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FISCAL IMPACT REPORT

ORIGINAL DATE 2/28/19
LAST UPDATED 3/03/19

SPONSOR Rodriguez HB _____

SHORT TITLE Circus Arts Education SB 412

ANALYST Liu

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY20	FY21		
\$100.0		Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Public Education Department (PED)

Department of Cultural Affairs (DCA)

SUMMARY

Synopsis of Bill

Senate Bill 412 appropriates \$100 thousand from the general fund to PED for a program to educate children in circus arts such as trapeze, aerial fabrics, unicycling, juggling, clowning, stilt-walking, giant puppetry, and partner acrobatics.

FISCAL IMPLICATIONS

The appropriation of \$100 thousand contained in this bill will become a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY20 shall revert to the general fund.

The public school funding formula includes a component for fine arts education programs, as defined in the Fine Arts Education Act (Section 22-15D-6 NMSA 1978). To be eligible for state financial support, a fine arts program must:

- Provide for the educational needs of students in the areas of visual arts, music, theater, or dance;

- Integrate the fine arts into the curriculum;
- Use certified school instructors to supervise those who are teaching the program if those persons do not hold valid teaching licenses in one or more of the disciplines included in fine arts education; and
- Require background checks.

Program approval would depend on PED, and the department would need to establish guidelines and requirements for circus arts education to receive formula funding. DCA notes if this appropriation is provided to schools, the funding should not be used to supplant existing fine arts funding received through the formula.

In FY19, New Mexico schools reported approximately 167.8 thousand students participated in funded fine arts programs, generating 8,389 units in the funding formula (about \$35 million).

SIGNIFICANT ISSUES

According to the National Endowment for the Arts, circus performance arts focus primarily on various aspects of physical movement, strength, and endurance and the ranges possible for the human body and physique. Circus-related material arts include aspects of painting and drawing, design, costuming, and tent making, as well as several derivative arts inspired by the circus such as toy making and miniatures.

PED notes teaching circus arts may increase liabilities, given no statute or regulation provides parameters for teaching circus arts in a public school. The department does not currently certify licenses for circus arts and notes that investigating any injuries suffered by students in a circus arts course would be difficult to assess. As such, PED anticipates premiums for these programs would rise substantially to cover an unknown range of liabilities.

The American Circus Educators Association (ACEA) recommends ensuring adequate facilities, qualified or competent staff, and appropriate policies and practices are available prior to providing circus arts programs for students. ACEA guidelines recommend that programs maintain appropriate liability insurance that covers all activities, noting minimum policy amounts generally cover \$1 million. Attachment 1 includes ACEA guidelines for circus arts safety.

PERFORMANCE IMPLICATIONS

Research on the impacts of circus arts on academic achievement is limited; however, surveys of circus arts participants in multiple studies suggest that circus arts activities may improve social wellbeing and provide programming opportunities to support individuals with physical or developmental disabilities.

ADMINISTRATIVE IMPLICATIONS

PED would have to develop curricular, personnel, and funding requirements for funding and overseeing circus arts. The department notes the administrative impact would be minimal.

DCA notes the selection of a circus arts provider should be through a competitive open call with clearly defined criteria and program goals. Program and individual student evaluation and

assessment tools should be in place prior to the program commencement. This could include pre- and post-skills assessments, individual performance goals, written exams on such things as circus arts terms, and a final creative performance.

OTHER SUBSTANTIVE ISSUES

DCA notes any circus arts program should be at the appropriate age level and should be in line with all related New Mexico standards and benchmarks. Providers should have experience working both in circus arts and with children. Any required background checks for working with children should be conducted.

The U.S. Department of Health and Human Services recommends that children and adolescents aged 6 to 17 years have 1 hour or more of physical activity each day to include aerobic, muscle-strengthening, and bone-strengthening activities. The guidelines also recommend that children and adolescents participate in a variety of physical activities that are appropriate for their age and enjoyable.

POSSIBLE QUESTIONS

Should circus arts primarily be considered a fine arts or physical education program for certification and funding purposes?

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