



Civil Rights and Education Funding in Mississippi

May 2025

Mississippi Advisory Committee

In September 2023, the Mississippi Advisory Committee (Committee) to the U.S. Commission on Civil Rights (Commission) submitted a proposal to study education funding concerns in the state. In February 2024, the Committee held a briefing to specifically address any civil rights implications of the education funding scheme in the state of Mississippi.¹ The Committee heard testimony regarding the need for the Mississippi legislature to fully fund its education finance scheme. Panelists also stated that state resources need to be adequate, sufficient, and equitable. The current level of student progress was discussed.

Informed by the testimony, which is summarized below, the Committee offers preliminary thoughts on concerns and recommendations. In particular, the Committee is concerned with the historical practice of the Mississippi legislature of underfunding the education finance plan.

This memo was adopted by a vote of 4 to 0 at a committee meeting held April 3, 2025. The dissenting member(s) was (were) provided an opportunity to prepare a dissenting statement. Any such statement(s) is (are) hereby appended or otherwise incorporated into the memo. Additionally, other topics about education and learning outcomes may have been raised during testimony but have been left for another study if they did not specifically address the topic of this memorandum.

¹ Project proposal and meeting records available at:
<https://www.facadatabase.gov/FACA/FACAPublicViewCommitteeDetails?id=a10t0000001gzjPAAQ>

Background

The Right to Education

There is no federal Constitutional right to an education in the United States.² The Supreme Court has held, however, that

*The Court doubts that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the State has undertaken to provide it, is a right which must be made available to all.*³

The Mississippi Constitution states,

*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.*⁴

The state legislature has codified its policy toward education by declaring, among other things, that it is the policy of the State of Mississippi to produce a functionally literate school population,⁵ to ensure that all students master the most essential parts of a basic education,⁶ to improve the quality of education by strengthening it and elevating its goals,⁷ and to provide quality education for all school-age children in the state.⁸

The State Board of Education is tasked by the legislature to adopt and maintain a curriculum and course of study to be used in the public school districts that is designed to prepare the state's children and youth to be productive, informed, creative citizens, workers and leaders, and it shall regulate all matters arising in the practical administration of the school system not otherwise provided for.⁹

The State Department of Education is charged with the execution of all laws relating to the administrative, supervisory and consultative services to the public schools and agricultural high schools of the school districts throughout the State of Mississippi.¹⁰ The State Department of

² *San Antonio ISD v. Rodriguez*, 411 U.S. 1 (1973).

³ *Brown v. Board of Education*, 347 U.S. 483, 493 (1954).

⁴ Miss. Const. art. 8, § 201.

⁵ Miss. Code Ann. § 37-1-2(b).

⁶ *Id.* at § 37-1-2(c).

⁷ *Id.* at § 37-1-2(e).

⁸ *Id.* at § 37-1-2(f).

⁹ Miss. Code Ann. § 31-1-3 (3)(a), (1972 Ann.).

¹⁰ Miss. Code Ann. § 37-3-5.

Education is also authorized to grant property to public school districts and agricultural high schools of the State of Mississippi.¹¹ The vision of the Mississippi Department of Education, stated vision is “to create a world-class educational system that gives students the knowledge and skills to be successful in college and the workforce, and to flourish as parents and citizens.”¹²

Funding allocation impacts student opportunities,¹³ and the discussion on the barriers to equal access in education, particularly in Mississippi, generally starts with funding. The funding scheme in the state at the time of the committee’s briefing, the Mississippi Adequate Education Program (MAEP), determined adequate and equitable funding per student in theory, but actual appropriations often fell short.¹⁴ This disproportionately affected lower-wealth districts.

While Mississippi’s equity provisions rank relatively high,¹⁵ limitations such as the 27% Rule and inadequate poverty adjustments hinder true fairness.¹⁶ Other factors like teacher shortages, facility disparities, broadband access, and mental health resources also contribute to inequality. Efforts to rewrite the funding formula succeeded for the FY2025 school year with the introduction of the Mississippi Student Funding Formula (MSFF).¹⁷

The Committee heard from several experts and the following themes emerged from the testimony.

