

SECTION VI ELIGIBILITY (BYLAWS)

(Please also refer to Section X for additional bylaws regarding
Charter, Alternative, and Home School Student eligibility for participation)

6.1 STUDENT PARTICIPATION

Student participation in interscholastic activities plays a significant role in personal and educational development and is used as a means of developing wholesome attitudes and well-rounded citizens who are better prepared to face the challenges of adult life as a result of their interscholastic experiences. **Such participation is a privilege, not a right.** Students earn the privilege to participate by adhering to high standards of personal conduct and academic performance. Personal conduct and attitude of Student participants must reflect high standards of respect, loyalty, attitude, and morality.

Note: Participant shall be defined as a Student who represents his/her school for any period of time. A participant is any student who has an official role with an athletic program, including, but not limited to, managers, statisticians, team videographers, etc.

Students participating in interscholastic activities represent the school, depict its character, and serve as role models to other Students. Accordingly, participants are subject to a standard of academic performance and to higher standards of conduct both in and out of the school setting. Continued participation in interscholastic activities is conditioned upon observing and maintaining such standards.

It is the responsibility of the Student and his or her Parent(s) or Legal Guardian(s) to be familiar with the rules and regulations of the New Mexico Activities Association and the Student's respective school standards of Student expectations/conduct.

6.1.1 Purpose

- A. Students who participate in interscholastic activities serve as representatives of the Association, their respective schools/districts, and their communities.
- B. Student participants serve as role models and leaders among their peers.
- C. Part of the Association's educational mission is to encourage the highest standards of sportsmanship, respect for oneself and others, and character education.
- D. The Association has a substantial interest in educating all Students including every Student who participates in interscholastic activities in developing character, achieving a spirit of cooperation, striving for worthwhile goals, expected behavior and conduct, and the educational value of participating in interscholastic activities.
- E. The value of interscholastic activities for each participant is the realization that life is reflected in the activity endeavor: being well prepared; maintaining a positive attitude; developing a dedication to a cause; and establishing high standards of conduct, attitude, and achievement to facilitate success.
- F. Student participants must be provided with clear guidance from member schools regarding NMAA and school expectations and the consequences that can result from any violations of NMAA or school specified rules and regulations.

6.1.2 Transfer of Students for Athletic Purposes Prohibited

A transfer/residency requirement assists in the prevention of students switching schools in conjunction with the change of athletic season for athletic purposes; impairs recruitment, and reduces the opportunity for undue influence.

If a Student participates on a non-school team (i.e. AAU, American Legion, club settings, etc.) that is affiliated with or coached by a coach from a school other than the one the Student attends, or has attended, and then transfers to that school, regardless of change in bona fide residence, it will be assumed that the Student has been recruited to attend that school or transferred to that school for athletic reasons and the Student will be ineligible for varsity athletic participation for 180 school days/365 calendar days. If the Student transfers to a school that his/her coach has relocated to within the past year, regardless of change in the Student's bona fide residence, it will be assumed that the Student transferred to that school for athletic reasons and he/she will be ineligible there for varsity athletic participation for 180 school days/365 calendar days. (See 7.4.2)

6.1.3 Undue Influence

Member schools agree to conduct their interscholastic/performance and athletic activities according to the rules and regulations of the National Federation of High School Associations (NFHS).

The use of any of the following inducements constitutes undue influence:

- A.** Participant living with coach, principal, teacher, or school official without legal guardianship
- B.** Any inducement to get parents or students to change residence for athletic/non-athletic purposes
- C.** Offer or acceptance of money
- D.** Reduction or remission of regular tuition (other than need-based financial aid available to all applicants)
- E.** Offer or acceptance of board, room, or clothing
- F.** Offer or acceptance of money for work in excess of amount regularly paid
- G.** Transportation to school by any school official
- H.** Offer or acceptance of school privileges not normally granted to other students
- I.** Free or reduced rent for parents
- J.** Offer for payment of moving expenses for parents

6.1.4 Compliance

- A.** Eligibility rules shall comply with the intent and purpose of:
 - 1.** Federal laws superceding state and local laws
 - 2.** New Mexico State Law including the Children's Code and Open Enrollment Statutes
- B.** Eligibility rules and standards apply to Students who participate in interscholastic activities.
- C.** The NMAA does not discriminate or preclude Students from participating based upon disabilities defined by the Americans with Disabilities Act (ADA).
- D.** Member schools may establish and administer eligibility rules which exceed standards of the NMAA.

6.2.1 Extracurricular Activities – Student Participation

A. Open Enrollment Choice

1. An eighth grade Student competing in interscholastic sports at the high school level has used his/her open enrollment choice. The Student may compete without reference to his/her immediate or previous scholastic record. The end of the 1st grading period in 8th grade establishes the beginning of the scholarship requirements for this Student.
2. A ninth grade Student who has not previously competed in interscholastic sports at the high school level has his/her open enrollment choice. The Student may compete without reference to his/her immediate or previous scholastic record in eighth grade (last grading period and/or semester, whichever is applicable). The end of the 1st grading period in 9th grade establishes the beginning of the scholarship requirements for this Student.

