

**SECTION X**  
**CHARTER SCHOOL/ALTERNATIVE SCHOOL/HOME**  
**SCHOOL/NON-MEMBER PRIVATE SCHOOL**  
**STUDENT PARTICIPATION**

**(Please also refer to Section VI for additional bylaws  
regarding Student eligibility for participation)**

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**10.1 CHARTER SCHOOL PARTICIPATION ELIGIBILITY**

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**10.1.1 Definition of Charter School**

A Charter school is a public school developed by one or more parents, teachers or community members authorized by the local school board or the Public Education Commission to provide an alternative educational setting to parents and students in the public school system.

**10.1.2 NMAA Member Charter Schools**

Member charter schools must follow all rules and regulations outlined in this Handbook. Students representing their member school in athletics/activities must meet all eligibility requirements outlined in Section VI of this Handbook. Declaration of athletics/activities the school intends to offer must be submitted to the NMAA one year prior to the two-year alignment/classification block as per NMAA Alignment/Classification Bylaws (See Section 4.1.3). If the member charter school does not declare a particular sport/activity, the eligible student may participate in that sport/activity at the public school in the Student(s) residence attendance zone. As with any other member, no Student is guaranteed participation, only the opportunity to try-out for a position on the team.

**10.1.3 Non-NMAA Member Charter Schools**

An eligible Student attending a Non-Member Charter school may request through his/her parent/legal guardian or charter school to participate in athletics/activities at the public school in the Student's residence attendance zone. Pursuant to the Laws of 2005, Chapter 97, a 9<sup>th</sup> grade student who begins the school year at a non-member charter school is afforded Open Enrollment Choice at a public attendance zone school. 9<sup>th</sup> grade students entering non-member charter schools during the school year and 9<sup>th</sup> grade students who participated at the high school level as 8<sup>th</sup> graders have used their open enrollment choice. 10<sup>th</sup>, 11<sup>th</sup> and 12<sup>th</sup> grade students are not eligible to make an open enrollment choice. Participation with NMAA Member schools will be governed by all rules and regulations outlined in this Handbook. As with any other member, no Student is guaranteed participation, only the opportunity to try-out for a position on the team.

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**10.2 REGULATIONS FOR CHARTER SCHOOL STUDENT PARTICIPATION IN PUBLIC SCHOOL  
OF STUDENT(S) RESIDENCE ATTENDANCE ZONE**

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**10.2.1 Mutual Code of Conduct Agreement**

A Code of Conduct/Discipline Agreement must be in writing and signed by the Student(s), the Student(s) parents, and both school administrators, a copy of which is to be kept on file at the Student(s) Charter School as well as the public school in which the Student(s) is participating. The Student(s) must adhere to all code of conduct rules and regulations required of the students at the member school in which the Student(s) is participating.

### **10.2.2 Students Transferring into a Charter School Setting**

If an academically ineligible Student in good standing transfers from their school into a charter school setting, the Student is considered academically ineligible for participation. Students may gain eligibility as per NMAA Bylaw 6.2.1.

### **10.2.3 Consent/Physicals/Insurance/Catastrophic Insurance Requirements**

Student participants must maintain an annual physical with a consent to treat statement that is kept on file with both the charter and public schools. Student participants must also have proof of insurance coverage on file. (See Sections 6.14, 6.15, 6.16)

### **10.2.4 Transportation**

Transportation to and from practice is the responsibility of the Student(s) participating on the team.

### **10.2.5 On-Line Reporting**

The public school fielding the team the Student(s) is participating with will be responsible for the on-line reporting.

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## **10.3 LAWS OF 2005, CHAPTER 97 (Charter Schools)**

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RELATING TO PUBLIC SCHOOLS; ALLOWING ADDITIONAL PROGRAM UNITS FOR CHARTER SCHOOL STUDENTS TO PARTICIPATE IN EXTRACURRICULAR ACTIVITIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the 1999 Charter Schools Act is enacted to read:

22-8c-8 "CHARTER SCHOOL STUDENT PARTICIPATION IN PUBLIC SCHOOL EXTRACURRICULAR ACTIVITIES. –

- A.** The New Mexico Activities Association and the local school board in the school district in which a charter school is located shall allow charter school students in grades seven through twelve to participate in school district extracurricular activities sanctioned by the New Mexico Activities Association if they meet eligibility requirements other than enrollment in a particular public school and if the charter school does not offer such activities sanctioned by the New Mexico Activities Association or any other association.
- B.** A charter school student otherwise eligible to participate in an extracurricular activity shall participate in the public school in the attendance zone in which the student lives, provided, however, that the student may choose only one public school in which to participate.

