

MISSISSIPPI

OVERALL RANK: 46TH¹
TIER 5 (WEAKEST)

STRONGER
→
 WEAKER

OVERALL					46
1. RESOURCES AND MEMBERSHIP					49
2. INVOLVEMENT IN POLITICS				40	
3. SCOPE OF BARGAINING					43
4. STATE POLICIES	7				
5. PERCEIVED INFLUENCE					51

AREA 1: RESOURCES AND MEMBERSHIP 49TH

Mississippi’s teacher unions face low membership and a dearth of resources. With just 36.8 percent of all teachers unionized, the Magnolia State posts the 3rd-lowest unionization rate nationwide. A smaller percentage of Mississippi teachers are unionized than in twelve of the other thirteen states in which bargaining is permitted (and smaller even than in four of the five states in which bargaining is illegal). Mississippi’s NEA and AFT affiliates bring only \$89 in revenue per teacher in the state (48th out of 51 jurisdictions). Spending on education is low in Mississippi, too: Just 17.0 percent of state expenditures go toward K-12 education (38th) and, of the annual \$9,708 spent per pupil (a combination of local, state, and federal

funds; 39th), only 53.5 percent goes toward teacher salaries and benefits (31st).

AREA 2: INVOLVEMENT IN POLITICS² TIED FOR 40TH

Mississippi’s teacher unions are less involved in state-level political campaigns than their counterparts in most other states. In the past decade, their donations amounted to only 0.14 percent of total contributions received by candidates for state office (48th). Their share of donations to state political parties was equally small (just 0.07 percent, also 48th). These limited financial donations are somewhat offset by the fairly high percentage of Mississippi delegates to the Democratic and Republican national conventions who identified as teacher union members (18.8 percent; 11th).³

AREA 3: SCOPE OF BARGAINING TIED FOR 43RD

Mississippi does not address collective bargaining in education, neither prohibiting nor requiring it (and consequently all twenty-one contract items examined in this report are implicitly within the scope of bargaining). However, the law does specifically prohibit teacher strikes. Further, teacher unions fall under the purview of state labor laws, which bar any union from automatically collecting agency fees from non-members.

AREA 4: STATE POLICIES TIED FOR 7TH

Despite other indications that its teacher unions are weak, Mississippi policies are more closely aligned with traditional union interests than in nearly every other state.⁴ Mississippi grants tenure after only one year—the only state to do so that quickly (the national norm is three years); further, student learning is not a criterion in tenure decisions. Districts may decide their own standards for layoffs (with no requirement that teacher performance be included), and there are no articulated consequences for unsatisfactory evaluations. Further, when we calculated our metric, the state did not require that student achievement factor into teacher evaluations. (At press time, however, Mississippi had approved—but not yet implemented—a policy requiring that student achievement on state tests comprise half of a teacher’s evaluation.) Charter laws are equally favorable to union positions (see sidebar): The state has a tight cap on charters with no room for growth, and allows only conversion charters, not start-ups or virtual charter schools. Nor does it exempt charter schools from state teacher certification requirements or district collective

bargaining agreements. Further, the state board of education is the sole authorizer, and can convert a failing district school to a charter only after a petition from parents at that school. With these limited avenues for authorizing, the state has only a single charter school.⁵

AREA 5: PERCEIVED INFLUENCE 51ST

Mississippi stakeholders perceive their teacher unions to be quite weak, indeed the least influential in the nation. Respondents rank their influence below that of the state school board, the governor’s office, and parent coalitions. They report that the teacher unions are not effective in warding off proposals with which they disagree or in protecting dollars for education. Further, they note that the positions of state education leaders are only sometimes in line with those of teachers unions, and that Democrats only sometimes need teacher union support to get elected—whereas respondents in most states reported that Democrats often or always need union support.

OVERALL 46TH

Mississippi’s teacher unions are among the least potent in the nation, ranking alongside unions in states where bargaining is prohibited. Membership is notably low. The unions do not have a reputation for strength among stakeholders, and do not participate in state politics to a significant degree. Yet Mississippi policies are well aligned with union positions (especially in comparison to its neighboring southern states). Perhaps it is *because* these policies are in place that the union is not more active: many of its goals are already realized (see sidebar).

THE STRONG, SILENT TYPE

The Mississippi Association of Educators (MAE) and AFT-Mississippi (AFT-MS) don't have much to work with. Not only does Mississippi law stop unions from collecting agency fees, it also prevents them from automatically collecting dues from the paychecks of their own members.⁶ Then again, the MAE and AFT-MS don't have that much to do, because teacher jobs in the Magnolia State are among the most secure in the nation, thanks to the state's *Education Employment Procedures Law*. (That law and its predecessors date back the 1970s, a period of staunch Democratic leadership in the state, and give new meaning to "due process.")⁷

