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THE MISSISSIPPI ADEQUATE EDUCATION PROGRAM:
AN OVERVIEW AND POLICY PROPOSAL

by
Drew Hall

A thesis submitted to the faculty of The University of Mississippi in partial fulfillment of
the requirements of the Sally McDonnell Barksdale Honors College.

Oxford, Mississippi
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PREFACE

As I began to consider different topics for my senior thesis, I consistently returned to Mississippi public education funding, an issue that is difficult to understand and even more difficult to resolve. If the solution to educational inequity in Mississippi was simple, it would already have been accomplished; therefore, I recognize that some of my proposals presented in this manuscript are ideals that may or may not be attainable in the state's current economic and political climate. However, I believe that it is necessary to discuss these difficult issues and begin to work as a state to provide a quality education for every student, regardless of their background or school district.

As a future teacher, I recognize that my work will not start and end in the classroom. I plan to advocate for my students, for my fellow teachers, and for the future of education in the state of Mississippi. This thesis is just the beginning of my work in the policy realm of public education, and I look forward to learning more about the topic as I begin my career and further my education. I truly believe that we are investing in our future by putting our students first, and with proper funding, Mississippi's educational future is incredibly bright.

ABSTRACT

Historically, Mississippi is one of the lowest performing states when it comes to kindergarten-twelfth grade education. Mississippi also consistently has one of the lowest amounts of money dedicated to kindergarten-twelfth grade education. It has been suggested that there is a correlation between these two facts, but over the past twenty years, nothing has changed in the way that Mississippi funds education. The current model is written in the Mississippi Adequate Education Program, which allocates money to education based upon a per-year decision by the Mississippi Department of Education to take money from the general fund of the state's budget. This has led to MAEP being fully funded only three times since its implementation in 1997. Despite efforts to revise the current funding model, the state continues to underfund education and rely on local taxes to supplement the low level of state funding. This study serves to investigate the way that the state funds education, evaluate whether or not the current system is working, and introduce a policy proposal that will provide Mississippi with a more consistent and adequate basis for education funding.

TABLE OF CONTENTS

INTRODUCTION..... 1

CHAPTER I: PRECEDING THE MISSISSIPPI ADEQUATE EDUCATION PROGRAM..... 4

 The Mississippi Adequate Education Program (MAEP)..... 8

CHAPTER II: ANALYSIS OF CONTROVERSY IN MISSISSIPPI EDUCATION... 17

 Racial Inequities..... 17

 Efforts to Revise MAEP..... 24

 The Current State of MAEP and Race..... 32

CHAPTER III: POLICY PROPOSALS..... 34

 The Future of MAEP..... 34

 The 27% Rule..... 39

 Special Education Funding..... 45

 Students in Poverty..... 50

 Funding Mechanisms..... 54

 Monetary Proposals..... 56

CONCLUSION..... 60

BIBLIOGRAPHY..... 62

APPENDIX: SAMPLE INITIATIVE MEASURE PETITION..... 68

INTRODUCTION

The state of Mississippi is often criticized for its public education system. It is continually near the bottom of state-to-state comparisons in performance, and ranks far below the national average in funding. Mississippi also has a significant issue with an opportunity gap¹, seemingly stemming from the years of separate education for black and white students. Cities and counties in the state still have remnants of the segregated education system, and many funding inequities can be traced back to this era, which officially concluded less than sixty years ago. The state has made efforts to improve its education funding, but so far, the efforts have not led to realistic improvement. The Mississippi Adequate Education Program currently funds Mississippi public education, and while there are many positive components of the plan, there has not been necessary follow-through from different entities in the state to make it successful.

The Mississippi Adequate Education Program (MAEP) has been in place since 1997, and is designed to receive funding from the general fund of the Mississippi state budget on a potentially different level each year toward the benefit of public K-12 education. Each school district receives money according to a “base student cost,” where funding levels are determined by the cost of instruction, administration, maintenance and operations, and ancillary costs. This means that the amount of money could vary annually because it depends on what other departments budgetarily require as well as the political will to fund education. MAEP has only been fully funded twice since 1997. This has left

¹ The term opportunity gap refers to the ways in which race, ethnicity, socioeconomic status, English proficiency, community wealth, familial situations, or other factors contribute to or perpetuate lower educational aspirations, achievement, and attainment for certain groups of students- “Opportunity Gap,” Education Reform, Accessed March 1, 2017, <https://www.edglossary.org/opportunity-gap/>.

the state more than \$1.6 billion “behind”² in funding for schools since 2002. Thus, Mississippi has become stagnant in many areas of education, consistently struggling with school funding and performance.

Initiative #42 was a statewide proposition introduced in the fall of 2015 that attempted to mandate the government’s full funding of MAEP each year until a new funding model was proposed and implemented. It was left up to the people of Mississippi to vote whether or not they wanted education funding that would be adequate and consistent each year. Only a few months before the vote was to take place, Initiative #42A was proposed in opposition to Initiative #42. It promised full funding for an “effective” education under the current model, but provided a less clear timeline, fiscal analysis, and accountability structure. Some critics have argued that the vote was set up in a way that was meant to confuse voters, and many votes were nullified because voters filled out their ballots incorrectly. Legislators even admitted that the alternative initiative was designed to work against the original rather than promote ideas of its own. When asked why the Legislature decided to add a second option to the vote, Representative Greg Snowden of Meridian responded, “Is 42A intended to make it more difficult to pass Initiative 42? Of course it is... if we didn’t have the alternative, what you would have is this mom, pop and apple pie kind of vote, where people were asked if they cared about children and wanted them to have an education.”³

The Initiative #42 vote inspired me to write about this subject because as I researched the topic, it became increasingly clear that education is not very well marketed

² Arielle Dreher, “MAEP: The Formula and how Politics got in the Way,” *Jackson Free Press*, October 21, 2015, <http://www.jacksonfreepress.com/news/2015/oct/21/maep-formula-and-how-politics-got-way/>.

³ Harrison-Henderson, Monique, “Dueling Initiatives 42, 42A Baffle Voters,” *Clarion-Ledger*, October 24, 2015, <https://www.clarionledger.com/story/news/2015/10/24/initiative-42-confusion-mississippi-education-funding-ballot/74216362/>.

or prioritized in Mississippi. I will discuss Initiative #42 as well as Alternative #42A, the way that each was presented, and how the government played a role in confusing the voters in their own state. This information is crucial to me because it is clear that MAEP is not being fully funded and that there is currently no plan to do so, nor is there one to hold legislators accountable for reaching this goal. I will also cover a brief history of Mississippi's education system and the way it has been funded since its implementation. Finally, I will introduce my policy proposal in which I combine some of the most promising aspects of each plan that has been suggested or attempted. My goal is to propose ideas and promote collaboration in order to ensure that every student, teacher, and administrator is working toward success in Mississippi public education.

In addition to the analysis of MAEP and Initiative #42, I will discuss how Mississippi's segregated education system continues to affect students and schools across the state. Districts located in areas of the state with a higher tax base are typically able to provide a better education for their students. Many of these districts are benefiting from MAEP and the 27% rule (which mandates that the state pays for 73% of school funding per district), while districts with a low local tax base and low millage rate are not able to do the same. These districts have been at a disadvantage since education was segregated and have no way to improve their local tax base, and therefore their education systems. Each of these topics is interwoven with the next: the history of Mississippi education has led the state to its current state, and understanding this connection will allow lawmakers and citizens alike to make education in Mississippi a higher priority.

CHAPTER I: PRECEDING THE MISSISSIPPI ADEQUATE EDUCATION PROGRAM

The state of Mississippi first introduced legislation to provide free education to all students during its first Constitutional Convention in 1868. As the state grew older and became more established, the legislation was amended, changed, and altered significantly; its most recent and potentially impactful alteration coming with the introduction of the Mississippi Adequate Education Program (MAEP) in 1997.⁴ The model was introduced after more than a century's worth of inequalities throughout different aspects of public education. The goal of MAEP is to address inequalities between schools and school districts while raising the overall standard for student achievement. Twenty years later, the achievement gap between school districts still exists, and MAEP has only been fully funded twice since its implementation. Due to unclear wording in legislation, lack of consequences for those in charge of implementation, and failure to be funded, the current state of MAEP is no longer a viable solution for the ever-growing needs of Mississippi public education.

The Mississippi Constitution of 1868 contained the state's first mention of public education. Ratified by a Constitutional Convention consisting of one hundred delegates, the Constitution set precedent for state and county educational procedure. A Superintendent of Public Education would be elected "in the same manner as the Governor," and there would be a Board of Education made up of the Secretary of State

⁴ "Mississippi's Broken Education Promise- A Timeline," *SPL Center*, May 23, 2017, Accessed November 15, 2017, <https://www.splcenter.org/20170523/mississippi%E2%80%99s-broken-education-promise-%E2%80%93-timeline#1800s>.

and the Attorney General in addition to the Superintendent.⁵ This board would be in charge of statewide education and control district-level school finances. On the county level, there would be one Superintendent of Public Education per county who would be in charge of local proceedings, such as making sure that the school would be in session for at least four months of the year. The state created a common school fund that pooled money from “lands now belonging to the state,”⁶ excluding certain areas that surrounded the Pearl River. Legislation also created the right to control a poll tax for up to two dollars per person that would benefit the education fund. All of these details came together to create the first public education system in Mississippi history, the goal of which was to provide education without any religious ties for all citizens between the ages of five and twenty-one. This framework set the standard for the way public education is funded in Mississippi, but the original was not unchanged as time passed.

Racism and division are unfortunate parts of Mississippi’s history, and the history of school integration in the state is no exception. In the 1870s, scant years after the introduction of public education in Mississippi, white supremacy groups began to threaten black citizens in order to deter them from voting. This led to less representation in the government and, therefore, a society that did not let black people have much of a political voice. White and black students were eventually forced to be educated in separate facilities, with legislators writing into law in 1875 that “separate schools shall be maintained for children of the white and colored races.”⁷ Most political leaders of the time supported and praised this amendment, as it became abundantly clear that, according

⁵ “The Mississippi Constitution of 1868,” *Mississippi Historical Guide*, Accessed November 13, 2017, <http://www.mshistorynow.mdah.ms.gov/articles/102/index.php?s=extra&id=269>.

⁶ *Ibid.*

⁷ “The Mississippi Constitution of 1890,” *Mississippi Historical Guide*, Accessed November 14, 2017, <http://www.mshistorynow.mdah.ms.gov/articles/103/index.php?s=extra&id=270>.

to Tallahatchie delegate to the convention W.S. Eskridge, “white people of the state want[ed] to feel and know that they are protected not only against the probability but the possibility of negro rule and negro domination.”⁸ Other members of the Convention shared similar feelings, and it was therefore codified that white and black children must be educated separately. Different areas of the state were also given the right to tax their constituents to raise money for education, creating a seemingly unfair disparity between predominantly white and black cities and counties. The Constitutional Convention of 1890 revealed the true feelings of many of Mississippi’s lawmakers, and created a physical and financial divide between white and black schools, districts, and students.

The United States Supreme Court’s 1954 decision in *Brown vs. Board of Education* had a significant impact on public education in the United States, although not immediately. In *Brown*, the United States Supreme Court ruled that “separate is inherently unequal,”⁹ and demanded that the students in question were “admit[ted] to public schools on a racially nondiscriminatory basis with all deliberate speed.”¹⁰ However, as time went on, it became clear that Mississippi would resist integration if at all possible. In 1970, desegregation was finally made mandatory across the state, although it was met with reluctance from many directions. People bullied and discriminated against black students, stopped them from getting the education they deserved, and even physically harmed them to avoid integration.

Private schools began to emerge to prevent white students from having to attend the integrated schools, as did “white flight” communities that removed white families

⁸ “Mississippi’s Broken Education Promise- A Timeline.”

⁹ Caroline Cannon, “Black Monday: Mississippi’s Ugly Response to ‘Brown v. Board’ Decision,” *Jackson Free Press*, May 12, 2004, <http://www.jacksonfreepress.com/news/2004/may/12/black-monday/>.

