolled at the local high school in excess of 51% of the school day. The student is afforded the opportunity to take the GED exam and earn his/her GED diploma during this timeframe. Once the Student has been awarded his/her GED Diploma, is he/she eligible to remain and participate in high school athletics?***

***A2: No, once a student has earned a high school equivalency degree (GED) he/she is no longer eligible to participate in NMAA sanctioned events.***

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## **6.12 SEMESTERS OF ATTENDANCE**

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### **6.12.1 Senior High Interscholastic Competition**

A Student is eligible for senior high school interscholastic competition for ten (10) consecutive semesters starting with the 8<sup>th</sup> grade year if the Student participates in any sport at the senior high level during his/her 8<sup>th</sup> grade year. A Student is eligible for senior high interscholastic competition for eight (8) consecutive semesters starting with the 9<sup>th</sup> grade year if the student is beginning senior high competition for the first time and has not previously participated at the senior high level prior to entering the 9<sup>th</sup> grade.

- A. Age limitations apply in all cases. (6.17)
- B. A Student uses a semester of eligibility if he or she attends one or more class periods in a semester.
- C. The 8<sup>th</sup> grade semesters must be consecutive and within the same academic year.

***Q1: A Student was held back in the 8<sup>th</sup> grade for academic reasons. He did not participate in athletics at the senior high level (C-Team, sub-varsity or varsity). The Student will turn 19 prior to September 1<sup>st</sup> of his/her senior year. How many semesters of eligibility does this student have to play?***

***A1: If the student does not participate at the high school level in his/her second 8<sup>th</sup> grade year, he/she will have 8 consecutive semesters of eligibility beginning with the 9<sup>th</sup> grade year. However, as the Student will turn 19 prior to September 1<sup>st</sup> of his/her senior year, the Student will have exhausted his/her athletic eligibility based upon age limitations and will be ineligible for athletic participation his/her senior year. (See 6.17)***

***Q2: If a student repeats the 8<sup>th</sup> grade and participates at the high school level during his /her second 8<sup>th</sup> grade year only, how many semesters of eligibility does the student have remaining beginning with his/her second 8<sup>th</sup> grade year?***

***A2: As long as the student does not exceed the age requirement, the student will have 10 consecutive semesters of eligibility remaining beginning with the first semester of his/her second 8<sup>th</sup> grade year, providing that he/she did not play at the high school level during his/her initial 8<sup>th</sup> grade year .***

### 6.12.2 SBE Regulation No 95-11 Section IV C - Americans With Disabilities Act (ADA)

A Student forced to withdraw from school attendance may not be required to count the semester as one of possible eligibility, provided each of the following criteria is met and supported by evidence acceptable to the Director. The burden of proof rests with the Parent or school requesting the exception. The Student must:

- A. Have been forced to withdraw due to illness, injury, or disability (as defined by the Americans with Disabilities Act). The withdrawal must be necessary because of the Student's disability or medical condition, not merely a preference.
- B. Have been forced to withdraw on or before the 15th school day of that semester.
- C. Not have participated in any interscholastic athletic event(s) that semester.
- D. Have been eligible scholastically that semester at the time of withdrawal unless the Student's scholastic ineligibility is a result of a disability which is the basis for the Student's withdrawal.
- E. Continue to be unable to attend school for at least the remainder of that semester.
- F. Meet all other eligibility standards.

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## 6.13 PARTICIPATION LIMITS

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### 6.13.1 Season/Championship Limit

- A. A Senior High Student shall not participate in more than five (5) seasons in any sport, of which no more than one (1) shall be played while in the eighth grade, and no more than four (4) seasons shall be played while in grades 9-12. A Junior High/Middle School Student shall not participate for more than three (3) seasons in a given sport, regardless of circumstances (7<sup>th</sup>, 8<sup>th</sup>, and 9<sup>th</sup> for junior high and/or 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> for middle schools).
- B. A Student is limited to one (1) season per school year in a specific sport. This applies to Students transferring from another state where the season may have already occurred in that sport.

