

Ballot Initiative 42

On November 3, Mississippi voters will have a rare chance to strengthen language in the state constitution to protect a child's right to an adequate education.

School funding opponents are spreading false information about Initiative 42. Don't be fooled. Here are their claims – and the truth.

Claim: We don't need Initiative 42 because the Legislature will take care of school funding.

Fact: State law, the Mississippi Adequate Education Program (MAEP), tells legislators how much the state should provide public schools to ensure an adequate education for every child. But the Mississippi Legislature refuses to abide by the law, year after year denying our children the school funding they need to succeed. Parents and educators currently have no recourse because our state constitution currently does not demand any level of quality associated with our public schools. Other states are obligated to fund an adequate or efficient education, or, in Louisiana's case, one "designed to promote excellence." Mississippi's constitution simply requires that our schools be free. Any pitiful level of funding our Legislature wants to provide is considered constitutional, as long as our schools are free. Without a stronger constitution, the Legislature will continue to underfund our public schools, refusing to provide the level of resources that the law requires and our children deserve. The Mississippi Legislature has broken its promise to our children for years. Why would we trust them now?

Claim: Initiative 42 will put the power to decide K-12 funding into the hands of one judge.

Fact: Initiative 42 does not give any judge, in Hinds County or elsewhere, any new authority. The U.S. Constitution gives the judicial branch the authority to determine whether or not any action by the Legislature or the executive branch is unconstitutional or an abuse of power. This is the system of checks and balances that our founding fathers put in place to protect us from leaders who violate the constitution or statute, or otherwise abuse their power. We have had this right since the Constitutional Convention of 1787 and continue to have that right today. Initiative 42 does not change this system of checks and balances, and it does not change the role of the State Legislature. The Legislature will continue to appropriate state funds and pass laws that govern public schools, regardless of the vote in November.

Unlike every other state in the country, Mississippi's constitution currently does not prescribe a constitutional mandate concerning our children's right to a quality education. Initiative 42 amends our constitution to ensure that Mississippi meets a standard of providing an "adequate" education to every child. Adding this one word, adequate, provides our children an assurance that their education will not only be free, it will also have some level of quality associated with it. If the Legislature continues to break the law by not adequately providing for public schools, the people of Mississippi will have a stronger case if they ask a court to intervene and force the Legislature to abide by its own law. It is important to note, no legal action will be needed if the Legislature follows its own 1997 law to adequately fund our public schools.

Initiative 42 does not change the rights citizens already have - to sue the state at any time, on any issue, and ask a court to review evidence and determine whether an action of the Legislature or governor is unconstitutional or an abuse of power. And, on the issue of the "Hinds County" judge, it was our Legislature that passed a law requiring that all suits against the state be filed in Hinds County, the seat of our government. The Legislature could, of course, change that law at any time.

Claim: Passage of Initiative 42 will encourage outlandish lawsuits against the state.

Fact: The amendment preemptively limits lawsuits by directing them to chancery courts and limiting the rulings to injunctive relief (by contrast, lawsuits for extensive punitive damages are filed in circuit courts). "Appropriate injunctive relief" means making the Legislature follow the law. That's it. No damages. The ruling would be: Legislature, follow the law. Right now, the law uses the MAEP formula as the school funding mechanism. As long as that is the law, that's what the judge would rule. If the Legislature changes the formula, they will need to be able to show that the formula with which they replace it is adequate.

Claim: The "alternative" initiative is a better option.

Fact: The alternative is a political ploy to kill Initiative 42 by confusing voters and causing neither initiative to receive the required number of votes (at least 40% of the total votes cast in the governor's race).

As the author of the legislative alternative acknowledged, the alternative does not have a fiscal note attached to it because school funding will not increase with their alternative. And key lawmakers who pushed the alternative during the legislative session, including the author, have said they will vote against it in November, further demonstrating that the alternative exists only to confuse voters. The point of the alternative is to kill the people's amendment.

Claim: Lawmakers would adequately fund schools if they could, but the state cannot afford to fully fund public education.

Fact: State leaders claimed earlier this year that the state was so flush with money that the budget warranted massive tax cuts. The same leaders who are telling you they can't afford to fund public schools voted to reduce state revenue by as much as \$1.7-billion dollars through tax cuts. A look at the recent history of the state budget clearly shows that money has been available in recent years; it simply has been allocated elsewhere. K-12 funding's share of the total state budget has shrunk again, for the third consecutive year, to a historic low of 21% in FY2016. Since FY2008, funding for K-12 has increased by 2.47%, while the rest of the state budget has increased by 47.64%. Cumulative inflation over that same period has been 15 percent. Every other budget category except one had at least five times the percentage growth over last year as did K-12 – several had more than 25 times the percentage increase.* The Legislature even increased its own budget by a greater percent than K-12's.

When it comes to adequate funding, our public schools – and our children – are getting hammered by our Legislature.

Claim: Initiative 42 will raise taxes.

Fact: Initiative 42 calls for gradual increases in K-12 funding, whenever revenue grows, until full funding is reached. Opponents of adequate public school funding are attempting to defeat Initiative 42 by falsely claiming that passage of the initiative would result in tax increases or budget cuts. Because the initiative is designed to phase in full school funding using natural growth in state revenue across several years, cuts to other state agency budgets will not be required; likewise, tax increases will not be required. The additional funding needed to adequately fund public schools according to state law is only 1.64% of our total state budget. Our state's economy typically grows 2-3 percent every year. Initiative 42 calls for using at least 25 percent of that NEW money, building toward full funding over the course of several years. You can see that phase-in plan spelled out in the Initiative 42 filing on the Secretary of State's web site.

Failure to pass Initiative 42 will just about guarantee that local taxes will continue to increase to compensate for underfunding at the state level.

Claim: If Initiative 42 passes, the state will be forced to slash the budgets of other state agencies.

Fact: This is a disturbing scare tactic recently threatened by some of our state leaders in yet another effort to manipulate the outcome of Initiative 42. Initiative 42 recommends phasing in full funding of schools using a percentage of natural growth in state revenue across several years. The official filing for Initiative 42, and every petition signed by voters, describe explicitly how full funding of public schools is to be phased in without raising taxes or affecting the budgets of other agencies. See the official filing on the Secretary of State's web site. It is unconscionable for lawmakers to threaten the electorate with drastic and unnecessary budget cuts in order to serve their own political agendas.

Claim: If school districts get more funding, they will just spend it on administrator salaries.

Fact: State funding does not pay for administrative salaries, those salaries are paid for with local tax dollars. If you ask local school leaders, they will tell you that full funding will help them reduce the student-to-teacher ratio, acquire needed technology, replace old school buses, and upgrade crumbling facilities.

Claim: Public Education gets 60 percent of the state budget.

Fact: For the current year, K-12 education is appropriated 21 percent* of all state-generated revenue (taxes and fees). When federal funds are included, K-12 gets 15 percent. The Legislature likes to talk about only the state General Fund, which makes up less than half of the state budget and omits entire state agencies such as the Mississippi Department of Transportation, the State Treasurer's Office, and numerous other special fund budget categories. K-12 makes up 39 percent of the General Fund; K-12 makes up 21 percent of all state funds (General Fund plus special funds).

*Sources and additional information available at www.tpcref.org/policy-issues/school-funding/