B. Academic Eligibility

1. A Student shall have a 2.0 grade point average with no more than one (1) F, based on a 4.0 grading scale, or its equivalent, either cumulatively or for the six or nine week grading period immediately preceding participation.
 - a. All class work counted for eligibility must be acceptable for graduation.
 - b. The GPA is based on a 4.0 scale with an allowance for consideration of honors points.
 - c. Cumulative provision
 - 1) The cumulative provision may be applied only at the beginning of a semester.
 - 2) Only semester grades can be used, and all semester grades starting with the 9th grade year must be utilized. (As cumulative grades start with the 9th grade year, the cumulative provision cannot be used for middle school/junior high Students.)
 - 3) The cumulative provision may not be applied if a Student has more than one “F” in the semester grading period immediately preceding participation.
 - d. Stricter guidelines may be imposed by the local school board/district.
2. A Student must be enrolled in more than half of the member school’s regular class schedule and in regular attendance during the current as well as the previous grading period.
3. Pursuant to State Statute 22-12-2.1.: Interscholastic extracurricular activities; student participation.
 - A. A student shall have 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 special education students placed in class C and class D programs.
 - B. No student shall be absent from school for school-sponsored interscholastic extracurricular activities in excess of fifteen days per semester, and no class may be missed in excess of fifteen times per semester. Participation in state and national competitions are exempt.

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

Q1: A student has two Fs on the second quarter grades, but only one F on the semester grades. Can the semester grades be used for determining academic eligibility if there are two Fs at quarter?

A1: Yes. In determining academic eligibility, you first look at the quarter grades. If a student is not eligible based upon the 2.0 and no more than one F criteria, then the semester grades can be utilized to determine academic eligibility. At that point, if a student is not eligible based on quarter or semester grades, you may use the cumulative provision as long as the student does not have more than one F for the semester grades.

Q2: A student is scholastically ineligible based upon his/her fourth quarter grades. Although the quarter grades contain only one (1) F, the semester grades contain two (2) Fs. Can the cumulative provision be used to achieve eligibility?

A2: No. If the semester grades contain two (2) Fs, the cumulative provision cannot be utilized to achieve scholastic eligibility.

Q3: How many classes must a student take in a 4 x 4 block schedule to be eligible for participation?

A3: The student must take at least 3 classes, and must pass all three classes with at least a 2.0.

Q4: If not taking a full load of classes, how many classes must a student take on an A/B block schedule in order to participate?

A4: The student must take more than 50% of the regular A/B block schedule, and pass all classes with at least a 2.0.

Q5: A student receives an "Incomplete". How is this calculated in the GPA?

A5: An "Incomplete" is treated as an "F" for GPA purposes.

C. Academically Ineligible Player

1. **Practice** - The Student may practice with the team if he/she demonstrates academic progress towards eligibility.
2. **Participation** - The Student CANNOT participate in any interscholastic event at any level of competition during the period of ineligibility.
3. **Travel** - The Student CANNOT travel to any interscholastic event or activity with the team during the period of ineligibility.

6.2.2 Waiver Request for Scholarship Requirement

In case the scholastic record for the previous semester/grading period is incomplete due to sickness or death in the immediate family or any other legitimate cause, the Student may petition the NMAA, through the administrative head of the school of attendance, for a waiver of the previous semester/grading period scholarship requirement.

6.2.3 Special Education

- A. Students enrolled in a special education program (formerly classified as A and B Level) who have been determined to be eligible for services by the Multidisciplinary Team for less than 50% of the school day are subject to the same scholastic requirements as stated in 6.2.
- B. Scholastic eligibility criteria for Students (formerly classified as C or D level) who are provided services 50% or more of the regular school day may be eligible dependent upon the Individualized Education Program Committee's determination

6.2.4 Make-Up Class in Summer School

A Student may make up one (1) class during summer school by earning a passing grade in that class from an accredited program. The new grade may be substituted for the original grade in that class providing the local school policy permits. Summer school is defined as an extension of the spring semester for that year only.

Q1: A student fails his/her English class during the normal school year, and takes a typing class in the summer. Does the grade received replace the failing grade received in the English class?

A1: No. To replace a grade, the exact same course must be taken. Otherwise, all grades, including the failing grade and the summer school grade, must be considered in calculating the GPA.

6.2.5 Scholarship Requirements Established by Member Schools

Member schools may establish and administer scholarship requirements which exceed the minimum stated herein. Students transferring to a school must meet the scholarship requirements established by that school.

6.2.6 Grace Period

The school is allowed up to five (5) school days grace period after each grading period (six or nine weeks) for grades to be gathered and recorded for eligibility purposes. Grades changed after official posting do not count toward eligibility.

Q1: Although grades have not been officially posted, the grading period has ended, and a Student, upon report from his teachers, has now become academically eligible to participate. Can these “reported” grades be used for eligibility?

A1: Yes. However, in determining academic eligibility for one Student, you must also determine academic eligibility and ineligibility for all students at the same time on the same date.

Q1: A student with an “Incomplete” grade made up the work two weeks after the grading period. Can this amended grade now be used for eligibility?

A1: No. There is a five (5) school day grace period for grades to be gathered and recorded for eligibility purposes. The Incomplete grade must have been remedied by the end of that five day period for consideration for academic eligibility.

6.3 OPEN ENROLLMENT, TRANSFER AND RESIDENCE REQUIREMENTS

6.3.1 Open Enrollment Choice

- A. An incoming ninth grade student, or an eighth grade student who participates at the high school level, will have made his/her Open Enrollment Choice. The Open Enrollment Choice can be to attend a school within the attendance zone of his/her primary residence or attend a school outside the attendance zone of his/her primary residence with an approved transfer.
 - 1. An incoming ninth grade student, upon his/her initial enrollment in ninth grade, will have an Open Enrollment Choice to enroll in a member public, private, tribal, independent, parochial, charter or alternative school.
 - 2. An eighth grade student who participates in high school athletics, at any level of competition, will make his/her Open Enrollment Choice at the eighth grade.
- B. The Open Enrollment Choice will allow the Student to be eligible immediately at all levels of competition, providing all other requirements are met. (See 6.1.2 and 6.1.3 for possible exceptions to open enrollment eligibility.)
- C. If a Student with his/her Open Enrollment Choice as an incoming ninth grader enrolls in a school outside the attendance zone of his/her primary residence, the Student will NOT be classified as a transfer Student. The Student must follow the Open Enrollment process as established by his/her local school district.
- D. If a Student changes schools after the Open Enrollment Choice, he/she is classified as a transfer Student. All transfer rules then apply. See 6.5.2.

