

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

ORIGINAL DATE 02/16/09
 LAST UPDATED 03/09/09 HB 348

SPONSOR Rodefer

SHORT TITLE Require Art & Music Through 6th Grade SB _____

ANALYST Varela

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
	None		

(Parenthesis () Indicate Expenditure Decreases)

Relates to Appropriation in General Appropriation Act

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY09	FY10	FY11	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		\$14,160.0 – \$23,600.0	\$14,160.0 - \$23,600.0	\$28,320.0 minimum	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Office of Education Accountability (OEA)

Public Education Department (PED)

SUMMARY

Synopsis of Bill

House Bill 348 amends 22-13-1 Sections C & D NMSA 1978 to mandate that all kindergarten through sixth grade classes shall provide instruction in art and music at least once per week. The bill makes technical adjustments to current language mandating that students in grades 1-3 shall have instruction in art and music.

FISCAL IMPLICATIONS

House Bill 348 does not contain an appropriation. However, according to PED, New Mexico currently invests \$29 million per year in fine arts funding through the funding formula. Proposed changes to the funding formula (HB 331) also provide for fine arts instruction.

PED states that highly qualified licensed art and music teachers K-6 would be required if this bill is enacted, which would result in additional operating costs between \$14.1 million and \$23.6 million plus additional benefits. (e.g., there are approximately 400 elementary schools in the state that would be affected by this bill) Highly qualified teachers are educators who meet state requirements for licensure in their areas of expertise.

According to the February 2009 revenue estimate, FY10 recurring revenue will only support a base expenditure level that is \$575 million less than the FY09 appropriations before the 2009 solvency reductions. All appropriations outside of the general appropriation act will be viewed in this declining revenue context.

SIGNIFICANT ISSUES

HB 348 would require weekly music and art instruction in all K-6 classrooms whether in school districts or in charter schools.

If HB 348 is passed, issues arise as related to teacher qualifications.

- **Highly Qualified:** If HB 348 is requiring teachers to be highly qualified to teach music and art, there will be a significant fiscal impact. The cost would be at minimum \$28 million.

If an appropriation increases the funding for highly qualified art and music teachers then the Fine Arts in Education Act (FAEA) to include all four content areas weekly in K-5 classroom could be fully supported and met. Currently the \$29 million does not support districts in the teaching of all four content areas weekly.

An unintended consequence could arise because if classroom teachers are expected to teach one hour a week of music and art, the FAEA program quality may be diminished because HB 348 only addresses art and music instead of the four content areas that are a part of the FAEA.

Professional development for staff would be necessary to ensure quality programs in art and music at every grade level and instructional time would be forfeited in other subject areas unless music and art are integrated into the core subject areas during the school day.

In addition, HB 348 conflicts with, if not invalidates, the referenced FAEA. Whereas the Act makes the offering of fine arts activities—including visual arts, music, theater and dance—optional, HB 348 requires all elementary schools to offer classes in art and music at least once per week.

Elementary Fine arts has been a subject of attention since the passage of the Fine Arts Education Act in 2003. The Fine Arts Education Act appropriated \$4 million through the funding formula specifically for elementary fine arts education in schools beginning in school year 2003-2004. Since that time, according to the Public Education Department, the funding for Elementary Fine Arts has grown to \$29 million.

OEA notes that schools and districts have significant amounts of discretion as to how funding for fine arts is spent and how programs are implemented, and can receive one hundred and fifty dollars per child participating in arts, music, dance and theater programs. In fact, 22-8-18 (section B) NMSA 1978 states that, “The sufficient per-student cost is based on a comprehensive instructional program that includes the cost of core academic programs, career-technical education, gifted programs, bilingual-multicultural programs, arts and music, health and physical education and special education and appropriate staff. It is the responsibility of the local school board or governing body to determine its priorities in terms of the needs of the community served by that board or body. Money distributed through the provisions of the Public School Finance Act is discretionary to local school boards and governing bodies to provide the programs identified in their educational plans.” HB 348 would remove much of that flexibility by mandating that all kindergarten through 6th grade classes provide instruction in art and music at least once per week, but would also ensure that students are continually exposed to art and music education.

HB 348 mandates that all students in kindergarten through 6th grade will receive arts and music curriculum. However, according to the Public Education Department, more than half of the elementary schools in New Mexico are legally defined as K-5 schools, with sixth graders participating in middle school.

In addition, the standards, benchmarks and performance standards for the Arts in New Mexico are written to include theater and dance. DFA states that the sponsor may wish to consider an amendment to include the possibility of the inclusion of theater and dance as part of the weekly instruction.

During the 2008 Interim, The Legislative Education Study Committee heard input from school districts regarding the proposed changes to the funding formula bill. During that time, many districts stressed the importance of art and music curriculum. HB 348 reflects those conversations.

ADMINISTRATIVE IMPLICATIONS

PED would have to amend its guidelines required by Section 22-15D-6 to conform to the mandatory weekly arts class requirements of this bill. Also, all school districts and state-chartered charter schools would have to change and resubmit their fine arts education program plans to conform to the department’s amended guidelines and the new requirements of the bill.

RELATIONSHIP

Appears to relate to HB 331: Funding Formula Act.

OTHER SUBSTANTIVE ISSUES

According to PED, HB 348 raises the issue of whether the fine arts program units [22-8-18] would be available to school districts to finance the mandatory arts and music classes. Districts would, of course, want to avail themselves of these program units; however, PED would have to issue appropriate guidelines on the units’ use. This issue exists because the program unit legislation was enacted to support the Fine Arts Education Act.