

**LEGISLATIVE EDUCATION STUDY COMMITTEE  
BILL ANALYSIS**

**Bill Number:** \*SB 307aa

**51st Legislature, 2nd Session, 2014**

**Tracking Number:** .196244.2

**Short Title:** School District P.E. & Graduation Requirement

**Sponsor(s):** Senators Joseph Cervantes and John M. Sapien

**Analyst:** Travis Dulany

**Date:** March 13, 2014

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**AS AMENDED**

**The House Education Committee amendment inserts an emergency clause.**

**The Senate Education Committee amendment strikes the physical education graduation requirements and inserts:**

**“as determined by each school district, which may include a physical education program that meets state content and performance standards or participation in marching band, junior reserve officers’ training corps, or any other co-curricular physical activity.”**

**Original Bill Summary:**

SB 307 amends the graduation requirements in the *Public School Code* to:

- prohibit changes to the graduation requirements for a student from those specified in law at the time the student entered the ninth grade; and
- with approval of the local school board, allow participation in marching band, an athletic team, or in an athletic sport during the school day to count toward fulfillment of physical education (PE) graduation unit requirements.

**Fiscal Impact:**

SB 307 does not contain an appropriation.

**Substantive Issues:**

During the 2013 interim, the Legislative Education Study Committee heard from a district superintendent regarding PE graduation requirements. The superintendent referred the committee to Student Teacher Accountability Reporting System (STARS) guidelines from the Public Education Department (PED) from prior years, which stated that marching band courses “may be counted toward PE graduation requirement credit with local board approval.” However, this language was removed from the STARS manual for school year 2013-2014, causing concern in some districts that students who had participated in marching band courses would not be able to apply the course toward PE credit as previously thought, according to the superintendent.

In addition to prior correspondence on the topic, PED issued a January 2014 memorandum to district superintendents that stated, “While [PED], through the STARS manual, allowed participation in marching band and athletics to count toward the physical education graduation requirements in the past, an analysis of the standards indicated that these activities are not aligned with and should not count toward this credit.” The memo further noted that, “Enforcing existing statutes was not intended to harm students who, through no fault of their own, had been counseled that marching band and athletics would count toward graduation.” To ensure that students are not harmed, according to the department, PED set up a graduation waiver request system so that students scheduled to graduate during school year 2013-2014 could graduate using marching band or Junior Reserve Officers’ Training Corps for PE credit.

Although districts used STARS guidance to permit marching band to meet PE graduation credit requirements in prior years, STARS guidance does not carry the force of law; therefore, a statute change, like the one contained in SB 307, may be required in order to allow the practice to continue in future school years.

### **Background:**

One way to understand physical activity (not necessarily physical *education*) for New Mexico students is through the New Mexico Youth Risk and Resiliency Survey (YRRS), which is conducted by PED, the Department of Health, and the University of New Mexico School of Medicine Prevention Research Center. Data for physical activity from the 2011 survey for middle and high school students can be found below.

#### *Middle School*

According to the 2011 New Mexico YRRS, among middle school students:

- 31.7 percent engaged in 60 minutes of daily physical activity in the seven days prior to the survey;
- boys (37.1 percent) were more likely to be physically active every day than girls (26 percent);
- 17.4 percent were not physically active in the seven days prior to the survey; and
- American Indian (24.2 percent), African-American (19.3 percent), and Hispanic (18.4 percent) students had higher rates of days with no physical activity than whites (9.8 percent).

#### *High School*

According to the 2011 New Mexico YRRS, among high school students:

- 26.3 percent exercised at least 60 minutes every day during the seven days prior to the survey;
- the percentage of respondents who reported exercising every day increased from 22.1 percent in 2007 to 26.3 percent in 2011;
- the rate of students who exercise at least 60 minutes every day is lower than the US rate of 28.7 percent;
- exercising 60 minutes every day decreased with grade level, from 30.4 percent among ninth grade students to 21.7 percent among twelfth grade students;

- the prevalence of exercising every day increased with increased levels of parent education – among those whose parents had less than a high school education, 19.9 percent exercised every day versus 29.3 percent of those whose parents completed college or professional school; and
- students who earned mostly A or B letter grades in school were more likely to exercise every day than those who earned mostly C, D, or F letter grades.

**Committee Referrals:**

SCC/SEC/SPAC/HEC

**Related Bills:**

SB 5 *Allow Sign Language for Graduation*

\*SB 122a *School District P.E. Requirements*

SB 148 *Computer Programming as School Language*

SB 178 *School Equalization Guarantee for P.E.*

SJM 10 *Assess Role of School P.E. in Child Obesity*

\*HB 66 *School Graduation & Diploma Requirements*

HB 227 *Limit Certain Standards-based Assessments*