

By: Senator(s) McCaughn

To: Education

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2232

1 AN ACT TO AMEND SECTION 37-7-203, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE FOR THE ELECTION OF SCHOOL BOARD MEMBERS IN THE NEWTON
3 MUNICIPAL SCHOOL DISTRICT BEGINNING WITH THE NOVEMBER 2024
4 ELECTION; TO SET CERTAIN PROCEDURES FOR THE APPOINTMENT OF MEMBERS
5 FOR VACANCIES IN OFFICE; AND FOR RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** Section 37-7-203, Mississippi Code of 1972, is
8 amended as follows:

9 37-7-203. (1) Except as otherwise provided in subsections
10 (3) * * *, (4) and (5) of this section, the boards of trustees of
11 all municipal separate school districts created under this
12 chapter, either with or without added territory, shall consist of
13 five (5) members, each to be chosen for a term of five (5) years,
14 but so chosen that the term of office of one (1) member shall
15 expire each year. In the event the added territory of a municipal
16 separate school district furnishes fifteen percent (15%) or more
17 of the pupils enrolled in the schools of such district, then at
18 least one (1) member of the board of trustees of such school
19 district shall be a resident of the added territory outside the



20 corporate limits. In the event the added territory of a municipal
21 separate school district furnishes thirty percent (30%) or more of
22 the pupils enrolled in the schools of such district, then not more
23 than two (2) members of the board of trustees of such school
24 district shall be residents of the added territory outside the
25 corporate limits. In the event the added territory of a municipal
26 separate school district in a county in which Mississippi Highways
27 8 and 15 intersect furnishes thirty percent (30%) or more of the
28 pupils enrolled in the schools of such district, then the five (5)
29 members of the board of trustees of such school district shall be
30 elected at large from such school district for a term of five (5)
31 years each except that the two (2) elected trustees presently
32 serving on such board shall continue to serve for their respective
33 terms of office. The three (3) appointed trustees presently
34 serving on such board shall continue to serve until their
35 successors are elected in March of 1975 in the manner provided for
36 in Section 37-7-215. At such election, one (1) trustee shall be
37 elected for a term of two (2) years, one (1) for a term of three
38 (3) years and one (1) for a term of five (5) years. Subsequent
39 terms for each successor trustee shall be for five (5) years. In
40 the event one (1) of two (2) municipal separate school districts
41 located in any county with two (2) judicial districts, District 1
42 being comprised of Supervisors Districts 1, 2, 4 and 5, and
43 District 2 being comprised of Supervisors District 3, with added
44 territory embraces three (3) full supervisors districts of a



45 county, one (1) trustee shall be elected from each of the three
46 (3) supervisors districts outside the corporate limits of the
47 municipality. In the further event that the territory of a
48 municipal separate school district located in any county with two
49 (2) judicial districts, District 1 being comprised of Supervisors
50 Districts 1, 2, 4 and 5, and District 2 being comprised of
51 Supervisors District 3, with added territory embraces four (4)
52 full supervisors districts in the county, and in any county in
53 which a municipal separate school district embraces the entire
54 county in which Highways 14 and 15 intersect, one (1) trustee
55 shall be elected from each supervisors district.

56 Except as otherwise provided herein, the trustees of such a
57 municipal separate school district shall be elected by a majority
58 of the governing authorities of the municipality at the first
59 meeting of the governing authorities held in the month of February
60 of each year, and the term of office of the member so elected
61 shall commence on the first Saturday of March following. In the
62 case of a member of the board of trustees who is required to come
63 from the added territory outside the corporate limits as is above
64 provided, such member of the board of trustees shall be elected by
65 the qualified electors of the school district residing in such
66 added territory outside the corporate limits at the same time and
67 in the same manner as is otherwise provided in this article for
68 the election of trustees of school districts other than municipal
69 separate school districts.