¹⁰ *Brown vs Board of Education Decision*, National Archives and Records Administration, Records of the Supreme Court. Record Group 267, Accessed December 10, 2017.

from lower class areas while leaving black families behind to suffer the consequences. According to the National Archives, “various southern legislatures passed laws that imposed sanctions on anyone who implemented desegregation, and enacted school closing plans that authorized the suspension of public education, and the disbursement of public funds to parents to send their children to private schools.”¹¹ This created a strain on the state’s economy and made educational success something that black students had a difficult time achieving. Although wealthy families still paid their share of local taxes, the displacement of higher-achieving students in order to avoid desegregation led to a significant gap between rich and poor as well as white and black school districts that still exists in Mississippi today.

Between integration and the implementation of MAEP in 1997, education in Mississippi experienced periods of both growth and decline. Before the early 1980s, lawmakers implemented slight changes to the education section of the state Constitution, each time removing more distinction from the original wording. For example, the Readmission Clause that allowed Mississippi to rejoin the union after the Civil War held that “its constitution included a strong education clause that guaranteed a ‘uniform system of free public schools’ for all children – regardless of race.”¹² However, the 1987 amendment to the Constitution allowed for “establishment, maintenance and support of free public schools upon such conditions and limitations as the Legislature may prescribe.”¹³ This language, which still exists in the Constitution today, gives the Legislature the power to add or change whatever they deem appropriate. Education

¹¹ “Brown v. Board of Education Timeline,” *National Archives*, August 15, 2016, Accessed December 17, 2017.

¹² “Mississippi’s Broken Education Promise: A Timeline.”

¹³ *Ibid.*

simply had to fit what the Legislature designated to be best for the state and its students. Until the early 1980s, as well as the substantial growth shown by other states in determining adequacy, Mississippi officials decided that it was time to make a change. During Governor William Winter's term (1980-1984), education was made more of a priority through the Education Reform Act of 1982, the establishment of the Blue Ribbon Committee, and the mandate of public school accreditation. The Mississippi Equity Funding Law of 1989 also helped set the precedent for what was to come with the establishment and funding of MAEP, and prevented equity funding lawsuits as seen in Texas in *Rodriguez v. San Antonio Independent School District*, among others.¹⁴ These amendments to education in Mississippi created mandatory kindergarten, enforced school attendance, and paved the way for MAEP to be supported and eventually implemented in the state.¹⁵

The Mississippi Adequate Education Program (MAEP)

MAEP was passed by Mississippi lawmakers in 1997. The plan aimed to eliminate disparities between school districts by requiring each district to provide a portion of the base fund while the state covered the rest. The local contribution could not exceed 27% of the overall program cost, and the state would provide the remaining 73% for each district. This formula was written with the intent to give districts with a lower tax base the same opportunities as districts with a high one. In theory, if no district could exceed 27%, districts would not be so disparate in overall funding. The MAEP formula

¹⁴ Paul A. Miniori and Stephen D. Sugarman, "Equity and Adequacy in Education Finance: Issues and Perspectives," *The National Academies Press*, 1999, <https://www.nap.edu/read/6166/chapter/4>.

¹⁵ Andrew P. Mullins, "The Education Programs of Governor William Winter," Accessed April 9, 2018. Print.

spells out exactly how much money each district would receive from the state as well. Each school district receives money according to a “base student cost,” where levels are determined by the cost of instruction, administration, maintenance and operations, and ancillary costs. This is multiplied by a combination of high growth rates and the Average Daily Attendance rate (which accounts for population and growth of district) and added with the hold harmless guarantee.¹⁶ Finally, the local contributions are subtracted, and the result is the MAEP Base Formula Allocation.¹⁷ Thus, the base formula is defined by the Mississippi Department of Education website as:

$$\begin{aligned} & (\text{Average Daily Attendance} + \text{High Growth}) \times \text{Base Student Cost} + \text{At-Risk} \\ & \text{Allowance} - \text{Local Contribution} + \text{Hold Harmless Guarantee} = \text{MAEP Base} \\ & \text{Formula Allocation.} \end{aligned}$$

This is calculated every four years, or after each gubernatorial election, for the purpose of budgetary stability. During each of the years in between elections, an allotment for inflation is appropriated. Add-on programs such as alternative education, career and technical education, gifted education, special education, and transportation costs also contribute to the overall funding mechanism.¹⁸

¹⁶ Ensures that districts receive at least as much money as the year previous, in addition to an agreed-upon percentage. Sparks debate about “phantom students” being funded in order to maintain Average Daily Attendance Levels each year. (Sonya Amis, “Audit of Mississippi Department of Education’s (MDE) Emergency Impact Aid (EIA) Program Controls and Compliance,” *US Department of Education Audit Services*, August 8, 2007, <https://www2.ed.gov/about/offices/list/oig/auditreports/a04g0012.pdf>).

¹⁷ “Mississippi Adequate Education Program,” Mississippi Department of Education, Accessed November 15, 2017, <http://www.mde.k12.ms.us/docs/school-financial-services-library/maep-summary-explanation.pdf?sfvrsn=2>.

¹⁸ “Mississippi Adequate Education Program: An Overview of how the Program is Funded,” Mississippi Department of Education Summer Conference Data, Accessed December 17, 2017, <http://www.mde.k12.ms.us/docs/msis/school-financial---maep.pdf?sfvrsn=2>.

This relatively complicated formula seemed to offer solutions to many of the problems Mississippi education faced in 1997. It accounted for almost everything, including special programs that would give extraordinary students more chances to succeed. There was a plan to phase in the program over the course of a few years rather than have the changes immediately go into effect. The Legislature even stated that in 2002 any district that was not funded at least 8% higher than 1989 would automatically get that much money. This seemed to be a positive, but over time, it became clear that MAEP was not functioning at an ideal level. Even though the original proposal had many excellent qualities, it still sold the districts short in comparison to other states. For example, Mississippi spent, on average, \$8,130 per student in 2013 compared to a national average of \$10,700. That number ranks 46th in the nation.¹⁹ MAEP is nearly \$2 billion underfunded as of 2016, and each year the formula is only funded about 88%. The last time MAEP was fully funded was 2008 and, including that year, it has only been fully funded twice since 1997, the other instance occurring in 2004. MAEP is not being fully funded because of the wording of the law that states the legislation “shall” provide adequate funding for school districts in Mississippi.

In February 2017, *Clarksdale School District et al v. MS* was introduced to the Mississippi Supreme Court.²⁰ Twenty-one districts sued the state government for not providing full funding for MAEP from 2010-2015, but the Mississippi high court ruled that the language used in the legislation is not legally binding.²¹ Justice Leslie King stated that “While the Constitution does require that the Legislature pass general laws to

¹⁹ Arielle Dreher, “MAEP: The Formula and how Politics got in the Way.”

²⁰ *Clarksdale School District et al v. Mississippi*, 2015-CA-01227-SCT.

²¹ Arielle Dreher, “Mississippi High Court Undercuts MAEP: School Funding Is Not a Mandate,” *Jackson Free Press*, October 23, 2017, <http://www.jacksonfreepress.com/news/2017/oct/23/mississippi-high-court-undercuts-maep-school-formu/>.

provide for the establishment, maintenance and support of free public schools, it also gives the Legislature significant discretion in shaping such laws, permitting the Legislature to prescribe the 'limitations and conditions' of support."²² This statement reflects the view of the majority of the Supreme Court that the government must provide an adequate education, but there is no technical mandate for this through MAEP. The twenty-one districts would not be receiving financial compensation for the lack of previous funding, but rather, would have to accept the 88% funding rate at which the state currently sits. This ruling furthers the conversation about whether or not the state of Mississippi will alter MAEP in the future- but for now, it stands as the “suggested” method for funding public education.

MAEP also faces opposition from low-income districts because the 27% rule gives favor to wealthier districts with a higher tax base. The state provides the standard 73% to each district regardless of what a district can afford to cover on their own. Since districts have the option to set their tax base at either 27% or 28 mills,²³ whichever is lower, richer districts have the ability to choose the 28 mill option. Their higher property tax allows 28 mills to provide much more money than the 27%, and they utilize this amount in addition to the 73% from the state.

Mississippi First, an advocacy group that promotes educational excellence in Mississippi, explains this complex formula by demonstrating how this affects districts such as Pascagoula-Gautier and Lee County. Pascagoula-Gautier can raise more money for their schools with the 28 mill rule because of the high property value of their district. Lee County has a much lower property value, so the 28 mill value is less than the 27%.

²² Ibid.

²³ Used by school districts to calculate local school taxes, based on dollar amount per \$1,000.

The state still provides 73%, but they are not afforded the luxury to use the millage as a way to add more money like Pascagoula-Gautier can. This loophole gave Pascagoula-Gautier \$15 million more than the normal 27% in the 2017 fiscal year, and they were able to use this to finance anything in their district.²⁴ The goal of MAEP was to give less wealthy school districts the chance to succeed even without high property values, but this rule continues to let property-rich districts spend more money on education than their counterparts.

In November of 2015, voters were asked to select options on their ballot that would have a significant impact on the interpretation of MAEP. Initiative #42 aimed to specify the language mentioned above about how exactly the state would be responsible for funding and be held accountable for maintaining “an adequate and efficient system of free public schools” in Mississippi.²⁵ Proponents of this initiative were expecting MAEP to be fully funded every year, while opponents were against the idea of one person making the decision of what would be determined “adequate and efficient.” An alternative called Initiative #42A was introduced in order to give voters an option to change education funding, but this provided a less clear timeline and fiscal analysis of the situation. Ultimately, neither initiative passed when voters took to the ballots, and the present state of MAEP was to be continued until further notice.²⁶

²⁴ Canter, Rachel. “Mississippi First Releases Video to Explain the 27% Rule,” *Mississippi First*, January 31, 2017.

²⁵ Hoseman, Delbert. “How the Initiative 42 Ballot Works,” *Clarion-Ledger*, October 30, 2015, <https://www.clarionledger.com/story/opinion/columnists/2015/10/30/how-initiative-42-ballot-works/74883660/>.

²⁶ Later, an introduction to, problems with, and controversy of Initiative 42 will be discussed in depth. For the sake of continuity in the ‘history’ portion of this manuscript, this will be a short introduction of Initiative #42 and the ways it affected Mississippi Education.

During the 2018 Legislative session, another bill was introduced that attempted to alter the way that Mississippi public education was funded. Based upon the EdBuild²⁷ recommendations as well as ideas from state and local legislators, this proposal specified a base student cost of \$4,800 per student with additional weights for low-income students, gifted students, and students in special education. It also gave rural districts an increase in funding and set up a tiered program for special education. The plan would be based on enrollment numbers, and could give more or less funding to a district depending on attendance. The bill was scheduled to be implemented gradually throughout within the first seven years of its passing, and would provide substantial change to Mississippi's education funding.

Though the bill promised to immediately increase spending in many areas, and to avoid all budget cuts within two years of implementation, opponents were not satisfied with the changes.²⁸ Some did not like the suggested changes because they did not make enough improvement to the funding formula, while others were worried that the alterations would effect too much change to the policy without necessarily helping students. Many worried that the attempt to change such a substantial portion of Mississippi's budget was being rushed, and that voters did not have enough time or information to make an informed decision on the matter. Bryant Clark, a Holmes County representative that voted against the bill, mentions this in his remarks about this proposed change. "This is a once-in-a-generation vote, which means that a vote on education

²⁷ A private research organization from New Jersey hired to give recommendations about the education affairs of the state.

