

**LEGISLATIVE EDUCATION STUDY COMMITTEE  
BILL ANALYSIS**

**Bill Number:** \*SB 122aa

**51st Legislature, 2nd Session, 2014**

**Tracking Number:** .195733.2

**Short Title:** School District P.E. Requirements

**Sponsor(s):** Senator Craig Brandt and Representative Jason C. Harper, and Others

**Analyst:** Travis Dulany

**Date:** March 13, 2014

---

**AS AMENDED**

**The House Education Committee amendments:**

- **strike the Senate Education Committee amendment that inserted graduation requirements for physical education;**
- **insert “a physical education program that meets state content and performance standards or participation in marching band, junior reserve officers’ training corps or interscholastic sports sanctioned by the New Mexico Activities Association”; and**
- **prohibit changes to the graduation requirements for a student once the student has entered the ninth grade.**

**The Senate Education Committee amendments:**

- **strike the graduation requirements for physical education and inserts “a physical education program that meets state content and performance standards or participation in marching band, junior reserve officers’ training corps or other co-curricular activity”; and**
- **adds an emergency clause.**

**Original Bill Summary:**

SB 122 amends high school graduation requirements pertaining to physical education (PE) in the *Public School Code* to include, as determined by each school district, participation in cheerleading, the marching band, the Junior Reserve Officers’ Training Corps (JROTC), or any other course or program that meets state content and performance standards.<sup>1</sup>

**Fiscal Impact:**

SB 122 does not contain an appropriation.

---

<sup>1</sup> Current state content and performance standards for grades 9-12 are attached.

### **Substantive Issues:**

During the 2013 interim, the Legislative Education Study Committee heard from a district superintendent regarding PE graduation requirements. The superintendent referred the committee to Student Teacher Accountability Reporting System (STARS) guidelines from the Public Education Department (PED) from prior years, which stated that marching band courses “may be counted toward PE graduation requirement credit with local board approval.” However, this language was removed from the STARS manual for school year 2013-2014, causing concern in some districts that students who had participated in marching band courses would not be able to apply the course toward PE credit as previously thought, according to the superintendent.

In addition to prior correspondence on the topic, PED issued a January 2014 memorandum to district superintendents which stated, “While [PED], through the STARS manual, allowed participation in marching band and athletics to count toward the physical education graduation requirements in the past, an analysis of the standards indicated that these activities are not aligned with and should not count toward this credit.” The memo further noted that, “Enforcing existing statutes was not intended to harm students who, through no fault of their own, had been counseled that marching band and athletics would count toward graduation.” To ensure that students are not harmed, according to the department, PED set up a graduation waiver request system so that students scheduled to graduate during school year 2013-2014 could graduate using marching band or JROTC for PE credit.

Although districts used STARS guidance to permit marching band to meet PE graduation credit requirements in prior years, STARS guidance does not carry the force of law, and a statute change, like the one contained in SB 122, may be required in order to allow the practice to continue in future school years.

### **Committee Referrals:**

SCC/SEC/SPAC/HHGIC/HEC

### **Related Bills:**

SB 5 *Allow Sign Language for Graduation*  
SB 148 *Computer Programming as School Language*  
SB 178 *School Equalization Guarantee for P.E.*  
\*SB 307a *School District P.E. & Graduation Requirement*  
SJM 10 *Assess Role of School P.E. in Child Obesity*  
\*HB 66 *School Graduation & Diploma Requirements*  
HB 227 *Limit Certain Standards-based Assessments*