



LFC Requester: Liu

**PUBLIC EDUCATION DEPARTMENT
BILL ANALYSIS
2026 REGULAR SESSION**

SECTION I: GENERAL INFORMATION

Check all that apply:

Original Amendment
Correction Substitute

Date Prepared: January 28 2026

Bill No: SB141

Committee Referrals: SEC/SHPAC

Agency Name and Code: PED - 924

Sponsor: Maestas

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Short Title: STUDENT ELIGIBILITY FOR EXTRACURRICULARS

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SECTION II: FISCAL IMPACT

(Parenthesis () Indicate Expenditure Decreases)

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY27	FY28		
None	None	N/A	NFA

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY27	FY28	FY29		
None	None	None	N/A	NFA

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY27	FY28	FY29	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	None	None	None	N/A	N/A	NFA

Duplicates/Relates to Appropriation in the General Appropriation Act: None as of January 28, 2026.

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: Senate Bill 141 (SB141) proposes to amend the Public Education Department's (PED) authority over organizations that attempt to regulate a public school activity. The bill would focus that authority exclusively over the New Mexico Activities Association, while removing it with respect to all other organizations that might regulate a public school activity. Specifically, the bill would strike the department's approval authority over an organization's rules that would regulate a public school activity and remove the power to invalidate those rules and review and overturn decisions of such bodies. Instead, the bill would direct PED to determine eligibility for extra- and co-curricular activities directly, although the department would be able to authorize another organization (the NMAA) to do so in its stead, if certain conditions were met: PED's retention of approval and invalidation authority over that particular organization's rules; PED's retention of authority to require a financial audit of the organization; and the requirement that the organization comply with the Open Meetings Act and the inspection provisions of the Public Records Act (but not the Inspection of Public Records Act). These latter two requirements already exist in law. The gist of the bill is to remove authority from the NMAA to determine school activity eligibility and vest it in PED, albeit with the authority to delegate it back to the NMAA.

The bill does not provide an effective date. Laws go into effect 90 days after the adjournment of the legislature enacting them, unless a later date is specified. If enacted, this bill would become effective May 20, 2026.

FISCAL IMPLICATIONS

The bill does not contain an appropriation.

SIGNIFICANT ISSUES

The [New Mexico Activities Association](#) (NMAA) is a private, non-profit organization comprising the several school districts and charter schools of New Mexico, whose principle purpose is the regulation, direction, administration and supervision of interscholastic activities in the State of New Mexico. According to the NMAA [bylaws](#), when determining the eligibility status of students, it is the school's responsibility to read and follow all NMAA policies and procedures. The NMAA administers the eligibility review process and makes eligibility decisions based on 16 eligibility rules, including student transferring to follow a coach and conditions of guardianship. In addition to sports, NMAA oversees 23 other interscholastic activities that include more than 40 thousand student participants.

NMAA, in their routine course of business, make many participation eligibility determinations every year, most of which are accepted and finalized with no involvement from PED. A relatively small number of determinations are appealed, first to the NMAA Appeals Review Committee, thence to their Board of Directors. Any parties still aggrieved after those appellate determinations may appeal to the Secretary of Public Education under [Rule 6.13.2 NMAC, Interscholastic Activities Promulgated by the New Mexico Activities Association](#). The number of cases that reach

the level of Secretarial administrative review are relatively small, handful or so per year. In the past several years, the Secretary has only fully reversed an NMAA eligibility determination three times, and two of those were nearly identical cases involving a pair of siblings. (Further appeal to the District Court is always available to those parties who remain unsatisfied after departmental appellate review.) This relatively low incidence of appeals and very low incidence of reversals would suggest that the NMAA is functioning properly and as intended with regard to initial and appealed eligibility determinations for students. It should be noted that, were SB141 to be enacted, PED would almost certainly delegate student eligibility authority back to the NMAA, albeit with the oversight indicated in the bill, as that body is best situated to continue in the work it has been doing since its inception.

SB141 would also completely remove this same departmental authority over other organizations and associations that might attempt to regulate a public school activity. The bill strikes the provision that would give the department regulatory approval authority over such an organization's rules (current Subsection L of Section 22-2-2 NMSA 1978), as well as the department's review authority over decisions made by such organizations (Subsection M of Section 22-2-2 NMSA 1978).

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

PED would need to amend its [Rule 6.13.2 NMAC](#) to accommodate the provisions of the bill with respect to appellate review of NMAA decisions and its general oversight of the association. The department would also need to execute appropriate agreements delegating initial authority over student eligibility determinations back to NMAA.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

The [New Mexico Activities Association](#) (NMAA) is a private, non-profit organization whose principle purpose is the regulation, direction, administration and supervision of interscholastic activities in the State of New Mexico. According to the NMAA [bylaws](#), when determining the eligibility status of students, it is the school's responsibility to read and follow all NMAA policies and procedures. The NMAA administers the eligibility review process and makes eligibility decisions based on 16 eligibility rules, including student transferring to follow a coach and conditions of guardianship.

In the [2024-25 school year](#), NMAA offered the following activities to more than 40,000 students:

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

None.

AMENDMENTS

None.

2024-25 High School Activity Participation Numbers

Activity	Participation
Athletic Training Challenge	206
Bowling	302
BPA	823
Chess	333
DECA	2,110
Educators Rising	672
English Expo	164
Esports	1,442
FCCLA	1,250
FFA	3,256
HOSA	922
JROTC	2,882
Marching Band	4,002
Mock Trial	452
Choir/Concert Band	5,997
NMMEA (Music)	6,225
One-Act Play	2,110
Science Fair/Science Olympiad	1,420
Scholastic Publications	266
Skills USA	1,146
Speech & Debate	352
Student Council	4,005
TSA	344
Total	40,681