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**LEGISLATIVE EDUCATION STUDY COMMITTEE**  
**BILL ANALYSIS**  
**54th Legislature, 1st Session, 2019**

<b>Bill Number</b>	<u>SB304/aSEC</u>	<b>Sponsor</b>	<u>Stewart</u>
<b>Tracking Number</b>	<u>.211663.1</u>	<b>Committee Referrals</b>	<u>SEC/SFC</u>
<b>Short Title</b>	<u>School Physical Ed in K-6<sup>th</sup> Grade</u>		
<b>Analyst</b>	<u>Bedeaux</u>	<b>Original Date</b>	<u>2/4/19</u>
		<b>Last Updated</b>	<u>2/11/19</u>

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**BILL SUMMARY**

Synopsis of SEC Amendment

The Senate Education Committee amendment to SB304 (SB304/aSEC) fixes a technical issue to ensure the phase-in completes in FY23 with all elementary schools that include sixth grade.

Synopsis of Original Bill

SB304 would phase-in universal physical education funding and standards for elementary school students statewide. SB304 would require students to receive 30 minutes of physical activity daily, and defines schools eligible for physical education funding as schools serving students in kindergarten through sixth grade classified by the Public Education Department (PED) as elementary schools. The bill contains an appropriation of \$7 million in FY20 to begin phasing-in statewide physical education funding for kindergarten and first grade. The bill would add program units for second and third grade in FY21, fourth and fifth grade in FY22, and sixth grade in FY23 in schools and school districts that classify sixth grade as a part of elementary school.

**FISCAL IMPACT**

SB304/aSEC appropriates \$7 million from the general fund to the state equalization guarantee (SEG) for expenditure in FY20. Any unexpended or unencumbered balance remaining at the end of FY20 shall revert to the general fund.

The statewide cost of holding current physical education funding flat while expanding funding for kindergarten and first grade students in FY20 is \$7.2 million, about \$222 thousand more than the amount appropriated by SB304/aSEC. This analysis uses the FY19 unit value of \$4,159.23 and assumes 10 percent of sixth grade students statewide are in elementary schools, as classified by PED, and that current physical education units in the formula are distributed proportionally among students in each grade statewide.

The cost of SB304/aSEC will recur and increase in subsequent years as more grades are phased-in. In FY21, the cost of funding second and third grade physical education will be \$7.6 million, followed by an additional \$7.6 million for fourth and fifth grade in FY22. In FY23, the cost of

funding 10 percent of sixth grade students is \$377 thousand, bringing the total recurring cost of SB304/aSEC to \$22.8 million in FY23 and subsequent fiscal years.

**Formula Funding Required to Fully Fund SB304/aSEC\***

(in thousands)

	FY20	FY21	FY22	FY23
Kindergarten and First Grade	\$7,221.7	\$7,221.7	\$7,221.7	\$7,221.7
Second and Third Grade		\$7,645.2	\$7,645.2	\$7,645.2
Fourth and Fifth Grade			\$7,585.8	\$7,585.8
Sixth Grade**				\$376.7
<b>Increase from Previous Year</b>	<b>\$7,221.7</b>	<b>\$7,645.2</b>	<b>\$7,585.8</b>	<b>\$376.7</b>
<b>Cumulative Increase from FY19</b>	<b>\$7,221.7</b>	<b>\$14,866.9</b>	<b>\$22,452.7</b>	<b>\$22,829.4</b>

Source: LESC Analysis of PED Data

\* Based on FY19 Unit Value of \$4159.23.

\*\* Analysis assumes 10 percent of sixth graders statewide are in schools classified as "elementary schools" by PED.

It is unclear whether the appropriated funds will fully cover the costs of requiring 30 minutes of physical education per day for all students. A diverse physical education task force assembled in 2016 testified to LESC and identified a lack of detailed physical education data in New Mexico represents a significant barrier to crafting an effective physical education plan. It is likely school districts and charter schools will require significant investments in physical education staffing and facilities to accommodate 30 minutes per day of physical activity for every student, though the exact cost of this is difficult to estimate.

