



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

October 15, 2026

David N. Harris, Esq.
Attorney, City of Ocean Springs
Alwyn Luckey, Esq.
Attorney, Ocean Springs School District
134 Rue Magnolia, Suite A
Biloxi, Mississippi 39530

Re: Terms of Appointed and Elected School Board Members

Dear Mr. Harris and Mr. Luckey:

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

Background

The Ocean Springs School District Board of Trustees (“Board”) consists of five members, three of whom are appointed by the Ocean Springs Board of Aldermen and two of whom are elected by the residents of the school district living outside the corporate limits of the City of Ocean Springs (“City”). According to your request, one of the appointed Board member’s “term of office is set to expire on the first Friday of March 2027,” and one of the elected Board member’s “term of office is set to expire on December 31, 2027.” You also state that this same scenario—two Board members’ terms of office expiring in the same calendar year—will recur in 2030, purportedly in violation of Mississippi Code Annotated Section 37-7-203. You provided additional information concerning the terms of office of all five members of the Board. According to that information, one of the elected Board members took office on January 1, 2022, and will either be re-elected in November 2026 to serve another five-year term or replaced by the election winner. The other elected Board member took office on January 1, 2025, and will continue to serve until at least the end of 2029. The three appointed Board members’ terms of office will expire in March of 2027, 2028, and 2029.

Question Presented

1. Does Section 21-17-5, the “home rule” statute, authorize the City to adjust the terms of office of appointed Board members to ensure that their terms do not expire in the same calendar year as the term of an elected Board member in violation of Section 37-7-203?

2. If no, is there any statutory authority that would allow the City to bring about compliance with Section 37-7-203's requirement that one Board member's term of office expire each year?

Brief Response

1. Based on the information provided by the City, the two elected Board members' terms of office will expire on December 31, 2026, and December 31, 2029. Their terms will not expire in the same calendar year as the term of an appointed Board member. Therefore, the Board is currently in compliance with Section 37-7-203. Given this response, your question regarding whether Section 21-17-5 authorizes the City to adjust the terms of appointed Board members is moot.

2. Given the response to question one, your second question is moot.

Applicable Law and Discussion

Under Mississippi law, all municipal separate school districts are governed by a five-member board of trustees. Miss. Code Ann. § 37-7-203(1). If 30% or more of the students enrolled in the schools of the district live "outside the corporate limits" of the municipality in territory "added" to the district, at least one but "no[] more than two" members must be "residents of the added territory" and "elected by the qualified electors of the school district residing in such added territory." *Id.* In districts with two elected board members, the other three board members must be appointed by the "governing authorities of the municipality." *Id.* Regardless of whether they are elected or appointed, all board members are required to serve staggered, five-year terms of office, such that "the term of office of one (1) member shall expire each year." *Id.* Section 37-7-203(1) states that "the term of office" of a board member appointed by the municipal governing authority "shall commence on the first Saturday of March following" their appointment at the authority's "first meeting . . . held in the month of February." On the other hand, board members who are elected, "assume the duties of [their] office . . . on the first day of January," following the election in November of the preceding year. Miss. Code Ann. § 37-7-217(3).

As recognized by the Mississippi Supreme Court, an elected official's term of office terminates on December 31 when a new term of office begins on January 1 of the following year. *Barrett v. State*, 670 So. 2d 20, 22 (Miss. 1995) (noting that Sheriff's term ended on December 31 and new term began on January 1, 1996). Because elected members of a municipal separate school district's board of trustees take "office . . . on the first day of January," their terms of office expire on December 31 of the year in which the next election for their seat is held. Therefore, the terms of office of the two elected Board members will expire on December 31, 2026, and December 31, 2029. Because the other three appointed Board members' terms of office expire in March of 2027, 2028, and 2030, none of the Board members' terms of office will expire in the same calendar year. This satisfies Section 37-7-203(1)'s requirement that "the term of office of one (1) member shall expire each year." Given this response, it is not necessary to address your other questions, including whether the "home rule" statute, Section 21-17-5, authorizes the City to alter the terms of office of appointed Board members.

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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/ Wilson Douglas Minor*

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OFFICIAL OPINION