Q1: A student makes his/her open enrollment choice at a private school or a school that is located outside of his/her attendance area. The student leaves his/her school in good standing then enrolls in his/her home attendance area school. Is the student eligible for varsity athletic participation?

A1: No. The student is considered a transfer student and is ineligible for varsity athletic participation for 90 school days from the date of enrollment. Once the student made the open enrollment choice at a private or out-of-district school, he/she no longer retains eligibility at the home attendance area school.

- E.** Failure to follow the approved local school district Open Enrollment process or providing false information to the school for enrollment purposes will result in the following:
- 1.** The Student is suspended from participation immediately.
 - 2.** Once the Student achieves an approved Open Enrollment to the school of his/her Open Enrollment Choice, he or she is ineligible for 180 school days/365 calendar days from the time of the approved enrollment.

6.3.2 Student's Bona Fide Residence

If a Student enrolls in the high school within the attendance boundaries of the Student's primary residence and resides with his or her Parent or Legal Guardian, the Student is a bona fide resident of that attendance zone providing all requirements are met. (Note: If a Student has enrolled in a high school prior to the new bona fide residence or participated at the high school level during his/her junior high school years, transfer petition and documentation must be presented to the NMAA for eligibility ruling.)

- A.** No Student is eligible to participate unless the Student and Parent(s) or Legal Guardian(s) have established a bona fide residence.
- B.** Bona Fide Residence Criteria
- 1.** Documentation for the establishment of a bona fide residence shall be provided to the NMAA.
 - a.** Does the Student's Parent, Legal Guardian, or other person whose residence determines the Student's residence own a house or condominium or rent a house, apartment, or other living quarters in the school district and attendance zone? Parents must provide documentation to verify the purchase, lease, or rental of a home or living quarters located in the new attendance zone. A lease or rental agreement must be for at least one year in duration.
 - b.** Does the Student and Parent or Legal Guardian have their furniture and personal effects in the new district and attendance zone? There shall not be any personal effects or furniture belonging to the family at the previous residence.
 - c.** Does the Student and the Parent or Legal Guardian receive their mail (other than business or office mail) in the new district and attendance zone? The family shall submit a change of mailing address to the Post Office.
 - d.** Do the siblings of the Student attend schools within that attendance zone?
 - e.** Do the Parent(s) or Legal Guardian(s) regularly live in the new district and attendance zone and intend to live there indefinitely?
 - 1)** The new residence shall accommodate the entire family.

- 2) The former residence shall be on the market at a reasonable market price, or sold, or the lease or rental agreement shall be terminated, or the home abandoned.
 - 3) All utilities and telephone services shall be disconnected or no longer in the family's name.
- f. Items used for personal identification purposes should reflect the current/new address.

6.3.3 Transfer Student

The NMAA prohibits the transfer of students for athletic or activity purposes. A Student who enrolls in a high school outside the attendance boundaries of the Student's bona fide residence or resides with someone other than his or her Parent(s) or Legal Guardian(s) after his/her initial open enrollment choice, or who transfers to his/her home district school after an open enrollment choice, is classified as a transfer Student and is subject to all transfer rules and regulations. See 6.5.

- A. A Student must obtain a local school district approved Open Enrollment transfer.
- B. A Student shall submit to the receiving school a transcript of credits and grades showing eligibility at the previous or sending school. The receiving school must have the transcript prior to allowing the transfer Student to begin counting his or her days of ineligibility.
- C. A Student shall be in good standing and eligible at the previous school. The receiving school shall obtain from the previous school documentation that the Student left the previous school scholastically eligible to participate under NMAA guidelines, had a clean discipline record, acceptable attendance, and no fines, fees and/or outstanding debts owed to the school.

6.3.4 Boarding Schools

A. Students Residing on Campus

Students who are residing on campus and attending NMAA member institutions which have the capacity to board or provide residence to individuals who are bona fide Students at that member institution, are eligible providing the following conditions are met:

1. The Student must provide an affidavit, signed by both the Student and parents, attesting to the fact that he/she has not in any way been influenced or recruited to enroll in the institution for athletic or activity purposes.
2. The Student left the previous school in good standing.
3. The intent of the move is to stay with this institution and not attend another high school for the remainder of his/her secondary educational career.
4. The Student has not attended **the same** or another boarding school, in or out of state, and applied this exception to another institution.
5. The Student will remain under the jurisdiction of this institution and be subject to all of the same rules as any other Student who attends the petitioning school during the course of his/her tenure at the school.
6. A foreign Student, as identified under Rule 6.5.6 B, must adhere to that rule.

B. Students Not Residing on Campus

Students who are not residing on campus and attending NMAA member institutions which have the capacity to board or provide residence to individuals who are bona fide Students at that member institution will fall under the same guidelines as transfer Students

C. Undue Influence

Member schools agree to conduct their interscholastic/performance and athletic activities according to the rules and regulations of the National Federation of High School Associations.

