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SENATE BILL 262

42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1996

INTRODUCED BY

GLORIA HOWES

AN ACT

RELATING TO EDUCATION; PROVIDING FOR HOME-SCHOOL STUDENTS TO PARTICIPATE IN INTERSCHOLASTIC EXTRACURRICULAR ACTIVITIES; AMENDING AND ENACTING SECTIONS OF THE NMSA 1978.

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

Section 1. A new section of the Public School Code is enacted to read:

"[NEW MATERIAL] HOME SCHOOL--PARTICIPATION IN INTERSCHOLASTIC EXTRACURRICULAR ACTIVITIES. --A home-school student shall be eligible to participate in any interscholastic extracurricular activity offered in the public schools, provided the student:

A. meets New Mexico activities association, state board and local school board rules, regulations, policies, procedures and standards applicable to all public school

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1 students, with the exception of the school's class or school  
2 attendance requirements, but including those relating to  
3 catastrophic health and accident insurance coverage, during the  
4 time of participation in the interscholastic extracurricular  
5 activity;

6 B. meets and adheres to the same team or squad  
7 responsibilities and standards of behavior and academic  
8 performance of other student members of the team or squad;

9 C. participates in the interscholastic  
10 extracurricular activity at the public school that the student  
11 would normally attend;

12 D. submits to the local school board administration  
13 acceptable documentation of any interscholastic extracurricular  
14 eligibility standards required of all other public school  
15 students; and

16 E. submits to school authorities all required  
17 information and forms. "

18 Section 2. Section 22-2-2 NMSA 1978 (being Laws 1967,  
19 Chapter 16, Section 5, as amended) is amended to read:

20 "22-2-2. STATE BOARD--DUTIES.-- Without limiting those  
21 powers granted to the state board pursuant to Section 22-2-1  
22 NMSA 1978, the state board shall perform the following duties:

23 A. properly and uniformly enforce the provisions of  
24 the Public School Code;

25 B. determine policy for the operation of all public

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1 schools and vocational education programs in the state;

2 C. appoint a state superintendent;

3 D. purchase and loan instructional material to  
4 students pursuant to the Instructional Material Law and adopt  
5 regulations relating to the use and operation of instructional  
6 material depositories in the instructional material distribution  
7 process;

8 E. designate courses of instruction to be taught in  
9 all public schools in the state;

10 F. assess and evaluate all state institutions and  
11 those private schools that desire state accreditation;

12 G. determine the qualifications for and issue a  
13 certificate to any person teaching, assisting teachers,  
14 supervising an instructional program, counseling, providing  
15 special instructional services or administering in public  
16 schools, according to law and according to a system of  
17 classification adopted and published by the state board;

18 H. suspend or revoke a certificate held by a  
19 certified school instructor or certified school administrator,  
20 according to law, for incompetency, immorality or for any other  
21 good and just cause;

22 I. make full and complete reports on consolidation  
23 of school districts to the legislature;

24 J. prescribe courses of instruction, requirements  
25 for graduation and standards for all public schools, for private

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1 schools seeking state accreditation and for the educational  
2 programs conducted in state institutions;

3 K. adopt regulations for the administration of all  
4 public schools and bylaws for its own administration;

5 L. require periodic reports on forms prescribed by  
6 it from all public schools and attendance reports from private  
7 schools;

8 M authorize adult educational programs to be  
9 conducted in schools under its jurisdiction and promulgate and  
10 publish regulations governing all such adult educational  
11 programs;

12 N. require any school under its jurisdiction that  
13 sponsors athletic programs involving sports to mandate that the  
14 participating student obtain catastrophic health and accident  
15 insurance coverage, such coverage to be offered through the  
16 school and issued by an insurance company duly licensed pursuant  
17 to the laws of New Mexico;

18 O. require all accrediting agencies for public  
19 schools in the state to act with its approval;

20 P. accept and receive all grants of money from the  
21 federal government or any other agency for public school  
22 purposes and disburse the money in the manner and for the  
23 purpose specified in the grant;

24 Q. require prior approval for any educational  
25 program in a public school that is to be conducted, sponsored,

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1 carried on or caused to be carried on by a private organization  
2 or agency;

