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**LEGISLATIVE EDUCATION STUDY COMMITTEE**  
**BILL ANALYSIS**  
**53rd Legislature, 2nd Session, 2018**

|                        |   |                            |                  |
|------------------------|---|----------------------------|------------------|
| <b>Bill Number</b>     | <u>HB51/aHEC</u>                                    | <b>Sponsor</b>             | <u>Roch</u>      |
| <b>Tracking Number</b> | <u>.208918.1</u>                                    | <b>Committee Referrals</b> | <u>HLELC/HEC</u> |
| <b>Short Title</b>     | <u>Charter School Activity Participation Zoning</u> |                            |                  |
| <b>Analyst</b>         | <u>Bedeaux</u>                                      | <b>Original Date</b>       | <u>1/26/18</u>   |
|                        |   | <b>Last Updated</b>        | <u>2/8/18</u>    |

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**BILL SUMMARY**

Synopsis of HEC Amendment

House Bill 51 as amended by the House Education Committee (HB51/aHEC) adds an applicability clause that clarifies the bill will apply only to students entering ninth grade in the 2018-2019 school year and subsequent years. As such, the bill would not affect those students currently participating in activities outside of their district of residence.

Synopsis of Original Bill

House Bill 51 (HB51) amends a section of the Public School Finance Act, eliminating language that allows charter school students to participate in activities at public schools in school districts other than the school district in which the student resides.

**FISCAL IMPACT**

HB51/aHEC does not make an appropriation.

It is unclear how the bill would affect funding allocated to school districts and charter schools through the state equalization guarantee. The New Mexico Activities Association (NMAA) estimates over 100 charter school students are participating in activities outside of their school district of residence. These students generate units at a cost differential of 0.1 per MEM. It is unclear how many new ninth grade students in FY19 would begin participating in the activity in their home district, shifting units and funding to that district, or not participate altogether, reducing total units generated and increasing the unit value marginally.

**SUBSTANTIVE ISSUES**

According to NMAA, charter school students are the only subset of students that can choose to participate in activities outside of their school district of residence. Public, private, alternative, and home-schooled students must all participate in activities at the school district in which the student resides, but are not required to participate at the school they attend.

NMAA estimates over 100 charter school students statewide are participating in activities in school districts other than the one in which they reside. Students who participate outside of their home district are subject to the NMAA transfer guidelines, which require the student be in good academic standing at their original school and have a clean discipline record, acceptable attendance records, and no outstanding debts to the school. Transfer guidelines also prevent students from participating in varsity-level competition for a full calendar year from the date of their transfer.

HB51/aHEC addresses the same loophole as a previous bill, SB626 from the 2009 legislative session. SB626 passed in both the House and Senate but was vetoed by Governor Richardson, who wrote the isolated location and limited resources of some charter schools meant some students had no other option. Governor Richardson argued that NMAA transfer guidelines governing students' participation outside of their school district of residence were stringent enough to ensure the statute wasn't being abused.

**SOURCES OF INFORMATION**

- LESC Files
- New Mexico Activities Association

**TCB/rab**