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**LEGISLATIVE EDUCATION STUDY COMMITTEE**  
**BILL ANALYSIS**  
**53rd Legislature, 2nd Session, 2018**

<b>Bill Number</b>	<u>SB266/aSEC</u>	<b>Sponsor</b>	<u>Stewart</u>
<b>Tracking Number</b>	<u>.209385.3</u>	<b>Committee Referrals</b>	<u>SCC/SEC/SFC</u>
<b>Short Title</b>	<u>Elementary School Physical Education</u>		
<b>Analyst</b>	<u>Bedeaux</u>	<b>Original Date</b>	<u>2/6/18</u>
		<b>Last Updated</b>	<u>2/7/18</u>

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**BILL SUMMARY**

Synopsis of SEC Amendment

Senate Bill 266 as amended by the Senate Education Committee (SB266/aSEC) fixes a technical issue on page 2, line 10, strikes the appropriation for FY19, and delays implementation of the original bill until the 2019-2020 school year.

Synopsis of Original Bill

Senate Bill 266 (SB266) phases-in universal physical education funding and programming for elementary school students. SB266 defines schools eligible for physical education funding as schools serving students in kindergarten through sixth grade classified by the Public Education Department (PED) as elementary schools. The bill initiates funding for all kindergarten students in eligible schools in FY19, appropriating \$3.6 million physical education.

The bill maintains current physical education funding units in the state equalization guarantee (SEG) except in school districts and charter schools that are being funded for a greater number of physical education units than they have students enrolled in physical education programs.

**FISCAL IMPACT**

SB266/aSEC does not contain an appropriation. If SB266/aSEC passes and is signed by the governor, the Legislature will likely need to appropriate funds for FY20 during the next session.

LESC staff estimate the statewide cost of holding current physical education funding flat while extending physical education funding for kindergarten students in FY20 is \$3.6 million, assuming 10 percent of sixth graders statewide are considered elementary school students and that physical education units currently present in the funding formula are proportional to the student membership (MEM) in each grade statewide. One additional grade will be included for physical education funding per subsequent fiscal year, increasing the amount of new funds required by approximately \$3.5 million to \$4 million per year (see Table 1 on next page). In FY25, after fifth

**Table 1: SB266 Estimated Annual Cost of Phasing-In Elementary Physical Education, FY19-FY24**  
(in thousands)

	FY20	FY21	FY22	FY23	FY24	FY25
Kindergarten	\$3,554.6	\$3,554.6	\$3,554.6	\$3,554.6	\$3,554.6	\$3,554.6
First Grade		\$3,494.5	\$3,494.5	\$3,494.5	\$3,494.5	\$3,494.5
Second Grade			\$3,701.2	\$3,701.2	\$3,701.2	\$3,701.2
Third Grade				\$3,760.8	\$3,760.8	\$3,760.8
Fourth Grade					\$3,739.5	\$3,739.5
Fifth Grade						\$3,638.2
Sixth Grade						\$360.6
<b>Total Funding Needed</b>	<b>\$3,554.6</b>	<b>\$7,049.0</b>	<b>\$10,750.3</b>	<b>\$14,511.1</b>	<b>\$18,250.6</b>	<b>\$22,249.3</b>

Source: LESC Analysis of PED Data

graders and 10 percent of sixth graders statewide are funded for physical education, the final cost of fully funding elementary physical education is estimated to be \$22.2 million per year.

SB266/aSEC reduces units generated by school districts and charter schools that are currently funded for a greater number of students in elementary physical education than participate in elementary physical education. Because elementary physical education units currently used in the SEG were established in 2007, school districts that have seen declining enrollment since then are currently overfunded for elementary physical education. If passed, SB266/aSEC would establish equity in elementary physical education funding and create a framework for annually calculating physical education program units.

**SUBSTANTIVE ISSUES**

**Physical Education Policy in New Mexico.** The elementary physical education units currently present in the SEG were established in 2007 and have not changed since. Fifty-six school districts and one charter school receive funding for physical education. The original plan passed by the Legislature in 2007 would have phased in physical education completely by 2011, but was not completed due to lack of funds. Units are calculated by multiplying the number of students funded for physical education by a cost differential of 0.06.

New Mexico does not require physical education in elementary or middle school, but has a requirement that students take at least one physical education course in high school. According to the State of Obesity website, a state obesity tracker by the Trust for America’s Health and the Robert Wood Johnson Foundation, New Mexico is one of only 12 states that does not require elementary physical education, and one of 14 that does not require middle school physical education. Of the states that require elementary school physical education, 18 and Washington D.C. have a minimum requirement for the amount of time students spend in physical education.

The New Mexico Administrative Code includes content standards for physical education in kindergarten through fourth grade, fifth through eighth grade, and ninth through 12th grade. Elementary school physical education standards include competency in simple motor skills like jumping, skipping, and running, the ability to identify the benefits of regular physical education, and the ability to demonstrate teamwork and respect for others in physical activities. Middle school and high school physical education standards build upon this foundation by introducing team sports, goal-setting, health science concepts, and responsible fitness habits.

**Childhood Obesity.** Reducing childhood obesity by promoting physical education and healthy eating habits in children can establish lifelong habits and have an impact on adult health, reducing

the prevalence of serious conditions like high blood pressure, type 2 diabetes, and heart disease. Reducing the need for medical care for serious health issues can save the state money. The federal Centers for Disease Control and Prevention reported the medical care costs of obesity-related health issues were estimated at \$147 billion nationally.

Childhood obesity rates in New Mexico have declined in recent years. According to the Department of Health (DOH), in 2010, 13.2 percent of kindergarteners and 22.6 percent of kindergarteners were obese. By 2015, those percentages fell to 11.8 percent and 18.9 percent respectively. Notably, DOH launched the Healthy Kids Healthy Communities campaign in 2011 to build community partnerships and improve healthy eating and active living opportunities for elementary school students. DOH reported the program serves over 57 thousand students, approximately 37 percent of the statewide elementary school population. However, New Mexico still ranks 11th in the nation in high school obesity rates, with 15.6 percent of students considered obese.

**Physical Education Task Force.** Little data has been collected about the current status of New Mexico physical education. The Second Session of the 52nd Legislature (2016) passed SJM2, authorizing the creation of a task force of physical education representatives and researchers to assess issues surrounding physical education in New Mexico and evaluate the feasibility of requiring 150 minutes of physical education per week. In November 2016, representatives from elementary schools, the Society of Health and Physical Educators, the New Mexico Athletic Directors Association, experts in physical education pedagogy, and healthcare professionals reported the work group’s findings to LESC, describing how students who receive physical education have increased brain activity, higher test scores, better in-class behavior, and better health habits later in life. The task force also identified that a lack of detailed physical education data in New Mexico represents a significant barrier to crafting an effective physical education plan. The task force identified several gaps in current data:

- First, policymakers need to know how regularly children are currently attending physical education in New Mexico. The task force was not able to assess the amount of time per week children spend in physical education.
- Second, policymakers need information about which schools offer physical education programs, and how often they are offered. It is likely school districts differ in their approach to physical education, but this data is not currently available.
- Finally, policymakers need information on which schools receive physical education funding, and how this funding is used to serve the students.

The First Session of the 53rd Legislature (2017) passed SJM11, Collect School Physical Ed Data, which requested PED and DOH to gather and provide information to LESC to develop a plan for increased physical education instruction in New Mexico elementary schools. It is unclear whether either agency has collected more data than was previously available regarding elementary physical education.

#### **SOURCES OF INFORMATION**

- LESC Files
- Department of Health
- The State of Obesity
- Centers for Disease Control and Prevention