²⁸ Kate Royals, "Gunn Files School Funding Rewrite Bill," *Mississippi Today*, January 11, 2018, <https://mississippitoday.org/2018/01/11/gunn-files-school-funding-rewrite-bill/>.

funding only comes around every 25, 30 years... so don't you think it's important that we get it right?"²⁹

Another major concern was voiced by Amory's Hob Bryan, who was a contributing author to the original MAEP when it was introduced in 1997. Bryan mentioned that legislators used to hold information sessions and public meetings to discuss what was happening with education funding, but the new bill was being written behind closed doors.³⁰ Even the people who would be voting on the bill wouldn't be able to see it until mere hours before the vote, requiring them to read through the several-hundred page document and prepare their vote in a limited time frame. Though the bill made it through the House of Representatives, it was eventually re-committed by the Senate, effectively removing it from consideration for the 2018 session. Senator Gray Tollison, the Senate Education Chairman, was unsure if the bill or a new funding proposal would even make an appearance in the 2019 session, citing that re-elections could get in the way of changing education funding.³¹ This attempt to change education funding in Mississippi was the most effective since the introduction of MAEP in 1997, and even though the bill is essentially dead for the remainder of the 2018 session, similar efforts to rewrite the formula are expected in coming years.³²

Although MAEP was intended to close the achievement gap between rich and poor school districts, its implementation has not always been successful. Some

²⁹ Kayleigh Skinner, "In 'Once in a Generation' vote, House Moves to Scrap Education Formula," *Mississippi Today*, January 17, 2018, <https://mississippitoday.org/2018/01/17/in-once-in-a-generation-vote-house-moves-to-scrap-education-formula/>.

³⁰ Jeff Amy and Emily Wagstaff Pettus, "Lottery, School Funding Could Get Mississippi Debate in 2018," *US News*, January 2, 2018, <https://www.usnews.com/news/best-states/mississippi/articles/2018-01-02/mississippi-lawmakers-beginning-3-month-session>.

³¹ Bracey Harris, "Senate Republicans Break Ranks to Kill Historic School Funding Overhaul." *Clarion-Ledger*, March 1, 2018, <https://www.clarionledger.com/story/news/politics/2018/03/01/historic-school-funding-overhaul-appears-dead-2018-session/384637002/>.

³² At the publication date of this manuscript, the story is still developing.

Mississippi schools are still effectively racially segregated, poor school districts are not receiving enough money to be successful, and a person's physical location continues to determine the quality of the education they receive. These disparities have the potential to exist with any funding formula that does not carefully consider each individual potential issue, but the specific underfunding of MAEP has a distinct effect on each of these issues as well as on the state as a whole. The overall lack of funding is an enormous red flag that keeps the state from progressing in both general and specific categories because there is not even full funding for a plan that aspires to provide an "adequate" education to Mississippi students. The precedent set by the Mississippi Supreme Court, that education is not enough of a priority to fully fund, is consistent with Mississippi education of the past; as it stands, there is no tangible way to hold legislators accountable for not funding MAEP.

Contrary to many developments in past years, Mississippi has recently seen a slight change in the state of school funding. In the last week of March 2018, both the House and the Senate passed House Bill 1592, which set a plan for increased funding to MAEP, among other educational entities, during the 2019 fiscal year. Pending approval, the overall K-12 budget in the state will be increased by \$12.1 million in beginning July 2018. Although MAEP will still be underfunded by an estimated \$235 million, the \$3.1 million increase spelled out in the bill is allocated for increased teacher healthcare and a slightly higher base student cost for the upcoming fiscal year. House Bill 1592 also increases pre-kindergarten funding in Mississippi and gives money to school recognition programs in the state. Though this information is still developing, and Governor Phil Bryant has not yet signed the bill into law, this small increase in school funding,

particularly for MAEP, reassures the people of Mississippi that the priority being placed on education is on an upward trajectory.³³

Even with the very recent developments in the state, education in Mississippi is severely underfunded and the Legislature has a long way to go to fully fund the existing funding model that is deemed “adequate.” The wavering wording of the legislation causes problems for all districts, but especially for districts with low property values. The historical inequities inherent in Mississippi education were supposed to be addressed by the implementation of MAEP, but it seems that some of the same issues from before 1997 and even from the state’s early years still remain.

³³ Jeff Amy and Emily Wagstaff Pettus, “Mississippi Lawmakers OK Budgets, File Medicaid Proposal,” *The Associated Press*, March 27, 2018, <https://www.apnews.com/a0ed097d07d14061b5d17a57f263e25b>.

CHAPTER II: ANALYSIS OF CONTROVERSY IN MISSISSIPPI EDUCATION

The course of Mississippi's statehood has been impacted by controversy in many realms, particularly in education. Between the initial introduction of public education and the present day, every different aspect of Mississippi's education has been challenged and altered. From the segregation of schools to their heavily opposed integration; from lack of effective policy to the underfunding of proposed plans, Mississippi has struggled to find a system that works for its public education.

Racial Inequities

Many of the current struggles Mississippi education faces can be traced back to the racial inequities in the distant as well as even the more recent past. For example, many of the lowest-achieving school districts in Mississippi are made up of predominantly minority students. Matt Williams of Rethink Mississippi writes that "schools in disadvantaged communities do not receive the resources to meet the educational needs posed by poverty, while communities with struggling schools are prone to experience outmigration and economic decline."³⁴ Low income areas in Mississippi historically lead to low performing school districts, an issue that can be traced back to the *Brown v. Board* decision and further.

From the Mississippi State Constitutional Convention until approximately fifty years ago, Mississippi operated two separate school systems, one for black students and one for white students. These districts were theoretically intended to be equal, but white

³⁴ Matt Williams, "Breaking the Cycle: Education must become Mississippi's top Economic Development Priority," *Rethink Mississippi*, April 7, 2014, <http://www.rethinkms.org/2014/04/07/breaking-cycle-education-mississippi-top-economic-development-priority/>.

leaders and citizens alike shared the idea that separate systems could be used to support the white power construct of the time period. As time passed, it became clear that schools with black students had limited access to resources and qualified teachers. Charles Bolton reports that “black teachers everywhere in the state, however, taught more students for less pay” even before the white school system was improved substantially.³⁵ When politicians in Mississippi began to advocate for and properly fund schools for white students, the gap between white and black districts, even at the rural level, increased dramatically. This was disguised as mere happenstance due to where students lived, but in reality it illuminated the ever-growing opinion that black students were inferior to white students. James K. Vardaman, the governor of Mississippi from 1904-1908, advocated for the improvement of white education at the expense of black education. He believed that “education ‘ruined’ plantation laborers... and [was] devoted to the vain purpose of trying to make something of the negro which the Great Architect of the Universe failed to provide for in the original plan of creation.”³⁶ This mindset permeated the decision-making of state lawmakers, who then actively prevented black school districts from being successful throughout the duration of separate school systems in Mississippi.

The ideologies that Vardaman and other politicians shared about Mississippi education were not simply platitudes. The Legislature played a significant role in actively discouraging and preventing black students from becoming educated. Improvements to white schools without the same changes to their black counterparts increased the education gap significantly. This was done intentionally and with the mindset that white

³⁵ Charles C. Bolton, *The Hardest Deal of All: The Battle over School Integration in Mississippi, 1870-1980* (Jackson, MS: University of Mississippi Press, 2005), 25.

³⁶ *Ibid.*

education was the key to improving society and overall production in Mississippi. The heavy increase in local funds used for schools played a role in exacerbating the poor education black students received as well. By 1942, local spending was responsible for 57% of school funding per district, compared with 31% in 1909.³⁷ The official ratio between spending on white and black schools in 1942 was eight to one, without factoring in political corruption and blatant disregard for the system that contributed to an even larger disparity. The superintendent of Carroll County schools “resolved to do very little for black education in his district because of his fear that additional aid to black schools would result in the loss of his political post.”³⁸ The predominantly white school boards and local officials were in charge of appropriating funds to the school districts in their respective areas, and often made executive decisions to take money designated for black districts and gave it to white districts. Over the course of time, “whites had stripped black Mississippians of all political power, a powerlessness regularly reinforced by violence.”³⁹

The separate school systems were set up and operated to give black students in Mississippi a more difficult path to achieving success. Black students often had to walk to their understaffed, decaying school building while watching their white peers get on a school bus and travel to a substantially nicer edifice. Their parents were even more disgruntled about the fact that they had to watch their tax dollars be spent on the white consolidated schools while they were denied the same opportunity.⁴⁰ “[Black leaders noted that] no additional taxes would even be necessary to begin the upgrade of black education; an equal distribution of levies already collected would itself allow for

³⁷ Ibid., 23.

³⁸ Ibid., 24.

³⁹ Ibid., 35.

⁴⁰ Ibid., 19.

significant betterment,”⁴¹ but this fell by the wayside many times throughout the course of segregated education. In both 1946 and 1948, money was allocated for public schools to raise their teacher salary, but there was no mandate from the state government as to how that money should be received and spent. Therefore, “local leaders generally used the extra money to benefit whites more than blacks,” and since the state leaders did not indicate how the money should be used, this was considered acceptable.⁴² In 1950, black teachers earned just thirty-nine percent of what their white peers did, meaning that even as more money was given to public education, the disparity would continue for the duration of segregation.⁴³

Over the course of time, it became harder to find certified teachers for the black school districts, so teachers gradually became less qualified. Some colleges still attempted to train black teachers, and in 1946, Alcorn A&M combined with the Mississippi Negro Training School to establish the Mississippi Vocational College. Its goal was to improve black teacher training in the Mississippi delta. While this was a step in the right direction, the Legislature that same year allocated three million dollars to improve schools, with a sort of “gentleman’s agreement” that the money would be used primarily for black schools. This never came to fruition, however, and the money was instead spent on white schools.⁴⁴ Because of this, many black school districts had to rely on white people in power’s generosity. This came through politicians spending time and money to appreciate the work that was happening in black schools, even at their own expense, as well as through citizens working together to make their towns better. Even

⁴¹ Ibid., 38.

⁴² Ibid., 45.

⁴³ Ibid., 45.

⁴⁴ Ibid., 44.

this was generally unsuccessful because it was only mitigating the situation rather than improving it, and it would not be a definitive solution to the problems seen in Mississippi's forgotten school system. Black children in these districts were never even given a chance to break the cycle of poverty to which they were subjected. The education system, originally created to help children rise above their position, was continuing to fail some of its most in-need students.

Eventually, the state of Mississippi could not continue its unfair payment of black teachers. Gladys Noel Bates, a teacher in the Jackson Public School System, submitted a petition to the school board president in 1948 asking for equal pay, to which the president responded "I know of no discrimination against the colored people in the Jackson Public Schools."⁴⁵ She decided to turn her petition into a lawsuit, and through the actual suit was not successful, it brought people to action. White and black citizens alike rallied to make Mississippi education more equitable, and black teachers were compensated equally to white teachers by 1951. This was a momentous step toward better schools in Mississippi, and led to the beginning of integration between the two school systems.⁴⁶

Even as the state tried to run two effective school systems, they did not have the financial stability or the leadership to run just one. While Mississippi ranked among the nation's leaders in spending per student based on overall budget, it simply had a small overall budget, which was unable to provide for every student. The separation of school districts did not do anything to help the low level of spending in Mississippi. Two sets of schools had to be maintained, staffed, and supervised (albeit one of them not nearly as well as the other). In 2018, still, some schools are effectively segregated both by race

⁴⁵ Ibid., 47.

⁴⁶ Jim Woodrick, "Gladys Noel Bates," First-person account, April 24, 2012, <http://andspeakingofwhich.blogspot.com/2012/04/gladys-noel-bates.html>.

and by socioeconomic status. The state now only has to operate one public school system, but the remnants of the segregated schools still affect Mississippi education. Schools that historically would have been in the black school system are often still underfunded due to their location in a low socioeconomic region, while historically white schools located in property-wealthy areas are able to provide more for their students. The current system continues to give preference to schools that would have historically been in the white school system regarding both funding and achievement.