Mississippi School Funding Formula

The Mississippi Constitution states,

There shall be a state common school fund, to be taken from the General Fund in the State Treasury, which shall be used for the maintenance and support of the common schools. Any county or separate school district may levy an additional tax, as prescribed by general law, to maintain its schools. The state common-school fund shall be distributed among the several counties and separate school districts in proportion to the number of educable children in each, to be determined by data collected through

¹¹ Mississippi Code 1972 (2024) § 37-3-5.

¹² Mississippi Board of Education, *Strategic Plan*, 2024.

¹³ Candelaria, et al, *The Impact of Additional Funding on Student Outcomes*, Annenberg Institute, Brown University, August 2024. EdWorkingPaper No. 24-1006. Recent findings demonstrate that additional school funding translates into improved student outcomes, from test scores and graduation rates in the short term to future earnings and intergenerational mobility in the long term.

¹⁴ MSParentsCampaign, *Education Funding*, <https://msparentscampaign.org/education-funding-2/>.

¹⁵ Nancy Loomer, testimony before the Mississippi Advisory Committee to the U.S. Commission on Civil Rights, virtual briefing, Feb. 21, 2024, transcript, p.2 (hereafter cited as Miss. Briefing), See Education Funding, Public Schools Fully Funded for 2024-2025, <https://msparentscampaign.org/education-funding-2/>.

¹⁶ Loomer testimony, Miss. Briefing, p.3., and, See State of Mississippi, Mississippi Student Funding Formula, 2024, MSFF, p.23.

¹⁷ State of Mississippi, *Mississippi Student Funding Formula*, 2024, MSFF, p.4.

*the office of the State Superintendent of Education in the manner to be prescribed by law.*¹⁸

The Mississippi education funding scheme, the Mississippi Adequate Education Program (MAEP), was replaced in late 2024 when the Mississippi legislature passed the Mississippi Student Funding Formula (MSFF). Most of the testimony received by the committee concerned the MAEP formula, as the MSFF had yet to be implemented. In drafting this memorandum, the change presented a bit of a dilemma for the committee, but since the focus of the study was on the civil rights implications of the *funding scheme in general*, and not on MAEP specifically, the committee will present the information on MAEP and will make distinctions if necessary for MSFF.

There are similarities between the old (MAEP) and new (MSFF) funding schemes. Each uses a starting point called a **base student cost** that is determined by an objective formula that has four components:¹⁹

1. **Instructional** – the statewide average teacher salary divided by the statewide student – teacher ratio.
2. **Administrative** – 20% of the instructional cost.
3. **Ancillary and Support** – 30% of the instructional cost.
4. **Operations & Maintenance** – the daily average attendance (ADA) of selected districts (districts with ratios of plant and maintenance expenditures per 100,000 square feet and maintenance workers per 100,000 square feet that are between one standard deviation above the mean and two standard deviations below the mean) divided by the plant and maintenance expenditures of these districts.

For fiscal year 2025 (under the new MSFF funding scheme) the Base Student Cost is \$6,695.34 per student,²⁰ which is actually a bit less than the \$6,795.27 for FY2024 under MAEP.²¹ Additionally, under both plans, there are categories of additional needs-based funding which are the primary ways additional funding is directed to higher-needs districts.²² Needs based funding is

¹⁸ Miss. Const. art. 8, § 206.

¹⁹ State of Mississippi, Mississippi Student Funding Formula, 2024, MSFF, p.5.

²⁰ Roberson, House Bill 4130: Mississippi School Funding Formula, Mississippi First, <https://www.mississippifirst.org/blog/2024-house-bill-4130/>.

²¹ Johnson testimony, Miss. Briefing, p. 25.

²² Supra, note 17, at 9.

based on the percentage of qualifying students in each category. The components and their percentage weights are:

1. Poverty – 30%
2. English Language Learners – 15%²³
3. SPEDI – 60%
4. SPEDII – 110%
5. SPEDIII – 130%
6. Gifted– 5%
7. CTE – 10%
8. Concentrated Poverty – 10%
9. Sparsity (fewer than 8 students per mile)²⁴

MAEP provided for a 5% funding boost for low-income students and was deemed insufficient by several panelists compared to research-backed needs.²⁵ Mississippi’s per-student spending is \$1,300 lower than the average in Alabama, Louisiana, Arkansas, and Tennessee,²⁶ affecting competitiveness for jobs and college readiness.

