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## FISCAL IMPACT REPORT

**SPONSOR** Stewart **ORIGINAL DATE** 1/26/16  
**LAST UPDATED** 1/30/16 **HB** \_\_\_\_\_

**SHORT TITLE** Child Fitness, P.E. & Obesity Task Force **SJM** 2/aSRC

**ANALYST** Fernandez

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	<b>FY16</b>	<b>FY17</b>	<b>FY18</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>	NFI	NFI				

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to Appropriation in the General Appropriation Act

### **SOURCES OF INFORMATION**

LFC Files

Response Received From  
Public Education Department (PED)

No Response Received From  
Department of Health (DOH)

### **SUMMARY**

#### Synopsis of SRC Amendment

The Senate Rules Committee amendment adds another “whereas” recognizing that physical education activities incorporate brain exercises that may help the brain function better during the learning process, keep the brain more alert, release stress and enhance learning.

#### Synopsis of Senate Joint Memorial 2

Senate Joint Memorial 2 requests the Legislative Education Study Committee (LESC) to establish a task force to assess the role of elementary school physical education and reducing obesity in children and requires the development of a plan to increase instruction to a minimum of 150 minutes of physical education per school week, per year for all children in public elementary schools beginning in the 2017-2018 school year.

## **FISCAL IMPLICATIONS**

According to PED, there could be considerable fiscal implications to the public school funding formula for public elementary schools, beginning in 2017-2018 if a minimum of 150 minutes of physical education per school week are added.

Laws, 2007, Chapter 38 added physical education program units to the public school funding formula for students in elementary school programs, kindergarten through grade six. According to PED, the goal was to phase in elementary physical education across the state over a four-year period. Funding for approximately 50 percent of elementary schools (based on free and/or reduced-fee lunch eligibility), was appropriated - \$8 million in FY08 and another \$8 million in FY09. A full four year phase-in did not occur, due to unavailability of funds.

According to PED, the impact of adding 150 minutes of physical education per week, per year for children in public elementary schools to the current school day would also need to be considered including the administrative costs associated with lengthening the school day.

## **SIGNIFICANT ISSUES**

SJM 2 would require the physical education be taught by licensed physical education instructors. According to PED, the New Mexico Administrative Code rule (6.29.1.1), Standards for Excellence, requires instruction in physical education, aligned with the content standards at all grade levels. Elementary Physical Education be taught by an elementary education teacher to his/her self-contained classroom of students, or a school may hire a teacher who is endorsed/licensed in Physical Education to teach Physical Education to all of the students at the school. A stand-alone physical education class in elementary or middle school must align with the New Mexico Physical Education Content Standards with Benchmarks and be taught by a PED-licensed instructor, endorsed in Physical Education.

PED provides the following information:

The U.S. Department of Health and Human Services recommends that young people, aged 6–17 years, participate in at least 60 minutes of physical activity daily (U.S. Department of Health and Human Services. [2008 Physical Activity Guidelines for Americans](#). Washington, DC: U.S. Department of Health and Human Services; 2008).

Regular physical activity has a number of health benefits for youth. It helps build and maintain healthy bones and muscles, reduces the risk of becoming overweight or obese, and may improve students' academic performance (CDC. Physical Activity Facts. *Adolescent and School Health*. 2012; [www.cdc.gov/healthyyouth/physicalactivity/facts.htm](http://www.cdc.gov/healthyyouth/physicalactivity/facts.htm)).

## **ADMINISTRATIVE IMPLICATIONS**

SJM 2 requests the LESC to establish the task force and include representatives from elementary schools, Society for Health and Physical Educators, New Mexico Athletic Directors Association, New Mexico Coalition of School Administrators, New Mexico Pediatric Society, New Mexico School Nurse's Association, experts in physical education pedagogy, health care professionals involved in the care of children with obesity, physical therapists and occupational therapists.

SJM 2 requires the task force to report to the LESC by October 1, 2016.

**RELATIONSHIP**

Relates to the appropriation in HB2 for public school support.

Currently, Section 22-8-23.7 NMSA 1978 provides additional physical education program units for elementary students in kindergarten through grade 6. The number of elementary physical education program units is determined by multiplying the number of students in elementary physical education by the cost differential factor of 0.06.

**OTHER SUBSTANTIVE ISSUES**

According to PED, a requirement of 150 minutes of physical education per week, per year in public elementary schools may present districts with a challenge in incorporating the additional time for physical education within the existing minimum requirements of school directed programs, exclusive of lunch, of 5½ hours per day as prescribed for grades one through six in the New Mexico Administrative Code rule (6.29.1.1), Standards for Excellence.

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