Mississippi's racial history relates to the current state of its funding model because it shows the inequity that has been a problem since the inauguration of public education in the state. School districts that are located in lower-income areas are typically not as high-achieving as school districts in higher-income areas, as mentioned earlier in Williams' article. Particularly in Mississippi, however, these school districts can often be traced back to being predominantly black or white, with districts that consist of a majority of African-American students performing worse on average. In fact, only one predominantly black school district in the state achieved an "A" rating in 2016: the Clinton School District, located in the Jackson area.⁴⁷ Clinton could also be considered an outlier due to the city's 14.3% poverty rate compared to the state average of 20.8%.⁴⁸ This achievement is nonetheless admirable, but it also highlights the reality that minority-heavy school districts, especially in low-income areas, are not typically as successful as others. In May of 2017, a lawsuit was filed by the Southern Poverty Law Center that claimed that "the state has an obligation to make the schools that black kids attend equal

⁴⁷ Sierra Mannie, "The Only A-Rated, Majority-Black District in Mississippi," *Hechinger Report*, July 12, 2017, <http://hechingerreport.org/rated-majority-black-district-mississippi/>.

⁴⁸ US Census Bureau, Clinton Mississippi.

<https://www.census.gov/quickfacts/fact/table/clintoncitymississippi,MS/IPE120216>.

to the schools that white kids attend.”⁴⁹ This statement by Indigo Williams, the mother of a first-grader, reflects the intentions of MAEP; to make all schools equitable for all students in Mississippi regardless of race. MAEP was introduced to counter the years of inequality between black and white students due to their location, but it must be funded properly in order to do so.

As noted, the Mississippi Adequate Education Program was introduced in 1997 in order to provide a high quality education for all students, regardless of race, financial status, or any other qualifier. The Mississippi Department of Education determines the reason for this plan as follows: to “provide equity to districts by recognizing differences in local resources” and to “provide a level of resources necessary for an adequate education.”⁵⁰ This definition is important because it sets a goal for public education in Mississippi, but it doesn’t quite specify who will be in charge of the plan nor who will be held responsible for its funding. Many people involved with education in Mississippi agree that more funding would have a positive impact on student learning and achievement, but there are philosophical disagreements about the best way to do so.

As mentioned earlier, the plan aims to provide adequate education funding in all school districts by specifying per-pupil costs and laying out a plan for the state to follow when determining how much money each district should receive. MAEP covers issues including “teacher and district employee salaries, retirement and insurance, instruction materials, operational costs, transportation, and special, vocational, gifted and alternative

⁴⁹ Jeff Amy, “Lawsuit: Mississippi Fails to Educate Black Children Equally,” *US News*, May 23, 2017. <https://www.usnews.com/news/best-states/mississippi/articles/2017-05-23/mississippi-sued-over-unequal-education-for-black-students>

⁵⁰ “Mississippi Adequate Education Program (MAEP),” Mississippi Department of Education Website, Accessed December 20, 2017, http://tpcref.org/wp-content/uploads/MAEP_Explanation.pdf.

education.”⁵¹ It also has only been fully funded twice in the past twenty years, leaving citizens of Mississippi something to be desired as far as accountability is concerned. As it currently stands, the law gives the Legislature the power to decide the amount that education should be funded, as stated in the state Constitution: “The Legislature shall, by general law, provide for the establishment, maintenance and support of free public schools upon such conditions and limitations as the Legislature may prescribe.”⁵² MAEP is a critical aspect of Mississippi education, as it encompasses so many different parts of a productive education system, but the Legislature is not held responsible for giving it full funding. This has caused issues with lack of funding in the past, and has the potential to continue to do so if there is not significant change to the wording of the law.

Efforts to Revise MAEP

In November of 2015, Mississippi voters were given the opportunity to alter the way that the state funds its education system. There was an option to vote for funding reform in the state election by selecting either Initiative #42 or Initiative #42A on the ballot. These initiatives were designed to change the way that K-12 schools were funded by specifying the language that existed in the MAEP. In February of 2014, Jackson lawyer Luther Munford filed a petition to put Initiative #42 on the ballot, and received enough signatures to do so in time for the state elections in November of the following year. To counter this, the existing Legislature voted to introduce Initiative #42A to the

⁵¹ Arielle Dreher. “MAEP Formula Explained,” October 21, 2015.
<http://www.jacksonfreepress.com/news/2015/oct/21/maep-formula-explained/>.

⁵² “State Constitution,” Education Law Center, Accessed March 15, 2018.
<http://www.edlawcenter.org/states/mississippi.html>.

ballot.⁵³ This dichotomy created a complicated, confusing, and influential campaign and vote, and resulted in neither of the initiatives being voted into law by citizens of Mississippi.

MAEP was intended to address years of inequity in Mississippi education, but without accountability for lawmakers to fund the bill, nothing had changed considerably. Initiative #42 provided an opportunity for Mississippi voters to express dissatisfaction with the lack of implementation of MAEP since its introduction. The goal of the initiative was to specify who would be held accountable for funding MAEP as well as to ensure that “a free and adequate education” was being sustained in all school districts and therefore for all students.⁵⁴ When Luther Munford originally filed the petition, he knew that he would need at least 86,000 signatures to get the initiative on the ballot. Representatives that supported Munford’s proposition (some from different advocacy groups; some individuals) went door-to-door in order to get the signatures necessary. This petition⁵⁵ is attached in the appendix, and shows that participants had to be registered to vote in Mississippi and declare which county they voted in. Munford’s petition ended up receiving 188,000 signatures, in excess of 100,000 more than it needed to get on the ballot.⁵⁶ This was the beginning of the movement in Mississippi that strove for change in the way that lawmakers were held accountable for funding MAEP.

⁵³ “Public Education Funding Initiatives 42 and 42A - Clear As Mud?” Winston Web News, Last Modified October 31, 2015, <http://www.winwebnews.com/2015/10/public-education-funding-initiatives-42.html>.

⁵⁴ “Initiative 42 & Alternative 42A: Analysis and Comparison,” Mississippi Center for Public Policy, October 9, 2015, <http://www.msppolicy.org/initiative-42-alternative-42a-proposed-constitutional-amendments-regarding-public-schools/>.

⁵⁵ “Petition for Initiative Measure,” Better MS, 2015, <http://www.sos.ms.gov/Initiatives/Initiative%2042%20Petition.pdf>.

⁵⁶ “Initiative 42 and Alternative 42A,” Mississippi Center for Public Policy, October 9, 2015. <http://www.msppolicy.org/initiative-42-alternative-42a-proposed-constitutional-amendments-regarding-public-schools/>.

Once Initiative #42 was added to the ballot, momentum began to pick up behind the movement for change, especially among advocacy and parent groups. The idea behind Initiative #42 was simple- mandate full funding of MAEP every year and specify who would be in charge of making sure it happened. With this amendment, Mississippi's constitution would join every other state's in explicitly requiring that students receive an "adequate" education in addition to simply a "free" one.⁵⁷ The proposed amendment to section 201 of the Mississippi State Constitution would read as follows:

To protect each child's fundamental right to educational opportunity, the State shall provide for the establishment, maintenance and support of an adequate and efficient system of free public schools. The chancery courts of this State shall have the power to enforce this section with appropriate injunctive relief.⁵⁸

This proposed amendment emphasizes the way that MAEP provides for all students and gives a purpose for the new wording. Instead of the general Legislature being named as responsible for providing this opportunity, the chancery courts⁵⁹ of Mississippi would be given that role. This means that because the State of Mississippi would be the defendant in any case involving public school equity, the chancery court of Hinds County would have the authority to determine what constitutes the term "adequate and efficient." The court would also decide how much money is needed for public education and how it should be spent, and one of the four county-elected judges would be assigned to each case. This change would be a dramatic one due to the implications- instead of the state Legislature making education decisions as a whole, one judge from

⁵⁷ Ibid.

⁵⁸ Winston Web News, "Public Education Funding Initiatives 42 and 42A."

⁵⁹ Courts that have jurisdiction over cases involving equity.

one county would make the rulings about public education funding.⁶⁰ This was a major point of Initiative #42 that incited opposition due to the change in ruling power.

The resistance to this part of the amendment was vehement and widespread across the state. Since most chancery court decisions were made by one chancellor, opponents of Initiative #42 maintained that every equity ruling would be put into the hands of “a judge in Hinds County.” For some of these opponents, this statement meant that one judge, accountable only to the voters of Hinds County, would be able to make decisions that impacted the entire state. They worried that if they were dissatisfied with the decisions made, they would not have a say in replacing that judge or changing the system at all.⁶¹ Other opponents, however, were less than subtle with their responses.

Representative Bubba Carpenter from Tishomingo County told his constituents about the issue by claiming that “If 42 passes in its form, a judge in Hinds County Mississippi, predominately black, it is going to be a black judge, they are going to tell us where state money is going.”⁶² This statement showcases that many issues in the state, particularly regarding education, are still affected by race, and Mississippi lawmakers still consider race as a factor when making decisions.

Despite these concerns, many people didn’t realize that either party in any court case could ask for the ruling to heard by a jury instead of simply by the judge.

Furthermore, the high court of the state could overrule the decisions made if called upon to do so. Once these questions were addressed, opponents began to highlight the

⁶⁰ Mississippi Center for Public Policy, “Initiative 42 and Alternative 42A.”

⁶¹ Spencer Ritchie, “Initiative 42 is Radical Ploy,” *Clarion-Ledger*, October 8, 2015, <https://www.clarionledger.com/story/opinion/columnists/2015/10/08/initiative-42-mississippi-voters-judges-republican-party/73582976/>.

⁶² Bobby Harrison, “Carpenter Apologizes for Interjecting Race in Hinds Judge Debate,” *Daily Journal*, October 20, 2015, http://www.djournal.com/news/carpenter-apologizes-for-interjecting-race-in-hinds-judge-debate/article_2aa06030-06ef-5c97-98bc-9c05f4e618ba.html.

possibility that there would be an overwhelming number of court cases for the chancery court to respond to adequately and fairly. This concern was seen as valid by many because there was not a clear distinction between what could and could not be sent to the courts. Could the chancery court determine that a school district wasn't spending their funds the correct way? Could one judge give more funding to districts depending on need without checking with anyone else? This had the potential to lead to unnecessary spending on many seemingly insignificant court cases and rulings. One looming question remained unanswered throughout all debate: What does the term "adequate and efficient" mean, and how would that alter the way school districts across Mississippi were funded?

In response to the questions garnered by the introduction of Initiative #42, the Mississippi Legislature decided to vote on an addition of their own to the ballot. In order for an amendment to be passed by the Legislature, both houses must approve of it by an affirmation of two thirds, and the general public must vote to adopt it as well. This alternative would be called Initiative #42A, and would be listed as the first alternative on the ballot right below the original initiative. Initiative #42A read as follows: "The Legislature shall, by general law, provide for the establishment, maintenance and support of an effective system of free public schools."⁶³ This maintained the ambiguity of the current constitution by giving the Legislature the power to make funding decisions just as it had been since the implementation of MAEP. It also referred to the desired model of education funding as "effective," compared to the wording of "adequate and efficient." There was no specificity about who would be held accountable for this, nor what would happen if the funding level determined by MAEP was not attained.⁶⁴

⁶³ Ibid.

⁶⁴ Ibid.

This amendment did not offer as much change as #42 would, simply deleting the clause from the current constitution that says “upon such conditions and limitations as the Legislature may prescribe.” This alternative was interesting because of the lack of substantial change it would garner. Why would the Legislature propose an alternative initiative if it would only slightly alter the current wording instead of actually changing something? This strange proposal was only the beginning of a confusing and difficult election that left citizens uncertain about the state of public education in Mississippi. Snowden maintains that “this [was] about a fundamental change to how our government works and who has authority,” and not necessarily about confusing voters.⁶⁵ However, this just does not seem to be the case.

Each of these proposed amendments gained both supporters and opponents from different schools of thought. Some Mississippians didn’t want to see things change because they were uncertain about where the funding for MAEP would come from. One group of thinkers wondered if the state budget could handle fully funding MAEP every year when the Legislature had grown accustomed to not doing so. Others were ready for a change by any means necessary, even if it meant shifting the power from the state Legislature to the chancery courts.

