

Committee on Resources

Subcommittee on Energy & Mineral Resources

Witness Statement

**Testimony to the
Subcommittee on Energy and Mineral Resources
U. S. House of Representatives
by
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New Mexico
Legislative Education Study Committee
Santa Fe, New Mexico
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MEMORANDUM

TO: The Subcommittee on Energy and Mineral Resources
United States House of Representatives
FROM: D. Pauline Rindone, Ph.D.
RE: How New Mexico Would Use Additional Revenue for Education

Madame Chairwoman Cubin, Congressman Miller, Congressman Udall, and members of the Subcommittee: I am pleased to give testimony regarding H.R. 4340, the Mineral Revenue Payments Clarification Act of 2000. Before I begin my testimony, I would like to extend my thanks to Congressman Tom Udall, who has been such a strong and effective advocate for the environment and for education in his congressional district and for New Mexico. I was invited by the Honorable Tom Udall, U. S. Representative of the Third Congressional District in New Mexico, to provide testimony on how New Mexico would use the additional shared revenues generated by the federal Mineral Lands Leasing Act for the educational needs of New Mexico's children.

The federal Mineral Lands Leasing Act (30 USC 181 et seq.) provides that 50 percent of net receipts from federal mineral leases on any public domain land located within state boundaries shall be paid to the state where the lands are located (except Alaska, where 90 percent of the receipts are shared with the state).

Prior to October 1976, the act provided that 37.5 percent was to be paid to the states. The distribution formula was changed in fiscal year 1991 by federal law to require that a portion of the costs of administering the federal program be deducted from payments to the states. This reduction resulted in states bearing about 25 percent of the administrative costs.

In New Mexico, the annual general appropriation act specifies that federal mineral leasing receipts are part

of the general fund. However, unlike other general fund revenue sources, the receipts are specifically appropriated as follows [22-8-34 NMSA 1978]:

- an annual appropriation to the Bureau of Mines and Mineral Resources of the New Mexico Institute of Mining and Technology;
- an annual appropriation to the instructional material fund for the purchase of free instructional material for students and for the administration of the fund; and
- the remainder to the public school fund for distribution to the public schools.

In its continuing study of public education in New Mexico, the Legislative Education Study Committee (LESC) examines the policies and costs of the New Mexico educational system and makes recommendations to the New Mexico Legislature regarding the funding of the public schools. The LESC has identified the following priority areas for programs that would be most beneficial in meeting the needs of New Mexico children:

Early Childhood Education and Early Literacy

A child's first few years are now recognized as the most critical period for proper brain development. Research has shown that much of the "wiring" of the brain's neurons occurs soon after birth and depends upon the experiences that infants and young children have. Recent research has also shown that infancy is the stage during which the foundations for trust, empathy, conscience, and lifelong learning and thinking are laid down -- or during which a predisposition to violent behavior is "hardwired" into the brain. Proper services when a child is young can prevent the need for more costly and often less effective intervention measures later. Moreover, the need for early childhood education (ECE) services grows in direct proportion to the number of parents entering the workforce (especially those receiving federal assistance) and the number of children born to parents who lack the skills or resources to meet their children's developmental needs.

In New Mexico, the need for ECE is especially significant given the low rankings that the state consistently receives for its provisions for child care and education. The 1998 edition of *Map and Track: State Initiatives for Young Children and Families*, produced by the National Center for Children in Poverty, rates New Mexico substantially below the national average in almost every indicator of young child and family well-being. According to the Children's Rights Council, an organization that supports traditional families, New Mexico declined from 36th in 1995 to 50th in 1998 among the 50 states and the District of Columbia on the council's list of best states to raise a child. Finally, the 1999 edition of *Kids Count Data Book*, a project of the Annie E. Casey Foundation, gives New Mexico a composite rank of 48th, down from 46th in 1998.

Regarding early literacy in particular, a consensus among educators is that reading is the essential skill for academic success and that preparation for reading is a key component in the first of the national education goals (Goals 2000), which is that all children will enter school ready to learn. Research has shown that children not reading at grade level by third grade are unlikely ever to catch up and that third grade is a pivotal year for later decisions to drop out or to stay in school.

In the past two years legislation has been introduced by the New Mexico Legislature with bipartisan support; however due to limited resources much of this legislation has been unsuccessful. A bill to provide full-day kindergarten was successful in the 2000 Legislature and will become effective for the 2000-2001 school year; however this program will be implemented in its entirety over a five-year period due to limited

financial resources.

