

TITLE 6 PRIMARY AND SECONDARY EDUCATION
CHAPTER 13 PUBLIC SCHOOL ADMINISTRATION - INTERSCHOLASTIC ACTIVITIES
PART 2 INTERSCHOLASTIC ACTIVITIES PROMULGATED BY THE NEW MEXICO
ACTIVITIES ASSOCIATION

6.13.2.1 ISSUING AGENCY: Public Education Department
[10-30-97, 01-15-99, 07-30-99; 6.13.2.1 NMAC - Rn, 6 NMAC 1.2.1.1, 12-29-00; A, 11-13-09]

6.13.2.2 SCOPE: This rule governs the process by which rules promulgated by the New Mexico activities association are considered by the public education department for approval or disapproval pursuant to Subsection L of Section 22-2-2 NMSA 1978, and the process for the review of decisions made by the governing board or officials of the New Mexico activities association pursuant to Subsection M of Section 22-2-2 NMSA 1978.
[11-03-95, 10-30-97, 01-15-99; 6.13.2.2 NMAC - Rn, 6 NMAC 1.2.1.2, 12-29-00; A, 11-13-09]

6.13.2.3 STATUTORY AUTHORITY: This rule is adopted pursuant to Sections 22-2-1 and 22-2-2 NMSA 1978.
[11-03-95, 10-30-97, 01-15-99; 6.13.2.3 NMAC - Rn, 6 NMAC 1.2.1.3, 12-29-00; A, 11-13-09]

6.13.2.4 DURATION: Permanent
[10-30-97, 01-15-99, 01-29-99; 6.13.2.4 NMAC - Rn, 6 NMAC 1.2.1.4, 12-29-00]

6.13.2.5 EFFECTIVE DATE: October 15, 1997, unless a different date is cited at the end of a section.
[10-30-97, 01-15-99; 6.13.2.5 NMAC - Rn, 6 NMAC 1.2.1.5, 12-29-00]

6.13.2.6 OBJECTIVE: The purpose of this rule is to set forth the requirements applicable to the regulation of interscholastic activities by the New Mexico activities association.

A. The New Mexico activities association may establish rules for the organization, regulation and enforcement of interscholastic activities for its member schools, subject to the approval or disapproval of said rules by the public education department. The public education department, however, shall have no power or control over the rules or regulations or bylaws governing the administration of the internal organization of the New Mexico activities association.

B. The rules established by the New Mexico activities association for the organization, regulation and enforcement of interscholastic activities shall support equal educational opportunities for every student.

C. The New Mexico activities association shall establish a process for the proposed adoption or amendment of rules by its member schools. A majority vote of eligible member schools affected by the proposed process shall be required before the proposed process is presented to the public education department for approval or disapproval. The public education department may also promulgate its own rules governing interscholastic activities in accordance with the provisions of the Public School Code.

D. The New Mexico activities association shall compile all existing rules having been voted upon by the affected member schools and submit them to the public education department for approval or disapproval. All newly proposed rules or amendments to existing rules shall thereafter be submitted to the public education department for approval or disapproval. The public education department will approve or disapprove newly proposed rules or amendments to existing rules within sixty (60) days of receipt. The public education department may, at its sole option and without cause, extend the time period from sixty (60) days to ninety (90) days by providing written notification to the New Mexico activities association within the initial sixty (60) day time period. If the public education department has taken no action on a newly proposed rule or amendment to an existing rule within the specified time period, the rule or amendment will be deemed to be approved. If the public education department disapproves a proposed rule(s) or amendment to an existing rule, the public education department, or its designee(s), will consult with the New Mexico activities association regarding potential alternatives.

E. The New Mexico activities association shall provide the public education department with an annual performance and financial audit.
[11-03-95, 10-30-97, 01-15-99; 6.13.2.6 NMAC - Rn, 6 NMAC 1.2.1.6, 12-29-00; A, 11-13-09]

6.13.2.7 DEFINITIONS: [RESERVED]
[01-15-99; 6.13.2.7 NMAC - Rn, 6 NMAC 1.2.1.7, 12-29-00]

6.13.2.8 REQUIREMENTS: The following requirements apply to the state administrative review of decisions of the New Mexico activities association:

A. A decision of the New Mexico activities association, in which a party is aggrieved, may be appealed to the secretary of public education or his/her designee after all New Mexico activities association grievance and appeal procedures have been followed.

B. All requests for state administrative review shall be made in writing to the secretary of public education and be filed with his/her office within fifteen (15) days of the date of mailing of the decision of the New Mexico activities association's review authority. Filing shall be accomplished when the request for state administrative review is received in the office of the secretary of public education. The aggrieved party shall further send a copy of the request for state administrative review to the executive director of the New Mexico activities association.

C. The request for state administrative review shall be signed by the aggrieved party or his/her designated representative and shall state specifically the questions raised before the New Mexico activities association's review authority which the secretary of public education is requested to review with reference to the applicable rules of the New Mexico activities association.

D. Within five (5) calendar days of the receipt of the copy of the request for state administrative review, the executive director of the New Mexico activities association shall send to the secretary of public education by certified mail the decision of the New Mexico activities association's review authority, the record of the hearing before the review authority, including any exhibits admitted into evidence before the review authority, and the document evidencing the date on which the decision of the review authority was mailed to the aggrieved party.

E. Upon receipt of the record from the executive director of the New Mexico activities association, the secretary of public education shall appoint a hearing officer and administrative review panel to review the decision of the New Mexico activities association. The hearing officer and administrative review panel shall consist of employees of the public education department knowledgeable about the practices and procedures of the New Mexico activities association who can discharge their responsibilities in a fair, reasonable and unbiased manner.

F. The state administrative review panel and its hearing officer shall provide a recommended decision, including recommended findings and the basis for such findings, to the secretary of public education within twenty-five (25) calendar days of the filing of the request for state administrative review.

G. The review by the secretary of public education or his/her designee(s) shall be on the record and shall be limited to the questions raised in the hearing before the New Mexico activities association's review authority and set forth in the request for state administrative review.

H. The secretary of public education shall issue a written decision, including findings of fact and the basis for such findings, within thirty (30) calendar days of the filing of the request for state administrative review, unless such time is extended by the secretary of public education for good cause. Such written decision shall be sent to the parties by certified mail.

[11-03-95, 01-15-99; 6.13.2.8 NMAC - Rn, 6 NMAC 1.2.1.8, 12-29-00; A, 11-13-09]

6.13.2.9 ISSUING AUTHORITY:

A. Interscholastic activities are an integral and essential component of New Mexico youth, and the curricula within New Mexico schools. In order to provide such opportunities for students, these activities must be organized, supervised and regulated in a fair, open and consistent manner. Effective programs require that the public education department and the New Mexico activities association work in a cooperative and supportive partnership for the benefit of students. The purpose of this rule is to establish a procedure by which the public education department and the New Mexico activities association can accomplish their respective roles in the regulation of interscholastic activities.

B. A copy of this rule, which should be identified as a public education department rule, shall be included by the New Mexico activities association as part of its public education department approved rules. Any rule or regulation of the New Mexico activities association in conflict with this rule is hereby invalidated in accordance with the provisions of the Public School Code.

[11-03-95; 01-15-99; 6.13.2.9 NMAC - Rn, 6 NMAC 1.2.1.9, 12-29-00; A, 11-13-09]

HISTORY OF 6.13.2 NMAC:

PRE-NMAC HISTORY: The material in this regulation was derived from that previously filed with the State Records Center & Archives under: State Board of Education Regulation 95-10, Governing Regulation New Mexico Activities Association, filed 11-03-95.