

**LEGISLATIVE EDUCATION STUDY COMMITTEE  
BILL ANALYSIS**

**Bill Number:** SJM 2a

**52nd Legislature, 2nd Session, 2016**

**Tracking Number:** .202394.1

**Short Title:** Child Fitness, P.E. & Obesity Task Force

**Sponsor(s):** Senator Mimi Stewart

**Analyst:** Kevin Force

**Date:** February 2, 2016

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**FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE**

**AS AMENDED**

**The Senate Rules Committee amendment adds a finding to the memorial indicating that physical education that incorporates brain exercises may help the brain function better during the learning process.**

**Bill Summary:**

This joint memorial requests the Legislative Education Study Committee (LESC) to convene a task force to consider the function of elementary school physical education in reducing childhood obesity, evaluate the possibility of minimum time requirements for elementary physical education, and report its findings to LESC by October 1, 2016.

**Fiscal Impact:**

Legislative memorials do not carry appropriations.

The analysis from the Public Education Department (PED) cautions that the duties of the task force may be burdensome for the named participants, especially in the light of any unexpected fiscal issues.

**Detailed Provisions:**

SJM 2 requests:

- LESC to establish a task force to evaluate the feasibility of requiring a minimum of 150 minutes of physical education, per school week, per year, for all children in public elementary schools, administered by licensed physical education instructors;
- that the task force include:
  - representatives from elementary schools;
  - the Society of Health and Physical Educators, New Mexico Association;
  - the New Mexico Athletic Directors Association;
  - experts in physical education pedagogy; and

- healthcare professionals engaged in the care of obese children, including the New Mexico Pediatric Society, physical and occupational therapists, and the New Mexico School Nurses Association; and
- the task force to develop a funding and implementation plan to begin at the start of the 2017-2018 school year.

Finally, SJM2 asks the task force to report to LESC by October 1, 2016.

### **Substantive Issues:**

The prevalence of obesity among children ages 2 to 19 has not changed significantly in the last 10 years, with approximately 17 percent of youth currently suffering from obesity. This figure represents more than 23 million children that are obese or overweight. Overall, healthcare spending related to obesity in the United States has recently been estimated to be nearly \$150 billion annually. The problem has even begun to have national security implications, as obesity has become one of the most common disqualifiers for military service, affecting approximately 25 percent of military applicants.

Studies<sup>1</sup> reveal approximately 61 percent of overweight children between the ages of 5 and 10 already have at least one risk factor for heart disease, while 26 percent have two or more such factors. Overweight adolescents have a 70 percent chance of being overweight or obese as an adult; by adulthood, chronic diseases related to obesity, including heart disease, certain cancers, stroke, and Type 2 diabetes, are the first, second, third, and seventh leading causes of death in the United States.

As of 2013, a number of states, including Arkansas, Illinois, Ohio, and the Carolinas, enacted legislation or adopted resolutions related to physical education requirements in response to this issue, though the scope and particulars vary from state to state.

### **Background:**

As noted in the analysis from PED, during the 2001 regular legislative session, the Legislature passed and the governor signed legislation<sup>2</sup> that added physical education program units and charter school student activities program units into the program cost of the state equalization guarantee distribution. The law would have phased in elementary physical education across the state over the course of four years, but the full phase-in was never completed due to lack of funds.

Standards for Excellence for Physical Education in the *New Mexico Administrative Code*, at 6.29.9 NMAC, require physical education that is aligned with content standards for all grade levels, and includes benchmarks and performance standards; these standards, however, do not include any minimum time commitment for physical education, such as the annual 150-minute requirement that the joint memorial directs the task force to evaluate.

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<sup>1</sup> See, e.g.: *A Lighter Future for Baltimore City: Using Schools in the Fight Against Childhood Obesity*, Natalie Draisin, John Hopkins University, Public Health Studies, 2009.

<sup>2</sup> HB 208, Laws 2007, Chapter 348.

**Related Bills:**

SM 2 *“School Nutrition Day”*

SM 16 *“Cooking with Kids Day”*

SM 19 *“NM Food & Farms Day”*

HJM 3 *Environmental Education Week* (Identical)