Capital Outlay

New Mexico's school districts have an investment of almost \$3.0 billion in school facilities. More than two thirds of the school facilities in New Mexico were built before 1975 and are approaching a critical stage at which their maintenance requirements must be met if the buildings are to continue to serve their respective communities. Moreover, in times of scarce financial resources, districts have generally chosen to provide employee salary increases and postpone maintenance. As a result, the proportion of many district operational budgets dedicated to building maintenance has declined over the past 10 to 15 years, prompting districts to defer all but critical maintenance.

A 1998 study of public school capital outlay needs of New Mexico school districts estimated that the costs of meeting school capacity needs, when added to the costs of remedying condition, suitability and technological infrastructure problems, amount to approximately \$1.5 billion.

In this same study, New Mexico's school districts scored a 36 out of a possible 100 points in technology infrastructure. This fact highlights the need for investment in the new and emerging technologies within New Mexico schools. These are the technologies that are the basis for future employment and growth in the state and nation as a whole. Additionally, a state-by-state assessment by the National Education Association reported that in New Mexico capital outlay needs would reach \$1.75 billion when elements such as multimedia computers, peripherals and operating applications and educational software are included in the calculation for capital outlay requirements.

Because capital outlay in New Mexico is primarily a local responsibility, disparities in local wealth can aggravate the already inequitable distribution of these resources. In FY 1999, 78 percent of public school budgeted revenues for capital outlay came from local sources. Districts with low assessed valuations have a difficult time providing adequate facilities for students, while those with higher valuations are able to provide extensive facilities. This disparity in capital outlay funds has triggered litigation in New Mexico.

In 1998, three school districts filed a lawsuit against the state of New Mexico and the State Superintendent of Public Instruction, under both the state and federal constitutions. The suit contends that the state has an obligation to meet the capital requirements for the school districts. According to the plaintiffs, the state is violating Article XII Section I of the state constitution which stipulates: "A uniform system of free public schools sufficient for the education of, and open to, all children of school age in the State of New Mexico shall be established and maintained."

On June 30, 1999, the Eleventh District Court in New Mexico issued a motion for a partial summary judgment for the plaintiffs finding that the current system for the funding of capital improvements for New Mexico's school districts does violate Article XII Section 1 of the New Mexico Constitution. The partial summary judgment requires the Defendants to establish and implement a uniform system for capital improvements for New Mexico school districts and for correcting existing inequities by July 28, 2000. It further states that the Court will review the plan developed by Defendants and will impose further appropriate sanction or conditions if an adequate and constitutional funding system is not in place by July 28, 2000.

In 1999 and 2000, the New Mexico Legislature began to address this issue and implemented a short term solution that will help alleviate the immediate crisis; however the state is still far from remedying the

situation and is struggling to meet even the critical capital outlay requirements of school districts. For example, 44 out of 89 school districts in the state submitted approximately \$211 million in critical capital outlay requests for fiscal year 2000, of which the state was able to fund approximately \$65 million.

Counseling Programs

Students today are subject to more threats to their lives, health, and well being than ever before. Consequently, there is a greater need for guidance counseling services in the public schools. According to the Children's Defense Fund, every day in the United States:

- three children and youths under 25 die of HIV infection;
- six children and youths under 20 commit suicide;
- 13 children and youths are homicide victims;
- 16 children and youths are killed by firearms;
- 316 children under 18 are arrested for violent crimes;
- 1,420 babies are born to teen mothers;
- 2,556 babies are born into poverty;
- 3,356 students drop out each school day;
- 5,702 children under 18 are arrested; and
- 13,076 public school students are suspended each school day.

These factors apply to New Mexico's children as well. According to the 1999 *Kids Count Data Book* released by the Annie E. Casey Foundation, New Mexico is ranked 47th in the nation in single parent households, 48th in children living in poverty, and 50th in teens that neither go to school nor have a job. Moreover, a 1998 report by the LESC, *A Study of Comprehensive Developmental School Counseling Programs at the Elementary School Level*, showed that many of the elementary school children in New Mexico were among the poorest in the nation. Additional factors compounding counseling needs in New Mexico include unemployment, child abuse and neglect, limited English proficiency, and lack of stability in the family.

The needs are especially great during the middle school years. According to testimony to the LESC, the majority of crime and violence on school grounds occurs at the middle and junior high level. These years constitute a transitional period when children not only are maturing physically but also are being weaned from the elementary setting, where there is a close personal relationship between teacher and student, to a more impersonal setting more representative of an adult learning environment. In this new environment that makes developing close personal ties so difficult, good counseling is crucial.