SECTION 22-8-23-6 CHARTER SCHOOL STUDENT ACTIVITIES PROGRAM UNIT  
Effective July 1, 2007

- A.** ... A charter school student is eligible to participate in school district activities at the public school in the attendance zone in which the student resides, according to the New Mexico Activities Association guidelines. If the student chooses to participate at a public school other than the one in the attendance zone in which the student resides, the student shall be subject to New Mexico Activities Association transfer guidelines.

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**10.4 ALTERNATIVE SCHOOL PARTICIPATION ELIGIBILITY**

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**10.4.1 Definition of an Alternative School**

A public funded secondary school that is non-traditional in educational ideas and concepts, teaching methodologies and /or curricular requirements.

**10.4.2 Regulations for Alternative School Student Participation in Public School of Student(s) Residence Attendance Zone**

- A.** Verify student has not been placed in an alternative school for disciplinary reasons that would have the student unable to meet the necessary “good standing” requirement for participation as set forth for transfer students and outlined in Section VI of the NMAA Handbook (obtain Form C from alternative school).
- B.** Student’s bona fide residence must be within the attendance area of the public school.
- C.** Scholastic eligibility (GPA, failing grades, attendance) from the alternative school must be verified based upon the latest official grade report.
- D.** A complete, valid physical must be on file including all consent and information requirements from parents (including insurance provider).
- E.** Verify all other NMAA requirements and guidelines (e.g. age, participation limits, amateur status, etc.) as specified in Section VI – Eligibility (Bylaws) of the NMAA Handbook are met.

**10.4.3 Students Transferring into an Alternative School Setting**

If an academically ineligible Student in good standing transfers from their school into an alternative school setting, the Student is considered academically ineligible for participation. Students may gain eligibility as per NMAA Bylaw 6.2.1.

**10.4.4 Mutual Code of Conduct Agreement**

A Code of Conduct/Discipline Agreement must be in writing and signed by the Student(s), the Student(s) parents, and both school administrators, a copy of which is to be kept on file at the Student(s) Charter School as well as the public school in which the Student(s) is participating. The Student(s) must adhere to all code of conduct rules and regulations required of the students at the member school in which the Student(s) is participating.

**10.4.5 Consent/Physicals/Insurance/Catastrophic Insurance Requirements**

Student participants must maintain an annual physical with a consent to treat statement that is kept on file with both the alternative and public schools. Student participants must also have proof of insurance coverage on file. (See Sections 6.14, 6.15, 6.16)

**10.4.6 Transportation**

Transportation to and from practice is the responsibility of the Student(s) participating on the team.

**10.4.7 On-Line Reporting**

The public school fielding the team the Student(s) is participating with will be responsible for the on-line reporting.

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**10.5 HOME SCHOOL STUDENT PARTICIPATION ELIGIBILITY**

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**10.5.1 Definition of Home School**

A Home School is a residentially confined educational operation by a parent, guardian, or other person having custody of a school age person who instructs a home study program that provides a basic academic educational curriculum including but not limited to reading, language arts, mathematics, social studies and science.

**10.5.2 Regulations for Home School Student Participation in Public School of Student's Residence Attendance Zone**

- A. Student must be an official home school student registered with the Public Education Department.
- B. Home school students are eligible to participate in three activities during a school year. (Pursuant to Laws of 2007, Chapter 365, Section 2) See NMAA Bylaw 10.6
- C. Student's bona fide residence must be within the attendance area of the public school.
- D. Scholastic eligibility (GPA, grades) must be verified by the public school's Athletic Director at the same time that all students are ruled eligible or ineligible for athletic participation. (See 6.2, NMAA Handbook)
- E. Documentation must be provided to the Athletic Director which supports Student is taking home school classes which equate to more than half of that school's regular class schedule.
- F. Verify all other NMAA requirements and guidelines (e.g. age, participation limits, amateur status, etc.) as specified in Section VI – Eligibility (Bylaws) of the NMAA Handbook are met.