When it came time for Mississippians to take to the polls, there would be two different questions for which their response would be required. The first asked whether the voter was for or against either Initiative #42 or Alternative #42A, essentially asking if the voter wanted to see any change to the legislation at all. It was listed under the heading “Vote for Approval of Either, or Against Both.” The second question was under the heading “And Vote for One,” asking the voter to select between Initiative #42 and

⁶⁵ Harrison-Henderson, “Dueling Initiatives.”

Initiative #42A.⁶⁶ This format was confusing for many voters. Even if a voter decided that they did not want to change anything about the current legislation, they were still required to answer the second question for their vote to be counted. The rationale behind that decision was that if a majority voted to implement either #42 or 42A, even people who voted against that would have the opportunity to select which one out of the two they would have selected. Many voters did not understand this, nor did they know that their vote would be negated altogether if they did not answer both questions. Some believed that since they voted no on the first question, there was no need to vote for either option on the second question, but their votes were completely discounted if they happened to do so. When asked what they wanted to happen, some voters were able to articulate their answer, but they could not figure out how to vote properly for that option.

Once the sample ballot was released to the public, different groups began to evaluate its effectiveness and legitimacy. The Clarion-Ledger reported in The Hechinger Report survey that “45 Mississippi residents [were] asked to review the ballot... [but only] four were able to complete the sample ballot in a way that accurately reflected their intent.”⁶⁷ Even before the official vote was held, it was revealed that some would-be voters did not understand what they were being asked to do. “Canton’s Tom Alexander said the sample ballot was a wake-up call for him, too. He wants to vote for Initiative 42 but only marked one of the two spots on the ballot. His ballot wouldn’t count if marked that way in the election”⁶⁸ Nowhere on the ballot did it say that the vote would be discounted if either question was left unanswered- but that was the case. The ballot left

⁶⁶ “Initiative 42 Sample Ballot,” The Parents’ Campaign, Research and Education Fund, September 9, 2015, <http://www.tpcref.org/policy-issues/school-funding/initiative-42-constitutional-amendment/42-sample-ballot/>.

⁶⁷ Harrison-Henderson, “Dueling Initiatives.”

⁶⁸ Ibid.

voters more confused about the issue than they were before, with some leaving the polls unsure of for what they had just voted.

At the end of the special election, it was determined that neither Initiative #42 nor Alternative #42A would be adopted by the Legislature, and MAEP would continue to have the same funding and accountability models as before. However, it's no secret that the Initiative #42 ballot confused and frustrated many voters, both those that wanted to see change and those that were content with Mississippi education's current state. Dissatisfied voters began to articulate concerns about the poorly designed ballot, as well as question why the Legislature was so opposed to change to MAEP in the first place. Questions began to arise in the minds of the Mississippi public. Once legislators realized the impact that Initiative #42 would have on education funding, did they purposely introduce an alternative amendment solely for the sake of confusing voters?

The state Legislature wanted to discourage people from voting for Initiative #42 because of the implications for their role in making education decisions as well as their concern about where the money to fully fund MAEP would come from. These two issues gave lawmakers pause because the initiative stood to take away power from district-elected officials to make decisions about school funding and determine what constituted an adequate education. In order to deter Mississippi citizens from voting to remove their decision making power, the ballot was made as confusing as possible for voters to understand. In fact, it was the first time that the Mississippi state Legislature had introduced an alternative to counter a citizen-led movement on the same ballot.⁶⁹

⁶⁹ Pettus, Emily Wagster. "Bryant: No Confusion Over Similar Proposals on Same Ballot." *The Daily Journal*. January 15, 2015. http://www.djournal.com/news/education/bryant-no-confusion-over-similar-proposals-on-same-ballot/article_1710137a-6d11-5db7-9cb0-1679360c90ec.html.

Senator David Blount told the Daily Journal months before the vote that “there is a question of whether this is deliberately meant to split the vote,”⁷⁰ and he was not alone in these concerns. Governor Phil Bryant denied the claim that the alternative initiative was introduced to cause confusion, even insinuating that people suggesting this claim were trying to downplay the intelligence of Mississippi voters. He compared the Initiative #42 ballot to the general election ballot, where voters “often make selections between any number of choices for people who are running for public office.”⁷¹ This was a severe oversimplification of the problem his state would be facing in November. It seemed that Bryant used this tactic to “motivate” citizens to go to the polls to prove the point that they could indeed pick between two different options, but this was no ordinary election where people only had to choose one candidate over another. Rather, they had to decipher what each choice would mean, and fight through the unclear wording. Phil Bryant understood that the ballot was composed in a confusing way, and his attempts to dismiss the future controversy as an insult to voters shows that he was not interested in entertaining a fair ballot.

The Current State of MAEP and Race

The current state of Mississippi education would be considered significantly better than the past, but there are still injustices to this day. While there is just one public school system now, with people of all backgrounds and races in attendance, the system is not equitable to all students. Districts that would have been in the black school system are still underfunded due to a low tax base; a remnant of segregation and unavailability of

⁷⁰ Ibid.

⁷¹ Ibid.

resources to people of color. Due to the emphasis on local tax dollars being used for education funding, and the current lack of a system designed to level the playing field of unequal tax base, districts that fall into that category continue to suffer. Without the ability to improve property values by bringing in industry, cities are not able to raise their millage rate to provide for their school districts. Even though Mississippi now operates a single school system, inequities between school districts still serve as reminders of the state's dark past with racial issues. Until MAEP is updated, these inequities will continue to permeate Mississippi's education system.

CHAPTER III: POLICY PROPOSALS

There are currently several ideas being discussed regarding the future of Mississippi's education funding. There is talk of completely rewriting the funding model to remove MAEP from the state legislation. I propose, however, that the state of Mississippi maintains a revised MAEP funding model but also adopts some of the policies suggested by EdBuild. I will be supporting the EdBuild proposals of abolishing the 27% rule, increasing funding for special education and students in poverty, and mandating full funding, among others. In addition to this, I will advocate for the state to continue with its balance between base-student cost without relying solely on per-student balances. I also propose to relaunch a version of Initiative #42 that holds legislators accountable for fully funding MAEP each year, and removes the uncertainty about whether or not education will be adequately funded each year. I believe that these proposals are productive, reasonable, and sustainable, and will facilitate Mississippi's improvement in every aspect of education.

The Future of MAEP

First and foremost, I believe that the state of Mississippi should continue with the general premise of the Mississippi Adequate Education Program, as this formula spells out how much money is needed to adequately educate a student. It gives qualifiers for all different components of education, bases some of its funding on attendance, and provides for certain add-on programs as well. If executed properly, it also entices districts to hold their students and teachers accountable and gives guidance as to how the money is meant to be spent. With a few tweaks to its formula and add-on programs, MAEP can be a

suitable fixture on which the state can operate effectively. However, in order for the program to be run properly and give districts the necessary funding, some entity must be held accountable for making sure that the plan is actually funded in full each year.

As mentioned earlier, the language of the Mississippi state Legislature does not specify which governing body, if any, should be held accountable for funding the state's education model. It gives the state the authority to provide education at the discretion of the Legislature, but it does not go into detail about who will be held responsible for providing that education. Since MAEP is currently the policy when it comes to education funding, the law suggests that the state follows it, but it does not enforce this suggestion. The goal of Initiative #42 was to clarify this mistake and put the Chancery Court of Hinds County in charge of the funding. Many Mississippians signed the aforementioned petition that made Initiative #42 a possibility in the first place. In response to this, I believe that the state is entitled to a vote on this matter that is not marred by controversy and confusion. It is the responsibility of the state Legislature, as a group of elected officials, to give voters an accurate depiction of what they are voting for and follow through with what the people decide. Instead of doing this, they introduced an alternative measure that would only complicate the issue further and make it harder for voters to tell state leaders what they actually wanted. Since this did not happen in the first vote between Initiatives #42 and #42A, I propose a relaunch of the motion to change the wording of the law; similar to Initiative #42 but with more direct language, less confusion, and a voting process upon which all Mississippians can agree.

Sponsoring an identical vote could potentially have different results, as many Mississippi citizens now understand the implication of maintaining the current form of

MAEP. While there are proposals to change the school funding model, nothing has come to fruition regarding the maintenance of the wording in the current law. There is a chance, however, that the initiative still would not pass, which is why certain things about the wording and the voting process should be amended. The first thing that should be changed is the way that the potential amendment is introduced. Rather than the Legislature promoting an alternative amendment after the original is proposed, the two amendments should be introduced to the public at the same time. This would minimize the perception that one of the proposals should be considered as a rebuttal to the first, and instead would give the impression that both amendments are viable options that would improve the funding model's current state. The way it was done, the Legislature's proposal came across as a challenge meant to invoke controversy in order to save face and simply stop the other initiative from being seen on the ballot without opposition. This solution would put both the initiative and the alternative on an equal plane, and therefore reduce voter confusion even before the motion was seen in the ballot box.

Another way to improve the voting process would be to alter the language used on the ballot. As presented, voters could only choose the affirmative or the negative for the initiative, the alternative, or neither. As mentioned previously, the question was also asked in two different parts, making it more difficult for the general public to align their vote with their true opinion on the matter. A voter that went to the poll without knowing exactly what each option would do could be confused by the way that each was listed, and therefore would not be able to make an informed decision. Simplifying the vote to one question would make everything more straightforward and clear to the common voter. With the new voting process, one would be able to select one of three options on

the single question: for Initiative #42, for Initiative #42A, or against both. There would be no second question to essentially ask which option one would prefer if they didn't get their way with the first question. The second question posed a threat to the validity of the vote because people were expected to answer it no matter their answer to the first question. This format stymied voters who believed they answered the entire question with their first response. When Johnny Clark, a nuclear energy worker from Vicksburg, was asked about this dilemma, he expressed his dissatisfaction: "I'd mark the top part but then leave the bottom part blank. It doesn't seem as important to me. I already told them what I wanted to do in the first part."⁷² Changing the format to just one question would allow people to make informed decisions without having to worry about answering a second and potentially hypothetical question.

In addition to this, in a new vote, the ballot would contain the exact wording of the current law in its original form, as well as what would be changing depending on which option was voted upon successfully. There would also be an explanation on the physical ballot telling voters what to select whether or not they wanted something to change. Much of the confusion caused by the original vote came from the idea that people had a hard time selecting the option that would actually give them what they wanted. This is a common occurrence, but for a vote as monumental and potentially altering as the one for Initiative #42, clarity is essential. While an explanation on the ballot will take more space, and potentially more time for voters to read, I believe that it will cut down dramatically on confusion and help citizens select an option that adequately and accurately reflects exactly what they desire to see from the vote.

⁷² Harrison-Henderson, "Dueling Initiatives."

In addition to the improvement of the proposed amendment's voting process, the actual amendment must be altered to ensure clarity and an increase in accountability. Initiative #42 did not mention MAEP by name, only stating that the state would have to provide "an adequate and efficient system of free public schools."⁷³ It also uses the term "shall" in order to provide a loophole for the state, as mentioned in former Governor Musgrove's lawsuit. In order for the law to be as specific as possible and avoid misinterpretation, I believe the amendment should read as follows.

The state must provide for the establishment, maintenance, and support of an adequate and efficient system of free public schools, which must be funded by the Mississippi Adequate Education Program or any equivalent funding model voted upon by the Mississippi State Legislature.

This changes the arbitrary word "shall" to "must" and specifies that the state will follow the agreed-upon funding model, whatever it may be. The next line reads that "the chancery court of the state shall have the power to enforce this section with appropriate injunctive relief."⁷⁴ Again, the word "shall" should be changed, and the term "appropriate injunctive relief" should be clarified. The updated version should read as follows:

The chancery court of the state will have the power to enforce this section by withholding funding for other entities, including but not limited to legislative expenses, local assistance, and debt services each year that MAEP or equivalent model is not fully funded.

With these changes, the State will be held accountable for funding MAEP and there will be no more controversy about the term "shall" as it is written in the Mississippi state

⁷³ Dreher, "MAEP Formula Explained."

⁷⁴ Ibid.