***Q1: If a student plays softball in a state where it is a fall sport and then transfers to New Mexico and wants to play here where it is offered in the spring, may she do so?***

***A1: No, a student is limited to playing a sport for one season only during a scholastic year.***

- C. It shall be considered a season of participation in that sport when a student has been enrolled in and practiced at that school for five (5) or more school days. (See Appendices for definitions of participant, participation, and practice.)

***Q1: If a student practices with a school football team for more than 5 days but does not participate in any scrimmages or games, and then makes a bona fide move to another community, is he/she allowed to play football at the new school.***

***A1: No, a student is not allowed to participate in a sport at two different schools during the same sports season. Five (5) days participation in a sport is considered a season.***

- D. Students who transfer after participating in tryouts will be ineligible for participation at any level in that sport at the new school for the remainder of the school year.

### 6.13.2 Dual Participation

- A. Participating on a non-school team in the same sport during the school season is discouraged. If a Student is allowed by the school, through the permission of his/her coach or administrator, to participate in this manner, the Student's sport event limit may not be exceeded cumulatively.
- B. Game limitations in interscholastic sports are not to be exceeded.
  - 1. Pre-season scrimmage does not count toward game limits.
  - 2. All competition and/or games played (school and/or non-school, individual and/or team) from the first day of permissible legal practice to the final day of their school schedule in that sport count toward the allowable limit. Exception: Golf, Tennis, and Spirit.

**NOTE:** Since swimming/diving is classified as a "year round" sport, meet limitations in that sport are in effect from the start of the NMAA competitive season (Monday of week #19) through the completion of the school's swimming/diving schedule.

***Q1: If a student plays on his high school basketball team and also on a church league basketball team during the NMAA regulation basketball season, do the church league games count towards the students maximum allowable games?***

***A1: Yes, all games played (church league, AAU, city league, etc.) with the exception of one pre-season scrimmage and NMAA sanctioned post-season events (district and state tournaments) count toward the maximum number of allowable games.***

***Q2: If, during the NMAA sports season, a student athlete is invited to a showcase staged by university programs with the intent of evaluating post secondary playing potential and the showcase includes scrimmages, do those scrimmages count toward that student athlete's maximum number of allowable games during a sports season?***

***A2: Yes, participating in any type of organized game competition counts towards a student athlete's maximum number of allowable games during a sports season.***

- 3. NMAA Post-season events such as district and state tournaments do not count toward that limit.
- B. The Director may impose penalties appropriate to the violation.

### 6.13.3 Post-Secondary School Participation

A Student who, while representing a member school during the season, competes against any intercollegiate individual or team, shall be subject to NMAA sanctions.

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## 6.14 PARENTAL CONSENT

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A statement must be on file in the school office, signed by the Student's Parents or Legal Guardian, indicating that there are no objections to the Student participating in athletic contests or to the school releasing to the Association information on the Student when needed to determine eligibility.

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**6.15 PHYSICAL FITNESS**

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The Student must be physically fit. This fitness must be based on a physical examination of the Student occurring on or after April 1 of the previous school year and must be verified in writing by a licensed medical/osteopathic physician/physician's assistant or nurse practitioner to the extent authorized by their practice act and licensing authority. The physical is considered valid through the following school year. A Student must have a current physical on file for any participation outside of the school day (pre-season, in-season, off-season, summer). The certificate of examination must be on file in the member school office. . By State Education Agency regulations, SBE Regulation No. 95-11, Section IV. A., a Student's fitness may be verified in writing by a "licensed chiropractic physician to the extent authorized by their practice act and licensing authority."

