

**LEGISLATIVE EDUCATION STUDY COMMITTEE  
BILL ANALYSIS**

**Bill No:** HB 822a

**49th Legislature, 1st Session, 2009**

**Short Title:** School Physical Education Elective Parity

**Sponsor(s):** Representative Joseph Cervantes and Others

**Analyst:** Dorinda Fox

**Date:** March 19, 2009

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**AS AMENDED**

**The Senate Education Committee amendment replaces the term “physical education” with “athletic” to clarify that parity in athletic elective credit is the object of the bill.**

**Original Bill Summary:**

HB 822 adds a new section to the *Public School Code* to require parity in physical education elective credits offered by school districts.

The bill prohibits school districts from offering players of one sport elective credit unless players of all sports in the school district are given elective credit for practicing or playing sports, regardless of gender.

**Fiscal Impact:**

HB 822 makes no appropriation.

**Issues:**

According to the Public Education Department (PED) analysis:

- There are separate lists of classes for physical education and athletics.
- Physical education, which is aligned with the New Mexico Physical Education Content Standards, Benchmarks and Performance Standards, is required for all students in grades 1-8; and one unit of physical education is required to be taken in grades 9-12 as part of the state’s graduation requirements.
- All athletics classes are elective classes that may be segregated by team or sex (so long as there are ongoing similar opportunities for both girls and boys) and taught by a person who holds a PED coaching license.
- Districts/schools are not required to offer elective athletics classes.

HB 822 relates to Title IX of the *Education Amendments of 1972*, the federal law which prohibits public schools that receive federal funds from discriminating on the basis of sex. The US Department of Education’s Office for Civil Rights (OCR) is the federal entity responsible for overseeing district and school compliance and complaints.

Each school district is required to assign the duties of a Title IX coordinator to a district staff member to address issues of compliance with Title IX.

**Technical Issues:**

According to PED, the term “sport physical elective credit” does not exist; the correct term is “athletic elective credit.” The sponsor may wish to make a technical amendment.

**Background:**

According to teacher education research, sports equity is important at the middle and secondary school levels, not only to increase opportunities for young women in sports and physical activity, but to change perceptions—particularly the incorrect perception—that sports participation is not important for girls and women.

According to the National Collegiate Athletic Association, gender equity may have many different meanings within the various academic and nonacademic programs offered by a school. In sports, gender equity “describes an environment in which fair and equitable distribution of overall athletic opportunities, benefits, and resources is available to women and men and in which student-athletes, coaches, and athletics administrators are not subject to gender-based discrimination. An athletics program is gender equitable when either the men’s or women’s sports program would be pleased to accept as its own the overall program of the other gender.”

**Related Bill:**

CS/HB 432a *School Athletics Equity Act*