Constitution. The Legislature will also be forced to maintain and fully fund some sort of adequate and effective funding model.

There must also be strict parameters to what is considered “adequate and effective” in the case that the state attempts to lower education funding with a new proposed plan. Though this can be a complicated and touchy subject, I believe that my proposal is reasonable and fair to all students and school districts. The current recommended per-student base cost for the state of Mississippi in 2017 is \$5,358.99, and through this proposal the base cost would never go below this number.⁷⁵ Though this number is not comparable to most other states, it is an adequate starting point for Mississippi from which the state can strive to improve. I believe that the legitimate threat of losing money for necessary services such as debt relief, local assistance, and legislative expenses is enough to persuade the Legislature to pass a budget that includes a fully funded MAEP. If this is the case, then the per-student base cost will never go below its current level.

The 27% Rule

While I believe that an edited version of the Initiative #42 vote would be approved by the Mississippi public, there is a possibility that it would not be. Therefore, the rest of the proposed policy changes are contingent upon the passage of the revisited Initiative #42 vote discussed and explained above.

⁷⁵ Royals, Kate, “Some Answers about School Funding,” *Mississippi Today*, February 3, 2017, <https://mississippitoday.org/2017/02/03/qa-on-new-school-funding-formula/>.

The abolition of the 27% rule would make drastic change to the way education is funded in Mississippi. As the law is currently written, the state is expected to provide 73% of funds for every school district, regardless of performance, tax base, or economic status of the district or town.⁷⁶ While Mississippi has committed to providing 73% of funding to all districts, there is no real way for the state to raise that money. The commitment was made without careful consideration with regard to exactly where the 73% would come from. According to the 2017 EdBuild recommendations, “this mandate comes without the ability of the state to capture property taxes in order to relieve this burden, meaning that annual increases in education must come from general or earmarked state funds.”⁷⁷ Thus, when it came time for the state to pay their share of the agreement, there just was not enough money in the state’s general fund without an increase in taxes to fully fund MAEP every year as designed. In fact, from the 2017 fiscal year to the projected 2018 fiscal year, there will be an estimated decline of \$2,638,567 in the public education portion of the state budget’s general fund. There has never been enough money in the general fund to support the pledge given by the state, and there is no written accountability in the MAEP formula or wording of the current state constitution. This has caused the state to underfund its portion of MAEP by nearly 2 billion dollars over the course of the last 20 years, and leaves the formula funded at an average of 88% of the expected total each year.⁷⁸ Although K-12 education accounts for the seemingly low portion of 23% of the state’s total budget, the Legislature has made the decision not to raise taxes in order to cover this discrepancy. As Mississippi Today warns, however,

⁷⁶ “Recommendations for Improving School Funding,” EdBuild, January 16, 2017, <http://www.legislature.ms.gov/Documents/Final%20EdBuild%20Recommendation.pdf>.

⁷⁷ Ibid.

⁷⁸ Dreher, “Mississippi and Politics.”

“state budget cuts always find their way down to their residents. And for the foreseeable future... the burden falls on their shoulders.”⁷⁹

The way that funding is set up creates disparity between districts that can afford to raise more local money and those who can not. Due to the nature of the millage rate and the 27% rule, the more affluent areas of the state are able to levy additional taxes in order to support their local districts. These taxes can be worth up to 55 mills, and even once districts reach that point, local voters can decide whether or not to exceed that amount and provide even more assistance. This is a great resource for well-off cities, school districts, and families in Mississippi, but it only furthers the gap between towns with a high rate per mill and towns with a lower such rate. For example, during the 2012-2013 school year, the Pascagoula School District had a mill value of \$987,871. Even though the area did not fully maximize its potential to raise additional taxes, only levying 46.88 mills, this resulted in an increase of \$7,095 per student. This means that in addition to the 27% (\$1,319.22) of what is required to educate a student provided by the district before additional taxes, as well as the 73% (\$3,552.18) provided by the state totaling \$4,886, the Pascagoula School District added over 7,000 dollars per student resulting in a total of \$11,981.81 per student.⁸⁰ In comparison, the Itawamba County School District offered a similar level of additional millage, levying 48 mills on their taxpayers. However, since the property value in Itawamba County was less than in Pascagoula during this time period and present day, the mill value was almost 10 times less, calculated at \$99,236 in 2017. Per student, the district receives an extra \$1,454, adding on to the \$1,750.41 from

⁷⁹ Adam Ganucheau, “Bucking a Trend, Cities and Counties are Raising Taxes,” *Mississippi Today*, September 25, 2017, <https://mississippitoday.org/2017/09/25/bucking-trend-cities-counties-raising-taxes/>.

⁸⁰ “School District Spending Per Student,” *Empower Mississippi*, 2018, <http://empowerms.org/school-district-spending-per-student/>.

local contributions as well as \$4,732.59 from the state for a total of approximately \$7,937.10. Even though millwise, the two districts levied similar levels of additional taxes to support their school districts, Pascagoula ended up with more than \$3,000 dollars extra per student to purchase programs, work with disadvantaged students, and the like. These figures from the 2012-2013 reflect the state's current set-up as well, however, by demonstrating the disparities between districts with high and low property values.

Interestingly, both the Pascagoula and Itawamba County School Districts were rated as "B" districts in 2014, even with such a difference in tax base and overall funding. While in theory the 27% rule creates equity between the amount that the state provides to each school district, it does not account for the fact that more affluent districts are allowed and able to supplement this amount. The state of Mississippi is providing 73% of the base student cost to every district in the state, but does nothing to address the remaining disparities which come from the level of freedom each district has to levy additional taxes. The 27% rule already favors districts with a higher tax base since their 73% will be more than a district with a lower tax base, but the ability to supplement that amount creates even more difference in per-student funding between districts.

Instead of following this inequitable formula for funding, the state should require its regions with a higher tax base to do their part to support those with a lower tax base. This can be particularly effective when dealing with education in the state because as the law is currently written, it is easy to see how some districts are able to do more for their students while others are not doing as much. I propose that as long as districts are allowed to levy additional taxes to increase per-student funding, the millage rate should be equal between districts. There should no longer be a taxpayer vote on what they would

want to pay to increase education spending; rather, the state should mandate a 50.00 mill rate across all districts. However, 15% of the proceeds from this tax from every district in the state should go into a statewide account known as the “Local Contributions Fund for Public Education.” This fund would be dispersed exponentially among the districts with a millage rate under \$100,000 in order to help those districts have more money to spend per student on special programs, general education, and teacher stipends. Districts with a millage rate of \$80,000-\$99,999 would be given 10 percent of the overall Local Contributions Fund. Districts with a millage rate of \$60,000-\$79,999 would be given 20 percent of the overall Local Contributions Fund. The \$40,000-\$59,000 range would receive 30 percent of the fund, and any district below that rate would receive 40 percent. This money would be distributed equally between those lower-funded districts in order to help counter the educational inequities they face. Through this formula, property-rich districts would still be allowed to capitalize on their wealth and support their students almost as much, but less wealthy districts would be given much needed relief.

A similar idea has been tested in Texas, where it was deemed the “Robin Hood Law.” This law required property-wealthy school districts to give a portion of their local tax base to the state’s general education fund. While this is similar to my proposal, the key difference would be that through the proposal, the money would go directly to less wealthy school districts rather than to the state of Mississippi itself. This would ensure that the money was being used purposefully for the less wealthy districts instead of simply going to the state’s education fund for general use. The state would not be making up the difference between suggested and actual revenue anymore, but local districts would instead be the ones providing for other districts. This would create a sense of

accountability for state education because each year the Local Contributions Fund was in use, the districts that received money would have to report how the money was being used and whether or not the system was effective.⁸¹ There will be an accountability report for all districts receiving money to give to the Mississippi Department of Education each year that outlines exactly how the money will be used and why it is needed. This report will be publicly accessible to maintain transparency. Another difference between this proposal and the Robin Hood idea is that every district in the state would give the same percentage of their local tax revenue. Even though the amount of money would be different, each district would be giving something; some districts would just be getting a larger amount of money back in order to help the state improve overall equity issues.

While the 27% rule admittedly gives some districts a good way to maintain individual success, it is not the most productive for the state as a whole. While the Pascagoula-Gautier School District⁸² is able to spend greater than \$12,000 per student after combining state funding with ad valorem taxes, Durant Public Schools are not able to raise nearly as much money.⁸³ I believe that this alternative to the 27% rule will spread the state's wealth out slightly in order to help districts with a lower tax base remain on par with others. Through this formula, underfunded districts will begin to see an increase in the money that they are able to spend to improve special programs as well as other aspects they may lack with the current funding model. This model will also be replicable for other states that have a wide achievement gap between prosperous and less wealthy

⁸¹ "Brief History of Robin Hood in Texas," *Texas Public Policy*, September 29, 2016, <https://www.texaspolicy.com/content/detail/brief-history-of-robin-hood-in-texas>.

⁸² Based on 2017 reports

⁸³ Bracey Harris, "For Districts: Property Taxes Leave Gaps, Surplus," *Clarion-Ledger*, January 26, 2017, <https://www.clarionledger.com/story/news/politics/2017/01/26/districts-property-taxes-leave-gaps-surplus/97078994/>.

areas, as states other than Mississippi struggle with the same disparity in education. Though the money will come from local taxes and contributions, it will be handled and managed by representatives of the state government in order to make education more equitable and better for students across the state.

The way that state and local entities fund education can seem like simply an abundance of numbers that, if altered slightly, would not change very much. Some wonder why the state gives each student almost \$5,000 before local contributions, and even grumble about the amount. It can be easy to forget, however, that each dollar is used for a specific purpose in the education of a student. This is why it is important for each district to have a plan for using the extra money per student that they will receive through the new funding model. I propose that the state hires two experts (one for north Mississippi and one for south Mississippi) to track where underserved districts are not performing well and offer suggestions as to where they should spend the money from the Local Contributions Fund. Although they will be employed by the state, the job will require knowledge of local communities as well as their needs. I recommend that former administrators who know the market be placed into these jobs since they will be capable of reading and interpreting school data and suggesting meaningful change for each individual school district they encounter. The state's employment of these individuals would result in a slight increase in the cost to maintain a productive education system, but it would be well worth it once districts begin to operate more successfully and efficiently.

Special Education Funding

One particular way that the money from both local funding and MAEP is used is for special education. My proposal of a new funding model includes a change in the

assumption-based model as well as increased spending on special education, for both mild and moderate students as well as severe and profound. Mississippi currently funds special education based on an assumption of resources needed per school district.⁸⁴ This means that when budgets are published for each school year, the Department of Education uses previous data and estimations to predict how much money a district will need for special education.

One proposed suggestion for special education funding is to place a cap on the number of students per district that can receive special education services. This strategy, according to proponents, would ensure that students who need special services the most will receive them. It would also prevent districts from potentially misdiagnosing students in order to receive more money from the state to support special education programs. Though this strategy would save the state a decent amount of money, it is not at all equitable for students, especially those who fall into the mild and moderate category of special education. Other states have attempted to put a cap on students in special education in order to save money, but that tactic has led to purposeful underdiagnosis, alternate routing, and even district-suggested homeschooling. In 2004, Texas introduced cap on special education students per district that kept many deserving students from receiving special education support that they needed. The state required each district to restrict the percentage of students receiving special education services to 8.5% of the overall district population. Brian Rosenthal of the *Houston Chronicle* reported that the Texas Education Agency chose 8.5% arbitrarily in order to try to cut down on overidentification of students with disabilities. The commissioner of the agency, Shirley Neely Richardson, said “that the special education target was a "first stab" at addressing

⁸⁴ EdBuild, “Recommendations for Improving School Funding.”

the problem of over-identification. She also maintained that it was data-based and the product of a collaborative process.”⁸⁵ However, this “first stab” prevented students with learning, developmental, and speech disabilities from receiving the help they needed in return for saving the state money. If Mississippi attempted to replicate this formula, the state could expect to see similar results: an admittedly smaller budget, but a larger number of deserving students being denied special services in return.

