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FISCAL IMPACT REPORT

BILL NUMBER: Senate Bill 141

SHORT TITLE: Student Eligibility for Extracurriculars

SPONSOR: Maestas

LAST ORIGINAL
UPDATE: _____ **DATE:** 02/13/2026 **ANALYST:** Chilton

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

Agency/Program	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	No fiscal impact	No fiscal impact	No fiscal impact			

Parentheses () indicate expenditure decreases.
*Amounts reflect most recent analysis of this legislation.

Sources of Information

LFC Files

Agency or Agencies Providing Analysis

Public Education Department
Regional Education Cooperatives

Agency or Agencies That Were Asked for Analysis but did not Respond

Albuquerque Public Schools
New Mexico Activities Association
New Mexico Military Institute
New Mexico Council of University Presidents

SUMMARY

Synopsis of Senate Bill 141

Senate Bill 141 (SB141) adds to the duties of the Public Education Department (PED) the determination of eligibility for extracurricular and co-curricular activities, changing sections L and M in the list of enumerated PED responsibilities that form Section 22-2-2 NMSA 1978.

Section L would make it a PED responsibility to determine eligibility for these activities unless the department authorized another association or organization to do so.

Subsection M dictates the requirements organizations or associations would have to satisfy in order to allow PED to delegate this responsibility to them:

- The organization would have to allow PED to approve or disapprove the organization's

criteria for eligibility, allowing PED to invalidate regulations that conflict with PED rules.

- The organization would not have to submit directions to PED regarding internal rules and bylaws.
- PED could require a financial audit of the organization.
- The organization would have to comply with the Open Meetings Act and the Inspection of Public Records Act.

In the other substantive change in the bill, New Mexico Military Institute curricula and programs would not be subject to PED review of its post-secondary curriculum and programs.

In addition, grammatical changes are made in a number of the subsections of this act.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns, which is May 20, 2026.

FISCAL IMPLICATIONS

There is no appropriation in Senate Bill 141. No fiscal implications are indicated, although taking on additional activities may require personnel time at PED.

SIGNIFICANT ISSUES

[Section 6 of the bylaws of the New Mexico Activities Association](#) (NMAA) defines several instances where a student’s participation in extracurricular activities will not be allowed, saying that “Participation is a privilege, not a right”:

- Students transferring to follow a coach in high school,
- Undue influence on a student, such as monetary incentives or gifts.
- Payment of moving expenses or transportation, or
- Offering of employment.

Students are required to have a 2.0 average (out of 4) and no Fs. They must not miss more than fifteen days of school per semester. Other requirements, such as age and location of residence are also indicated in the NMAA bylaws. Section 6-19 states that complaints regarding eligibility are made to the director of the NMAA, who can decide upon an investigation and any action that will take place following a complaint.

PED states that NMAA makes many decisions on participation of individual students each year, only a few of which are appealed, initially to the NMAA Appeals Review Committee, then, if necessary, to NMAA’s Board of Directors and finally, if still contentious, to the Secretary of Public Education. Only a few cases get to this final stage.

PED states that it would almost surely delegate initial decision-making in these cases back to NMAA, stating that “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.”

Other organizations regulating extracurricular activities would be exempt from PED control and review of eligibility decisions, according to Subsection M of the bill.

ADMINISTRATIVE IMPLICATIONS

PED states that it “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.”

LAC/dw