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FISCAL IMPACT REPORT

SPONSOR Brandt and Harper **ORIGINAL DATE** 02/02/14
LAST UPDATED 02/18/14 **HB** _____

SHORT TITLE School District P.E. Requirements **SB** 122/aSEC/aHEC

ANALYST Armstrong

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY14	FY15		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

Relates to SJM 10

SOURCES OF INFORMATION

LFC Files

No Response From

Public Education Department (PED)

SUMMARY

Synopsis of HEC Amendment

The House Education Committee’s amendment provides that the graduation requirements in effect when a student ninth grade shall remain the same for that student regardless of changes to statutory graduation requirements. This allows students more certainty in preparing their required next-step plans after grades nine through eleven. Additionally, HEC amended the language, first amended by the SEC, that widens the type of classes that may fulfill the physical education graduation requirement. Rather than recognizing any “other co-curricular physical activity” as SEC’s amendment had, HEC’s amendment allows participation in “interscholastic sports sanctioned by the New Mexico activities association” to count toward the physical education graduation requirement.

Synopsis of SEC Amendment

The Senate Education Committee’s amendment directly addresses the concern raised below that the bill’s language referencing state content and performance standards is open to an interpretation by PED that such programs are not sufficient because they do not meet content standards. SEC struck the original language and inserted in lieu thereof language providing that

participation in marching band or the Junior Reserve Officers' Training Corps (JROTC) fulfills the physical education graduation requirement. While the amendment does not expressly include cheerleading as the original bill had – in addition to marching band and JROTC – it does provide that school districts may recognize any “other co-curricular physical activity” as satisfying the graduation requirement. SEC also added an emergency clause to clarify the graduation standards for students set to graduate in 2014.

Synopsis of Bill

Senate Bill 122 amends high school graduation requirements in the Public School Code to allow school districts to determine which courses to count toward the one unit physical education requirement. The bill provides that a district may recognize participation in cheerleading, marching band, Junior Reserve Officers' Training Corps, or any other course or program that meets state content and performance standards, as satisfying the physical education requirement.

FISCAL IMPLICATIONS

No fiscal impact.

SIGNIFICANT ISSUES

New Mexico content standards, with benchmarks and performance standards, for physical education are mandated for students in grades K-12. PED establishes content standards by rule. Extensive content standards for high school physical education are found at 6.29.9.10 NMAC, and include the following:

- Demonstrates competency in many movement forms and proficiency in a few movement forms.
- Applies movement concepts and principles to the learning and development of motor skills.
- Exhibits knowledge and ability to participate in a physically active lifestyle.
- Achieves and maintains a health-enhancing level of physical fitness.
- Demonstrates responsible personal and social behavior in physical activity settings.
- Demonstrates understanding and respect for differences among people in physical activity settings.
- Understands that physical activity provides opportunities for enjoyment, challenge, self-expression and social interaction.

On November 4, 2013, PED notified school districts and charter schools that the department would no longer recognize certain classes that had historically been accepted for the high school physical education, despite the STARS manual (a PED guidance document) indicating those classes would qualify to meet the high school physical education credit requirement. In particular, school districts voiced concern that marching band had previously fulfilled the requirement and would no longer be accepted, and this might negatively affect some students. In response, PED issued waivers for students graduating during the 2013-2014 school year. However, concerns still exist for those freshmen through junior students who had relied on the guidance documents previously published by the department in taking a class with the expectation that it would meet the required high school physical education credit but no longer does.

The bill attempts to address this issue by allowing a school district to allow students to take cheerleading, marching band, Junior Reserve Officers' Training Corps as the required physical education credit. However, the bill's language referencing state content and performance standards is open to an interpretation by PED that such programs are not sufficient because they do not meet content standards.

Prior to the recompilation of this section of law in 2003, the statute included the following: "With the approval of the local school board, participation in a marching band, on an athletic team or in an athletic sport during the school day may count toward fulfillment of the physical education required unit." The Legislature may wish to amend the bill to include this language.

RELATIONSHIP

SJM 10 requests that a task force assess the role of physical education in childhood obesity.

JA/jl