Local Property Taxes

In Mississippi, local property taxes play a significant role in funding public schools.²⁷ Yet this system creates deep inequalities because wealthier districts can generate more revenue than poorer districts, leading to disparities in school quality.²⁸

The local contribution is the portion of the total district funding that is the responsibility of the local school district and is generated through local property taxes.²⁹ A district’s required local contribution is the value of 28 mills or 27% of the total district funding (base cost and needs-based funding), whichever is less.³⁰ Under MAEP, schools in wealthier areas could raise more local funds, deepening disparities between districts. In the new formula,³¹ the 27% is applied after the

²³ The MSFF is the first funding scheme in Missouri to provide funding for English Language Learners.

²⁴ Roberson, House Bill 4130: Mississippi School Funding Formula, Mississippi First,

<https://www.mississippifirst.org/blog/2024-house-bill-4130/>.

²⁵ Supra, note 18.

²⁶ Loomer testimony, Miss Briefing, p.4; Nelson-Shepard testimony, Miss. Briefing, p.10.

²⁷ Loomer testimony, Miss Briefing, p.4; Miller testimony, Miss. Briefing, p.12.

²⁸ Ibid.

²⁹ State of Mississippi, Mississippi Student Funding Formula, 2024, MAEP, p.6.

³⁰ Ibid.

³¹ State of Mississippi, Mississippi Student Funding Formula, 2024, MSFF, p.5.

needs-based/weighted funding is added, so it requires more from wealthier districts than did the MAEP.³² Figure 1 below shows the key changes to the state’s funding scheme.

