

LEGISLATIVE OUTLOOK

SOUTHERN ECHO'S VIEW: 2017-2018





WEATHER

INTRODUCTION

- **WHAT TO EXPECT: FORECASTING THE BAD**
- **EDUCATION FUNDING**
- **ACCELERATED CHARTER FUNDING**
- **CENSUS AND REDISTRICTING**

WISH LIST: ADVANCING PREVIOUS LOSSES

VOTER RIGHTS

IMMIGRATION – SANCTUARY

THE FORECAST

OVER THE PAST YEAR WE SAW A RENEWED FOCUS ON CHANGING THE PUBLIC EDUCATION FUNDING FORMULA AND AN ACCELERATION OF DISTRICT TAKEOVERS...

SIMILAR TO THE WEATHER – WE KNOW – PUBLIC EDUCATION HAS NOT BEEN PROPERLY FUNDED BUT TWICE IN HISTORY.

FUNDING EDUCATION

- EDBUILD STATES THAT “MISSISSIPPI’S ‘27% RULE’ CURRENTLY COMMITTS THE STATE TO FUNDING 73% OF EACH DISTRICT’S FORMULA AMOUNT, A TARGET THAT FAR EXCEEDS THE NATIONAL AVERAGE OF STATE SHARE OF 46.7%.” THIS STATEMENTS IS ILLUSTRATIVE OF MAJOR CHANGE THAT WOULD EXTINGUISH MAEP.

WHY THE WAY WE VIEW THE EDUCATION POLICY DISCUSSION MATTERS!!!

- WHEN FEDERAL DOLLARS ARE ACCOUNTED FOR, MISSISSIPPI IS NOT REACHING 73% IN ANY YEAR. SUCH A CREATIVE LICENSE WITH THE FACTS IS MISLEADING AND PURPOSELY SHIFTS THE DEBATE TOWARDS A FORMULA THAT WOULD LOWER FUNDING FOR PUBLIC EDUCATION STATE-WIDE.

THE NEGATIVE IMPLICATIONS FOR LOCAL DISPARITY IN FUNDING

- THIS WILL CAUSE A SEVERE BURDEN TO BE PLACED ON SCHOOL DISTRICTS WITHIN COUNTIES AND MUNICIPALITIES WITH LOW PROPERTY TAX BASES. IT WILL ALSO SETUP A FURTHER DIVIDE BETWEEN HEAVILY POPULATED/GROWING COUNTIES AND MUNICIPALITIES AND DECLINING POPULATION/STAGNATE TAX BASES ACROSS THE ENTIRE STATE. MOST MISSISSIPPIANS CANNOT WITHSTAND TAX INCREASES OF THIS MAGNITUDE.

- **WEIGHTED STUDENT FUNDING.** EDBUILD RECOMMENDS THAT MISSISSIPPI DISBURSE THE VAST MAJORITY OF STATE FUNDS FOR EDUCATION THROUGH A STUDENT-CENTERED FORMULA.

TOTAL TARGET FUNDING = STUDENTS X BASE AMOUNT X WEIGHTS

WHAT THE FORMULA DISGUISES

- **BY MOVING TO FORMULA THERE IS A TENDENCY FOR THE PUBLIC TO GLAZE OVER, PROVIDING THE NECESSARY COVER FOR “SLIGHT” REDUCTIONS, AND MOVEMENT AWAY FROM QUALITY;**
- **IT ALSO OPENS ALL FLANKS TO HEIGHTENED DISCUSSION AND IMPLEMENTATION OF ACCELERATED CHARTER SCHOOL GROWTH**
- **FINALLY, IT PITS GROUPS AGAINST EACH IN EVER DECREASING FUNDING POOLS AND DOES NOT ACCOUNT FOR ALREADY CRYSTALIZED FUNDING DEFICIENCIES**

