



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

December 8, 2020

Carlos D. Palmer, Esquire
Attorney for Clarksdale Municipal School District
Post Office Box 272
Greenwood, Mississippi 38935

Re: Simultaneous service on school boards

Dear Mr. Palmer:

The Office of the Attorney General has received your request for an official opinion.

Issue Presented

You ask if there is any legal prohibition against one serving simultaneously on a public school board and the board of a charter school. You further ask if it would make a difference if the two boards are within the same county.

Brief Response

Since all school boards are in the executive branch of government, there would be no violation of the separation of powers doctrine. This finding is unaffected by the fact that both boards govern schools located in the same county. However, potential violations of our conflict of interest laws must be addressed by the Mississippi Ethics Commission.

Applicable Law & Discussion

Sections 1 and 2 of the Mississippi Constitution of 1890, as interpreted by the Mississippi Supreme Court in *Dye v. State*, prohibit an officer of one branch of government from performing a function “at the core” of power belonging to either of the other two branches. 507 So. 2d 332 (Miss. 1987); MS AG Op., *Simmons* (June 10, 2011).

We have previously opined that a school board member is an officer of the executive branch of government. MS AG Op., *Simmons* at *1 (June 10, 2011); MS AG Op., *Chaney* at *1 (May 16, 2003). This office is of the opinion that a charter school board member is also an officer in the executive branch of government. Accordingly, since both boards are in the executive branch of

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government, there can be no separation of powers violation by simultaneously serving on both boards. This finding is unaffected by the fact that both boards govern schools located in the same county.

However, we caution that you should seek advice from the Mississippi Ethics Commission as to whether such dual service would or could result in a violation of Mississippi's laws governing ethics and conflicts of interest.

If this office may be of any further assistance to you, please do not hesitate to contact us.

Sincerely,

LYNN FITCH, ATTORNEY GENERAL

By: */s/ Phil Carter*

Phil Carter

Special Assistant Attorney General

OFFICIAL OPINION