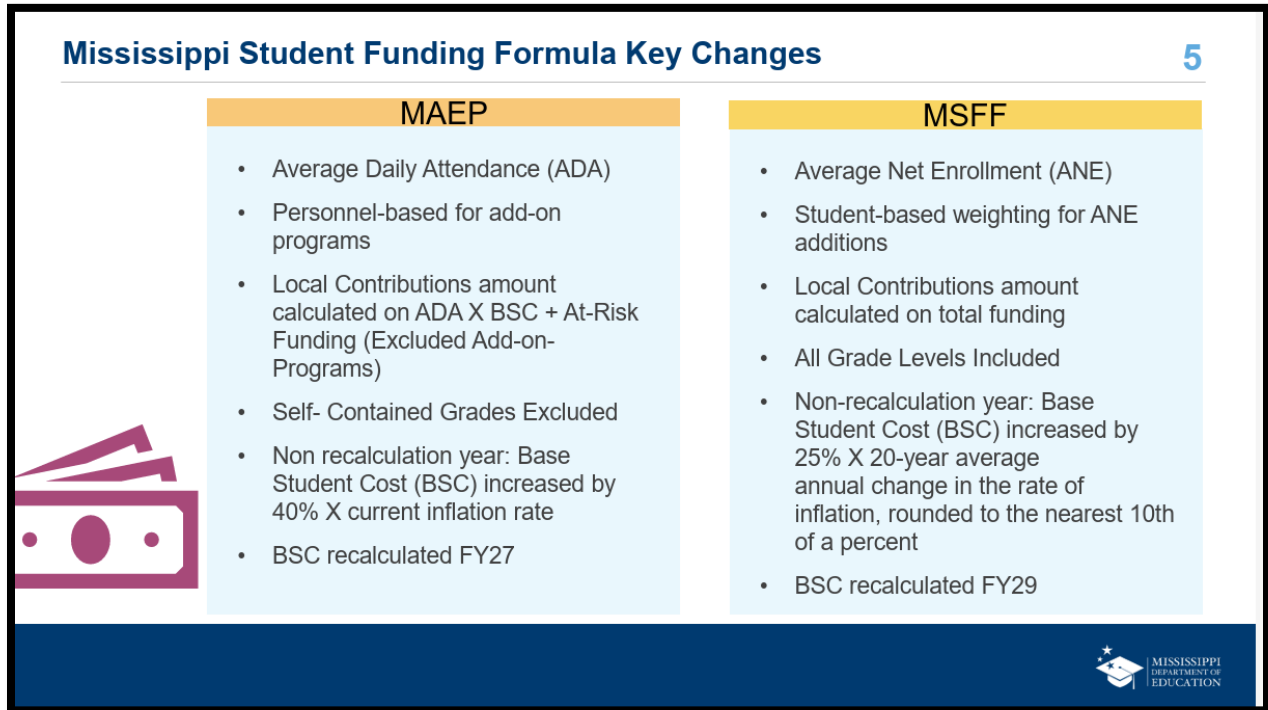


Figure 1: Mississippi Student Funding Key Changes

The district state funding allocation is: Net Enrollment x Base Student Cost + Needs-based funding weights – Local Contribution.³³ The new formula (MSFF) uses net enrollment as opposed to average daily attendance under MAEP.³⁴ The intended impact is additional help for low-wealth, rural districts.

Because the state has not historically provided money for facilities, poorer districts struggle with old facilities, teacher shortages, and fewer programs.³⁵ Even if a poor district raises taxes, it still will not generate as much revenue as a wealthier district with lower tax rates.³⁶ Wealthier districts are not required to contribute beyond 27% of base student costs, meaning state funding goes to

³² Ibid.

³³ Ibid.

³⁴ Ibid.

³⁵ Loomer testimony, Miss. Briefing, p.3; Miller testimony, Miss. Briefing, p.12; and Brady testimony, Miss. Briefing, p.21.

³⁶ Loomer Testimony, Miss. Briefing, p.4.

them instead of potential allocations to poorer districts creating excessive local taxation in the poorer districts.³⁷ Ultimately, the law as written weakens the goal of equitable funding—if the rule were adjusted, more money could be directed toward districts in need.

Legislative Shortfalls

The MAEP funding program was enacted in 1997 to ensure every student receives funding to reach proficiency in core subjects.³⁸ Mississippi has a history though, of passing education legislation and not following-up with adequate funding.³⁹ Since its inception, the MAEP program had been chronically underfunded by the state legislature for 16 years resulting in a cumulative loss of between \$3.5 and \$8 billion to Mississippi's public schools.⁴⁰

Despite the change in the funding formula, Mississippi's legislature often fails to fully fund the state's education funding scheme, disproportionately affecting lower wealth districts.⁴¹ In 2023, the legislature proposed tweaks to MAEP along with full funding, but the House rejected it, opting for a \$100 million general increase without equity measures.⁴²

Adequacy vs. Equity:

Under the MAEP model, Mississippi was among the top 12 states for equity in funding allocation.⁴³ As noted, the formula determines how much should be spent, but legislative funding often falls short, leaving gaps, especially for low-property-wealth districts that struggle to raise local funds.⁴⁴ Education funding must be both sufficient and fairly distributed to provide all students with equal opportunities.⁴⁵ While Mississippi's equity provisions rank relatively high, limitations such as the 27% Rule and inadequate poverty adjustments (under the MAEP funding

³⁷ Ibid.

³⁸ Mississippi Association of Educators, MAEP: Mississippi's public school funding formula, <https://www.maetoday.org/maep-mississippis-public-school-funding-formula>.

³⁹ Brady testimony, Miss. Briefing, p.20.

⁴⁰ Miller testimony, Miss. Briefing, p.13; Brady testimony, Miss Briefing, p.20; and See MSParentsCampaign, Education Funding, <https://msparentscampaign.org/education-funding-2/> .

⁴¹ Ibid.

⁴² Loome testimony, Miss. Briefing, p.9.

⁴³ Ibid.

⁴⁴ Miller testimony, Miss. Briefing, p.13; Brady testimony, Miss Briefing, p.20; and See MSParentsCampaign, Education Funding, <https://msparentscampaign.org/education-funding-2/> .

⁴⁵ Loome testimony, Miss. Briefing, p.3; Mississippi Association of Educators, MAEP: Mississippi's public school funding formula, <https://www.maetoday.org/maep-mississippis-public-school-funding-formula>.

scheme) hinder true fairness.⁴⁶ Other factors like teacher shortages, facility disparities, broadband access, and mental health resources also contribute to inequality.⁴⁷

The 5% poverty adjustment under MAEP was described by panelists as insufficient. The new funding model increases that rate to 30%. Besides funding, access to pre-K programs, updated school facilities, qualified teachers, and digital resources are major challenges. Poorer districts suffer from run-down buildings, lack of broadband, and teacher shortages.