WHAT IT ALL MEANS

- **WE CANNOT ALLOW THE FRAME OF EDUCATION TO REMAIN ON FUNDING ALONG**
- **WE MUST EMPHASIZE THE QUALITY OF EDUCATION FOR EACH STUDENT WITHOUT REGARD FOR GEOGRAPHY**
- **WE CAN EMPOWER LOCAL COMMUNITY BY FOCUSING THE POLICY DISCUSSION AROUND QUALITY OVER FORMULA**

THE FOG OF WORDS IN EDUCATION FUNDING

- MISSISSIPPI HAS ONLY FUNDED MAEP FULLY TWICE IN TWENTY YEARS AND HAVE SPENT \$1.9 BILLION LESS THAN MANDATED LEVELS SINCE 2009. THE ASSOCIATED PRESS HAS ADJUSTED FOR INFLATION AND TODAY'S SPENDING IS 12 PERCENT LOWER THAN ITS PEAK IN 2008. IN OTHER WORDS \$170 MILLION DOLLARS IN UNDERFUNDING OVER THIS STRETCH OF TIME.
- FURTHER, WHEN FEDERAL DOLLARS ARE ACCOUNTED FOR, MISSISSIPPI IS NOT REACHING 73% IN ANY YEAR. SUCH A CREATIVE LICENSE WITH THE FACTS IS MISLEADING AND PURPOSELY SHIFTS THE DEBATE TOWARDS A FORMULA THAT WOULD LOWER FUNDING FOR PUBLIC EDUCATION STATE-WIDE.

THE COMING STORM

- **WATCH FOR AN A LA CARTE APPROACH TO BRINGING OVER RECOMMENDATIONS FROM ED BUILD SUCH AS:**
- **ESTABLISHING AN ARBITRARY IMPLEMENTATION PERIOD FOR STUDY OF NEW WAYS TO FUND;**
- **CHANGES TO STUDENT RATIO FOR FUNDING, “EQUITABLE STUDENT WEIGHTS”;**
- **FUNDING TIED TO DISTRICT SUCCESS**
- **CONTINUED ADVANCEMENT OF FUNDING TOWARDS SEGMENTED GROUPS [COVER FOR CHARTERS]**

WHERE THESE ACTIONS WILL HAPPEN

APPROPRIATIONS: LAST TERM WE SAW SEVERAL BILLS DO THE FOLLOWING - **APPROPRIATIONS FY 2018**

HB 1502 THIS IS THE CUMULATIVE FUNDING MECHANISM FOR THE 2018 FISCAL YEAR. IN EARLIER VERSIONS OF THE BILL THE, WHILE IN THE HOUSE APPROPRIATIONS COMMITTEE, ALL MAEP FUNDING FORMULAS WERE OMITTED. HB 1502 PASSED OUT OF HOUSE APPROPRIATIONS ON FEBRUARY 14, 2017 AND PASSED THE FULL HOUSE VIA AN 82-30 VOTE WITH 4 ABSENT OR ABSTAINING.

- ONCE OUT OF THE HOUSE OF REPRESENTATIVES, THE BILL WAS TRANSMITTED TO THE SENATE APPROPRIATIONS COMMITTEE (FEBRUARY 16, 2017). CONSEQUENTLY, MARCH 13TH, THE SENATE ADDED THE MAEP FUNDING FORMULA BACK TO THE APPROPRIATIONS; FUNDING FY 2018 AT \$2.258 BILLION DOLLARS. ONCE ADDED BACK THE SENATE TRANSMITTED THE BILL BACK TO THE HOUSE FOR CONCURRENCE. THE HOUSE, ON MARCH 16TH, DECLINED CONCURRENCE.
- PREVIOUSLY, THE HOUSE AND SENATE WERE CONSIDERING A SPECIAL SESSION TO CONSIDER A MAJOR FUNDING CHANGE, WHICH WOULD UTILIZE PORTIONS OF THE EDBUILD RECOMMENDATIONS. EDBUILD'S RECOMMENDATIONS WOULD ESSENTIALLY DISMANTLE MAEP AND SERIOUSLY IMPACT FUNDING IN SCHOOL DISTRICTS ACROSS MISSISSIPPI.