Rather than setting a cap on special education services and lowering the budget for special education, the state must strive to take care of all of its students with disabilities in public education. While it may seem like a tall task for Mississippi to move toward per-student consideration when it comes to funding special education, it is necessary for the sake of both the students and the state. EdBuild suggests creating a tiered system that gives districts different amounts of money per level of disability for each student that falls into the special education qualification. While this is a good start, something similar can be accomplished by looking at every student individually to make sure that he or she has the financial tools to be successful. For example, the first tier suggested by EdBuild encompasses speech and language impairment, developmental delays, and specific learning disabilities; students that fall into this category receive 60% more than the base student cost to cover any excess needs they may have. Tier two contains students with autism, hearing impairment, intellectual disabilities, emotional disturbances, and orthopedic or other health impairments. These students are given an additional 125% on top of the base student cost. The third tier encompasses students with visual impairments, multiple disabilities, deaf or blind students, and students with a

⁸⁵ Bryan Rosenthal, “Denied: How Texas Keeps Tens of Thousands of Children out of Special Education,” *Houston Chronicle*, September 10, 2016, <https://www.houstonchronicle.com/denied/1/>.

traumatic brain injury. These students receive 170% more money than the base student cost.⁸⁶ This system can be beneficial for special education as a whole, but I believe that a per-student calculation, though potentially costly and tedious to implement, is more productive for the individual student and will greatly benefit Mississippi education in the long run.

Special education in Mississippi is currently funded in a way that predicts how many students will need special services based upon their specific placement and how much each district spends on teachers employed to work with special education. However, a district that offers a higher salary to teachers, or employs more highly qualified or experienced teachers would seem as if it needed more support because it spends more on special education.⁸⁷ This prediction method can be harmful to students that live in districts with younger and less experienced teachers, a factor that is in no way in the student's control. According to EdBuild, "two students with the same diagnoses and IEPs may be funded at very different levels by virtue of being enrolled in different districts."⁸⁸ While the basis for this funding method is understandable, it is not equitable because it does not give individual students with disabilities exactly what they need to be successful. Developing a per-student model specifically for special education will give each district the correct amount of money that it needs to help the individual rather than making districts assume the amount of money they will need based on estimation and outdated information.

Implementing a per-student consideration for special education funding will have to come with time, since the current method of funding special education is not prepared

⁸⁶ EdBuild, "Recommendations for Improving School Funding."

⁸⁷ Ibid.

⁸⁸ Ibid.

for such a dramatic change. The first step to initiating this plan would be for districts to determine which of their students need special services and to clarify if the students are currently getting those services. If they already have an Individualized Education Plan (IEP), and it is working for them, they can stay on that plan with parental approval. If not, however, districts will need to identify what the student needs and design a plan for implementation. The EdBuild recommendations or some form thereof could serve as an efficient gateway to gradually phase this system into existence. The state can place students into the suggested tiered model in order to determine which students will need funding, and generally how much will be required to meet their individual needs. Districts can use the tiered model for five years beginning as soon as the new MAEP formula is voted upon. Using this recommendation at first will give school districts a chance to see which students will actually need some sort of special education services, and it will help them prepare to budget for the amount that individual students will need after the five year grace period meant for adjustments. If the tiered system is successful after five years of implementation, districts will be required to move toward the per-student funding model. While the tiered system may meet the general needs of both students and districts, it is more convenient for districts than it is effective for student success.

During the five years in the tiered system, districts must take into account how much funding they are receiving per student and compare it to what they are actually spending on that student. This is a step that is often overlooked in Mississippi's funding process, as mentioned earlier, due to the fact that special education is funded by assumption of resources needed. Through this grace period, administrators will have the

chance to work together with special education teachers to truly see what students need without worrying about if they will even have funding. They can suggest adaptations to the tiered system during and after the five years and prepare the district financial expectations for what will be coming once the tiered system is phased out. Looking at how much funding each student actually needs to be successful in special education may not decrease the overall spending on special education, but it will ensure that money is being used efficiently and properly in all aspects of special education by cutting down on extra spending and using that money in the best way to benefit all students.

Students in Poverty

The EdBuild recommendations also suggest that the state edits the way it identifies students in poverty. The way that students are identified should also be revisited, as the free and reduced lunch qualifier is not the most accurate standard due to the Community Eligibility Provision (CEP). According to the Mississippi Department of Education, the CEP is a nationwide effort to provide free lunch for all students in low income areas without requiring families to complete applications.⁸⁹ While this allows students in low-income districts to receive meals at school regardless of their individual family's financial status, school districts should no longer use free and reduced lunch statistics as the way to determine how many students are actually in need of additional low income funding. Instead, the United States Census Bureau report should be used to develop an accurate reading of family's poverty level. I also condone the use of a three year average as suggested in the state Legislature's 2018 school funding proposal.

⁸⁹ "Community Eligibility Provision (CEP), Mississippi Department of Education, Accessed March 13, 2018, [http://www.mde.k12.ms.us/OCN/SS/community-eligibility-provision-\(cep\)](http://www.mde.k12.ms.us/OCN/SS/community-eligibility-provision-(cep)).

Through this formula, the number of students in poverty can be accurately ascertained and each district's funding can be weighted accordingly.

Mississippi currently provides approximately 5% extra funding per student that is considered on the low-income level, but EdBuild and I agree that that number should be higher and more intentional. EdBuild mentions that “in 2016, 338,000 students, or 70% of students statewide, were funded at this increased level (1.05% normal student spending).”⁹⁰ This amount of spending simply does not create significant change in additional years of education, adult poverty level, or overall adult income when so many students are given that extra funding. In Jackson, Johnson, and Persico's study,⁹¹ it was noted that if all students were given 10% more funding as a combatant to poverty, “a 10 percent increase in per-pupil spending each year for all 12 years of public school is associated with 0.43 additional years of completed education, 9.5 percent higher earnings, and a 6.8 percentage-point reduction in the annual incidence of adult poverty.”⁹² However, it is also emphasized that more funding specifically for low-income students could improve all of these things as well as help close the attainment gap between students before they even reach adulthood. Research shows that more funding specifically dedicated to students in poverty can improve both their performance in school and their after-school years. The state of Mississippi, conversely, gives students in poverty far less than the 10% increase, and it gives the current 5% increase to nearly three quarters of its students rather than those most in need. This level of funding should

⁹⁰ EdBuild, “Recommendations for Improving School Funding.”

⁹¹ “The Effects of School Spending on Educational and Economic Outcomes: Evidence from School Finance Reforms,”

⁹² Kirabo Jackson, Rucker Johnson, Claudia Persico, “The Effects of School Spending on Educational and Economic Outcomes: Evidence from School Finance Reforms,” Institute of Policy Research, Northwestern University, January 2015, <https://www.ipr.northwestern.edu/publications/docs/workingpapers/2015/IPR-WP-15-19.pdf>.

be increased, yes, but the money should also be reallocated to students that are most in need. Changing the evaluation system from students receiving free and reduced lunch to a census review is the most practical way to ensure that the students who need a low-income adjustment are actually receiving it. Like the adjustments to special education funding, this will reduce excess spending and allow the funds already allocated to students in poverty to be used efficiently and to benefit the correct group of students.

Once Mississippi moves to a more effective way of calculating which students need low-income supplementary funding, the state must look at how to provide this money. Many of the states that provide the most funding for students in poverty end up doing so by district rather than by student as suggested above. Due to the number of high-poverty districts in Mississippi, however, I maintain that Mississippi should attempt to fund this on a per-student level. Despite this difference, Mississippi should adopt one particular strategy from those states that are funding students in poverty at a higher level: regressing local funding and progressing state funding. Progressive in this case means that a larger amount of money from a particular entity goes to “non-poor” students, and regressive means that a larger amount of money from a particular entity goes to low-income students. Federal funding will not differ much either way without the implementation of a new plan, but the act of taking the impetus off of local entities to provide for its own low-income students can make a tremendous difference. States that do this well, such as Rhode Island, New Jersey, and Connecticut, have a highly progressive state funding level combined with a highly regressive local funding level. Thirty-five states fund their districts on some sort of state progressive and local

regressive scale, but Rhode Island, New Jersey, and Connecticut utilize this tactic at a much higher level than any other state.⁹³

Mississippi does have a slightly regressive scale for its low-income local funding, but as mentioned earlier, it merely gives an extra 5% of funding from the state and only slightly diminishes the amount of money that local entities must provide. Even if the state were to transition to a per-student consideration, there would still be districts where the number of impacted students is extremely high. In this case, those districts should be given relief in local funding so local entities do not have to provide that extra funding, regardless of the actual number, to so many of their students. This will benefit the communities and districts immensely because according to Hayley Glatter, “available local dollars typically reflect the socioeconomic makeup of a community.”⁹⁴ Without the undue burden of providing extra money for local students in poverty, these districts can use their already scarce local funds for the general education budget regardless of qualifications. Implementing a more progressive state model as well as a more regressive local model will give Mississippi a better chance at providing for its low-income students, as many of them tend to be members of districts with an overall low socioeconomic status and therefore a lower tax base. According to the Urban Institute’s study, “A higher concentration of poor students in certain districts makes it easier to direct funding to those districts—and thus those students—via a state funding formula.”⁹⁵ Mississippi has many districts that fall into this category; therefore, a higher state funded

⁹³ “School Funding: Do Poor Kids Get Their Fair Share?” The Urban Institute, May 2017, <http://apps.urban.org/features/school-funding-do-poor-kids-get-fair-share/>.

⁹⁴ Hayley Glatter, “How Education-Funding Formulas Target Poor Kids,” *The Atlantic*, June 1, 2017, <https://www.theatlantic.com/education/archive/2017/06/how-education-funding-formulas-target-poor-kids/528741/>.

⁹⁵ The Urban Institute, “School Funding.”

mechanism would enhance low-income student funding more effectively than local funding could.

This concept is similar to the idea of having all districts contribute to an overall fund to help districts with lower funding levels, but it would specifically be for the low-income student budget. For both of these possibilities to be successful, however, there would have to be a balance. This is why I propose that the individual districts put money into the Local Contributions Fund while the state itself provides for the low-income funds. Not only will there be more state-provided funds from which to pull for students in poverty, but districts with the highest number of low-income students will not be obligated to use local funds specifically for their own low-income students.

Funding Mechanisms

The dichotomy between a per-student funding model and a general education budget model continues to raise debate between those interested in changing Mississippi's education funding system. Currently, the state's funding model is based upon overall spending rather than strictly per-student, but it is not always clear how that money should be used efficiently and effectively. Focusing the spending on suggested areas would allow districts as well as the state to better utilize the funds that are already available. While some of the points made above are based on increasing individual student funding, I believe that switching to a completely per-student model would be detrimental to the state's overall success in education.⁹⁶ In the most recent bill proposed, money would be allocated on a strictly per-student basis. The amount of money would

⁹⁶ Kayleigh Skinner, "Weighing in on Weighted School Funding." *Mississippi Today*, April 11, 2017, <https://mississippitoday.org/2017/04/11/weighing-in-on-weighted-school-funding/>.

initially be greater than what is currently given through MAEP due to the lack of full funding, but it would still not be enough to be considered adequate by many.

A per-student solution has been suggested by many lawmakers, including recently in the bill introduced by Philip Gunn, but I see it is a way to lower the standard for what students deserve. Supporters of an entirely per-student model such as Gunn argue that through this model, people will know exactly where the money is coming from and there will be no disillusion about how much should actually be expected each year.⁹⁷ This is a valid statement, but it is an opaque truth. If the state funded MAEP each year as is expected, citizens of Mississippi would not have to wonder how much money would be left over for schools each year. Suggesting that less money is an acceptable alternative for schools because people know where it is coming from and “it was a better way to fund education”⁹⁸ is misleading and insulting because it seems like an attempt to make people forget that there is in fact a solution in MAEP; it is simply not being fully funded. Mississippi Lieutenant Governor Tate Reeves spoke on the issue after the bill was defeated, claiming that “there are a lot of kids that come from backgrounds and from lower socioeconomic backgrounds who were going to be funded at a higher level than they’re currently getting funded.”⁹⁹ While this may be true for immediate purposes, the bill was not a long-term solution to the funding issues that the state faces, as “a fourth of the state’s school districts were projected to eventually see state money drop below current levels, mainly due to a decline in enrollment.”¹⁰⁰ The short-term solution of a per-

⁹⁷ Harris, “Senate Republicans Break Ranks to Kill Historic School Funding Overhaul.”