***Q1: Must a student have a current physical to be eligible to participate in school sponsored summer or out of season (ex. one hour after school) programs?***

***A1: Yes, for liability purposes, a student must have a current physical to be eligible to participate in school sponsored programs.***

***Q2: If a student takes a physical examination in March of the current school year, is that physical examination valid during the fall sports season of the following school year?***

***A2: No, any physical examination taken prior to April 1<sup>st</sup>, is valid for the present school year only.***

***Q3: If a student took a physical examination after April 1<sup>st</sup> of the previous school year but prior to the present school year, is the physical examination valid throughout the present school year?***

***A3: Yes, a physical examination taken after April 1<sup>st</sup> is valid for the entire following school year.***

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**6.16 PARTICIPANT INSURANCE**

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Participants must be covered by accident/injury insurance prior to participation. They may carry school-offered insurance or provide the school with documentation that they are covered by a private insurance carrier. A document signed by the student and parent verifying insurance coverage must remain on file in the athletic administrative office.

***Q1: Must a student be covered by accident / injury insurance to be eligible to participate in a summer, or out of season (ex. one-hour per day) school sponsored program?***

***A1: Yes, for liability purposes, students participating in these programs must be insured.***

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**6.17 AGE**

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An age limitation requirement provides commonality between student-athletes and schools in interscholastic competition; inhibits "redshirting"; allows for the participation of younger and less experienced players, enhances the opportunity for more students to participate; promotes equality of competition; avoids over-emphasis on athletics, and helps to diminish the inherent risk of injury associated with participation in interscholastic athletics.

To ensure equality of competition and opportunity, a standard must be established to determine the cut-off date for age eligibility. Use of a specific cut-off date gives notice to all parties involved in interscholastic athletics and maintains equality of participant eligibility among schools.

A Student who turns 19 years of age after August 31 of the current school year is eligible for the entire school year. A Student who is 19 years of age or older prior to SEPTEMBER 1 (12:01 A.M. MIDNIGHT) is ineligible.

For Junior High/Middle School, a Student is eligible to play with the grade indicated if the Student is of age at the date outlined herein. If not, the Student must move up to play with the age which is correct for him/her.

**Sixth Grade:** A Student must be less than 13 years of age on August 31<sup>st</sup> of the current school year.

**Seventh Grade:** A Student must be less than 14 years of age on August 31<sup>st</sup> of the current school year.

**Eighth Grade:** A Student must be less than 15 years of age on August 31<sup>st</sup> of the current school year.

**Ninth Grade:** A Student must be less than 16 years of age on August 31<sup>st</sup> of the current school year.

**Note:** Age appropriateness does not supersede allowable semesters of competition. (See 6.13.1)

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## **6.18 ATHLETIC AMATEUR STATUS**

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### **6.18.1 Amateur Status**

In order to represent their school in any Association-sanctioned contest, Students must be amateurs in that sport.

### **6.18.2 Participate Under Own Legal Name**

An amateur athlete shall participate and shall always have participated under his/her own name.

### **6.18.3 Reimbursement or Financial Benefit**

An amateur athlete shall not receive (directly or indirectly) reimbursement or financial benefit for participating in any athletic contest, except as outlined in 6.18.8. Financial benefit includes free or reduced meals, merchandise, gift certificates, etc. (See 6.18.8 )

***Q1: The owner of a local shoe store invites a player from the local high school volleyball team to come by the store and pick out a pair of free shoes. Does this affect that player's amateur status?***

***A1: Yes, financial benefit gained because of athletic participation does jeopardize a student's amateur status.***

***Q2: After a great ballgame, the owner of the local restaurant invites the team over to the restaurant for a free meal. Could this affect the amateur status of the team members?***

***A2: Yes, financial benefit gained because of athletic participation does jeopardize a student's amateur status.***

***Q3: During the end of season sports banquet, the booster club gives a blanket to each member of the team. Is this in violation of NMAA eligibility guidelines?***

***A3: Awards must be symbolic in nature. Merchandise awards are in violation of NMAA guidelines and will affect the eligibility status of the student athlete.***

*Q4: If a team wins a state championship, may the school reward the athletes/coaches with championship rings and if so, what entity may purchase the rings?*

*A4: Providing state championship rings is allowed and they may be purchased by any entity (school, booster club, personal contributors, etc.) What school administrators must understand is if they choose to provide a championship team with rings, they are setting a precedent and must do the same for all other teams within the school who win state championships, even if it means purchasing them with school funds.*

#### **6.18.4 Contracts**

An amateur athlete shall not sign any contract for his/her services as an athlete except a letter of intent to attend a college or university.

