



Mississippi attorney general downplays possible school funding lawsuits

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Mississippi attorney general Jim Hood supports a ballot initiative that would open the doors to lawsuits over K-12 funding. He has even admitted as such.

“Courts have been deciding these issues. That’s nothing new,” Hood said of ballot initiative 42 at the Stennis Capitol Press Forum Monday. “What’s new is the Legislature refuses to do what they’re supposed to do and that’s educate our children. I support and am going to vote for it and hopefully it passes.

INCUMBENT: Three-term Mississippi attorney general Jim Hood says effects from the passage of a ballot initiative opening the doors for lawsuits over K-12 funding won’t be dramatic.

“It’s not as dramatic as many claim the impacts will be,” said the Democrat running for his fourth term. “The way I read it, there will be litigation over it. It ain’t going to be one judge, you betcha there will be a lot of litigation over it if it passes.”

He better hope Mississippi doesn’t face the strife of New Jersey. Legal action brought against New Jersey by the Education Law Center against several school districts over the distribution of K-12 spending stretched from 1981 until 2011. That’s three decades of litigation and 21 lawsuits that have added up to billions in addition spending for little result in New Jersey.

According to a 2014 study by the libertarian-leaning Cato Institute, inflation-adjusted per-pupil spending has grown massively in New Jersey while performance, as measured by SAT test scores, has remained constant.

That could be a preview of what’s ahead for Mississippi if 42 passes and that’s by design. According to the Associated Press, the director of the New Jersey-based Education Law Center, David Sciarra, helped write Initiative 42.

Eric Hanushek, the Paul and Jean Hanna Senior Fellow at the Hoover Institution of Stanford University, conducts economic analysis of educational spending. He cited New Jersey as being one of the worst examples of the effects of school funding lawsuits.

“It’s much more appealing to people who want more money in the schools to go to the courts rather than the Legislature,” Hanushek said. “Courts aren’t responsible for the overall taxing and

spending of a state and they are prone, in fact, just to increase spending because it's easy for them to do.”

Initiative 42 would fundamentally transform the mechanism of school funding in Mississippi. It would give the Hinds County chancery court the power of injunctive relief to guarantee an “adequate and efficient” system of public schools. The Legislative alternative, 42-A, would leave that power with the Legislature. For these initiatives to pass, they must not only get a majority of “yes” votes, but also garner more than 40 percent of the total votes cast in the election. In other words, if many voters skip the initiatives on the ballot it would sink their chances of passage.

Mississippi Gov. Phil Bryant has approved the ballot for the Nov. 3 election, which includes a fiscal note from the Legislature that it's unclear how much the measure would cost. That has sparked a lawsuit from the pro-initiative group 42 for Better Schools.

The problem is the initiative doesn't mention the Mississippi Adequate Education Program, a complex and somewhat flawed funding formula that has only been fully funded twice since its passage in 1997. According to language added to the ballot, possible court-enforced compliance with the funding formula would add more than \$201 million to K-12 spending — which would either come from agency budget cuts or possible tax increases.

Hanushek said the Legislature has an option to retain some control over funding if the measure passes.

“The way for a Legislature to deal with this is to link the amount of funding to the performance of schools and teachers,” Hanushek said. “What matters is student achievement and the Legislature should stand up and say ‘we're willing to pay for higher achievement. We're not just going to throw money at schools. We're going to reward those who spend the money well.’”