The use of any of the following inducements constitutes undue influence:

1. Participant living with coach, principal, teacher, or school official without legal guardianship
2. Any inducement to get parents or students to change residence for athletic/activity purposes
3. Offer or acceptance of money
4. Reduction or remission of regular tuition (other than need-based financial aid available to all applicants)
5. Offer or acceptance of board, room, or clothing
6. Offer or acceptance of money for work in excess of amount regularly paid
7. Transportation to school by any school official
8. Offer or acceptance of school privileges not normally granted to other students
9. Free or reduced rent for parents
10. Offer for payment of moving expenses for parents

6.4 CONDITIONS OF PARTICIPATION

Prior to participating in any interscholastic activity to include but not limited to practice sessions, in-season or off-season practice or workout sessions, summer practice or workout sessions, or school district approved athletic elective credit classes, each Student-participant must:

6.4.1 Student Enrollment

The Student must be officially admitted in the public high school in his or her designated attendance zone, obtain a school district approved transfer to a school outside his or her designated attendance zone, or be enrolled in a non-public school. (See Open Enrollment Choice 6.3.1)

6.4.2 Bona Fide Residence

The Student and Parents or Legal Guardian must establish a Bona Fide Residence in the school attendance zone in which they reside. The Student shall reside with Parent(s) or Legal Guardian(s) at the bona fide residence address of the Student's Parent(s) or Legal Guardian.

6.4.3 Attendance Zone Determination

Attend the high school in his or her designated Attendance Zone or the high school of his/her Open Enrollment choice.

- A. The attendance zone is based on the bona fide residence of the Student's Parent(s) or Legal Guardian.
 1. Presumption of residence of Student, Parent(s), spouse
 - a. The residence of a single, divorced, or widowed Student is presumed to be that of the parents of the Student.
 - b. The residence of a married Student is presumed to be that of his or her spouse.

2. Legal Guardian

a. Guardian of Person

If a Student's Parents are alive but a Guardian of his or her person is appointed by an appropriate judicial authority, the residence of the Student is presumed to be that of the Guardian. Immediate varsity eligibility may be granted if the student left his/her previous school in good standing. If not appointed by a judicial authority, the Student is considered a transfer student and ineligible for varsity level participation for at least 90 school days.

b. Deceased Parents

If a Student's Parents are deceased and a guardianship of his or her person has not been appointed, the residence of the Student is presumed to be that of the grandparent, aunt, uncle, adult brother or sister, or other person with whom the Student is living and by whom the Student is supported.

c. Custodial

- 1) The residence of a Student assigned by an appropriate governmental authority to a foster home or a home licensed by the state as a child care boarding facility is presumed to be residence of the Student.
- 2) If a Student's Parents move the Student to a foster home in another school attendance zone or school district, the foster home is not considered the residence of the Student. The residence of the Student would be that of the parent.

d. Legally Separated Parents

- 1) If a Student's Parents separate (and are not divorced), and one Parent remains in the attendance zone where the Student had been attending school, the Student's residence is presumed to be that of the Parent who did not move.
- 2) If a Student transfers in good standing to a school with a separated Parent while one Parent remains in the original school district, the Student is ineligible for varsity level participation 90 school days.
- 3) In the event both Parents move outside their current attendance zone, the Student must establish a bona fide residence with only one Parent and may petition for immediate eligibility in the attendance zone of that Parent. The transfer rule applies after any future relocation of the Student.

e. Divorced Parents

- 1) The divorce must be finalized by judicial order.
- 2) The residence of a Student whose Parents are divorced shall be determined as follows:
 - Sole custody
~ Residence shall be that of the Parent who is given sole custody.
 - Joint Custody
~ If one Parent remains in the attendance zone where the Student had been attending school prior to the divorce, the Student's residence is presumed to be that of the Parent who did not move. If one Parent is granted primary physical custody, the residence of the Student is presumed to be that of the Parent who has primary physical custody.

- ~ If a Student transfers in good standing to a school with a divorced Parent who does not have sole custody or primary physical custody, the Student is ineligible for varsity level participation 90 school days.
- ~ In the event both Parents move outside their current attendance zone, the Student must establish a bona fide residence with one Parent and may petition for immediate eligibility. The transfer rule applies after any future relocation of the Student.

6.4.4 Independent Self-Supporting Student

A self-supporting Student (married or independent) may be eligible for athletic competition in the attendance zone in which he/she resides provided all other eligibility requirements are met. The criteria for achieving independent self-supporting status for purposes of eligibility are as follows:

- A. Must be emancipated from Parents by judicial order.
- B. Must be residing on his/her own, paying for lodging, food, clothing, household maintenance, transportation, etc. from funds/revenues generated through current earnings. Students achieving eligibility under this rule cannot have been subsidized by a trust, savings, or other means by which their existence would be endowed, both past and present.
- C. Must show evidence to the satisfaction of the Director that he/she is not receiving support from any one other than him/herself.
- D. Must show evidence that the Student has lodging, phone, insurance, transportation, etc. clearly under his/her name and is responsible for the payment thereof.
- E. Reaching the age of 18 is not a factor in determining emancipated or independent status in terms of determining eligibility for interscholastic activities.

6.4.5 Parents Living Outside the United States

A Student of American Parents working or stationed outside of the United States may be eligible if petitioned through the Director.

6.5 CONDITIONS OF ELIGIBILITY/INELIGIBILITY

6.5.1 Bona Fide Student Resident at Initial/Open Enrollment

Eligible immediately at all levels providing all other requirements are met. (See 6.1.2 and 6.1.3 for possible exceptions to open enrollment eligibility.)

6.5.2 Transfer Student

A transfer Student is a Student who attends a high school outside his/her designated attendance zone or who transfers and resides with someone other than Parent(s) after his/her initial open enrollment choice, or transfers to his/her home district school after an open enrollment choice.

