

LFC Requester:	Sunny Liu
-----------------------	------------------

**AGENCY BILL ANALYSIS
2018 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply: Date 01/29/18
Original **Amendment** **Bill No:** HM42
Correction **Substitute**

Sponsor: Rep. Stephanie Garcia Richard **Agency Code:** 924
Short WELLNESS EDUCATION **Person Writing** Debbie Rael
Title: TASK FORCE **Phone:** _____ **Email** _____

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY18	FY19		
NFI	NFI	Nonrecurring	N/A

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY18	FY19	FY20		
NFI	NFI	NFI	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY18	FY19	FY20	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	See Fiscal Implications	NFI	See Fiscal Implications	Nonrecurring	General

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: None as of 1/26/18
 Duplicates/Relates to Appropriation in the General Appropriation Act: Relates to the Executive Budget recommendations request for investing in school security systems in schools.

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

House Memorial 8 (HM8) requires the New Mexico Public Education Department (PED) to convene a taskforce inclusive of representatives from the office of the governor, the PED, the New Mexico School Boards Association, and the Legislative Education Study Committee to study possible changes to existing statutes and rules specific to school district wellness policies and to study the feasibility of increased funding for student and staff well-being. Findings and recommendations would be submitted to the Legislative Finance Committee (LFC) by October 1, 2018.

FISCAL IMPLICATIONS

The PED would be responsible for funding, convening and facilitating working meetings of the taskforce, including the study of the existing New Mexico Administrative Code (NMAC) 6.12.6, School District Wellness Policy, and other applicable statutes for possible legislative change, and for creating and submitting a report to the LFC. The work of the taskforce would have an immediate impact on the PED as the PED would need to designate existing staff to oversee and complete the work of the taskforce.

SIGNIFICANT ISSUES

The PED has developed and implemented a Wellness Policy Guidance Document Manual and Guide to District/Charter Rubric and has developed, in conjunction with the New Mexico Department of Health (DOH), a Wellness Policy Action Plan, and Wellness Policy Assessment Plan in order to assist school districts and state-chartered charter schools in complying with NMAC 6.12.6, School District Wellness Policy (<http://webnew.ped.state.nm.us/bureaus/safe-healthy-schools/wellness-policy/>) requirement of rotating three-year submission of the policy to the PED for review and approval. This review and approval is done in conjunction with the PED’s Administrative Review (AR) cycle for food service authorities within a school district, local charter school, or state-chartered charter school. The PED’s guidance document is in alignment with the meets the requirements of section 204 of the Healthy, Hunger-Free Kids Act of 2010 (the Act), Public Law 111-296, which added Section 9A to the Richard B. Russel National School Lunch Act (NSLA) (42 U.S. Code U.S. Code § 1758b - local school wellness policy).

The PED and the DOH collaborate on providing regional and statewide trainings on the implementation of a quality wellness policy at the school and district level that supports: 1.) nutrition and nutrition education; 2.) physical activity; 3.) physical education; 4.) health education; 5.) behavioral health; 6.) school safety; 7.) health services; and 8.) staff wellness and professional learning.

School districts and state-chartered charter schools receive federal funding to support nutrition and nutrition education through the U.S. Department of Agriculture child nutrition programs as administered by the PED. School districts and state-chartered charter schools are eligible to apply for federal funding to support nutrition education, physical activity, school safety, and health education through the U.S. Department of Education's 21st Century Community Learning Center grants and have been eligible, in previous years, to apply for state legislative funds support Afterschool and Summer Enrichment Programs that support the same areas of student well-being. School districts and state-chartered charter schools also receive funding through the State Equalization Guarantee (SEG) to support health education and physical education. School districts and state-chartered charter schools also receive funding from both the SEG and the New Mexico Human Services Division Medicaid in the Schools Program to support health services. The PED would need to examine existing funding streams in relation to student well-being when considering recommendations for increased funding.

While there are best practices (e.g., a school district or state-chartered charter school making the gymnasium or weight room available to staff after school and in the evening) supporting staff wellness, there are no state or federal funds available for supporting staff wellness at the school level. Current federal funds are for programs for students and families.

PERFORMANCE IMPLICATIONS

None

ADMINISTRATIVE IMPLICATIONS

HM42 would have an immediate short-term administrative impact on the PED requiring existing staff to convene a taskforce, review NMAC 6.12.6, School District Wellness Policy, and any other subsequent statutes for possible legislative revision, and prepare a report for the legislative finance committee.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Given that PED and the DOH collaborate on providing regional and statewide trainings as related to current school wellness activities, enacting this bill will duplicate effort that has incorporated the work of two state agencies providing comprehensive guidance to schools. Any data collection that is related to the current effort should be considered when informing the need to change current statute.

TECHNICAL ISSUES

None identified.

OTHER SUBSTANTIVE ISSUES

None identified.

ALTERNATIVES

None identified.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Public school districts and state-chartered charter schools would continue to submit district or state charter wellness policies for review by the PED on a three-year rotating cycle as required by NMAC 6.12.6.

AMENDMENTS

None identified.