WATCH OUT FOR CHARTER CAMO

DYSLEXIA “SCHOLARSHIP”

HB 1046 SCHOOL CHOICE VOUCHER CLOAKED AS A DYSLEXIA SCHOLARSHIP. ON FEBRUARY 28, 2017, THE "MISSISSIPPI DYSLEXIA THERAPY SCHOLARSHIP FOR STUDENTS WITH DYSLEXIA PROGRAM" PASSED THROUGH SENATE APPROPRIATIONS AND IS NOW HEADED FOR A FULL FLOOR VOTE. IF PASSED, HB 1046 WILL PROVIDE VOUCHERS FOR ATTENDANCE AT PUBLIC SCHOOLS, “NONPUBLIC SCHOOLS”, AND POTENTIALLY SCHOOLS OUT OF STATE. IN PLAIN LANGUAGE, THE VOUCHER WILL FURTHER EXPAND SCHOOL CHOICE AND PUBLIC SCHOOL DISTRICTS WILL HAVE THEIR BUDGETS FURTHER DECIMATED.

-
- THIS BILL COVERS STUDENTS IN GRADE 1 THROUGH GRADE 12 DIAGNOSED WITH DYSLEXIA TO RECEIVE COMPREHENSIVE MULTISENSORY DYSLEXIA THERAPY DELIVERED BY HOLDERS OF AN APPROPRIATE LICENSE IN DYSLEXIA THERAPY ISSUED BY THE DEPARTMENT.

A WORD ON CENSUS AND REDISTRICTING

CONTINUE TO REMAIN VIGILANT AND PUSH FORWARD EVEN IN THE FACE OF ADVERSITY AND NEVER TAKE YOUR EYES OFF OF YOUR NORTHERN STAR. (MY PERSONAL INTERPRETATION OF HARRIETT TUBMAN'S RELENTLESS DRIVE TO DISRUPT AND MANUFACTURE CHANGE)

"If you hear the
dogs,
KEEP GOING. If
you see the torches
in the woods,
KEEP GOING. If
there's shouting
after you, **KEEP**
GOING. Don't ever
stop. **KEEP**
GOING. If you want a taste
of freedom, **KEEP**
GOING." Harriet
Tubman



REDISTRICTING

HB 299 PROHIBITION TO CHANGES IN PRECINCT BOUNDARIES UNTIL THE LEGISLATURE COMPLETES ITS REDISTRICTING. PRECINCT BOUNDARY CHANGES SHALL NOT BE IMPLEMENTED DURING ANY DECADE AFTER THE LAST DAY OF SEPTEMBER OF THE YEAR ENDING IN EIGHT (8). PRECINCT BOUNDARIES IN FORCE AND EFFECT AT SUCH TIME SHALL REMAIN IN EFFECT AND UNALTERABLE UNTIL THE LAST DAY OF DECEMBER IN THE NEXT YEAR ENDING IN ZERO (0). THIS PROHIBITION SHALL NOT BAR THE CREATION OR MODIFICATION OF *SUB-PRECINCT* BOUNDARIES. BILL PLACES REDISTRICTING AUTHORITY WITH BOARD OF SUPERVISORS TO ALTER LINES BUT PLACES REDISTRICTING ON HOLD PENDING STATE LEGISLATIVE REDISTRICTING PLAN.

- BASED ON THE LANGUAGE AND TENOR OF THIS BILL, THE STATE PLAN WOULD LARGELY CARVE OUT VOTING DISTRICTS AND LARGELY DIMINISH THE ROLE OF THE BOARD OF SUPERVISORS. IT IS A BAD PLAN WHEN VIEWED THROUGH THE HISTORICAL VOTING PATTERNS IT WILL POTENTIALLY DISRUPT. BY ALLOWING FOR THE CREATION OR MODIFICATION OF SUB-PRECINCT LEVEL BOUNDARIES, IT DOES NOT CONTEMPLATE ON THE GROUND FACTORS, COMMUNITY VOTING PATTERNS, AND THE CHILLING EFFECT OF POTENTIALLY LONG STANDING VOTING PRECINCTS BEING ALTERED OR CLOSED.

