

<b>LFC Requester:</b>	<b>Helms</b>
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**AGENCY BILL ANALYSIS  
2023 REGULAR SESSION**

**SECTION I: GENERAL INFORMATION**

*Check all that apply:*

**Original**     **Amendment**      
**Correction**     **Substitute**   

**Date Prepared:** 02/18/23  
**Bill No:** SB384

**Sponsor:** Maestas  
**Short Title:** SCHOOL ATHLETICS CHANGES

**Agency Name and Code Number:** Agency Name and Code Number: PED - 924  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY23	FY24		
None	None	N/A	NFA

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY23	FY24	FY25		
None	None	None	N/A	NFA

(Parenthesis ( ) Indicate Expenditure Decreases)

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

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	None	None	None	None	Nonrecurring	NFA

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Relates to Appropriation in the General Appropriation Act: None.

**SECTION III: NARRATIVE**

**BILL SUMMARY**

**Synopsis:** Senate Bill 384 (SB384) would enact a new section of the Public School Code specifying situations in which students could or could not participate in athletics at schools other than the school they're attending and prohibiting coaches from recruiting students from one school for another school's athletics programs.

This bill does not contain 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 June 16, 2023.

### **FISCAL IMPLICATIONS**

SB384 is likely to increase student athlete mobility, but at a minimal level. Student mobility is one of three factors that together determine a school district or state-chartered charter school's at-risk factor which generates funding for a school district or state-chartered charter school. The change in overall mobility rate may be small, but in combination with a proposed legislative change in the weight of the mobility rate SB384 might have a small fiscal impact.

### **SIGNIFICANT ISSUES**

SB384 would:

- prohibit a coach or their surrogate from recruiting a student to athletics at another school;
- provide that a high school student could not be prevented from participating in an athletic activity if the student had been participating in that activity at a different school;
- allow that students who transfer to another school during a semester and join an athletic activity may practice during the semester they transfer but may not compete until the following semester; and
- allow that students in eighth grade may participate in high school athletic activities without losing a season of eligibility to participate in that athletic activity in high school.

The New Mexico Athletic Association (NMAA) analysis of SB384 notes that provisions for these topics are currently covered in the NMAA Handbook. NMAA membership includes over 160 high schools and over 200 middle schools across the state, and the members approve the bylaws, which focus on ensuring a level playing field for all student-athletes and for safeguarding against displacement of student-athletes at their schools and on their teams.

The NMAA further notes that, as the NMAA is member-led by school superintendents and athletic directors, it is to the benefit of the organization and schools to continue allowing the membership to determine these bylaws rather than legislating the requirements.

### **PERFORMANCE IMPLICATIONS**

SB384 is likely to increase student athlete mobility. Student mobility is a known detriment to learning, which is why mobility is a third part of the at-risk factor. SB384 may negatively impact student learning due to increased student athlete mobility. In this context, however, the reason for the student's mobility is likely to positively affect the student's academic outcomes because he or she is choosing to change schools to participate in an athletic activity in which he or she is skilled, thereby increasing the student's positive experience and the resulting association and engagement with school.

### **ADMINISTRATIVE IMPLICATIONS**

The Public Education Department (PED) would promulgate rule to comply with the changes. This could be done with existing staff and resources.

The NMAA would also need to adjust its bylaws to comply with SB384.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None.

## **TECHNICAL ISSUES**

SB384 includes a provision prohibiting a coach or the surrogate of a coach from recruiting. It is unclear if recruiting by an administrative official from the school or from a booster club, without coordination from a coach, would be covered by the recruitment prohibition.

## **OTHER SUBSTANTIVE ISSUES**

Though SB384 includes that a coach, or the surrogate of a coach, may not recruit a student athlete, the bill, in conflict with NMAA bylaws, improves the environment for student athlete recruitment and transfer. The bill does not include a consequence for recruitment.

## **ALTERNATIVES**

The language prohibiting student athlete recruiting may be made more expansive to include all school staff and booster clubs. The language prohibiting student athlete recruiting could define recruiting and provide for consequences.

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

None.

## **AMENDMENTS**

None.