

LFC Requester:	Sunny Liu
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**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:
Original **Amendment**
Correction **Substitute**

Date 02/09/18
Bill No: SM82

Sponsor: Senator Linda M. Lopez
Short Title: STUDY MINIMUM RECESS REQUIREMENTS

Agency Code: 924
Person Writing Debbie Rael
Phone: 827-1804 **Email** Debbiem.rael@state.n

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY18	FY19		
NFI	NFI	Nonrecurring	General

(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	Unknown	Unknown	Unknown	NFI	Nonrecurring	N/A

(Parenthesis () 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 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).

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

not withhold recess as a form of punishment. http://webnew.ped.state.nm.us/wp-content/uploads/2017/12/SHSB_Wellness.Policy.Guidance-Document.2017.pdf

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 LESB 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