3 R. approve or disapprove all rules or regulations  
4 promulgated by any association or organization attempting to  
5 regulate any public school activity and invalidate any rule or  
6 regulation in conflict with any regulation promulgated by the  
7 state board. The state board may require performance and  
8 financial audits of any association or organization attempting  
9 to regulate any public school activity. The state board shall  
10 have no power or control over the rules or regulations or the  
11 bylaws governing the administration of the internal organization  
12 of the association or organization;

13 S. review decisions made by the governing board or  
14 officials of any organization or association regulating any  
15 public school activity, and any decision of the state board  
16 shall be final in respect thereto;

17 T. accept or reject any charitable gift, grant,  
18 devise or bequest. The particular gift, grant, devise or  
19 bequest accepted shall be considered an asset of the state;

20 U. establish and maintain regional centers, at its  
21 discretion, for conducting cooperative services between public  
22 schools and school districts within and among those regions and  
23 to facilitate regulation and evaluation of school programs;

24 V. assess and evaluate for accreditation purposes at  
25 least one-third of all public schools each year through visits

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1 by department of education personnel to investigate the adequacy  
2 of pupil gain in standard required subject matter, adequacy of  
3 pupil activities, functional feasibility of public school and  
4 school district organization, adequacy of staff preparation and  
5 other matters bearing upon the education of the students;

6 W. provide for management and other necessary  
7 personnel to operate any public school or school district that  
8 has failed to meet requirements of law, state board standards or  
9 state board regulations; provided that the operation of the  
10 public school or school district shall not include any  
11 consolidation or reorganization without the approval of the  
12 local board of that school district. Until such time as  
13 requirements of law, standards or regulations have been met and  
14 compliance is assured, the powers and duties of the local school  
15 board shall be suspended;

16 X. establish and implement a plan that provides for  
17 technical assistance to local school boards through workshops  
18 and other in-service training methods; provided, however, that  
19 no plan shall require mandatory attendance by any member of a  
20 local school board;

21 Y. submit a plan applying for funds available under  
22 Public Law 94-142 and disburse these funds in the manner and for  
23 the purposes specified in the plan; [~~and~~]

24 Z. enforce requirements for home schools. Upon  
25 finding that a home school is not in compliance with law, the

1 state board shall have authority to order that a student attend  
2 a public school or a private school; and

3 AA. prescribe procedures for the documentation of  
4 interscholastic extracurricular eligibility standards required  
5 for home-school students. "

6 Section 3. Section 22-12-2.1 NMSA 1978 (being Laws 1986,  
7 Chapter 33, Section 27, as amended) is amended to read:

8 "22-12-2.1. INTERSCHOLASTIC EXTRACURRICULAR ACTIVITIES--  
9 STUDENT PARTICIPATION. --

10 A. A student shall have a 2.0 grade point average on  
11 a 4.0 scale, or its equivalent, either cumulatively or for the  
12 grading period immediately preceding participation, in order to  
13 be eligible to participate in any interscholastic  
14 extracurricular activity. For purposes of this section,  
15 "grading period" is a period of time not less than six weeks.  
16 The provisions of this subsection shall not apply to special  
17 education students placed in class C and class D programs.

18 B. No student shall be absent from school for  
19 school-sponsored interscholastic extracurricular activities in  
20 excess of fifteen days per semester, and no class may be missed  
21 in excess of fifteen times per semester.

22 C. The provisions of Subsections A and B of this  
23 section apply to all interscholastic extracurricular activities.

24 D. The state superintendent may issue a waiver  
25 relating to the number of absences for participation in any

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1 state or national competition. The state superintendent shall  
2 develop a procedure for petitioning cumulative provision  
3 eligibility cases, similar to other eligibility situations.

4 E. Student standards for participation in  
5 interscholastic extracurricular activities shall be applied  
6 beginning with a student's second semester of grade eight.

7 F. Home-school students shall not be subject to  
8 different standards for eligibility and participation in  
9 interscholastic extracurricular activities than those applied to  
10 other students in the public schools. A student who meets the  
11 rules, regulations, policies, procedures and standards of the  
12 New Mexico activities association, state board and local school  
13 board shall not be prohibited from participating in  
14 interscholastic extracurricular activities offered in the public  
15 schools. "