⁹⁸ Philip Gunn in Ibid.

⁹⁹ Ibid.

¹⁰⁰ Ibid.

student budget seems like a good way to give money to students who need it immediately, but it is not a solution to the overarching problems that Mississippi faces.

Monetary Proposals

None of these general proposals will be eligible for implementation without an idea of where the state will find the money to do so. That is the issue with the lack of full funding of MAEP, and it was the issue behind the failure of Initiative #42. For the most part, state lawmakers, educators, and the general public agree that education should be a priority in the state. The difference in opinion simply comes from how high of a priority it should be in relation to the ever-growing list of financial needs in Mississippi. I advocate that the full funding of MAEP will provide the state enough money to implement many of the suggestions above, and the change in local expenditures will be able to cover the rest of the changes. However, I do understand that despite the state's intention in 1997 to give MAEP its full funding, doing so will require the state to make sacrifices in other areas if it maintains everything else. I recognize that if it were easy to fully fund everything that a state needs, it would already be done. I also believe, though, that the state has an obligation to raise the money to fulfill its financial obligations to the school districts and citizens of Mississippi.

While both local and state revenue could be more effectively spent on education, I advocate for the introduction of a Mississippi State Lottery. If Mississippi lawmakers are opposed to raising taxes for necessities such as infrastructure and education, they must support another solution for raising desperately needed funds. In order to fully fund MAEP, the state should pass a bill that allows Mississippians to buy and sell lottery tickets that fund necessities. In California, the state lottery contributes over 1 billion

dollars each year to public education, which encompasses early childhood students, K-12 learners, and higher education. The lottery system admits that their contributions total only 1.5% of what is needed in public education, but counters that by saying “parents, teachers and administrators tell us that every little bit helps.”¹⁰¹ Louisiana, another state that has had difficulties funding public education, has raised a significant amount of money for education in the past few years through its state lottery systems.¹⁰² The lottery system is required to give 35% of its overall earnings to K-12 public education, and since this law was enacted in 2004, over 3.4 billion dollars has been allocated to public education in the state. Unlike Georgia, where lottery money goes to specific scholarships for students,¹⁰³ Louisiana's formula gives that 35% directly to the state to use for its public education funding formula, the Minimum Foundation Program.¹⁰⁴ This idea is something that can be replicated in Mississippi in time if the state considers the overall positive impact the increase of funding could have and repudiates outdated concerns of moral and personal loss.

Philip Moran, a Mississippi senator from Kiln, introduced a bill to sponsor a similar Mississippi state lottery in the beginning of the 2018 fiscal year.¹⁰⁵ Moran admitted that the state of Mississippi has “a tight budget... and [this bill provides] a

¹⁰¹ “See Where the Money Goes.” *California Lottery*, 2018, <http://www.calottery.com/giving-back/education/where-money-goes>.

¹⁰² Will Sendell, “Louisiana Public Schools Face Another Aid Freeze,” *The Advocate*, December 12, 2017, http://www.theadvocate.com/baton_rouge/news/education/article_4fed1ec4-df5d-11e7-8426-c7c5b859a19e.html.

¹⁰³ Phil Hirschhorn and Armen Keteyian, “Is the Lottery Shortchanging Schools?” *CBS News*, September 17, 2007, <https://www.cbsnews.com/news/is-the-lottery-shortchanging-schools/>.

¹⁰⁴ “About the Lottery FAQ.” *Louisiana Lottery*, 2018, <https://louisianalottery.com/faq/about-the-lottery>.

¹⁰⁵ Geoff Pender, “Senator Plans to File Lottery Bill this Week, Leadership Sounds More Open to Issue.” *Clarion-Ledger*, January 2, 2018, <https://www.clarionledger.com/story/news/politics/2018/01/02/lottery-bill-mississippi-legislature-reeves-gunn/997295001/>.

potential for up to \$100 million a year in new revenue.”¹⁰⁶ He said that 68% of polled Mississippians supported a lottery in order to increase revenue in the state, but the bill has since died after a panel of legislators debated potential pros and cons of the idea. I support a lottery in Mississippi because after hearing all oppositions to the matter, none of them are financially supplemented. I believe it is time for the state to fulfill its obligation of financing necessities, specifically public education, and lawmakers should listen to their constituents in order to provide for their state financially. This new revenue generated from a lottery could be used in many ways, as states across the nation utilize lottery funds for specific education funds, general funds, and various local and state purposes.¹⁰⁷

Currently, the state has only a casino system rather than a lottery, and many people inaccurately believe that casino funding does the same thing as other neighboring lotteries. Only local entities are able to raise money through the casino system, meaning that areas with casinos can use that money to contribute to their own local districts and tax base. This is a positive for cities and counties that have casinos, but it does not have an impact on equity throughout the state. In addition to this, the money that goes to local funding is solely from casino taxes rather than from casino revenue. This difference means that a significantly smaller portion of money goes to local entities through the casino system than the lottery system, and no money at all goes to the state for any of the aforementioned funds. Even though the casino system is statewide, no money is being given to the state to increase revenue for things such as public education, infrastructure,

¹⁰⁶ Ibid.

¹⁰⁷ Geoff Pender, “‘Lottery 101’: Panel Digs into Pros, Cons of Mississippi Lottery.” *Clarion-Ledger*, May 25, 2017, <https://www.clarionledger.com/story/news/2017/05/25/lottery-101-panel-digs-into-pros-cons-mississippi-lottery/345258001/>.

or public health. Implementing a lottery system would provide the state funds to make improvements in many different areas. In order to ensure that the money raised would actually go toward funding the current education model, I suggest that the state proceeds as Louisiana did, dedicating a certain percent of lottery funds specifically to MAEP.¹⁰⁸

Many opponents of the lottery system often claim that the lottery is a way for the state to get away with underfunding education. Former Illinois State Senator Dawn Netsch claims that “lottery money simply replaces tax dollars legislators might spend on education, but instead spend on other projects.”¹⁰⁹ For Illinois and other states that currently use lottery money to aid in education funding, this might be an unfortunate truth. That blame, though, should fall on the lawmakers of those states rather than the lottery system as a whole. However, Mississippi is not benefiting from full funding of its education system or a lottery system, and as mentioned above, any little bit of money can help the state. Through lottery funding, Mississippi would be receiving more money for education than it currently does, and that is the main impetus of these proposals. If implemented the correct way, supplementary funds from a state lottery would do nothing but improve Mississippi’s education system.

¹⁰⁸ Mary Perez, “So Where Does Mississippi’s Casino Tax Revenue Go?” *Sun Herald*, March 6, 2017, <http://www.sunherald.com/news/business/casino-gambling/article136599613.html>.

¹⁰⁹ Hirschorn and Keteyian, “Is the Lottery Shortchanging Schools?”

CONCLUSION

While many of the ideas proposed by EdBuild would improve school funding in Mississippi, a completely per-student allocation is not the answer to the problems the state faces. Rather, there needs to be some sort of compromise between the existing MAEP formula and the per-student suggestions made in recent years. This compromise will not be easy to implement due to the delicate nature of the wording of state laws regarding public education funding, but approaching the problem realistically will give state lawmakers an idea of how to do so. The state has an obligation to fulfill the promise made in 1997 of funding MAEP, regardless of any loopholes that have been discovered over time. It also should consider the fact that money alone is not enough to mitigate years of unsatisfactory funding and appropriation, and decide to focus money where it is needed the most. This is where the per-student considerations must come into play. Using the money designated for MAEP, the state Legislature should listen to local authorities and school districts to allocate money to its most deserving and in-need aspects. Implementing the suggestions above will not solve the issues that Mississippi still faces, but it will begin to change the mindset in the state by proving that education is truly a priority to lawmakers.

Once this mindset shift is recognized, school districts will not be afraid to ask for more money to use for students who are in need, taxpayers will not be discouraged from putting money into a general fund to assist their neighbors in need, and lawmakers will be empowered to stand up for what is right for their state's future. These small yet significant policy changes will begin to mend racial disparities in schools across the state by allocating more money to areas in the state that are not able to increase their tax base.

Children with disabilities and students in poverty will be given funding that actually matches what they need to be successful, rather than simply an estimation of such.

Admittedly, coming up with the money to increase education spending is a difficult and somewhat daunting task. However, focusing on reallocation of the full MAEP funds, putting a heavier emphasis on local responsibility to contribute to a statewide fund, and providing more money to the state's general fund will work together to improve focus on education spending. These suggestions, combined with the slight increases to statewide education taxes as well as a portion of funds generated from the newly-implemented Mississippi State Lottery, will improve the Mississippi public education funding system and address major issues that have plagued the state since its first Constitution.

The state of Mississippi has reached a critical point in its tenuous history. The current model of funding for public K-12 schools must be improved in order to minimize the state's achievement gap and poverty level, as well as to change Mississippi's mindset about education. Through these proposals, which if implemented will mandate full funding of MAEP and improve education funding, I believe that the state of Mississippi can begin to correct many of the current injustices its people face. Education, if funded effectively, can be the catalyst to reconciling differences of both the past and the present. The desire to change the state of education in order to improve quality of life in Mississippi is alive and well, but lawmakers must take long-awaited action to increase funding for MAEP in order to give their constituents the education they deserve. I urge lawmakers to stand up for Mississippi's children by fully funding MAEP, allocating money to those most in need, and making education the ultimate priority in a state that needs immediate and radical change.

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APPENDIX: SAMPLE INITIATIVE MEASURE PETITION

SS09-11

WARNING: Every person who knowingly signs this petition with any other than his or her true name, signs more than one of these petitions relating to the same initiative measure, signs this petition when he or she is not a qualified elector or makes any false statement on this petition may be punished by fine, imprisonment, or both.

**• PETITION FOR INITIATIVE MEASURE •
TO AMEND THE MISSISSIPPI CONSTITUTION**

TO THE HONORABLE DELBERT HOSEMANN, SECRETARY OF STATE OF THE STATE OF MISSISSIPPI

We, the undersigned citizens and qualified electors of the State of Mississippi, respectfully direct that this petition and the proposed measure known as **Initiative Measure No. 42**, entitled **Should the State be required to provide for the support of an adequate and efficient system of free public schools?**, a full, true and correct copy of which is printed or attached to this petition, be transmitted to the Legislature of the State of Mississippi at its next ensuing regular session, and we respectfully petition the Legislature to adopt the proposed measure; and each of us for himself or herself says: *"I have personally signed this petition, I am a qualified elector of the State of Mississippi in the city (or town), county, and congressional district written after my name, my residence address is correctly stated and I have knowingly signed this petition only once."*

Ballot Summary
Initiative 42 would protect each child's fundamental right to educational opportunity through the 12th grade by amending Section 201 of the Mississippi Constitution to require that the State must provide and the legislature must fund an adequate and efficient system of free public schools. This initiative would also authorize the chancery courts of this State to enforce this section with appropriate injunctive relief.

SIGNATURE <i>(include middle initial)</i>	STREET ADDRESS CITY/TOWN	COUNTY	PRINTED NAME <i>(include middle initial)</i>	DATE SIGNED	Precinct	Cong. Dist.
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						

CERTIFICATE OF PETITION CIRCULATOR:
INSTRUCTIONS: Petition circulators must sign and complete all blanks.
I hereby certify that I am a resident of the State of Mississippi during the time at which this petition is being circulated.

Signature of Circulator: _____ Printed name: _____
Current physical address: _____ City, State and Zip: _____
Current telephone number: _____ Date signed: _____