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| <b>LFC Requester:</b> | <b>Sunny Liu</b> |
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**AGENCY BILL ANALYSIS  
2018 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:**

**[LFC@NMLEGIS.GOV](mailto:LFC@NMLEGIS.GOV)**

*and*

**[DFA@STATE.NM.US](mailto:DFA@STATE.NM.US)**

*{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

Check all that apply: Date 02/01/18  
**Original**     **Amendment**        **Bill No:** HB51  
**Correction**     **Substitute**   

**Sponsor:** Representative Dennis J. Roch    **Agency Code:** 924  
**Short Title:** CHARTER SCHOOL    **Person Writing** Jane Henzerling  
ACTIVITY PARTICIPATION    **Email** Jane.Henzerling@state.nm.us  
ZONING    **Phone:** \_\_\_\_\_

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

| Appropriation |      | Recurring or Nonrecurring | Fund Affected |
|---------------|------|---------------------------|---------------|
| FY18          | FY19 |                           |               |
| n/a           | n/a  | n/a                       | n/a           |
| n/a           | n/a  | n/a                       | n/a           |

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

| Estimated Revenue |      |      | Recurring or Nonrecurring | Fund Affected |
|-------------------|------|------|---------------------------|---------------|
| FY18              | FY19 | FY20 |                           |               |
| n/a               | n/a  | n/a  | n/a                       | n/a           |
| n/a               | n/a  | n/a  | n/a                       | n/a           |

(Parenthesis ( ) Indicate Expenditure Decreases)

## **ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

|              | <b>FY18</b> | <b>FY19</b> | <b>FY20</b> | <b>3 Year<br/>Total Cost</b> | <b>Recurring or<br/>Nonrecurring</b> | <b>Fund<br/>Affected</b> |
|--------------|-------------|-------------|-------------|------------------------------|--------------------------------------|--------------------------|
| <b>Total</b> | n/a         | n/a         | n/a         | n/a                          | n/a                                  | n/a                      |

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
Duplicates/Relates to Appropriation in the General Appropriation Act

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

##### Synopsis:

This bill removes language from the Public School Finance Act that previously allowed charter school students to participate in in school district activities governed by the New Mexico activities association (NMAA) at a public school other than the one in the attendance zone in which the student resides, as long as the student met NMAA transfer guidelines. The remaining language allows charter school students to participate in school district activities governed by the NMAA only at the public school in the attendance zone in which the student resides.

#### **FISCAL IMPLICATIONS**

There are no apparent fiscal implications. School districts are eligible to receive funding through “charter school student activities program units” to account for the cost of having charter school students participate in activities at district schools. This bill does not change that funding source nor does it appear to impact the number of students who would participate in the activities. Instead, the bill appears to only impact the school at which students can participate.

#### **SIGNIFICANT ISSUES**

This bill could have an impact on activities participation and/or school choice for students. As an example, a student athlete plays who football and lives in the attendance zone for Los Lunas High School may be accepted through the lottery to Albuquerque Institute of Math and Science (AIMS), a charter school. Because AIMS does not offer football, this student will have to choose between enrolling at AIMS and playing football. The student athlete will not reasonably be able to attend a full day of school at AIMS and then get to Los Lunas High School with sufficient time to attend practice for the football team. As a result, students may be forced to choose between attending a school of choice and participating in a chosen extracurricular activity.

This bill appears an overbroad response proposed to address a problem arising from one new charter school. It is our understanding that student athletes at the new charter school Student Athlete Headquarters (SAHQ) are being recruited together as teams to select a specific school as their open enrollment choice and to play together on a team at that school. There are already NMAA bylaws that are in place to discourage “Undue Influence of a Student.” This concern has not arisen at any other charter school in the nearly 24 years that New Mexico has had schools of choice.

## **ADMINISTRATIVE IMPLICATIONS**

This bill might decrease administrative burdens for the New Mexico Activities Association, which must process transfer requests and must ensure compliance with its own bylaws and activities participation eligibility requirements. This bill may decrease the number of transfer requests that NMAA must process. NMAA already handles issues related to reports of students who are participating in athletics outside of their allowed school. It is not clear that this is a substantial burden or that the bill will have a substantial impact on the burden.

There does not appear to be an administrative burden at the state level. There also does not appear to be an additional administrative burden to school districts and schools, which must already enforce eligibility requirements.

## **TECHNICAL ISSUES**

This bill imposes on all students in all charter schools a new regulation and limitation in response to a problem that has been created by only one charter school. It does so to the detriment of student athletes. This issue could be appropriately addressed through already existing or revised NMAA bylaws or through less restrictive means.

## **ALTERNATIVES**

This bill could be revised to be more supportive of student athletes. It could allow students athletes to participate either in their zoned school or at the school nearest to their charter school that offers the activity of interest.

The problem this bill is seeking to resolved could be solved through enforcement of and/or revisions to the current NMAA bylaws related to eligibility and “Undue Influence of a Student.”

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

If this bill is not enacted, the problem created by this one school – elite teams of students selecting the same school that is not their zoned attendance school at which to participate in activities – may continue unless the NMAA enforces and/or revises their own bylaws to prevent such behavior.