

<b>LFC Requester:</b>	<b>Sunny Liu</b>
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**AGENCY BILL ANALYSIS  
2017 REGULAR SESSION**

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

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

*and*

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*{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 2/2/2017  
**Original**     **Amendment**        **Bill No:** SJM11  
**Correction**     **Substitute**   

**Sponsor:** Senator Mimi Stewart    **Agency Code:** 924  
**Short Title:** COLLECT SCHOOL PHYSICAL ED DATA    **Person Writing:** Aguilar/Hopper  
**Phone:** 827-6519    **Email:** [PaulJ.Aguilar@state.nm.us](mailto:PaulJ.Aguilar@state.nm.us)

**SECTION II: FISCAL IMPACT**

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

	<b>FY17</b>	<b>FY18</b>	<b>FY19</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>	NFI	See fiscal implications	See fiscal implications	See fiscal implications	Recurring	General

(Parenthesis ( ) Indicate Expenditure Decreases)

**SECTION III: NARRATIVE**

**BILL SUMMARY**

Synopsis:

Senate Joint Memorial 11 (SJM11) requests the New Mexico Public Education Department (PED) and the New Mexico Department of Health (DOH) to work with the legislative education study committee (LESC) in order to answer essential questions related to establishing an effective plan for increased weekly physical education (P.E.) in the state's elementary schools. SJM11 also requests the PED to collect and report information about the frequency of elementary school students' attendance in P.E. (daily, weekly, biweekly, etc.) and to report information to the LESC about the New Mexico elementary schools that receive funding for physical education and the amount of funding they receive. SJM11 requests that the PED and the DOH submit a report to the LESC by November 1, 2017.

## **FISCAL IMPLICATIONS**

SJM11 requests the DOH and the PED to work with the LESC on answering questions related to establishing an effective plan for increased P.E. at the elementary school level. The PED would need to collect and report data from every regular public elementary school in the state (public, local-chartered charter schools, and state-chartered charter schools) on elementary school student attendance in P.E. classes and the frequency of these classes. This would require the PED's Information Technology (IT) Division to either collect this information through PED's Web-EPSS system or through the establishment of another SharePoint system, and for the PED's Coordinated School Health and Wellness Bureau (CSHWB) staff to review the data submitted in order to prepare a report.

The CSHWB staff would also need to work with the PED's School Budget and Finance Analysis Bureau in order to review those elementary school schools that received funding during the 2007 legislative session through HB 208, *School Physical Education Programs and Costs*, for the 2007-2008 and subsequent school years and the amount of funding received. The PED would also need to ascertain alternative funding sources used by elementary schools that are offering elementary school physical education. The requirements of SJM11 would be difficult to accomplish with existing staff resources.

## **SIGNIFICANT ISSUES**

The New Mexico Legislature passed HB 208, *School Physical Education Programs and Costs*, during the 2007 legislative session. The bill added physical education program units and charter school student activities program units into the program cost of the State Equalization Guarantee (SEG). The goal was to phase in elementary physical education across the state over a four-year period. Funds, benefitting approximately 50% of elementary schools (based on free and/or reduced-fee lunch eligibility), were earmarked in FY08 and FY09. A full four-year phase-in did not occur, due to unavailability of continued funds.

The New Mexico Administrative Code rule (6.29.1.1), Standards for Excellence, requires instruction in physical education, aligned with the content standards at all grade levels. Elementary Physical Education can be taught by an elementary education teacher to his/her self-contained classroom of students or a school may hire a teacher who is endorsed/licensed in Physical Education to teach Physical Education to all of the students at the school. A stand-alone physical education class in elementary school must align with the New Mexico Physical Education Content Standards with Benchmarks and be taught by a PED-licensed instructor, endorsed in Physical Education.

According to the National Association for Sport and Physical Education (NASPE), "A quality physical education program provides learning opportunities, appropriate instruction, meaningful and challenging content, and student and program assessment. In addition, a quality physical education improves mental alertness, academic performance, and readiness and enthusiasm for learning..." (<http://files.eric.ed.gov/fulltext/ED541490.pdf> ).

The U.S. Department of Health and Human Services recommends that young people, aged 6–17 years, participate in at least 60 minutes of physical activity daily (U.S. Department of Health and Human Services. *2008 Physical Activity Guidelines for Americans*. Washington, DC: U.S. Department of Health and Human Services; 2008).

Regular physical activity has a number of health benefits for youth. It helps build and maintain

healthy bones and muscles, reduces the risk of becoming overweight or obese, and may improve students' academic performance (CDC. Physical Activity Facts. *Adolescent and School Health*. 2012; [www.cdc.gov/healthyyouth/physicalactivity/facts.htm](http://www.cdc.gov/healthyyouth/physicalactivity/facts.htm))

## **PERFORMANCE IMPLICATIONS**

None

## **ADMINISTRATIVE IMPLICATIONS**

SJM11 would require existing resources within the PED's Information Technology (IT) Division, the Coordinated School Health and Wellness Bureau, and the School Budget and Finance Analysis Bureau to carry out the requirements of the legislation in order to collect data and produce a report, in collaboration with the DOH, for the LESC by November 1, 2017. This will be difficult to accomplish with existing resources.

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

New Mexico public elementary schools would continue to offer physical education as a stand-alone class or within an elementary school teacher's self-contained classroom in alignment with state content standards and benchmarks with performance standards.