According to panelist Julian Miller, Mississippi ranks 46th in the nation in per-pupil funding, amounting to \$4,000 less than the national average.⁴⁸ Mr. Miller stated that of the 43 districts in the state with an “A” rating, only four are black-majority districts, and all “D” and “F” rated schools are black-majority districts.⁴⁹

Teacher Shortages

Mississippi faces a severe teacher shortage, particularly in rural and high-poverty districts.⁵⁰ This shortage directly impacts educational equity, as students in underfunded areas often have less experienced teachers, larger class sizes, and fewer specialized programs.⁵¹ Mississippi has historically ranked among the lowest teacher pay nationwide.⁵² Although teacher salaries have increased in recent years, neighboring states still offer higher pay, leading to teacher migration.⁵³

Teachers in low-income districts often face underfunded classrooms, outdated materials, and poor school infrastructure.⁵⁴ Many educators leave due to frustration with poor working conditions and rural areas struggle the most because they lack incentives to attract teachers.⁵⁵ High-poverty urban districts also face shortages due to challenging work conditions.⁵⁶

⁴⁶ Ibid.

⁴⁷ Brady testimony, Miss. Briefing, pp.20-22.

⁴⁸ Miller testimony, Miss. Briefing, p.12.

⁴⁹ Ibid. at p.13.

⁵⁰ Ibid.

⁵¹ Loomer testimony, Miss. Briefing, p.4.

⁵² Brady testimony, Miss. Briefing, p.22; and Loomer testimony, Miss. Briefing, p.6.

⁵³ Ibid.

⁵⁴ Nelson-Shepard testimony, Miss. Briefing, p.10;

⁵⁵ Loomer testimony, Miss. Briefing, p.4.

⁵⁶ Ibid.

School Facilities

Panelists testified that historically, Mississippi has provided no funding at all for facilities.⁵⁷ Wealthier districts have better infrastructure, while poorer areas lack state support for repairs and construction.⁵⁸ The quality of school facilities plays a critical role in student learning, however, Mississippi has major disparities in school infrastructure, with wealthier districts having modern facilities while poorer districts struggle with outdated, sometimes unsafe buildings.⁵⁹ Some schools, particularly in low-income and rural districts, have buildings over 50 years old with leaky roofs, outdated HVAC systems, and poor plumbing.⁶⁰

Schools with inadequate heating, cooling, or lighting create a distracting and uncomfortable environment for students. Rural districts struggle with long bus routes, sometimes requiring students to travel over an hour to school.⁶¹ Old buses with frequent breakdowns cause attendance issues. Without state support, school facilities will remain a major factor in educational inequality. Students in underfunded districts deserve safe, modern learning environments just as much as those in wealthier areas.

Conclusion

The question of the civil rights implications of Mississippi's school funding scheme changed dramatically with the passage of the MSFF in 2024. The new funding scheme considers nine modifiers to increase funding in districts with qualifying students. The percentage of additional funding for poverty was vastly improved, as was funding for special education needs. New funding for English Language learners also provides greater opportunities for this neglected student population. The success of MSFF will hinge, of course, on the Mississippi legislature fully funding the program.

While outside the scope of this study, the study of education finance begs the question, "Does money matter?" By multiple measures, student achievement in Mississippi has improved notably over the past decade, even as funding remained low. On the National Assessment of Educational Progress (NAEP), often called "the Nation's Report Card," Mississippi's scores have climbed from

⁵⁷ Loomer testimony, Miss. Briefing, p.8; Brady testimony, Miss. Briefing, p.24.

⁵⁸ Ibid.

⁵⁹ Ibid.

⁶⁰ Ibid.