70 In the event that a portion of a county school district is
71 reconstituted, in the manner provided by law, into a municipal
72 separate school district with added territory and in the event
73 that the trustees to be elected from the added territory are
74 requested to be elected from separate election districts within
75 the added territory, instead of elected at large, by the Attorney
76 General of the United States as a result of and pursuant to
77 preclearance under Section 5 of the Voting Rights Act of 1965, as
78 amended and extended, and in the event the added territory of a
79 municipal separate school district of a municipality furnishes
80 thirty percent (30%) or more of the pupils enrolled in the schools
81 of such district, then two (2) members of the board of trustees
82 shall be residents of the added territory outside the corporate
83 limits of such municipality and shall be elected from special
84 trustee election districts by the qualified electors thereof as
85 herein provided. The board of trustees of the school district
86 shall apportion the added territory into two (2) special trustee
87 election districts as nearly as possible according to population
88 and other factors heretofore pronounced by the courts. The board
89 of trustees of the school district shall thereafter publish the
90 same in a newspaper of general circulation within that school
91 district for at least two (2) consecutive weeks; and after having
92 given notice of publication and recording the same upon the
93 minutes of the board of trustees of the school district, the new
94 district lines shall thereafter be effective. Any person elected



95 from the new trustee election districts constituted herein shall
96 be elected in the manner provided for in Section 37-7-215 for a
97 term of five (5) years. Any vacancy in the office of a trustee
98 elected from such trustee election district, whether occasioned by
99 redistricting or by other cause, shall be filled by appointment of
100 the governing authorities of the municipality, provided that the
101 person so appointed shall serve only until the next general
102 election following his appointment, at which time a person shall
103 be elected for the remainder of the unexpired term in the manner
104 provided in Section 37-7-215.

105 In any county organizing a countywide municipal separate
106 school district after January 1, 1965, the trustees thereof to be
107 elected from outside the municipality, such trustees shall be
108 elected by the board of supervisors of such county, and the
109 superintendent of such school district shall have authority to pay
110 out and distribute the funds of the district. In the event a
111 municipal separate school district should occupy territory in a
112 county other than that in which the municipality is located and
113 fifteen percent (15%) or more of the pupils enrolled in the
114 schools of such district shall come from the territory of the
115 district in the county other than that in which the municipality
116 is located, the territory of such county in which the municipality
117 is not located shall be entitled to one (1) member on the board of
118 trustees of such school district. The trustee shall be a resident
119 of the territory of that part of the district lying in the county



120 in which the municipality is not located and shall be elected by
121 the qualified electors of the territory of such county at the same
122 time and in the same manner as is provided for the election of
123 trustees of school districts other than municipal separate school
124 districts having territory in two (2) or more counties.

125 All vacancies shall be filled for the unexpired terms by
126 appointment of the governing authorities of the municipality;
127 except that in the case of the trustees coming from the added
128 territory outside the corporate limits, the person so appointed
129 shall serve only until the next general election following his
130 appointment, at which time a person shall be elected for the
131 remainder of the unexpired term in the manner otherwise provided
132 herein.

133 No person who is a member of such governing body, or who is
134 an employee of the municipality, or who is a member of the county
135 board of education, or who is a trustee of any public, private or
136 sectarian school or college located in the county, inclusive of
137 the municipal separate school district, or who is a teacher in or
138 a trustee of the school district, shall be eligible for
139 appointment to the board of trustees.

140 (2) In counties of less than fifteen thousand (15,000)
141 people having a municipal separate school district with added
142 territory which embraces all the territory of a county, one or
143 more trustees of the school district shall be nominated from each
144 supervisors district upon petition of fifty (50) qualified



145 electors of that supervisors district, or twenty percent (20%) of
146 the qualified electors of such district, whichever number shall be
147 smaller. One (1) trustee must be elected from each supervisors
148 district of the county. In such counties embraced entirely by a
149 municipal separate school district, there shall be no county board
150 of education after the formation of such district, and the county
151 superintendent of education shall act as superintendent of schools
152 of the district and shall be appointed by the board of trustees of
153 that district, and the provisions of subsection (1) of this
154 section and the first paragraph of Section 37-7-211 shall not
155 apply to such districts.