MONITORING THROUGH MEDICAID

HB1090 THE DEPARTMENT SHALL ESTABLISH AND USE A COMPUTERIZED INCOME, ASSET, RESIDENCE AND IDENTITY ELIGIBILITY VERIFICATION SERVICE TO VERIFY ELIGIBILITY, ELIMINATE THE DUPLICATION OF ASSISTANCE, AND DETER WASTE, FRAUD, AND ABUSE WITHIN EACH RESPECTIVE ASSISTANCE PROGRAM ADMINISTERED BY THE DEPARTMENT. LAST YEAR THE STATE LEGISLATURE EMBARKED UPON A CAMPAIGN TO TARGET TANF RECIPIENTS THROUGH DRUG TESTING. HB 1090 FURTHER USHERS IN SIMILAR SEVERE REFORMS. WHILE TITLED “ACT TO RESTORE HOPE OPPORTUNITY AND PROSPERITY FOR EVERYONE (HOPE),” ITS ESSENCE IS ANYTHING BUT HOPEFUL.

- THIS IS A RENEWED ATTEMPT TO CODIFY MONITORING, USE THE GUISE OF TRANSPARENCY TO PENALIZE NEEDY FAMILIES. IF ENACTED IT WILL PROVIDE FOR CENTRALIZED MONITORING BETWEEN MEDICAID AND THE DEPARTMENT OF HUMAN SERVICES. IT WILL ALSO ESTABLISH AND USE A COMPUTERIZED INCOME, ASSET, RESIDENCE AND IDENTITY ELIGIBILITY VERIFICATION SERVICE TO VERIFY ELIGIBILITY, ELIMINATE THE DUPLICATION OF ASSISTANCE, AND DETER WASTE, FRAUD, AND ABUSE WITHIN EACH RESPECTIVE ASSISTANCE PROGRAM ADMINISTERED BY THE DEPARTMENT.
- IF ENACTED IT WILL ALSO MOVE TO A PILOT PROGRAM OF PHOTOS ON EBT CARDS, CONTINUED HOUSEHOLD WORK RESTRICTIONS ON TANF RECIPIENTS AND MORE STRINGENT REPORTING STANDARDS FOR DHS. AGAIN, THE OVERALL TENOR OF THE BILL IS STRUCTURED SUCH THAT DATA COLLECTION AND CENTRALIZATION ARE THE IMPETUS FOR CRACKING DOWN ON NEEDY FAMILIES.



BIG BROTHER
IS WATCHING YOU

IMMIGRATION

SB 2710 PROHIBITS THE FORMULATION OF ANY TYPE OF SANCTUARY STATUS. THIS WOULD APPLY TO ANY “STATE AGENCY, DEPARTMENT, POLITICAL SUBDIVISION OF THIS STATE, COUNTY, MUNICIPALITY, UNIVERSITY, COLLEGE, COMMUNITY COLLEGE OR JUNIOR COLLEGE, OR ANY AGENT, EMPLOYEE OR OFFICER THEREOF.” THIS SANCTUARY STATUS BILL FOLLOWS A NEW NEGATIVE TREND IN IMMIGRATION ENFORCEMENT. CURRENTLY WE CAN SEE AND FEEL THE HARSH SHIFT IN POLICY AND IF THIS BILL PASSES, IT WILL FOLLOW THOSE NATIONAL TRENDS.

- THE LIKELY OUTCOMES AT THE GRASSROOTS AND COMMUNITY LEVEL ARE THE CONTINUED RISE IN HOSTILITY TOWARDS IMMIGRANT/MINORITY COMMUNITIES AND THE POTENTIAL EXPANSION OF AGGRESSIVE POLICING IN COMMUNITIES OF COLOR. THIS WILL HAVE A CHILLING EFFECT STATEWIDE AND AGRICULTURAL INDUSTRY, FISHING INDUSTRY AND OTHER AREAS WITH CONCENTRATED IMMIGRANT COMMUNITIES WILL BE FURTHER PUT AT RISK.
- THIS SHOULD BE A BILL THAT ALL COMMUNITIES RALLY AROUND TO QUESTION ITS TRUE INTENTION AND HOW IT WILL AFFECT ALL BLACK AND BROWN COMMUNITIES IN THE NEAR FUTURE.