Because elementary physical education units currently funded in the SEG were established in 2007, school districts that are currently funded for a greater number of students in elementary physical education than actually participate would see a decrease in funding.

**SUBSTANTIVE ISSUES**

**Physical Education Policy in New Mexico.** The elementary physical education units currently present in the SEG were established in 2007 and have not changed since. Fifty-six school districts and one charter school receive funding for physical education. Units are calculated by multiplying the number of students funded for physical education by a cost differential of 0.06; in FY18, those units generated approximately \$16.1 million in funds to eligible school districts and one charter school. The original plan passed by the Legislature in 2007 would have phased in physical education completely by 2011, but was not completed due to lack of funds.

New Mexico does not have a statutory physical education requirement for students elementary or middle school, but does have a requirement that students take at least one physical education course in high school. According to the State of Obesity website, a state obesity tracker by the Trust for America’s Health and the Robert Wood Johnson Foundation, New Mexico is one of only 12 states that does not require elementary physical education in statute, and one of 14 that does not require middle school physical education in statute. Of the states that require elementary school physical education, 18 and Washington D.C. have a minimum requirement for the amount of time students spend in physical education.

The New Mexico Administrative Code requires school boards to adopt a wellness policy that includes physical education opportunities for all students in kindergarten through 12<sup>th</sup> grade, and includes separate content standards for physical education in kindergarten through fourth grade, fifth through eighth grade, and ninth through 12<sup>th</sup> grade. Elementary school physical education

standards include competency in simple motor skills like jumping, skipping, and running, the ability to identify the benefits of regular physical activity, and the ability to demonstrate teamwork and respect for others in physical activities. Middle school and high school physical education standards build upon this foundation by introducing team sports, goal-setting, health science concepts, and responsible fitness habits.

***Childhood Obesity.*** Reducing childhood obesity by promoting physical education and healthy eating habits in children can establish lifelong habits and have an impact on adult health, reducing the prevalence of serious conditions like high blood pressure, type 2 diabetes, and heart disease. Reducing the need for medical care for serious health issues can save the state money. The federal Centers for Disease Control and Prevention report the medical care costs of obesity-related health issues are estimated at \$147 billion nationally.

According to the New Mexico Department of Health (DOH), in 2010, 13.2 percent of kindergarteners and 22.6 percent of third graders were obese. By 2017, the percent of obese kindergarteners increased marginally to 13.9 percent, but the percent of obese third graders decreased to 19.9 percent respectively. There are also significant differences in obesity rates among ethnicities, with 37.8 percent of Native American students being considered obese compared with 10.4 percent of Caucasian students.

***Physical Education Task Force.*** Little data has been collected about the current status of New Mexico physical education. The 2016 Legislature passed SJM2, authorizing the creation of a task force of physical education representatives and researchers to assess issues surrounding physical education in New Mexico and evaluate the feasibility of requiring 150 minutes of physical education per week. In November 2016, representatives from elementary schools, the Society of Health and Physical Educators, the New Mexico Athletic Directors Association, experts in physical education pedagogy, and healthcare professionals reported the work group’s findings to LESC, describing how students who receive physical education have increased brain activity, higher test scores, better in-class behavior, and better health habits later in life.

However, the task force also identified several gaps in New Mexico’s physical education data. First, policymakers need to know how regularly children are currently attending physical education in New Mexico. Second, policymakers need information about which schools offer physical education programs, and how often they are offered. It is likely school districts differ in their approach to physical education, but this data is not currently available. Finally, policymakers need information on which schools receive physical education funding, and how this funding is used to serve the students.

The 2017 Legislature passed SJM11, Collect School Physical Ed Data, which requested PED and DOH to gather and provide information to LESC to develop a plan for increased physical education instruction in New Mexico elementary schools. It is unclear whether either agency has collected more data than was previously available regarding elementary physical education.

## **SOURCES OF INFORMATION**

- LESC Files
- Public Education Department (PED)
- New Mexico Department of Health (DOH)
- Federal Centers for Disease Control (CDC)