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FISCAL IMPACT REPORT

SPONSOR Cervantes ORIGINAL DATE 02/10/14
LAST UPDATED 02/13/14 HB _____
SHORT TITLE School District P.E. & Graduation Requirement SB 307/aSEC/aHEC
ANALYST Armstrong

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY14	FY15		
	Minimal		

(Parenthesis () Indicate Expenditure Decreases)

Relates to SB 122, SJM 10,

SOURCES OF INFORMATION

LFC Files

Responses Received From

Public Education Department (PED)

SUMMARY

Synopsis of HEC Amendment

The House Education Committee amendment to Senate Bill 307 adds an emergency clause.

Synopsis of SEC Amendment

The Senate Education Committee amendment to Senate Bill 307 broadens the bill's original language allowing school districts to count participation in some non-traditional physical education classes toward the one unit physical education requirement, by providing that school districts may recognize participation in "marching band, the Junior Reserve Officers' Training Corps, or *any other co-curricular physical activity*" as fulfilling the physical education requirement.

Synopsis of Original Bill

Senate Bill 307 amends high school graduation requirements in the Public School Code to allow school districts to count participation in a marching band, athletic team, or athletic sport during the school day toward the one unit physical education requirement. The bill also provides that *all* graduation requirements existing at the time a student entered ninth grade shall not change for the student.

FISCAL IMPLICATIONS

The bill does not contain an appropriation. According to PED analysis, passage of SB 307 would require PED to notify districts of the graduation alternatives for physical education and to update the Student Teacher Accountability Reporting System (STARS) to reflect the acceptable alternative course codes that would meet the physical education graduation requirement. Additionally, school districts would need to develop End of Course Exams (EOCs) for the alternative courses in lieu of physical education that would align with the New Mexico Physical Education Content Standards with Benchmarks and Performance Standards. Subsequently, PED would need to review and approve submitted EOCs.

SIGNIFICANT ISSUES

New Mexico content standards, with benchmarks and performance standards, for physical education are mandated for students in grades K-12. PED establishes content standards by rule. Extensive content standards for high school physical education are found at 6.29.9.10 NMAC, and include the following:

- Demonstrates competency in many movement forms and proficiency in a few movement forms.
- Applies movement concepts and principles to learning and developing motor skills.
- Exhibits knowledge and ability to participate in a physically active lifestyle.
- Achieves and maintains a health-enhancing level of physical fitness.
- Demonstrates responsible personal and social behavior in physical activity settings.
- Demonstrates understanding and respect for differences among people in physical activity settings.
- Understands that physical activity provides opportunities for enjoyment, challenge, self-expression and social interaction.

On November 4, 2013, PED notified school districts and charter schools that the department would no longer recognize certain classes that had historically been accepted for the high school physical education requirement, despite the STARS manual (a PED guidance document) indicating those classes would qualify to meet the high school physical education credit requirement. In particular, school districts voiced concern that marching band had previously fulfilled the requirement and would no longer be accepted, and this might negatively affect some students. In response, PED issued waivers for students graduating during the 2013-2014 school year. However, concerns still exist for those freshmen through junior students who had relied on the guidance documents previously published by the department in taking a class with the expectation that it would meet the required high school physical education credit.

The bill attempts to address this issue by allowing a school district to allow students to take cheerleading, marching band, Junior Reserve Officers' Training Corps as the required physical education credit. However, the bill's language referencing state content and performance standards is open to an interpretation by PED that such programs are not sufficient because they do not meet content standards.

Prior to the recompilation of this section of law in 2003, the statute included the following: "With the approval of the local school board, participation in a marching band, on an athletic team or in an athletic sport during the school day may count toward fulfillment of the physical education required unit." The Legislature may wish to amend the bill to include this language.

RELATIONSHIP

Senate Joint Memorial 10 requests that a task force assess the role of physical education in childhood obesity.

Senate Bill 122, like SB 307, amends high school graduation requirements in the Public School Code to allow school districts to determine which courses to count toward the one unit physical education requirement.

JA/svb:jl