

POLICY SERVICES

ADVISORY

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Policy Advisory No. 209JJJ - Extracurricular Activity Eligibility

Correction to Policy Advisory No. 196 JJJ - Extracurricular Activity Eligibility. With apologies, Policy Services offers the following explanation and revisions.

22-12A-10 NMSA 1978 was included by House Bill 236/a as a part of the "Attendance for Success Act" replacing 22-12-2.1 of the former "Compulsory School Attendance Law" with only minor changes. When changes are made to the language of an existing statute, Policy Services will take a careful look at the applications of that statute in practice to ascertain if new policy or change is required for implementation and compliance. A more careful analysis was required in this case than given initially. The statute changes to 22-12A-10 are shown below by strike outs for removal and underlined for added letters in the law.

22-12A-10. Interscholastic extracurricular activities; student participation.

A. A public school student shall have at least a 2.0 grade point average on a 4.0 scale, or its equivalent, either cumulatively or for the grading period immediately preceding participation, ~~in order~~ to be eligible to participate in any interscholastic extracurricular activity. For purposes of this section, "grading period" is a period of time not less than six weeks. The provisions of this subsection shall not apply to students ~~placed in~~ receiving C or D level special education services.

B. A ~~No~~ student shall not be absent from school for ~~school-sponsored~~ interscholastic extracurricular activities in excess of fifteen days per

semester, and no class ~~may~~ shall be missed in excess of fifteen times per semester for interscholastic extracurricular activities.

~~C.~~ ~~The provisions of Subsections A and B of this section apply only to interscholastic extracurricular activities.~~

~~D.~~ C. The secretary may issue a waiver relating to the number of absences for participation in any state or national competition that is not an interscholastic extracurricular activity. The secretary shall develop a procedure for petitioning cumulative provision eligibility cases, similar to other eligibility situations.

~~E.~~ D. Student standards for participation in interscholastic extracurricular activities shall be applied beginning with a student's academic record in ninth grade.

As you will see in the recommended policy below, the changes made include inserting the text of 22-12A-10 NMSA 1978. Though the "Attendance for Success Act" recognizes groups other than school districts sponsoring interscholastic extracurricular activities in 22-12A-2 (H), Policy Services found it difficult to reconcile some minor aspects of Section 6 NMAA rules in all respects given the purpose of the "Attendance for Success Act."

The purpose behind the "Attendance for Success Act" is to encourage student attendance and school participation, even putting limits and conditions on interscholastic activities eligibility for that purpose. The provision of the interscholastic extracurricular activity language of 22-12A-10 NMSA 1978 may favor eligibility of students by:

- Establishing the GPA as a determiner for participation in interscholastic extracurricular activity, and
- placing a foundation limit on grade point average (GPA) for both cumulative grades and grading periods preceding participation by a student.

Though a school district enforcing this statute could require a higher GPA for eligibility, removing the lower limit of GPA by not permitting an "F" in the grading period GPA calculation preceding participation by a student could be contrary to compliance with this statute. The question is: Does the statutory language "shall have at least a 2.0 grade point average on a 4.0 scale, or its equivalent, either cumulatively or for the grading period immediately preceding participation, to be eligible to participate in any interscholastic extracurricular activity" per 22-12A-10 (A) establish the lower limit of eligibility by statute?" Removing the lower limit GPA could be a punitive act

relating to attendance, something the "Attendance for Success Act," of which this statute is a part, is intended to attenuate.

The following policy is recommended for adoption by Policy Services.

This Material is written for information only and is not intended as legal advice. Please consult your attorney if legal explanations are needed.

Advisory 209

J-4550

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JJJ**EXTRACURRICULAR ACTIVITY
ELIGIBILITY**

All interscholastic extracurricular activities in grades nine (9) through twelve (12) that are of a competitive nature and involve more than one (1) school where a championship, winner, or rating is determined shall be conducted under the provisions of this policy. Such activities will be established and designed to offer students worthwhile athletic and leisure-time interests, wholesome recreational and social activity, and an opportunity to develop skills in democratic and cooperative management for these activities.

All such activities conducted under the auspices of the District shall be under the direct supervision of the licensed individual responsible for the activity.

It is necessary to have the interscholastic extracurricular activities function within a realistic framework of control. In order that overenthusiastic students do not place a social or athletic function on a higher plane than the academic program, the following policy will be adhered to:

- All classwork counted for eligibility must be acceptable for graduation.
- The student must be enrolled in more than half of the school's regular class schedule.
- Regular attendance must be maintained and a student shall not be absent from school for interscholastic extracurricular activities in excess of fifteen days per semester, and no class shall be missed in excess of fifteen times per semester for interscholastic extracurricular activities. ~~no more than fifteen (15) days or the same class more than fifteen (15) times may be missed each semester due to interscholastic extracurricular activities.~~
- The eligibility criterion for interscholastic participation shall be in accord with the following:
 - A public school student shall have at least a ~~grade average of 2.0~~ grade point average on a 4.0 scale, ~~adjusted for honors points with no F's or failures~~ or its equivalent, either cumulatively or for the grading period immediately preceding participation, to be able to

participate in any interscholastic extracurricular activity. A grading period shall be not less than six (6) weeks. The provisions of 22-12A-10 shall not apply to students receiving C or D level special education services.

- ~~Eligibility may be reestablished using the following each grading period; and,~~
- The cumulative period eligibility for participation shall be applied beginning with the student's academic record in the ninth (9th) grade year.
- If the student does not meet the eligibility requirements the penalty will be removal from participation in any athletic team or extracurricular performances or travel. A student that demonstrates academic progress toward eligibility may practice with the team or group.
- The responsibility for notification of students and parents of these requirements and for enforcement ~~of the above rule~~ rests with the Superintendent.
- The student and the parents or guardian shall be notified of ineligibility in a manner such that confidentiality is maintained when:
 - Ineligibility is pending, and
 - Ineligibility is determined to be necessary.
- Support services may be made available to students who become ineligible for extracurricular programs as well as to students notified of pending ineligibility depending upon resources available.
- Students whose behavior presents a problem or jeopardizes school discipline may be ineligible for participation in extracurricular activities until such time as their behavior warrants reinstatement.

The same general standards shall apply for special education students except that such eligibility shall be determined on a case-by-case basis in relationship to the respective students' individual education programs. ~~or those receiving C and D level services.~~

The Superintendent shall establish regulations to ensure that:

- Necessary documents in support of this policy are maintained.

- Necessary data related to ineligible students are collected and reported as required.
- The cultural traditions of students are considered when establishing or enforcing rules related to participation in extracurricular activities.
- The requirements of this policy are met.

The Superintendent may develop additional rules or procedures for the proper conduct of extracurricular programs and the implementation of the provisions of this policy.

Adopted: date of manual adoption

LEGAL REF.: 22-12A-10 NMSA
6.11.2.9 NMAC
New Mexico Activities Association Handbook Sec. 6

CROSS REF.: JJIB - Interscholastic Sports

**GUIDANCE OR REFERENCES APPLICABLE TO THE POLICIES
AND DISCUSSION**

"Attendance for Success Act" 22-12-1 NMSA et seq.

Click on the above title to link to the Statute