⁶¹ Brady testimony, Miss. Briefing, p.24.

the bottom toward the national average. For example, in 4th-grade reading, Mississippi's average NAEP score rose from about 209 in 2013 (well below the U.S. average of ~222) to 219 in 2019, statistically matching the national average.⁶² Mississippi posted the *largest gains in the nation* on NAEP from 2013 to 2019 – improving by 10 points in 4th-grade reading, whereas national scores were essentially flat or declining.⁶³ Similar strides were seen in 4th-grade math. By 2019, Mississippi's 4th-graders scored on par with national averages in reading and math,⁶⁴ a dramatic leap for a state that had ranked 49th in reading and 50th in math a few years before.⁶⁵

In fact, state rankings on NAEP reveal Mississippi's turnaround: before reforms in 2013, Mississippi ranked near last (**#49** in 4th-grade reading, **#50** in math), but by 2023 the state had climbed to 9th in 4th-grade reading and 16th in 4th-grade math among all states.⁶⁶ This improvement occurred while many other states saw stagnation or declines, especially following the COVID-19 pandemic.⁶⁷ (NAEP 8th-grade scores in Mississippi also improved, though the state remains below the U.S. average in 8th-grade performance – it narrowed the gap with the nation by about half between 2013 and 2022.)⁶⁸ Education officials attribute these gains to targeted literacy initiatives, higher academic standards, and accountability reforms rather than funding alone.⁶⁹

Some level of funding matters, and smart people can disagree on the amount, but reasonable people can agree the state of Mississippi has taken a giant step forward towards equity in education with the passage of the MSFF.

⁶² National Center for Education Statistics, *Mississippi Grade 4 Public Schools, 2019 Reading state snapshot report*, nces.ed.gov.

⁶³ According to one account, Mississippi holds education ranking of 39th in the country. <https://www.supertalk.fm/mississippi-holds-education-ranking-of-39th-in-the-country/#:~:text=Pre,recent%20national%20rate%20of%2085>.

⁶⁴ Ibid.

⁶⁵ Ibid.

⁶⁶ Ibid.

⁶⁷ Ibid.

⁶⁸ Ibid.

⁶⁹ Ibid.

Recommendations

The Committee presents the following recommendations to the U.S. Commission on Civil Rights and asks for consideration in these areas of concern and corresponding recommendations as part of its attention to education rights nationally.

1. The Mississippi legislature should fully fund the MSFF.
2. The Mississippi legislature should increase funding for poverty-affected schools and special education.
3. The Mississippi legislature should consider increasing the 27% cap to 30% or more, which would require wealthier districts to contribute a larger share.
4. The Mississippi legislature should consider adjusting the cap based on local tax capacity: instead of a flat cap, the rule could scale contributions based on local wealth, ensuring higher-income areas pay a proportionate amount.
5. The Mississippi legislature should consider a tiered funding approach: the state could introduce progressive funding tiers that require wealthier districts to contribute more before state assistance kicks in.
6. Rather than relying on local property taxes, Mississippi could pool property tax revenue at the state level and distribute it based on student needs.
7. The Mississippi legislature should introduce a dedicated fund for facility repairs and upgrades. Many other states already allocate state funds for infrastructure needs.
8. The Mississippi legislature should develop a program that provides more funding to low-wealth districts.
9. Some districts have partnered with private companies to build or renovate school buildings. The Mississippi legislature should encourage other districts to explore such partnerships.

**Mississippi Advisory Committee to the
U.S. Commission on Civil Rights**

November 19, 2021 – November 18, 2025

Ronald J. Rychlak, Chair, Oxford

Rhonda Bailey, Columbus

Brittany Barbee, Oxford

Jessica Carter, Jackson

Charles Cowan, Madison

Macy Edmondson, Oxford

Lisette Gushiniere, Bryam

Nicholas Lott, Jackson

Michael Oropeza, Clinton

Aaron Rice, Madison

Darein Spann, Starkville

**Mississippi Advisory Committee to the
United States Commission on Civil Rights**



U. S. Commission on Civil Rights Contact

USCCR Contact	Regional Programs Unit U.S. Commission on Civil Rights 230 S. Dearborn, Suite 2120 Chicago IL, 60604 (312) 353-8311
---------------	---

This advisory memorandum is the work of the Mississippi Advisory Committee to the U.S. Commission on Civil Rights. The memo, which may rely on studies and data generated by third parties, is not subject to an independent review by Commission staff. Advisory Committee reports to the Commission are wholly independent and reviewed by Commission staff only for legal and procedural compliance with Commission policies and procedures. Advisory Committee reports are not subject to Commission approval, fact-checking, or policy changes. The views expressed in this memorandum and the findings and recommendations contained herein are those of a majority of the Advisory Committee members and do not necessarily represent the views of the Commission or its individual members, nor do they represent the policies of the U.S. Government.