**10.5.3 Students Transferring into a Home School Setting**

- A. If a Student in good standing transfers from a non-public school or from a public school outside his/her attendance zone to a home school setting, the Student is considered a transfer student and therefore ineligible for varsity athletic participation at the public school for at least 180 school days (based on the public school's calendar) from the date of the transfer.
- B. If an academically ineligible Student in good standing transfers from their school into a homeschool setting, the Student is considered academically ineligible for participation. Students may gain eligibility as per NMAA Bylaw 6.2.1.
- C. Home school transfer students not in good standing will adhere to the 180 school day/365 calendar day ineligibility period as per Section VI.

**10.5.4 Mutual Code of Conduct Agreement**

A Code of Conduct/Discipline Agreement must be in writing and signed by the Student, the Student's parents, and school administrators, a copy of which is to be kept on file at the public school in which the Student is participating. The Student must adhere to all code of conduct rules and regulations required of the students at the member school in which the Student is participating.

### **10.5.5 Consent/Physicals/Insurance/Catastrophic Insurance Requirements**

Student participants must maintain an annual physical as well as all consent and information requirements from parents or guardians that is kept on file with the public school. Student participants must also have proof of insurance coverage on file. (See Sections 6.14, 6.15, 6.16)

### **10.5.6 Transportation**

Transportation to and from practice is the responsibility of the Student and the Student's parents participating on the team.

### **10.5.7 On-Line Reporting**

The public school fielding the team the Student is participating with will be responsible for the on-line reporting.

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## **10.6 LAWS OF 2007, Chapter 365, Section 2, as amended – SB 1098**

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RELATING TO PUBLIC SCHOOL FINANCE; ESTABLISHING A HOME SCHOOL STUDENT ACTIVITIES PROGRAM UNIT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 22-8-23.8 NMSA 1978 (being Laws2007, Chapter 365, Section 2) is amended to read:

“HOME SCHOOL STUDENT ACTIVITIES PROGRAM UNIT.

...A home school student is eligible to participate in up to three school district activities at the public school in the attendance zone in which the student resides, according to the New Mexico Activities Association guidelines. The school district shall verify each home school student's academic eligibility to participate in school district activities. As used in this section, 'activities' means athletics, co-curricular and extracurricular activities sanctioned by the New Mexico Activities Association.”

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## **10.7 NON-MEMBER PRIVATE SCHOOL PARTICIPATION ELIGIBILITY**

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### **10.7.1 Definition of a Private School**

A school, other than a home school, that offers on-site programs of instruction and is not under the control, supervision or management of a local school board. The school is supported by a private organization or private individuals rather than by the government.

### **10.7.2 Definition of a Non-Member Private School**

A private school, as defined in 10.7.1, that is not a member of the New Mexico Activities Association.

### **10.7.3 Regulations for Non-Member Private School Student Participation in Public School of Student(s) Residence Attendance Zone**

A. Student's bona fide residence must be within the attendance area of the public school.

B. Scholastic eligibility (GPA, failing grades, attendance) from the non-member private school must be verified based upon the latest official grade report.

C. A complete, valid physical must be on file including all consent and information requirements from parents (including insurance provider).

D. Verify all other NMAA requirements and guidelines (e.g. age, participation limits, amateur status, etc.) as specified in Section VI – Eligibility (Bylaws) of the NMAA Handbook are met.

#### **10.7.4 Students Transferring into a Non-Member Private School Setting**

If an academically ineligible Student in good standing transfers from their school into a non-member private school setting, the Student is considered academically ineligible for participation. Students may gain eligibility as per NMAA Bylaw 6.2.1.

#### **10.7.5 Mutual Code of Conduct Agreement**

A Code of Conduct/Discipline Agreement must be in writing and signed by the Student(s), the Student(s) parents, and both school administrators, a copy of which is to be kept on file at the Student(s) non-member private school as well as the public school in which the Student(s) is participating. The Student(s) must adhere to all code of conduct rules and regulations required of the students at the member school in which the Student(s) is participating.

#### **10.7.6 Consent/Physicals/Insurance/Catastrophic Insurance Requirements**

Student participants must maintain an annual physical with a consent to treat statement that is kept on file with both the non-member private and public schools. Student participants must also have proof of insurance coverage on file. (See Sections 6.14, 6.15, 6.16)

#### **10.7.7 Transportation**

Transportation to and from practice is the responsibility of the Student(s) participating on the team.

#### **10.7.8 On-Line Reporting**

The public school fielding the team the Student(s) is participating with will be responsible for the on-line reporting.