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**HOUSE BILL 62**

**47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005**

**INTRODUCED BY**

**Rick Mi era**

**FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE**

**AN ACT**

**RELATING TO PUBLIC SCHOOLS; PROVIDING FOR PHYSICAL EDUCATION IN GRADES KINDERGARTEN THROUGH SIX AND FOR DEVELOPMENTALLY DELAYED THREE- AND FOUR- YEAR- OLD STUDENTS; PROVIDING A PHASED-IN PROGRAM OVER SEVEN YEARS; MAKING AN APPROPRIATION.**

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

**Section 1. A new section of the Public School Finance Act is enacted to read:**

**"NEW MATERIAL ELEMENTARY PHYSICAL EDUCATION PROGRAM UNITS. --**

**A. The number of elementary physical education program units is determined by multiplying the number of students in elementary physical education by the cost differential factor of 0.0589.**

**B. As used in this section, "elementary physical . 153029. 1**

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1 education" means eligible physical education programs that  
2 serve students in kindergarten through grade six and three- and  
3 four-year-old developmentally delayed students. "

4 Section 2. A new section of Chapter 22, Article 13 NMSA  
5 1978 is enacted to read:

6 "[NEW MATERIAL] ELEMENTARY PHYSICAL EDUCATION. --

7 A. As used in this section:

8 (1) "eligible students" means students in  
9 kindergarten through grade six and three- and four-year-old  
10 developmentally delayed students; and

11 (2) "physical education" includes programs of  
12 education through which students participate in activities  
13 related to fitness education and assessment; active games and  
14 sports; and development of physical capabilities such as motor  
15 skills, strength and coordination.

16 B. Elementary physical education programs that  
17 serve eligible students are eligible for funding if those  
18 programs meet academic content and performance standards for  
19 elementary physical education programs.

20 C. In granting approval for funding of elementary  
21 physical education programs, the department shall provide that  
22 programs are first implemented in public schools that have the  
23 highest proportion of students most in need based upon the at-  
24 risk index or grade-level schools that serve an entire school  
25 district and in public schools with available space. If the

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1 department determines that an elementary physical education  
2 program is not meeting the academic content and performance  
3 standards necessary to ensure adequate yearly progress of  
4 students in the program, the department shall notify the school  
5 district that the public school's failure to meet the academic  
6 content and performance standards will result in the cessation  
7 of funding for the following school year. The department shall  
8 compile the program results submitted by the school districts  
9 each year of the phase-in of elementary physical education and  
10 make an annual report to the legislative education study  
11 committee and the legislature.

12 D. As they become eligible for elementary physical  
13 education program funding, public schools shall submit to the  
14 department their elementary physical education program plans  
15 that meet academic content and performance standards and other  
16 guidelines of the department. At a minimum, the plan shall  
17 include the elementary physical education courses being taught  
18 and an evaluation component. To be eligible for state  
19 financial support, an elementary physical education program  
20 shall:

21 (1) provide for the physical education needs  
22 of students defined in this section; and

23 (2) use teachers with a license endorsement  
24 for physical education.

25 E. Elementary physical education programs shall be

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1 phased in over a seven-year period as follows:

2 (1) effective with the 2005-2006 school year,  
3 one-seventh of New Mexico's eligible students shall be in an  
4 elementary physical education program;

5 (2) effective with the 2006-2007 school year,  
6 two-sevenths of New Mexico's eligible students shall be in an  
7 elementary physical education program;

8 (3) effective with the 2007-2008 school year,  
9 three-sevenths of New Mexico's eligible students shall be in an  
10 elementary physical education program;

11 (4) effective with the 2008-2009 school year,  
12 four-sevenths of New Mexico's eligible students shall be in an  
13 elementary physical education program;

14 (5) effective with the 2009-2010 school year,  
15 five-sevenths of New Mexico's eligible students shall be in an  
16 elementary physical education program;

17 (6) effective with the 2010-2011 school year,  
18 six-sevenths of New Mexico's eligible students shall be in an  
19 elementary physical education program; and

20 (7) effective with the 2011-2012 school year,  
21 all of New Mexico's eligible students shall be in an elementary  
22 physical education program "

23 Section 3. APPROPRIATION. -- Four million dollars  
24 (\$4,000,000) is appropriated from the general fund to the  
25 public education department for expenditure in fiscal year 2006

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1 to implement phase one of the elementary physical education  
2 program. Any unexpended or unencumbered balance remaining at  
3 the end of fiscal year 2006 shall revert to the general fund.

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