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SENATE BILL 343

43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

INTRODUCED BY

SUE F. WILSON

AN ACT

RELATING TO EDUCATION; REQUIRING ALL PUBLIC MIDDLE SCHOOLS AND JUNIOR HIGH SCHOOLS IN THE STATE TO HAVE PHYSICAL EDUCATION AND SPORTS PROGRAMS; REQUIRING INTRAMURAL AND INTERSCHOLASTIC SPORTS; CREATING A FUND; PROVIDING FOR FUNDING FROM GAMING REVENUE; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Public School Code is enacted to read:

"[NEW MATERIAL] SHORT TITLE. -- Sections 1 through 5 of this act may be cited as the "Healthy Kids Act". "

Section 2. A new section of the Public School Code is enacted to read:

"[NEW MATERIAL] FINDINGS AND PURPOSE. --

A. The legislature finds that being involved in a

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1 sport is a meaningful activity that helps engage and refocus
2 children's attention; provides worthwhile leisure; and offers
3 a healthy alternative to gangs, drugs and idleness for at-risk
4 students. The legislature finds further that being involved
5 in a sport increases self-esteem and teaches a child how to
6 work as a team player and other important life lessons.

7 B. The purpose of the Healthy Kids Act is to
8 require physical education and sports programs, including
9 intramural and interscholastic sports, in all public middle
10 schools and junior high schools in New Mexico as a means to
11 improve school performance and enhance every student's life."

12 Section 3. A new section of the Public School Code is
13 enacted to read:

14 "[NEW MATERIAL] SCHOOL SPORTS--REQUIRED--SCHEDULE.--

15 A. By the beginning of the 2003-2004 school year,
16 all public middle schools and junior high schools in the state
17 shall have fully developed physical education classes and
18 intramural and interscholastic sports programs, and all
19 students shall be required to take one hour of physical
20 education per day and participate in at least one sports
21 program. Each school shall employ at least one physical
22 education teacher for boys and at least one physical education
23 teacher for girls.

24 B. The following sports shall be included in each
25 school's intramural and interscholastic sports program

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- 1 (1) football;
- 2 (2) basketball;
- 3 (3) track and field;
- 4 (4) gymnastics;
- 5 (5) baseball;
- 6 (6) swimming;
- 7 (7) golf; and
- 8 (8) tennis.

9 C. A school may offer additional sports, but shall
10 work with other schools to ensure that the additional sports
11 will qualify as interscholastic sports.

12 D. Sports programs may be phased in based on a
13 school's facilities and the time it will take to construct or
14 acquire the necessary sports infrastructure. However, each
15 school and school district shall endeavor to schedule the
16 phase-in in such a way that a sport will be playable as an
17 interscholastic sport by the second year of offering. "

18 Section 4. A new section of the Public School Code is
19 enacted to read:

20 "[NEW MATERIAL] SPORTS FACILITIES-- YEAR-ROUND
21 OPERATION-- AGREEMENTS FOR USE OF OTHER FACILITIES. --

22 A. School outdoor sports facilities shall be
23 operated year round, including weekends and summer nights
24 until 10:00 p.m. The school shall provide, either through
25 paid staff or contract, for adult supervision during operating

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1 hours.

2 B. Schools may enter into agreements with other
3 public or private schools, public agencies or private entities
4 to share sports facilities. The risk management division of
5 the general services department shall develop and provide to
6 each school the insurance requirements and an explanation of
7 the possible tort liability exposure. "

8 Section 5. A new section of the Public School Code is
9 enacted to read:

10 "[NEW MATERIAL] SPORTS FUND--CREATED--ADMINISTRATION--
11 FIVE-YEAR IMPROVEMENT PLAN.--

12 A. The "sports fund" is created in the state
13 treasury. The fund shall consist of fifty percent of the
14 revenue generated through revenue-sharing agreements with
15 Indian nations, tribes and pueblos pursuant to Section 11-13-2
16 NMSA 1978; specific appropriations by the legislature; gifts,
17 grants, donations and bequests to the fund; and interest
18 earned on investment of the fund. Each quarter, the state
19 treasurer shall transfer from the general fund the amount owed
20 to the sports fund. Money in the sports fund shall be
21 administered by the department of education. Money in the
22 sports fund is appropriated to the department to pay capital
23 and programmatic costs of the provisions of the Healthy Kids
24 Act, including salaries of teachers and coaches. Regular
25 physical education classes shall be funded through the state

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1 equalization guarantee distribution, but capital improvements
2 for physical education classes may be paid from the sports
3 fund.