156 (3) In municipalities designated as having a mayor-council
157 form of government under Chapter 8, Title 21, Mississippi Code of
158 1972, and having a population in excess of one hundred thousand
159 (100,000) according to the 2000 federal decennial census, the
160 boards of trustees of the municipal separate school district
161 located in the municipality may, if authorized by ordinance of the
162 municipal governing authority, consist of seven (7) members
163 residing in each of the seven (7) wards in the municipality, to be
164 appointed by the mayor and confirmed by the city council as
165 follows: (a) each board member shall reside in the ward from
166 which he is appointed; (b) members serving on March 31, 2010,
167 shall continue to serve until a new term commences and new members
168 shall be selected from wards not currently represented on the
169 board; (c) one (1) of the two (2) additional appointments shall



170 serve a term of five (5) years and one (1) for a term of four (4)
171 years, with all subsequent appointments for a five-year term; and
172 (d) each new appointment shall be made by the mayor and confirmed
173 by the city council of the municipality at the first meeting of
174 the governing authorities held in the month of June following
175 March 31, 2010, and thereafter each year, and the term of office
176 of each member so selected shall commence on the first Saturday of
177 July following.

178 (4) (a) Beginning in 2017, in any municipal separate school
179 district that is traversed by the Escatawpa River and in which
180 Interstate Highway 10 and Mississippi Highway 63 intersect, the
181 board of trustees of the municipal separate school district shall
182 consist of five (5) members, each to be elected for a term of four
183 (4) years in the manner provided in this subsection. Within
184 forty-five (45) days after July 1, 2017, the municipal governing
185 authority shall apportion the municipal separate school district,
186 including any added territory outside the corporate limits, into
187 five (5) special trustee election districts as nearly equal as
188 possible according to population, incumbency and other factors
189 pronounced by the courts before August 8, 2017. The municipal
190 governing authority shall place upon its minutes the boundaries
191 determined for the new five (5) trustee election districts and
192 shall publish the same in a newspaper of general circulation
193 within the school district for at least three (3) consecutive
194 weeks. After having given notice of publication and recording the



195 same upon the minutes of the municipal governing authority, the
196 new district lines shall be effective.

197 (b) On the first Tuesday after the first Monday in
198 November 2017, and every four (4) years thereafter, an election
199 shall be held in the municipal separate school district for local
200 school board members from trustee election districts 1, 3 and 5 in
201 the same manner and at the same time as the general municipal
202 election is held and conducted, for the purpose of electing the
203 board of trustees of the municipal separate school district. All
204 members of the board of trustees elected pursuant to this
205 paragraph (b) shall take office on the first Monday of January
206 immediately following the date of their election. However, in
207 order to provide for an orderly transition, the term of each
208 member of the board of trustees serving on July 1, 2017, which
209 otherwise would expire after the first Monday in July 2018, shall
210 expire on the first Monday of January 2018. If no individual
211 qualifies for the elective office of school district trustee, the
212 trustee for that specific trustee district shall be filled by
213 appointment of the municipal governing authority; however, the
214 person so appointed to fill the vacancy may serve only until the
215 first Monday in January 2019, at which time the trustee elected
216 pursuant to this subsection shall take office for the remainder of
217 the unexpired initial term.

218 From and after January 1, 2018, any vacancy on the board of
219 trustees shall be filled by appointment by the remaining members



220 of the board of trustees within sixty (60) days after the vacancy
221 occurs. The appointee must be selected from the qualified
222 electors of the trustee election district in which the vacancy
223 occurs. The appointee shall serve until the first Monday of
224 January succeeding the next general municipal election, at which
225 election a member from that trustee election district shall be
226 elected for a full term.

