

Initiative 42

Mississippi Constitution:

Current: Section 201

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.

Initiative 42: Section 201

Educational opportunity for public school children: 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.

Amount and Source of Revenue Required to Implement the Initiative:

For the purposes of the initiative, a minimum standard of contemporary adequate education is described by the funding formula of the current version of the Mississippi Adequate Education Program and an efficient education is one that will, among other things, enable Mississippi's public school graduates to compete favorably with their counterparts in surrounding states.

Funding the initiative will not require a reduction in, elimination of, or reallocation of funding from any currently funded programs. The initiative will be funded by maintaining current funding levels for public education through the 12th grade adjusted for inflation, and **then devoting to public education not less than 25% of future increases in general fund and other tax collections in order to achieve the constitutionally required level of adequacy and efficiency in the public educational system** by a target date of Fiscal Year 2022 and maintain it in the future. For example, the state's general fund revenues are projected to increase over Fiscal Year 2014 levels by approximately 3% annually, which will produce an additional \$150 million in Fiscal Year 2015. Twenty-five percent of that would be \$37.5 million. A similar amount for seven years could reach the additional \$265 million a year in current dollars which will be needed to provide Mississippi's public school students with an education that is adequate and efficient by contemporary standards. This initiative is not intended to restrict or meaningfully reduce the overall percentage of general fund revenues devoted to public schools, which at present is approximately 40%. If enforcement is necessary, injunctive relief will be the preferred remedy.

Alternative Measure 42 A: Section 201

The Legislature shall, by general law, provide for the establishment, maintenance and support of an effective system of free public schools.

Mississippi Constitution, Section 201, through the years...

1890 Constitution

It shall be the duty of the legislature to encourage by all suitable means, the promotion of intellectual, scientific, moral and agricultural improvement, by establishing a uniform system of free public schools, by taxation, or otherwise, for all children between the ages of five and twenty-one years, and, as soon as practicable, to establish schools of higher grade.

In **1960**, the Legislature amended the constitution to say:

The Legislature may, in its discretion, provide for the maintenance and establishment of free public schools for all children between the ages of six (6) and twenty-one (21) years.

In **1987**, the Legislature amended the constitution again:

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.

Other States' Constitutions:

Some of the descriptors used in other states' constitutions to define the quality of education required are:

- Adequate – Florida, Georgia
- Efficient – Arkansas, Delaware, Florida, Illinois, Kentucky, Maryland, Minnesota, New Jersey, Ohio, Pennsylvania, Texas, West Virginia
- High quality – Florida, Virginia
- Thorough – Colorado, Idaho, Illinois, Maryland, Minnesota, New Jersey, Ohio, Pennsylvania, West Virginia
- Designed to promote excellence – Louisiana

Some state constitutions obligate the entire **state** to provide for education of children, acknowledging that a number of entities have a role to play in assuring a quality education. Constitutions that place this obligation on the "state" include:

- Arkansas, Florida, Georgia, Hawaii, Idaho, Illinois, and Iowa
 - In each of these states, the Legislature appropriates all state funds, including education funds, and makes the laws that govern their public schools

Massachusetts and New Hampshire, both top-performing states in student achievement, name the Legislature and magistrates (judges) as having the duty to ensure quality public schools