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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
53rd Legislature, 1st Session, 2017

Bill Number	<u>SB241/aSEC/aSPAC</u>	Sponsor	<u>Stewart & McSorley</u>
Tracking Number	<u>.205074.2</u>	Committee Referrals	<u>SEC/SPAC/HEC</u>
Short Title	<u>School Visual Arts & Physical Ed Standards</u>		
Analyst	<u>Force</u>	Original Date	<u>2/9/17</u>
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FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

BILL SUMMARY

Synopsis of Senate Public Affairs Committee Amendment

The Senate Public Affairs Committee Amendment changes the title of the bill so that it addresses the adoption of academic content and performance standards for fine arts and physical education. It removes references to updating physical education standards.

Synopsis of Senate Education Committee Amendment

The Senate Education amendment clarifies that the Public Education Department (PED) is directed only to adopt content and performance standards for fine arts and physical education. It strikes all language directing PED to adopt standards based on nationally recognized standards, and the requirement that PED periodically update and regularly revise standards for physical education.

Synopsis of Original Bill

Senate Bill 241 (SB241) proposes to amend Section 22-2C-3 NMSA 1978 of the Assessments and Accountability Act to require PED to update physical education (PE) content standards in PED rule to reflect current nationally recognized standards and practices, and adopt content standards for arts, based on nationally recognized standards for dance, media arts, music, theatre, and visual arts. The bill would also require periodic revision and updating of the elementary physical education content standards to reflect nationally recognized standards and practices.

FISCAL IMPACT

SB241/aSEC/aSPAC does not include an appropriation. The fiscal impact to school districts and charter schools is unclear; if new content standards adopted by PED require different programming, professional development, or other supports than are currently offered by public schools, the bill could impact school district and charter school budgets.

SUBSTANTIVE ISSUES

Nationally Recognized Elementary Physical Education Standards. Approximately 17 percent of youth ages 2 to 19 are considered obese. This figure includes the more than 23 million children who are obese or overweight. Health care spending related to obesity in the United States was recently estimated to be nearly \$150 billion annually. The problem has even begun to have national security implications, as obesity has become one of the most common disqualifiers for military service, affecting approximately 25 percent of military applicants.

Studies reveal approximately 61 percent of overweight children between the ages of 5 and 10 have at least one risk factor for heart disease, while 26 percent have two or more such factors. Overweight adolescents have a 70 percent chance of being overweight or obese as an adult; by adulthood, chronic diseases related to obesity, including heart disease, certain cancers, stroke, and Type 2 diabetes, are the first, second, third, and seventh leading causes of death in the United States.

Other physiological effects of obesity are more particularly related to education. While opponents might argue that physical education impacts academic “time on task,” research shows that children who engage in regular exercise enjoy both better body and better brain development. In fact, obese children have been shown to have a smaller hippocampus, the area of the brain responsible for memory; exercise actually increases the size of the hippocampus. Research also indicates that those who exercise before an examination tend to perform better than their more sedentary peers; spending as little as two to three minutes engaged in physical activity can increase children’s attention for the next 20 minutes. Currently, however, only one in three children are physically active for at least 60 minutes per day.

Quality physical education is not merely a specific curriculum or program; it is an instructional philosophy that emphasizes a variety of skills to make physical activity an everyday part of life. The best guides for a good elementary PE program are national standards and grade-level outcomes that are regularly updated.

As of 2013, a number of states, including Arkansas, Illinois, Ohio, and the Carolinas, enacted legislation or adopted resolutions related to physical education requirements in response to this issue, though the scope and particulars vary from state to state.

Nationally Recognized Arts Standards. While the bill does not require the adoption of any specific set of arts standards, one example of nationally recognized arts standards, the National Core Arts Standards (NCAS), were developed by the National Coalition for CORE ARTS Standards (NCCAS), a consortium of public school arts teachers and administrators, representatives from state departments of education, university arts educators, and public and professional arts organizations. The NCAS, most recently updated in 2014, are designed to improve the teaching and learning of the arts in America’s schools, thereby improving the education of all students.

Media arts were added to the standards in 2014, and reflect a broadened definition of art-making that includes contemporary forms such as animation, film, gaming, or interactive- and computer-based art-making. Media arts standards already exist in two states (Minnesota and South Carolina) as well as two large, urban school districts (New York City and Los Angeles Unified).