4 B. Each year, each school district shall provide
5 to the department by August 1 a five-year sports development
6 plan for each public middle school and junior high school in
7 the district. The sports development plan shall include a
8 capital improvements plan, including a current list of sports-
9 related capital assets.

10 C. Each quarter, after the state treasurer
11 notifies the department of the amount in the sports fund, the
12 department shall make a priority list for funding capital and
13 programmatic expenses of the sports programs from the sports
14 fund. The priority list shall include the cost of adult
15 supervisors for outdoor sports facilities at each school.

16 D. Money in the sports fund shall not be expended
17 for administration. "

18 Section 6. Section 22-2-8.3 NMSA 1978 (being Laws 1986,
19 Chapter 33, Section 4, as amended) is amended to read:

20 "22-2-8.3. SUBJECT AREAS--MINIMUM INSTRUCTIONAL AREAS
21 REQUIRED--ACCREDITATION.--

22 A. The state board shall require instruction in
23 specific subject areas as provided in Subsections B through F
24 of this section. Any public school or school district failing
25 to meet these minimum requirements shall not be accredited by

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1 the state board.

2 B. All first and second grade classes shall
3 provide daily instruction in language arts skills, including
4 phonics, and mathematics.

5 C. All third grade classes shall provide daily
6 instruction in language arts skills and mathematics.

7 D. All fourth, fifth and sixth grade classes shall
8 provide instruction in language arts skills, with an emphasis
9 on writing and editing; mathematics; science; and social
10 studies, including geography. The following subject areas
11 shall be offered in the remaining instructional time: art;
12 music; physical education; health; and computer literacy,
13 including a general familiarization with computers and support
14 in the areas of mathematics and writing through word
15 processing. Physical education shall be required in all sixth
16 grade classes.

17 E. All seventh grade classes shall provide
18 instruction in English, with an emphasis on grammar and
19 writing; communication skills or science; New Mexico history
20 and geography; mathematics; and physical [fitness] education.
21 Remaining instructional time may be used for electives listed
22 in Subsection G of this section.

23 F. All eighth grade classes shall provide
24 instruction in English, mathematics, United States history,
25 [and] science and physical education. Remaining instructional

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1 time may be used for electives listed in Subsection G of this
2 section.

3 G. The electives authorized in Subsections E and F
4 of this section are art, industrial arts, chorus, band, home
5 economics, typing, creative writing, speech, drama, Spanish,
6 computer literacy, American sign language and other electives
7 approved by the state board. "

1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998
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6 February 5, 1998
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8 Mr. President:
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10 Your COMMITTEES' COMMITTEE, to whom has been referred
11

12 SENATE BILL 343
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14 has had it under consideration and finds same to be GERMANE, in
15 accordance with constitutional provisions, and thence referred to the
16 EDUCATION COMMITTEE.
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19 Respectfully submitted,
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Manny M. Aragon, Chairman

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(Chief Clerk)

(Chief Clerk)

Date _____

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1 FORTY-THIRD LEGISLATURE

2 SECOND SESSION, 1998

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5 February 13, 1998

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7 Mr. President:

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9 Your EDUCATION COMMITTEE, to whom has been referred

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11 SENATE BILL 343

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13 has had it under consideration and reports same with recommendation
14 that it DO PASS, and thence referred to the FINANCE COMMITTEE.
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17 Respectfully submitted,

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22 Cynthia Nava, Chairman
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The roll call vote was 5 For 2 Against

Yes: 5

No: Rodriguez, Nava

Excused: Duran, Gorham, Rawson

Absent: None

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