

By: Senator(s) McCaughn

To: Education

SENATE BILL NO. 2232  
(As Sent to Governor)

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.