How to Forecast Weather? WITHOUT GADGETS

WATCH THE CLOUDS

Cloud cover on a winter night - expect warmer weather because clouds prevent heat radiation that would lower the temperature over clear night.

Cumulus towers (cumulus castellanus) - possibility of showers later in the day.

Clouds going in different directions (e.g. one layer going west, another layer going north) - bad weather coming, probably hail.

Cumulonimbus clouds early in the day and developing throughout the day - greater chances of severe weather.

Mammatus cloud (formed by sinking air) - thunderstorm is dissipating (not forming).

Cirrus clouds high in the sky like long streamers - bad weather within the next 36 hours.

Altostratus clouds like mackerel scales - bad weather within the next 36 hours. The old sailor's saying for these types of clouds is "Mares' tails and mackerel scales, tall ships carry short sails." Another is "Mackerel skies and mare's tails, sailors furl their sails." Mackerel skies and mare's tails formations sometimes appear in the same sky. When that happens, rain is sure to follow the next day.

HUMIDITY:

Many people can feel humidity, especially in their hair (it curls up and gets frizzy).

You can also look at the leaves of oak or maple trees. These leaves tend to curl in high humidity, which tends to precede a heavy rain.

Pine cone scales remain closed if the humidity is high but open in dry air.

Under humid conditions, **wood swells** (look out for those sticky doors) and salt clumps in that shaker working well).

LOOK FOR A RAINBOW IN THE WEST

Most major storm fronts travel west to east, and a **rainbow in the west** means moisture, which can mean rain is on its way. On the other hand, a **rainbow in the east** around sunset means that the rain is on its way out and you can look forward to sunny days.

Remember: **Rainbow in the morning, need for a warning.**

RED SKY AT NIGHT SAILOR'S DELIGHT RED SKY IN THE MORNING SAILORS TAKE WARNING!

If you see a **red sky during sunset** (when you're looking to the west), there is a high pressure system with dry air that is stirring dust particles in the air, causing the sky to look red. Since prevailing front movements and jet streams weather usually move from west to east, the dry air is heading towards you.

A **red sky in the morning** (in the East, where the sun rises) means that the dry air has already moved past you, and what follows behind it (on its way towards you) is a low pressure system that carries moisture.

AIR:

Take a deep breath. Close your eyes and smell the air.

Plants release their waste in a low pressure atmosphere, generating a **smell like compost** and indicating an upcoming rain.

Swamps will release gasses just before a storm because of the lower pressure, which leads to **unpleasant smells**.

A proverb says "Flowers smell best just before a rain." Scents are stronger in moist air, associated with rainy weather.

LOOK AT THE MOON AT NIGHT

If it is **reddish or pale**, dust is in the air. But if the moon is **bright and sharply focused**, it's probably because low pressure has cleared out the dust, and low pressure means rain.

Also, a **ring around the moon** (caused by light shining through cirrostratus clouds associated with warm fronts and moisture) can indicate that rain will probably fall within the next three days. Remember: **Circle around the moon, rain or snow soon.**

WIND:

Detect which **direction** the wind is blowing.

Easterly winds can indicate an approaching storm front, **westerly winds** the opposite.

Strong winds indicate high pressure differences, which can be a sign of advancing storm fronts.

Deciduous trees show the undersides of their leaves during unusual winds, supposedly because they grow in a way that keeps them right-side up during typical prevalent winds.

ANIMALS:

1 **If birds are flying high in the sky**, there will probably be fair weather. Rising air pressure caused by an imminent storm causes discomfort in birds' ears, so they fly low to alleviate it. Large numbers of **birds roosting on power lines** indicates swiftly falling air pressure.