In today's tumultuous world, school children of all ages are desperately looking for guidance; yet many are not receiving it. Part of the reason in New Mexico is that the schools are understaffed in counselors. In school year 1998-1999, the counselor-to-pupil ratio was 1:614 for elementary students, 1:402 for mid-school/ junior high students, and 1:349 for high school students. The American School Counselors Association recommends a ratio of 1:250 at all levels.

Not only does New Mexico have too few school counselors, it also requires those counselors to spend too much of their time engaged in extraneous duties rather than counseling students. According to a 1998 study by the LESC, school counselors seem to spend 25 percent of their time in activities such as auditing student records, registration, orientation, and scheduling. Counselors indicated that they should be spending more

time conducting preventive classroom activities, providing individual academic and behavioral counseling, providing group counseling, and consulting with parents.

Before- and After-school Programs

Recent research has shown that quality after-school programs can improve thinking and language performance of children and youth. A national study of before- and after-school programs during the early 1990s recommended that such programs be made more accessible to lower-income families and that they be located in schools. "Locating a program in a school often helps solve transportation problems; minimizes costs related to rental space, staff, equipment and materials; and reduces the fee burden on lower-income families." Research further suggests that children under adult supervision in formal programs of high quality (low student/staff ratios, age-appropriate activities, academic and enrichment activities) demonstrate higher academic achievement and better attitudes toward school than children left alone or under the care of siblings. In addition, the US Department of Education says that before- and after-school and summer programs "help kids stay on the right track from the beginning, by providing reading tutoring to younger children, mentors to guide older children through the math and science courses . . . that pave the way to college, as well as the opportunities in the arts, sports, and recreation and help from caring adults to guide kids to grow and develop into strong individuals."

A number of conditions in American society suggest the need for more before- and after-school programs of high quality. For example, the FBI has found that kids between the ages of 12 and 17 are most at risk of committing violent acts or becoming victims of violence between 3:00 and 6:00 p.m. Similar findings of the US Department of Education suggest why:

- about 35 percent of 12-year-olds are left by themselves regularly while their parents are at work;
- in 1995, there were 23.5 million school-age children with parents in the workforce, yet as recently as the 1993-94 school year, only 3.4 percent of children in public elementary and combined schools were enrolled in before- or after-school programs at public schools; and
- children left to themselves or under the care of siblings after school have a greater fear of accidents and crimes and become more bored than other children. They are also more likely to engage in risky behavior and to use drugs or alcohol.

During the 1999 regular session, a Republican Senate bill and a Democratic House bill would have provided statewide before- and after-school programs of extracurricular activities for students in grades six through nine; however, due to limited funding neither of these bills were successful.

Art and Music Programs

Art and music improve the quality of children's lives. In the broad sense, instruction in art and music helps children refine and enhance their enjoyment of art and music as an integral part of their culture. Moreover, within the school context in particular, instruction in art and music also provides numerous specific benefits. For one thing, it is interdisciplinary, reinforcing lessons from core academic subjects. To use music as an example, students learn science through the physics of sound and the mechanical construction of instruments; mathematics through the counting of rhythms and the values of notes; geography through the various regions and countries from which music originates; foreign languages through the performance notes typically written in Italian and song lyrics written in all languages; and physical education through the aerobic conditioning required to play a wind instrument and the general conditioning required to perform with a marching band. In addition, art and music reinforce vocational education. Through set design and

construction in theater, for example, students learn techniques of carpentry, electrical wiring, and painting. Finally, through performance arts like dance and theater, students learn poise and self-confidence in appearing before groups; and through group arts like dance, theater, and music, students learn the value and benefits of collaboration, an essential life and work skill.

As its own discipline, art and music instruction reinforces high standards (missing even as few as 10 percent of the notes in a piece or the lines in a play is not acceptable) and builds the discipline needed for repeated attempts toward perfection (the nature of practice and rehearsal). Art and music lend themselves to informal instruction as well. For example, funding talented senior high school students to demonstrate the arts or to provide instruction or tutoring for elementary students would be a cost-effective and mutually beneficial program. It may also help fulfill the requirements of the State Board of Education's content standards on arts education (dance, theater, music, and visual arts) in the public schools.

In the last ten to fifteen years, New Mexico school districts, in attempting to meet their financial obligations of providing the core academic programs, have curtailed many of their music and art programs in the schools.

Madam Chair, this concludes my presentation. On behalf of the Legislative Education Study Committee, I thank you for the opportunity of allowing us to provide you with information about the needs of our educational system and most importantly about alternatives by which we can better serve the children and youth of New Mexico.

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