

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill No: HB 208

48th Legislature, 1st Session, 2007

Short Title: School Physical Education Programs & Costs

Sponsor (s): Representative Joni Marie Gutierrez and Others

Analyst: Kathleen Forrer

Date: January 29, 2007

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

Bill Summary:

HB 208 establishes an elementary physical education program for students in Kindergarten through sixth grade and specifies that the program will be phased in over a four-year period. For school year 2007-2008, one-fourth of New Mexico's eligible students will be enrolled in an elementary physical education program, with an additional one-fourth of the eligible students being added in each successive year, until all eligible students are enrolled in school year 2010-2011. In addition, HB 208:

- adds a cost differential of .06 to the Public School Funding Formula and appropriates funds to pay for the additional units;
- includes elementary physical education units in the program cost calculation that determines state funding to school districts;
- defines eligible students as “students in kindergarten through grade six in a public school classified by the department as an elementary school¹”;
- specifies that the Public Education Department (PED), in granting approval for funding, must ensure that programs are implemented first “in public schools that have the highest proportion of students most in need based on the at-risk index or grade-level schools that serve an entire school district and in public schools with available space”;
- requires school districts, as they become eligible for funding, to submit to PED an elementary physical education plan that (1) indicates how the program meets state academic content and performance standards; (2) includes the courses to be taught; and (3) includes an evaluation component;
- directs PED to monitor programs and to notify a school district whose program is not meeting the required academic and performance standards that continued failure to do so “will result in the cessation of funding for the following school year”; and
- requires PED, during the phase-in period, to make an annual report to the Legislative Education Study Committee (LESC) and to the Legislature regarding program results.

¹ Although sixth grade students in middle schools are excluded, according to PED, middle schools are required by state standards to provide physical education.

Fiscal Impact:

\$8.0 million is appropriated from the General Fund to the State Equalization Guarantee distribution for expenditure in FY 08 to fund elementary physical education program units. Any unexpended or unencumbered balance remaining at the end of FY 08 does not revert to the General Fund.

As of the date of this analysis, the 40th day student membership count for school year 2006-2007 was not available. However, the 40th day membership report for school year 2005-2006 indicates that there are approximately 154,772 in Kindergarten through grade 6 in public schools classified by PED as elementary schools. Using a pupil-teacher ratio of 250 to one, as provided by PED, and the school year 2006-2007 average returning teacher's salary plus benefits (\$51,564), LESC staff estimate the total cost of implementing elementary physical education programs to be \$32.0 million, or \$8.0 million per year for each year of the four-year phase-in.

Based on the .06 cost differential in HB 208 and on school year 2006-2007 initial unit value of \$3,444.35, the appropriation would fund programs for approximately 38,693 children in school year 2007-2008:

$$\begin{aligned} 38,693 \text{ students} \times 0.06 &= 2,321.580 \text{ units} \\ 2,321.580 \text{ units} \times \$3,444.35 &= \$7,996,334 \end{aligned}$$

Issues:

In response to HM 28, *Study Childhood Obesity*, passed by the Legislature in 2004, the LESC convened a work group to study childhood obesity including nutrition and physical education programs and the impact of foods and beverages offered in public schools. PED and the Department of Health (DOH) were represented on the work group, as well as school district administrators and nutrition directors, beverage industry representatives, and representatives of advocacy organizations such as New Mexico Action for Healthy Kids, the American Heart Association, and the American Cancer Society.

Among the work group's recommendations was that physical education should be funded in all public elementary schools. Subsequently, the LESC endorsed legislation introduced during the 2005 legislative session that would have added elementary physical education to the Public School Funding Formula. Although the legislation did not pass, the 2005 and 2006 legislatures appropriated a total of \$3.4 million to fund elementary physical education programs categorically.

Research data reported by the LESC work group shows the epidemic increase of obesity-related health problems in the nation and in New Mexico:

- Approximately 56 percent of New Mexico adults are obese or overweight;
- 10 percent of New Mexico high school students are overweight and another 14 percent at risk for becoming overweight;
- Nine percent of New Mexico children two to five years old are overweight; and
- \$324.0 million is the price tag for medical treatment of obesity-related chronic health conditions in New Mexico alone, at least half paid from public funds.

The LESC work group found that national research confirms a correlation between fitness and improved academic performance:

- The *Journal of School Health* reports that schools that offer intense physical activity programs have seen positive effects on academic performance and achievement, with improved test scores in mathematics, reading and writing, as well as less disruptive behavior, even when the added physical education time reduces time for academics.
- Action for Healthy Kids, a national coalition of health organizations, cites a meta-analysis of nearly 200 studies for the finding that regular physical activity supports better learning.
- In 2001, a large-scale study of 5th, 7th, and 9th graders in California showed a significant relationship between fitness and academic achievement measured on standardized tests at all three grade levels, particularly in mathematics.

According to research cited in the report, overweight children experience an array of problems in school, including:

- absenteeism because of health problems and reduced immune function;
- fatigue, inattention, and poor class participation;
- disruptive behavior, bullying or being victimized by bullies;
- depression, anxiety, and other mental health problems; as well as
- lower academic achievement.

The work group report indicated that among the many local and national authorities who recommend restoring regular physical education to the school day for children and youth are:

- The Department of Pediatrics of the University of New Mexico Health Science Center;
- The local and national chapters of Action for Health Kids;
- The US Surgeon General;
- The National Institute of Medicine;
- The National Association for Sport and Physical Education; and
- The Centers for Disease Control and Prevention.

In testimony to the LESC during the 2006 interim, representatives from the *Boys Initiative* of Santa Fe requested that the LESC consider recommending increased funding for the elementary physical education program initiated by the Legislature and the Governor to ensure that every school (or certain number of students) has a physical education teacher.

Both the LESC and the Legislative Finance Committee have recommended that, beginning in FY 08, elementary physical education programs be phased in over a four-year period and funded through the Public School Funding Formula. The Executive has recommended that elementary physical education programs continue to be funded categorically.

Related Bills:

SB 232 *Physical Education Programs & Costs* (identical)