- A. If Student leaves his/her previous school in good standing, Student is ineligible for varsity level participation for 90 school days. School days are determined using the official local school district's calendar and does not include summer school. If Student is not in good standing at his/her previous school, Student is ineligible for participation for 180 school days/365 calendar days.

Q1: For his/her open enrollment choice, a Student enrolls at a private school or a public school outside of his/her home attendance area. The student now transfers and enrolls at the home attendance area school. Is the student eligible for varsity athletic participation?

A1: No. Even though the student has now enrolled at the home attendance area school, the open enrollment choice was made at a different school, and eligibility remains with that open enrollment school. The student is considered a transfer student and all transfer rules apply.

- B.** The Student is eligible immediately for sub-varsity level competition. Senior transfer Students may not compete on the sub-varsity level. If not enrolled by the tenth (10) day, the Student is ineligible until his/her eleventh (11) day of attendance.
- C.** A Student shall be in good standing and eligible at the previous school. The receiving school shall obtain from the previous school documentation that the Student was in good standing prior to the transfer (NMAA Petition Form C). If good standing status is not achieved in writing, the Student is ineligible for 180 school days/365 calendar days for all athletics and activities.
- D.** Failure to achieve an approved school district transfer or providing false information will result in the following:
 - 1.** Suspended from participation immediately
 - 2.** Once the Student achieves an approved school district transfer, he or she shall be ineligible for 180 school days/365 calendar days at the receiving school from the time of the approved transfer, not from the time of enrollment.
- E.** If a student transfers after participation in a sport season has begun, regardless of change in residence, the Student will be ineligible for the remainder of that particular sport specific season. A Student cannot represent two schools in the same sport in the same season. Exceptions to this rule must be petitioned to the Association (See 6.10.1.C).

6.5.3 Transfer Student with New Bona Fide Residence

If a family moves to another attendance zone and establishes a new bona fide residence, the Student can elect to remain at his or her current school or enroll at the new school located within the attendance zone of the Student's new bona fide residence. If the Student elects to attend the new school, for eligibility purposes, the Student is classified as a transfer Student and ineligible for varsity level participation until a petition is presented to the NMAA establishing the Student's new bona fide residence.

- A.** Student elects to remain at his/her current school

Eligible as long as he/she remains enrolled at the school and meets all other NMAA eligibility requirements.

- B.** Student enrolls at the new school located within the attendance zone of the Student's new bona fide residence

Eligible immediately once bona fide residence pursuant to Rule 6.3.2 B 1 (a-f) and good standing is established through the petition process. The Student shall be enrolled ten (10) days and practice the required number of days prior to participation in a competitive event. However, if a student transfers after participation in a sport season has begun, regardless of change in residence, the Student will be ineligible for the remainder of that particular sport specific season. A Student cannot represent two schools in the same sport in the same season. Exceptions to this rule must be petitioned to the Association (See 6.10.1 C).

- C.** A Student shall be in good standing and eligible at the previous school. The receiving school shall obtain from the previous school documentation that the Student left the previous school scholastically eligible to participate under NMAA guidelines, had a clean discipline record, acceptable attendance, and no fines, fees and/or outstanding debts owed to the school. (Form C)

6.5.4 Eligibility Retention

After a Student participant achieves initial eligibility as a bona fide Student resident or transfer Student, he/she retains eligibility for subsequent years as long as the Student remains enrolled at the school and meets all other NMAA eligibility requirements.

Q1: If a Student/ Parent/Legal Guardian enrolls the Student at the new home district school after utilizing retention eligibility, will the Student gain immediate varsity eligibility at the new home district school?

A1: No. Once retention eligibility is used, the Student forfeits eligibility at the new home district school.

6.5.5 False Information

If a Student or Parent(s) or Legal Guardian(s) gives false information to the school or New Mexico Activities Association, the Student shall be declared ineligible for 180 school days/365 calendar days from the date of the discovery of the false information.

6.5.6 Foreign Students

A. International Student Exchange Participant

Eligible immediately if Student is participating in a formal program sanctioned through the Council on Standards for International Educational Travel (CSIET). Students who receive a foreign exchange waiver and participate in a NMAA varsity athletic contest during their first year in the host school may not participate in those same contests if they return for a second year to the host school. The Student may participate in other NMAA sanctioned events.

B. Foreign Students (non U.S. citizens)

Foreign Students who enter our country without their parents and enroll in a NMAA member high school without a formal sanctioned CSIET program are ineligible for 90 school days at the varsity level. A Foreign Student who is a senior may not participate on the sub-varsity level. It is not permissible for foreign students to live with coaches, administrators, or school

officials without U.S. court ordered legal guardianship (See Undue Influence, Section VI). Foreign Students residing at boarding schools also adhere to this rule.

6.6 ELIGIBILITY REVIEW

When determining the eligibility status of Students, it is the school's responsibility to read and follow all NMAA policies and procedures. The policies and procedures apply to all levels of competition unless it specifically states otherwise. It is the responsibility of administrators to ensure that Association standards are satisfied within each school's athletics and activities programs. If deviations are discovered, it is the administrator's responsibility to respond properly to the Association.