227 (c) On the first Tuesday after the first Monday in
228 November 2018, and every four (4) years thereafter, an election
229 shall be held in the municipal separate school district for local
230 school board members from trustee election districts 2 and 4 in
231 the same manner and at the same time as the Congressional mid-term
232 election is held and conducted, for the purpose of electing the
233 board of trustees of the municipal separate school district. All
234 members of the board of trustees elected pursuant to this
235 paragraph (c) shall take office on the first Monday of January
236 immediately following the date of their election. However, in
237 order to provide for an orderly transition, the term of each
238 member of the board of trustees serving on July 1, 2018, which
239 otherwise would expire after the first Monday in July 2018, shall
240 expire on the first Monday of January 2019. If no individual
241 qualifies for the elective office of school district trustee, the
242 trustee for that specific trustee district shall be filled by
243 appointment of the municipal governing authority; however, the
244 person so appointed to fill the vacancy may serve only until the



245 first Monday in January 2020, at which time the trustee elected
246 pursuant to this subsection shall take office for the remainder of
247 the unexpired initial term.

248 From and after July 1, 2020, any vacancy on the board of
249 trustees shall be filled by appointment by the remaining members
250 of the board of trustees within sixty (60) days after the vacancy
251 occurs. The appointee must be selected from the qualified
252 electors of the trustee election district in which the vacancy
253 occurs. The appointee shall serve until the first Monday of July
254 succeeding the next general municipal election, at which election
255 a member from that trustee election district shall be elected for
256 a full term.

257 (5) (a) Beginning in 2024, in any municipal separate school
258 district in which Interstate Highway 20 and Mississippi Highway 15
259 intersect, the board of trustees of the municipal separate school
260 district shall consist of five (5) members, each to be elected for
261 a term of four (4) years in the manner provided in this
262 subsection. Within forty-five (45) days after July 1, 2024, the
263 municipal governing authority shall apportion the municipal
264 separate school district, including any added territory outside
265 the corporate limits, into five (5) special trustee election
266 districts as nearly equal as possible according to population,
267 incumbency and other factors pronounced by the courts before
268 January 1, 2024. The municipal governing authority shall place
269 upon its minutes the boundaries determined for the new five (5)



270 trustee election districts and shall publish the same in a
271 newspaper of general circulation within the school district for at
272 least three (3) consecutive weeks. After having given notice of
273 publication and recording the same upon the minutes of the
274 municipal governing authority, the new district lines shall be
275 effective. Candidates for such positions shall file the intent to
276 be a candidate not later than 5:00 p.m. on September 1, 2024, and
277 shall qualify as otherwise provided by law.

278 (b) On the first Tuesday after the first Monday in
279 November 2024, an election shall be held in the municipal separate
280 school district for local school board members in the same manner
281 and at the same time as the presidential election is held and
282 conducted, for the purpose of electing the board of trustees of
283 the municipal separate school district. All members of the board
284 of trustees elected pursuant to this paragraph (b) shall take
285 office on the first Monday of January immediately following the
286 date of their election, and may serve until the first Monday in
287 January 2028, at which time the trustee elected pursuant to
288 paragraph (c) of this subsection shall take office. If no
289 individual qualifies for the elective office of school district
290 trustee, the trustee for that specific trustee district shall be
291 filled by appointment of the municipal governing authority;
292 however, the person so appointed to fill the vacancy may serve
293 only until the first Monday in January 2028, at which time the



294 trustee elected pursuant to paragraph (c) of this subsection shall
295 take office.

296 From and after January 1, 2028, any vacancy on the board of
297 trustees shall be filled by appointment by the remaining members
298 of the board of trustees within sixty (60) days after the vacancy
299 occurs. The appointee must be selected from the qualified
300 electors of the trustee election district in which the vacancy
301 occurs. The appointee shall serve until the first Monday of
302 January succeeding the next general election, at which election a
303 member from that trustee election district shall be elected for
304 the remainder of the unexpired term.

305 (c) On the first Tuesday after the first Monday in
306 November 2027, and every four (4) years thereafter, an election
307 shall be held in the municipal separate school district for local
308 school board members in the same manner and at the same time as
309 the general elections are held and conducted in accordance with
310 Section 23-15-193, for the purpose of electing the board of
311 trustees of the municipal separate school district. All members
312 of the board of trustees elected pursuant to this paragraph (c)
313 shall take office on the first Monday of January immediately
314 following the date of their election.

315 **SECTION 2.** This act shall take effect and be in force from
316 and after July 1, 2024.

