

LFC Requester:	Sunny Liu
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**AGENCY BILL ANALYSIS
2017 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

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:

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

Date 2/9/17
Bill No: SB241

Sponsor: Senator Mimi Stewart
Senator Cisco McSorley

Agency Code: 924

Short Title: SCHOOL VISUAL ARTS & PHYSICAL ED STANDARDS

Person Writing Christopher Ruskowski
Phone: _____ **Email** _____

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY17	FY18		
NFI	NFI		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY17	FY18	FY19		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(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: Senate Bill 241 (SB241) amends the Public School Code to require PED to adopt academic content and performance standards for performing and visual arts and national physical education standards and to require the revision and updating of the physical education standards as nationally recognized standards evolve and change.

FISCAL IMPLICATIONS

The adoption of new content standards generally requires substantial financial resources be invested in curricular resources/instructional materials, teacher professional development, and new assessment tools (from blueprints to item development). While generating an estimate would require additional planning time, there would be potential costs associated with these adoptions that the state and local districts have not anticipated to-date.

SIGNIFICANT ISSUES

SB241 requires PED to adopt academic content and performance standards for arts and physical education.

Currently, Section 22-2C-3.A requires PED to adopt academic content and performance standards for mathematics, reading and language arts, science, and social studies. While adding other subjects may have academic merit, including “nationally recognized standards” to Section 1.A, page 2, lines 5 and 6 and to Section 1.B, page 2, line 11 creates several issues. First, requiring in statute that PED should adopt art and physical education standards “based on nationally recognized standards” is not consistent with how the existing core academic subjects have been evaluated and implemented. Statute is not the appropriate mechanism for identifying standards to be adopted. The historic and appropriate mechanism for specifying standards is through the negotiated rule-making process. “Nationally recognized standards” may or may not be appropriate for New Mexico students.

Second, state statute currently allows for PED to adopt content and performance standards in “other subject areas” and as such current and past PED administrations have already adopted arts and physical education standards. In doing, the department is able to consider all implications, ranging from appropriate assessments to instructional materials, before embarking on significant shifts that can cause disruptions in the field.

Third, SB241 adds the requirement of PED to “update physical education content standards in department rule to reflect current nationally recognized standards and practices and regularly revise and update physical education content standards as they change.” Again, requiring updates and revisions as “nationally recognized standards” change may or may not be appropriate for New Mexico. To de facto force New Mexico into adopting national standards may not make fiscal, academic, or organizational sense. Again, it is also not consistent with language currently in statute with regard to the other subjects of mathematics; reading and language arts; science; and social studies.

PED continues to collaborate with educators in both of the fields outlined in SB241, as well as the broader New Mexico education community, in reviewing available options and considering all implications of adopting new standards.

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

PED will continue to meet its responsibility to adopt and revise, as necessary and prudent, academic content and performance standards for subjects, including the arts and physical education, which are appropriate, suitable, and sensitive to the needs of New Mexico’s students and broader educational community. This will be done through established precedent.

AMENDMENTS

None.