Despite their self-defined primary roles as advocates, not political heavyweights, the MAE and AFT-MS have recently engaged in two major policy debates. First, Governor Phil Bryant is pressing districts hard to switch from seniority-based salary schedules to merit pay. Both associations are hesitant to support pay based on evaluations that use standardized test scores, and worry that the system may be punitive rather than productive.⁸ MAE president Kevin Gilbert doubts that merit pay is money well spent, pointing out that a better alternative is raising overall teacher pay in a state where educator salaries are, on average, the second-lowest in the nation.⁹ But the state's achievement-based evaluation system, developed in order to improve the state's chances of receiving an NCLB waiver, is still in its infancy, and it is unlikely that merit pay based on that system will find a foothold in the near future.¹⁰

Second, lawmakers sought to amend the state's existing charter law with the Mississippi Public Charter Schools Act of 2012. While charter schools have been legal in Mississippi since 1997, because of the tight restrictions on authorizing, the state has only a single one. According to the Center for Education Reform (CER), the Magnolia State's current law is one of the nation's weakest. (The National Alliance for Public Charter Schools concurs.) It was passed only to increase the odds of winning money in the federal Race to the Top competition.^{11,12} The 2012 Charter Schools Act proposed to expand authorizing options, permit charters in all districts rather than only underperforming ones, allow new and virtual as well as conversion schools, and exempt charter teachers from state certification requirements and the Education Employment Procedures Law.¹³ The MAE took a hard line against the proposal, objecting that it would undermine due process for educators and allow uncertified, under-qualified teachers into high-needs classrooms. The measure later died in committee. While the resources of Mississippi's teacher association are limited, their bully pulpit is not.

MISSISSIPPI RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 46TH			
Area and Rank ^a	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status ^b
AREA 1: RESOURCES & MEMBERSHIP 49	Membership	By rank, what percentage of public-school teachers in the state are union members?	49th
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/ or AFT affiliate(s)?	48th
	Spending on education	By rank, what percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	38th
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	39th
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	31st
AREA 2: INVOLVEMENT IN POLITICS 40*	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	48th
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	48th
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	48th
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	11th
AREA 3: SCOPE OF BARGAINING 43*	Legal scope of bargaining	What is the legal status of collective bargaining?	Neither required nor prohibited
		By rank, how broad is the scope of collective bargaining?	33rd*
	Automatic revenue streams	What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	Agency fees prohibited
	Right to strike	What is the legal status of teacher strikes?	Prohibited
AREA 4: STATE POLICIES 7*	Performance pay	Does the state support performance pay for teachers?	State supports/ encourages
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	34th
	Evaluations	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	No consequences articulated
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Not required
	Terms of employment	How long before a teacher earns tenure?	One year
		Is student/teacher performance considered in tenure decisions? If so, how is it weighted?	Not included
		Is seniority considered in teacher layoff decisions? If so, how is it weighted?	Optional; Weighted at district discretion
		Is teacher performance included in teacher layoff decisions? If so, how is it weighted?	Not required
	By rank, what percentage of the teaching workforce was dismissed due to poor performance?	41st	
Class size	Is class size restricted for grades 1-3? If so, is the restriction higher or lower than the national average (20)?	Yes; Higher	

Area and Rank	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status
AREA 4: STATE POLICIES 7* (cont.)	Charter school structural limitations	Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	State cap with no room for growth
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	Conversions only
		How many charter authorizing options exist? How active are those authorizers?	Single option; No or limited activity
	Charter school exemptions	Are all charter schools automatically exempt from state laws and state/district regulations (except those that safeguard students and fiscal accountability)? If not, are they eligible for exemptions?	No; Schools can apply for exemptions
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	No; Schools cannot apply for exemptions
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	No; Staff are exempt from state employment laws, not bargaining agreements

AREA 5: PERCEIVED INFLUENCE^c 51	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Fourth- or fifth-most influential
	Influence over campaigns	On a scale from always to never, how often do Democratic candidates need teacher-union support to get elected?	Sometimes
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	Never/Rarely
	Influence over spending	To what extent, from strongly agree to strongly disagree, do you agree that even in times of cutbacks, teacher unions are effective in protecting dollars for education?	Disagree
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	Generally fight
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	Disagree
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Rarely/Sometimes
		To what extent, from totally in line to not at all in line, were state education policies proposed by the governor during your state's latest legislative session in line with teacher-union priorities?	Not at all/Mostly not in line
		To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	Mostly not in line/Somewhat in line
	Influence over key stakeholders	On a scale from always to never, how often have the priorities of state education leaders aligned with teacher-union positions in the past three years?	Sometimes/Often
		Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?	Compromise

* Tied with another state

^a Area ranks are calculated using a weighted average of sub-indicators. For a more detailed description, see Appendix A.

^b Where possible, we report a state's rank as compared to other states on a given metric. For example, out of 51 states, Mississippi has the 49th-highest percentage of teachers who are union members. Otherwise, we report a status: In Mississippi, collective bargaining is neither required nor prohibited, and union agency fees are prohibited. For a more detailed description of our metrics and methodology, see Appendix A. To request the raw data for your state, send an email to uniondata@edexcellence.net.