Seagulls tend to stop flying and take refuge at the coast if a storm is coming.

Animals, especially birds, get **quiet** immediately before it rains.

2 **Cows** will typically lie down before a thunderstorm. They also tend to **stay close together** if bad weather's on the way.

3 **Axons** build their hills with very steep sides just before a rain.

4 **Cats** tend to clean behind their ears before rain.

5 **Turtles** often search for higher ground when a large amount of rain is expected. You will often see them in the road during this period (1 to 2 days before the rain).

A very old wives tale says if **birds feed in a storm** it will rain for a long time, if they don't it will clear soon.

Observe animals! They are more likely to react to changes in air pressure than we are.

AND MORE:

6 **Make a campfire.** The smoke should rise steadily. Smoke that swirls and descends is caused by low pressure (i.e. rain on the way).

7 **Check the grass for dew at sunrise.** If the grass is dry, this indicates clouds or strong breezes, which can mean rain. If there's dew, it probably won't rain that day.



WHERE TO PUSH

- **LAST TERM THERE WERE GOOD BILLS HIDDEN: ESPECIALLY IN VOTER RIGHTS**

KEEP PUSHING THESE FORWARD

- HB 228 ESTABLISHING EARLY VOTING IN MISSISSIPPI; PASSED THE HOUSE AND SUBMITTED TO SENATE FOR FURTHER ACTION. THE PRE-ELECTION DAY VOTING PERIOD SHALL BEGIN FOURTEEN (14) DAYS BEFORE THE DATE OF EACH PRIMARY, GENERAL, RUNOFF, SPECIAL AND MUNICIPAL ELECTION. HOWEVER, AS OF FEBRUARY 28, IT DIED IN THE SENATE ELECTIONS COMMITTEE.
- HB 373 ONLINE VOTER REGISTRATION FOR FIRST-TIME VOTERS; PASSED THE HOUSE AND TRANSMITTED TO THE SENATE FOR FURTHER ACTION. VERY GOOD BILL FOR EXPANDING VOTER POOL; ESPECIALLY HARNESSING THE TECH SAVVY OF MILLENNIALS. HOWEVER, AS OF FEBRUARY 28, IT DIED IN THE SENATE ELECTIONS COMMITTEE.

WHY THESE ARE IMPORTANT

- **IF WE CAN REALLY PUSH THESE THEY WILL HELP WITH CENSUS/REDISTRICTING, INCREASED VOTER PARTICIPATION, PROVIDE FRANCHISE TO THE COMMUNITY IN BRINGING IN RENEWED VOTERS.**

FINAL THOUGHTS

- **THERE IS A COMMON THREAD THROUGH THIS DISCUSSION – THE WINDS OF CHANGE ARE BLOWING**
- **RECOGNITION OF THIS IN EDUCATION, CENSUS, REDISTRICTING AND VOTER RIGHTS PROVIDES A LANE FOR DRIVING THE POLICY DISCUSSION;**
- **THAT DRIVE NEEDS TO BE FOCUSED AND FUELED THROUGH COMMUNITY, WITH THE PROPER FRAMING**
- **EVEN IN THE MINORITY WE CAN DRIVE A MESSAGE THAT BUILDS AROUND RENEWED PARTICIPATION AROUND THE IMPORT OF PARTICIPATION – WE CANNOT AFFORD TO SIT THIS OUT AND WE CANNOT AFFORD TO SPEAK ONLY THE MAJORITY FRAMING OF THE ISSUES.**
- **IF WE ARE STRATEGIC IN DEVELOPING THE MESSAGING THEN EACH OF THE ISSUES IDENTIFIED HERE HAVE A COMMON THREAD (LOCAL, QUALITY, PARTICIPATION, AND UNDERSTANDING = MOMENTUM)**

FIN.

- **BY: CHARLES IRVIN, JD/PHD**

FOR SOUTHERN ECHO, INC

CBIRVIN@IRVIN-LAW.COM

601.589.0235