#### **6.18.5 Retention of Amateur Status**

An amateur athlete who received pay for officiating or teaching in recreation programs retains amateur status for interscholastic competition.

#### **6.18.6 Participation With or Against Professional Athletes**

An amateur athlete may participate with or against professional athletes. The athlete's amateur standing is ultimately under the jurisdiction of the national or international governing body for the specific sport. The Dual Participation Regulation applies.

#### **6.18.7 Non-School Sponsored Events - Awards**

In non-school sponsored events, the awards a participant may receive and still retain amateur status shall be determined by the national or international governing body for that specific sport. If there is not an NMAA recognized national or international amateur governing body, the NMAA regulations must be followed.

#### **6.18.8 School Sponsored Events - Awards**

Individual participants in any interscholastic athletic/activity sponsored and/or approved by the Association shall not accept cash or merchandise awards. Awards must be symbolic in nature with no functional or intrinsic value such as, but not limited to, letters, plaques, trophies, medals, ribbons, certificates, and letter adornments.

- A. "Cash" includes such things as, but not limited to, remuneration in any form such as cash, money orders, gift certificates, scholarships, free or reduced price meals.
- B. "Merchandise" awards include such things as, but not limited to, jackets, sweaters, blazers, wind-breakers, blankets, etc.

#### **6.18.9 Amateur Status Lost in One Sport**

A Student athlete who has lost amateur status in one sport does not necessarily lose amateur status in other sports. An appeal for reinstatement of amateur status must be submitted to the NMAA.

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### **6.19 COMPLAINTS**

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Any school filing a complaint may be required to submit in writing, a full statement of the facts to the Director. The complaint shall be signed or co-signed by the school's administrative head. The Director shall send a copy to the administrative head of the school against which the complaint has been made, if applicable. The Director shall have the authority to investigate and take action.

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**6.20 PENALTIES**

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**6.20.1 Violations of Rules and Regulations by Participants, Fans, Students, and School Personnel**

Violations of any of the rules and regulations of the Association may subject a school or any individual to sanctions, including suspension and fines. In addition, the Director has the authority, after investigation, to suspend a school or individual for violations of the Code of Ethics, Undue Influence, or other serious offenses against the goals and philosophy of the Association.

**6.20.2 Injunctions/Temporary Restraining Orders**

- A.** If a Student is ineligible by rule yet is permitted to participate contrary to those rules, but in accordance with the terms of an injunction or court restraining order against the Student's school and the Association and the injunction is subsequently vacated or reversed in favor of the Association and school's position, remedies or action may be taken by the Association. If a finding is entered by the court that the application for injunctive relief or restraining order is frivolous, any one or more of the following actions against such school in the interest of restitution and fairness to other competing schools may be taken:
1. Require the individual or team records and performances achieved during participation by such ineligible Student be vacated, stricken, or forfeited;
  2. Require any team victories/contests to be forfeited to opponents;
  3. Require team or individual awards earned to be returned to the Association and/or;
  4. Require funds to be retained or returned to the Association. If a school has received or would receive any funds from the Association tournament series (district or state playoffs) in which the ineligible individual participated, that school would be required to forfeit its share of the net receipts from such competition; and if said receipts have not been distributed, to authorize the withholding of said receipts by the Association.
  5. Impose an appropriate penalty on the member school or program, such as but not limited to suspension, probation, reprimand, etc. as presently exists within the NMAA Handbook.
- B.** A school which has been suspended in one or more activities/athletic events sanctioned by the Association may not participate in that activity for a period not to exceed one calendar year. Other terms of the suspension or sanction imposed are established through Administrative and Review Committee procedures.