6.6.1 Local Schools

- A.** Local schools shall administer the eligibility review procedure and make eligibility decisions based on the following NMAA eligibility rules:
 - 1.** Enrollment/Open Enrollment Choice (6.2.1 A)
 - 2.** If a Student-athlete resided with and continues to reside with the same individual or family other than a Parent or Legal Guardian prior to 7th grade
 - 3.** Bona Fide Student (at initial/open enrollment) (6.5.1)
 - 4.** Semesters of Attendance (6.9) – unless an exception is being petitioned
 - 5.** Participation Limits (6.10.1) - unless an exception is being petitioned
 - 6.** Dual Participation (6.10.2)
 - 7.** Parental Consent (6.11)
 - 8.** Physical Fitness (6.12)
 - 9.** Scholarship, including cumulative provision (6.2.1 B, 6.2.5)
 - 10.** Eligibility Retention (6.5.3, 6.5.4)
 - 11.** Eligibility for participation at the sub-varsity level only (all paperwork – including Form C, must be reviewed by the Athletic Director and remain in the student's file until graduation).
- B.** Documents signed by the AD and principal which are pertinent to the above rulings must be maintained in the student's file until that Student's graduation.
- C.** The local school is strongly encouraged to contact the NMAA if assistance is needed.
- D.** The local school assumes all responsibility for errors or misinterpretation of rules.

6.6.2 NMAA Office

- A.** The NMAA Office shall administer the eligibility review procedure and make eligibility decisions based on the following NMAA eligibility rules:
 - 1.** Transfers (6.5.2)
 - 2.** Parents Living Outside the US (6.4.5)
 - 3.** Amateur Status (6.15)
 - 4.** Participation Limits (6.10)
 - 5.** Transfer Student with New Bona Fide Residence (6.5.3)
 - 6.** Boarding Schools (6.3.4)
 - 7.** Foreign Students (6.5.6)
 - 8.** Hardship - Hardship Petitions must be submitted with Forms A, B, C and Transfer Rule Hardship Petition before Hardship Review Committee can rule on the petition. All documentation necessary for ruling on hardship petition must be provided at the time of the initial petition. Additional documentation after ruling will not be accepted. The Hardship Review Committee will meet no less than every other month during the school year.
 - 9.** Married Student (6.4.3 A)

- 10. Self-supporting Student (6.4.4)
- 11. Eligibility issues pursuant to court or legal orders (6.4.3)
- 12. Special Education/504 (6.2.3)
- 13. Did not play that sport the previous year - This exception may be petitioned pursuant to the following conditions:
 - a) 8th and 9th grade transfer Students may not use this exception
 - b) Student must have been in good standing and academically eligible for participation prior to transfer
 - c) This exception can be used only once during the 10th through 12th grade years
 - d) This exception cannot be used for a Student transferring from a boarding school
- 14. Scholastic record is incomplete due to sickness or death of immediate family member (6.2.2)

6.6.3 Petition Process

- A. The member school petitioner shall use required NMAA Petition Forms A, B (or transcripts) and C. If Hardship is being petitioned, the Transfer Rule Hardship Petition must also be completed.
- B. The member school petitioner shall submit to the NMAA office:
 - 1. Correspondence and/or Form A stating:
 - a. Name of Student
 - b. Reason for petition/exception (If hardship, in addition to Forms A, B (or transcripts), and C, the Transfer Rule Hardship Petition must also be submitted.)
 - c. Eligibility rule being petitioned
 - d. Facts in case
 - 2. School record/Transcripts (or Form B)
 - 3. Record from previous school/good standing (Form C)
 - 4. All documentation necessary for ruling on petition (bona fide residence documentation, medical records, divorce decrees, court documents, documents establishing hardship, etc.) must be provided at the time of the initial petition. Additional documentation after ruling will not be accepted.
- C. Each member school petitioner shall complete the required forms and submit the documentation to the NMAA office.
 - 1. The submission of required forms is for record keeping purposes only.
 - 2. A Student may not participate until a decision in writing is made by the NMAA. The Student may practice, but may not participate in games/contests until a decision has been received from the NMAA via facsimile or U.S. Mail.

6.7 USE OF INELIGIBLE STUDENT PARTICIPANT

6.7.1 Penalty for Use of Ineligible Student Participant

A member school or coach allowing an ineligible Student to participate in an interscholastic activity will minimally automatically forfeit the contest(s) as well as any awards and honors earned at such event(s). Additional sanctions may be imposed by the Executive Director. (See 2.2.)

6.8 ENROLLMENT

6.8.1 Bona Fide Student

The Student participant must be a *bona fide* Student of the member school for which he/she participates or represents. Bona Fide Student is defined as a Student who is enrolled in more than half of the member school's regular class schedule and is in regular attendance at the NMAA member school. The Student must be enrolled in courses that are applicable to high school graduation requirements.

6.8.2 Use of Student's Own Legal Name

The Student participant must be enrolled under his/her own legal name.

6.8.3 Enrollment

- A. A Student entering school for the first time in a school year must have enrolled by the tenth (10) school day of that semester to be considered for athletic eligibility.
- B. If not enrolled by the tenth (10) day, the Student is ineligible until his/her eleventh (11) day of attendance.
- C. The 10-day rule applies if the Student is absent from school for 10 or more school days and is officially dropped from the school registry, unless out of school due to documented illness or injury. A Student is required to practice the appropriate number of days in advance of participation in a contest/game/match (i.e. ten (10) days for football and five (5) days for all other sports.).

6.8.4 GED/High School Diploma

A Student's eligibility for participation is ended once that Student earns or is eligible for his/her GED or high school diploma or its equivalent.

- A. A Student who leaves high school and attends a full-time early release post-secondary education/training program (G.E.D. or its equivalent) is no longer eligible for interscholastic competition even though the Student later returns to high school.
- B. A senior Student who is eligible in the spring semester continues to be eligible for all spring interscholastic activities even though graduation exercises may precede the completion of interscholastic activities for that specific semester.