The national media arts standards were created by arts educators from across the field of arts education with representation from visual arts, dance, music, and theater.

Currently, all states but Iowa have adopted some form of elementary and secondary visual arts standards. The National Visual Arts Standards are part of the NCAS, and were created by visual arts educators working with colleagues across the field of arts education to create standards for each arts education discipline.

According to NCCAS, states have developed a variety of processes for adopting, adapting, or revising arts standards. In some states, the legislature oversees and approves new standards; in others, the state board or department of education oversees this process. Just as no two states are alike in terms of their standards adoption process, no two states will be alike in their timelines. Some states follow a strict timeline for updating their current state level arts standards which is set by the state legislature; other states update when funds and time permit.

The Department of Cultural Affairs notes that New Mexico Arts (NM Arts), the state arts agency, has been part of discussion with PED and the New Mexico Advisory Council on Arts Education as they developed recommendations for the adoption of national arts standards in New Mexico. NM Arts currently requires grant recipients in arts education to follow national standards.

ADMINISTRATIVE IMPLICATIONS

PED would be required to adopt content standards for fine arts and elementary physical education. Additionally, changes to standards may also result in program changes at local school districts and at charter schools.

OTHER SIGNIFICANT ISSUES

Physical education has been a subject area that must meet performance and content standards since at least 2005; PED adopted such physical education standards in rule in 2006. In 2007, the Legislature enacted Section 22-13-1.7 NMSA 1978, which made funding available for elementary PE programs if they met academic content and performance standards. Also enacted were sections to establish elementary physical education program units, and to require multiplying physical education program units by the training and experience index to determine program cost. In 2009, PED repealed physical education standards and benchmarks and replaced them with more recent versions (6.29.9 NMAC); however, while the new version separates benchmarks into three age groups (kindergarten through fourth grade, fifth through eighth grade, and ninth through 12th) the standards have not substantively changed since 2009.

Current content standards and benchmarks are comparable to current nationally recognized standards, with some variations. For example, 6.29.9.8(A) NMAC, “Content standard 1, Demonstrates competency in many movement forms and proficiency in a few movement forms” compares with Standard 1 from SHAPE America, which is, “Demonstrates competency in a variety of motor skills and movement patterns. “Content standard 2, Applies movement concepts and principles to the learning and development of motor skills” closely aligns with Standard 2 from SHAPE America, which is, “Applies knowledge of concepts, principles, strategies, and tactics related to movement and performance.” Benchmarks and performance standards from New Mexico are similar to those from SHAPE America. Transition to more

current nationally recognized standards should not be difficult for either the department or schools, given these similarities.

In 2007, the Legislature enacted statute to make elementary PE programs eligible for funding (which was not previously offered or required by statute) if they met certain academic standards. Under the terms of the program, funding was first granted to schools with the greatest proportion of students eligible for free and reduced-fee lunch, or to grade-level schools serving an entire district, if they had available space. In FY08 and FY09, the Legislature appropriated \$16 million to the state equalization guarantee (SEG) for elementary physical education under the terms of the program, but the advent of the recession halted efforts to continue funding elementary PE.

LESC staff estimate that, depending on whether eligible sixth graders attend an elementary or middle school (statute only permits funding to be allocated to elementary schools), the funding needed to fully implement the elementary PE program is between \$22 million and \$28 million. Additionally, it appears that since the recession interrupted the program, those schools that successfully applied for funding previously have maintained that level of funding since the program was curtailed, regardless of entitlement changes. Thus, schools currently funded by the program may be over- or underfunded depending on changes in their enrollment; moreover, it seems that PED has not audited the program since its inception.

RELATED BILLS

Relates to SJM11, Collect School Physical Ed Data, which requests PED and the Department of Health to work with the LESL to collect data and develop a plan for increasing weekly physical education in the state's elementary schools.

Relates to HB211/aHFI#1, School Next Generation Science Standards, which would require PED to adopt and implement the Next Generation Science Standards, and requires the Mathematics and Science Advisory Council to make recommendations to PED on the implementation of the standards.

SOURCES OF INFORMATION

- LESL Files
- Elementary Physical Education Taskforce assembled under SJM 2, "Child Fitness, P.E. & Obesity Taskforce" (2016)

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