AGENCY BILL ANALYSIS
2018 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMILEGIS.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:  
Original  X  Amendment  ___  Correction  ____  Substitute  ____

Date 02/09/18  
Bill No: SM82

Sponsor: Senator Linda M. Lopez  
Agency Code: 924

Short Title: STUDY MINIMUM RECESS REQUIREMENTS

Person Writing Debbie Rael  
Phone: 827-1804  Email Debbiem.rael@state.n

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

<table>
<thead>
<tr>
<th>Appropriation</th>
<th>FY18</th>
<th>FY19</th>
<th>Recurring or Nonrecurring</th>
<th>Fund Affected</th>
</tr>
</thead>
<tbody>
<tr>
<td>NFI</td>
<td></td>
<td>NFI</td>
<td>Nonrecurring</td>
<td>General</td>
</tr>
</tbody>
</table>

(Parenthesis ( ) Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

<table>
<thead>
<tr>
<th>Estimated Revenue</th>
<th>FY18</th>
<th>FY19</th>
<th>FY20</th>
<th>Recurring or Nonrecurring</th>
<th>Fund Affected</th>
</tr>
</thead>
<tbody>
<tr>
<td>NFI</td>
<td></td>
<td>NFI</td>
<td>NFI</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

(Parenthesis ( ) Indicate Expenditure Decreases)
### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

<table>
<thead>
<tr>
<th></th>
<th>FY18</th>
<th>FY19</th>
<th>FY20</th>
<th>3 Year Total Cost</th>
<th>Recurring or Nonrecurring</th>
<th>Fund Affected</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total</strong></td>
<td>Unknown</td>
<td>Unknown</td>
<td>Unknown</td>
<td>NFI</td>
<td>Nonrecurring</td>
<td>N/A</td>
</tr>
</tbody>
</table>

(Parentheses ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: None as of 2/05/18
Duplicates/Relates to Appropriation in the General Appropriation Act: None as of 2/05/18

### SECTION III: NARRATIVE

#### BILL SUMMARY

**Synopsis:**

Senate Memorial 82 (SM82) requires that the Legislative Education Study Committee (LESC) and the Public Education Department (PED) study minimum recess time requirements in public school districts for elementary school-aged children.

#### FISCAL IMPLICATIONS

SM82 requests that the PED, in collaboration with the LESC, study minimum recess time requirements in public school districts for elementary school-aged children. This would necessitate PED to designate staff for the purpose of this memorial, to work in collaboration with the LESC, and to conduct the research required to determine minimum recess time requirement data for all public school districts for elementary school-aged children. This would create a short term fiscal impact as the PED would have to utilize existing personnel to carry out SM82. SM82 does not include a timeline for the study’s completion so the year of the fiscal impact is unknown at this time.

#### SIGNIFICANT ISSUES

The number of elementary schools that do not provide a structured recess time with the proper adult supervision, for up to 20 minutes per day is unknown.

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 can 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. As physical education is required in elementary schools, opportunities for physical activity exist currently.


The PED Wellness Policy Guidance Document recommends as a best practice that schools do

Subsection J(6) of 6.29.1.9 of the New Mexico Administrative Code (NMAC) prohibits lunch recess from counting as part of the instructional day. It would need to be determined if the addition of recess or extending of the already existing recess time would be considered part of the instructional day. Not allowing the recess to count as part of the instructional day could require schools to extend the school day and this could have an impact on the school staff’s hours and days required to work and transportation.

PERFORMANCE IMPLICATIONS

None

ADMINISTRATIVE IMPLICATIONS

The short-term administrative effect on the PED would be that the PED would collaborate with the LESC to study recess time requirements for elementary school-age children.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None as of 2/05/18

TECHNICAL ISSUES

None as of 2/05/18

OTHER SUBSTANTIVE ISSUES

None as of 2/05/18

ALTERNATIVES

None as of 2/05/18

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Physical education required in New Mexico elementary schools would continue to be provided as currently prescribed according to the New Mexico Administrative Code rule (6.29.1.1) inclusive of opportunities for physical activity as prescribed in the New Mexico Health Education Content Standards with Benchmarks and Performance Standards.

Recess would continue in those schools that provide structured recess time and lunch recess will continue.

AMENDMENTS

None