6.9 SEMESTERS OF ATTENDANCE

6.9.1 Senior High Interscholastic Competition

A Student is eligible for senior high school interscholastic competition for ten (10) consecutive semesters starting with the eighth (8th) grade year if the Student participates in any sport at the senior high level during his/her 8th grade year. A Student is eligible for senior high interscholastic competition for eight (8) consecutive semesters starting with the 9th grade year if the student is beginning senior high competition for the first time and has not previously participated at the senior high level prior to entering the 9th grade.

- A. Age limitations apply in all cases. (6.14)

- B. A Student uses a semester of eligibility if he or she attends one or more class periods in a semester.
- C. The eighth (8th) grade semesters must be consecutive and within the same academic year.

Q1: *A Student was held back in the 8th grade for academic reasons. He did not participate in athletics at the senior high level (C-Team, sub-varsity or varsity). How many semesters of eligibility does this student have to play?*

A1: *Consecutive semesters of eligibility begins with the first time a Student participates in athletics at the high school level, or enrollment in the 9th grade. If a student begins high school athletics participation in the 8th grade, he/she has 10 consecutive semesters of athletic eligibility starting with that 8th grade year. If a student does not participate in high school athletics prior to entering the 9th grade, the Student has 8 consecutive semesters of athletic eligibility beginning with the 9th grade year. In the scenario above, as long as the student does not participate at the high school level in his/her second 8th grade year, he/she will have 8 consecutive semesters of eligibility beginning with the 9th grade year. If he/she does participate in high school athletics during the second 8th grade year, the 10 consecutive semesters of eligibility would apply, starting with the second 8th grade year.*

Q2: *A Student was held back in the 8th grade for academic reasons. He did not participate in athletics at the senior high level (C-Team, sub-varsity or varsity). The Student will turn 19 prior to September 1st of his/her senior year. How many semesters of eligibility does this student have to play?*

A2: *As long as the student does not participate at the high school level in his/her second 8th grade year, he/she will have 8 consecutive semesters of eligibility beginning with the 9th grade year. However, as the Student will turn 19 prior to September 1st of his/her senior year, the Student will have exhausted his/her athletic eligibility based upon age limitations and will be ineligible for athletic participation his/her senior year. (See 6.14.)*

6.9.2 SBE Regulation No 95-11 Section IV C - Americans With Disabilities Act (ADA)

A Student forced to withdraw from school attendance may not be required to count the semester as one of possible eligibility, provided each of the following criteria is met and supported by evidence acceptable to the Director. The burden of proof rests with the Parent or school requesting the exception. The Student must:

- A. Have been forced to withdraw due to illness, injury, or disability (as defined by the Americans with Disabilities Act). The withdrawal must be necessary because of the Student's disability or medical condition, not merely a preference.

- B. Have been forced to withdraw on or before the 15th school day of that semester.
- C. Not have participated in any interscholastic athletic event(s) that semester.
- D. Have been eligible scholastically that semester at the time of withdrawal unless the Student's scholastic ineligibility is a result of a disability which is the basis for the Student's withdrawal.
- E. Continue to be unable to attend school for at least the remainder of that semester.
- F. Meet all other eligibility standards.

6.10 PARTICIPATION LIMITS

6.10.1 Season/Championship Limit

- A. A Senior High Student shall not participate in more than five (5) seasons in any sport, of which no more than one (1) shall be played while in the eighth grade, and no more than four (4) seasons shall be played while in grades 9-12. A Junior High/Middle School Student shall not participate for more than three (3) seasons in a given sport, regardless of circumstances (7th, 8th, and 9th for junior high and/or 6th, 7th and 8th for middle schools).
- B. A Student is limited to one (1) season per school year in a specific sport. This applies to Students transferring from another state where the season may have already occurred in that sport.
- C. It shall be considered a season of participation in that sport when a student has been enrolled in and practiced at that school for five (5) or more school days. (See Appendices for definitions of participant, participation, and practice.)

6.10.2 Dual Participation

- A. Participating in a non-school team in the same sport during the school season is discouraged. If a Student is allowed by the school, through the written permission of his/her Principal and/or Athletic Director to participate in this manner, the Student's sport event limit may not be exceeded cumulatively.
- B. Game limitations in interscholastic sports are not to be exceeded
 - 1. Pre-season scrimmages do not count toward game limits.
 - 2. All competition and/or games (school and/or non-school, individual and/or team) from the first day of permissible legal practice to the final day of their school schedule in that sport count toward that limit.
 - 3. Post-season events such as district and state tournaments do not count toward that limit.
- C. The Director may impose penalties appropriate to the violation.

6.10.3 Post-Secondary School Participation

- A. A Student who, while representing a member school during the season, competes against any intercollegiate individual or team, shall be subject to NMAA sanctions.
- B. A Student who has played on any professional, college or university intercollegiate individual or team sport is ineligible for interscholastic athletics in that specific sport.

6.11 PARENTAL CONSENT

A statement must be on file in the school office, signed by the Student's Parents or Legal Guardian, that there are no objections to the Student participating in athletic contests or to the school releasing to the Association information on the Student when needed to determine eligibility.

6.12 PHYSICAL FITNESS

The Student must be physically fit. This fitness must be based on a physical examination of the Student occurring on or after April 1 and must be verified in writing by a licensed medical/osteopathic physician/physician's assistant or nurse practitioner to the extent authorized by their practice act and licensing authority. The physical is considered valid through the following school year. A Student must have a current physical on file for any participation outside of the school day (pre-season, in-season, off-season, summer). The certificate of examination must be on file in the member school office. This requirement also applies to cheer/drill participants.

By State Education Agency regulations, a Student's fitness may be verified in writing by a "licensed chiropractic physician to the extent authorized by their practice act and licensing authority."