^c For all survey questions, stakeholders were asked specifically about teacher unions, candidates, policies, and leaders in their state. In addition, we asked about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

ENDNOTES

¹ A state's overall rank is calculated as follows: First, we score it on multiple sub-indicators (sub-indicator data and scores for Mississippi are shown in the table, *Mississippi Rankings by Area and Indicator*). Second, we take a weighted average of the sub-indicators in each of five areas. In each area, we use that average to place the states in rank-order. For example, in Area 1: Resources and Membership, Mississippi is ranked 49th of 51 based on the weighted average of its sub-indicators. To generate the state's overall rank, we average the five area ranks together, then re-order the states. For a more detailed description of data sources and methodology, see Appendix A.

² Readers should note that these figures include only direct donations from unions and union-connected PACs, but not their spending on electioneering/advertising, mobilizing the union's own membership, lobbying, or advocacy. A recent *Wall Street Journal* report found that donations and lobbying activities account for a small share of union political spending compared with their expenditures on member mobilization and advocacy. Even the AFT agreed, making the argument that since its mission is organizing and activism, it will naturally spend significant amounts on these activities. Thus, the percentages we report here are extremely conservative representations of what unions actually spend on politics. For more information, see Appendix A, Area 2; Tom McGinty and Brody Mullins, "Political Spending by Unions Far Exceeds Direct Donations," *Wall Street Journal*, July 10, 2012; and Jeff Hauser, "Wall Street Journal Compares Union Political Spending to Corporate Donations," AFL-CIO, July 10, 2012.

³ At the time of publication, the 2000 conventions were the most recent for which such detailed data were available in forms that met rigorous standards. However, 2008 data provided by the Democratic National Convention were highly correlated with the reliable figures from 2000.

⁴ The presence of union-friendly policies in states with weak unions presents a conundrum (see main report). Mississippi's unique political history serves as partial explanation. The Magnolia State was basically a one-party state until 1992, and Democrats led one if not both houses of the legislature until 2011. Still, Democrats in rural areas tend to be socially conservative and align their views with those of Republican presidential candidates, which is why observers tend to think of Mississippi as a "red state." The state's labor laws relative to teachers (who unionized in the mid 1960s) originated from an era of Democratic leadership.

⁵ Mississippi first enacted its original charter law in 1997, but lawmakers did not renew it before it lapsed in 2009. At that time, only one charter was in operation in the entire state, and it was a charter in name only (the school was part of its local district and did not have an independent board). When the 1997 law expired, the school was taken over completely by its district. Between 1997 and 2009, lawmakers discussed renewing and expanding the law but no bill ever passed, for reasons varying from fear of segregation and cherry-picking high performers to the diversion of money from district schools. A new law enacted in 2010 is nearly identical to the 1997 original. See Marquita Brown, "Charter School Law May Get Strengthened," *Hattiesburg American*, January 11, 2009, <http://www.hattiesburgamerican.com/article/20090112/NEWS01/901120318/Charter-school-law-may-get-strengthened>.

⁶ Mississippi Association of Educators, http://maetoday.nea.org/images/ProductImage_34.pdf.

⁷ Ward Schaefer, "Teachers Fire Back At Film," *Jackson Free Press*, November 10, 2010, <http://www.jacksonfreepress.com/news/2010/nov/10/teachers-fire-back-at-film/>. According to Rachel Hicks, executive director of the education advocacy organization Mississippi First, state law is equivalent to tenure, even if statute avoids that term. She elaborates: "Essentially, we have a system where if you breathe in a district for two consecutive years, you essentially cannot be fired unless you do something really bad that jeopardizes the health and welfare of your students. Even though we say we don't have tenure, we have a shadow system of tenure." (See also Note 4, above.)

⁸ Associated Press, "Governor Phil Bryant touting new attempt to pay teachers based on student performance," *GulfLive.com*, July 28, 2012, accessed August 20, 2012, http://blog.gulflive.com/mississippi-press-news/2012/07/gov_phil_bryant_touting_new_at.html.

⁹ *Ibid.*

¹⁰ Annie Gilbertson, "Inside Mississippi Teacher Evaluations," Mississippi Public Broadcasting, February 24, 2012, http://mpbonline.org/News/article/inside_mississippi_teacher_evaluations.

¹¹ Alison Consoletti, ed., *Charter School Laws Across the States*, Center for Education Reform (Washington, D.C.: April 2012), http://www.edreform.com/wp-content/uploads/2012/04/CER_2012_Charter_Laws.pdf.

¹² Todd Ziebarth, *Measuring Up to the Model: A Ranking of State Public Charter School Laws*, National Alliance for Public Charter Schools (Washington, D.C.: January 2012), http://www.publiccharters.org/data/files/Publication_docs/NAPCS_2012_StateLawRankings_Final_20120117T162953.pdf. Ziebarth, vice president at the National Alliance for Public Charter Schools and lead author of the report, explains: "Significant improvements are needed in every aspect of Mississippi's law, most notably by allowing start-up charter schools and virtual charter schools, providing additional authorizing options for charter applicants, beefing up the law in relation to the model law's four quality control components, increasing operational autonomy, and ensuring equitable operational funding and equitable access to capital funding and facilities." See <http://www.wdam.com/story/16535878/mississippi-charter-schools-rated-worst-in-the-nation>.

¹³ "MAE Legislative Update," Mississippi Association of Educators, March 9, 2012, <http://maetoday.nea.org/News.asp?s=1&nid=74>.