6.13 PARTICIPANT INSURANCE

Participants must be covered by accident/injury insurance prior to participation by carrying school-offered insurance or provide the school with documentation that they are covered by a private insurance carrier.

6.14 AGE

An age limitation requirement provides commonality between student-athletes and schools in interscholastic competition; inhibits "redshirting"; allows the participation of younger and less experienced players, enhances the opportunity for more students to participate; promotes equality of competition; avoids over-emphasis on athletics, and helps to diminish the inherent risk of injury associated with participation in interscholastic athletics.

To ensure equality of competition and opportunity, a standard must be established at some point to determine the cut-off date for age eligibility. Use of a specific cut-off date gives notice to all parties involved in interscholastic athletics and maintains equality of participant eligibility among schools.

A Student becoming 19 years of age after August 31 of the current school year is **eligible** for the entire school year. A Student who is 19 years of age or older prior to SEPTEMBER 1 (12:01 A.M. MIDNIGHT) is **ineligible**.

For Junior High/Middle School, a Student is eligible to play with the grade indicated if the Student is of age at the date outlined herein. The Student must move up to play with the age which is correct for him/her.

Sixth Grade: A Student must be less than 13 years of age on August 31st of the current school year.

Seventh Grade: A Student must be less than 14 years of age on August 31st of the current school year.

Eighth Grade: A Student must be less than 15 years of age on August 31st of the current school year.

Ninth Grade: A Student must be less than 16 years of age on August 31st of the current school year.

6.15 ATHLETIC AMATEUR STATUS

6.15.1 Amateur Status

In order to represent their school in any Association-sanctioned contest, Students must be amateurs in that sport.

6.15.2 Participate Under Own Legal Name

An amateur athlete shall participate and shall always have participated under his/her own name.

6.15.3 Reimbursement or Financial Benefit

An amateur athlete shall not receive (directly or indirectly) reimbursement or financial benefit for participating in any athletic contest. Financial benefit includes free or reduced meals, merchandise, gift certificates, etc. (See 6.15.8)

6.15.4 Contracts

An amateur athlete shall not sign any contract for his/her services as an athlete except a letter of intent to attend a college or university.

6.15.5 Retention of Amateur Status

An amateur athlete who received pay for officiating or teaching in recreation programs retains amateur status for interscholastic competition.

6.15.6 Participation With or Against Professional Athletes

An amateur athlete may participate with or against professional athletes. The athlete's amateur standing is ultimately under the jurisdiction of the national or international governing body for the specific sport. The Dual Participation Regulation applies.

6.15.7 Non-School Sponsored Events - Awards

In non-school sponsored events, the awards a participant may receive and still retain amateur status shall be determined by the national or international governing body for the specific sport. If there is not an NMAA recognized national or international amateur governing body, the NMAA regulations must be followed.

6.15.8 School Sponsored Events - Awards

Individual participants in any interscholastic athletic/activity sponsored and/or approved by the Association shall not accept cash or merchandise awards. Awards must be symbolic in nature with no functional or intrinsic value such as, but not limited to, letters, plaques, trophies, medals, ribbons, certificates and letter adornments.

- A. "Cash" includes such things as, but not limited to, remuneration in any form such as cash, money orders, gift certificates, scholarships, free or reduced price meals.
- B. "Merchandise" awards include such things as, but not limited to, jackets, sweaters, blazers, windbreakers, blankets, rings, etc.

6.15.9 Amateur Status Lost in One Sport

A Student athlete who has lost amateur status in one sport does not necessarily lose amateur status in other sports. An appeal for reinstatement of amateur status may be submitted to the NMAA.

6.16 PROTESTS

Any school filing a protest may be required to submit in writing a full statement of the facts to the Director. The protest or complaint shall be signed or co-signed by the school's administrative head. The Director shall send a copy to the administrative head of the school against which the protest or complaint has been made if applicable. The Director shall have the authority to investigate and take action.

6.17 PENALTIES

6.17.1 Violations of Rules and Regulations by Participants, Fans or Students

Violations of any of the rules and regulations of the Association may subject a school or any individual to sanctions, including suspension and fines. In addition, the Director has the authority, after investigation, to suspend a school or individual for violations of the Code of Ethics, Undue Influence or other serious offenses against the goals and philosophy of the Association.

6.17.2 Injunctions/Temporary Restraining Orders

- A.** If a Student is ineligible by rule yet is permitted to participate contrary to those rules, but in accordance with the terms of an injunction or court restraining order against the Student's school and the Association and the injunction is subsequently vacated or reversed in favor of the Association and school's position, remedies or action may be taken by the Association. If a finding is entered by the court that the application for injunctive relief or restraining order is frivolous, any one or more of the following actions against such school in the interest of restitution and fairness to other competing schools may be taken:
1. Require the individual or team records and performances achieved during participation by such ineligible Student be vacated, stricken or forfeited;
 2. Require any team victories/contests to be forfeited to opponents;
 3. Require team or individual awards earned to be returned to the Association and/or;
 4. Require funds to be retained or returned to the Association. If a school has received or would receive any funds from the Association tournament series (district, regional, playoffs or state) in which the ineligible individual participated, that school would be required to forfeit its share of the net receipts from such competition; and if said receipts have not been distributed, to authorize the withholding of said receipts by the Association.
 5. Impose an appropriate penalty on the member school or program, such as but not limited to suspension, probation, reprimand, etc. as presently exists within the NMAA Handbook.
- B.** A school which has been suspended in one or more activities/athletic events sanctioned by the Association may not participate in that activity for a period not to exceed one calendar year. Other terms of the suspension or sanction imposed are established by the Administrative and Review Committee procedures.