

By: Senator(s) Blackmon

To: Education

## SENATE BILL NO. 2164

1 AN ACT TO AMEND SECTION 37-28-45, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE CHARTER SCHOOLS TO COMPILE AND RELEASE THE SAME DATA AS  
3 NONCHARTER PUBLIC SCHOOLS; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 37-28-45, Mississippi Code of 1972, is  
6 amended as follows:

7 37-28-45. (1) Charter schools are subject to the same civil  
8 rights, health and safety requirements applicable to noncharter  
9 public schools in the state, except as otherwise specifically  
10 provided in this chapter.

11 (2) Charter schools are subject to the student assessment  
12 and accountability requirements applicable to noncharter public  
13 schools in the state, including, but not limited to, any  
14 requirement to compile and release data; however, this requirement  
15 does not preclude a charter school from establishing additional  
16 student assessment measures that go beyond state requirements if  
17 the authorizer approves those measures.



18           (3) Although a charter school is geographically located  
19 within the boundaries of a particular school district and enrolls  
20 students who reside within the school district, the charter school  
21 may not be considered a school within that district under the  
22 purview of the school district's school board. The rules,  
23 regulations, policies and procedures established by the school  
24 board for the noncharter public schools that are in the school  
25 district in which the charter school is geographically located do  
26 not apply to the charter school unless otherwise required under  
27 the charter contract or any contract entered into between the  
28 charter school governing board and the local school board.

29           (4) Whenever the provisions of Title 37, Mississippi Code of  
30 1972, relating to the elementary and secondary education of public  
31 school students establish a requirement for or grant authority to  
32 local school districts, their school boards and the schools within  
33 the respective school districts, the language "school districts,"  
34 "school boards," "boards of trustees," "the schools within a  
35 school district," or any other similar phraseology does not  
36 include a charter school and the governing board of a charter  
37 school unless the statute specifically is made applicable to  
38 charter schools as well as noncharter public schools.

39           (5) A charter school is not subject to any rule, regulation,  
40 policy or procedure adopted by the State Board of Education or the  
41 State Department of Education unless otherwise required by the  
42 authorizer or in the charter contract.



(6) Charter schools are not exempt from the following statutes:

(a) Chapter 41, Title 25, Mississippi Code of 1972, which relate to open meetings of public bodies.

(b) Chapter 61, Title 25, Mississippi Code of 1972, which relate to public access to public records.

(c) Section 37-3-51, which requires notice by the district attorney of licensed school employees who are convicted of certain sex offenses.

(d) Section 37-3-53, which requires publication of the Mississippi Report Card by the State Board of Education.

(e) Section 37-11-18, which requires the automatic expulsion of a student possessing a weapon or controlled substance on educational property.

(f) Section 37-11-18.1, which requires expulsion of certain habitually disruptive students.

(g) Section 37-11-19, which requires suspension or expulsion of a student who damages school property.

(h) Section 37-11-20, which prohibits acts of intimidation intended to keep a student from attending school.

(i) Section 37-11-21, which prohibits parental abuse of school staff.

(j) Section 37-11-23, which prohibits the willful disruption of school and school meetings.



67           (k) Sections 37-11-29 and 37-11-31, which relate to  
68 reporting requirements regarding unlawful or violent acts on  
69 school property.

70           (l) Section 37-11-67, which prohibits bullying or  
71 harassing behavior in public schools.

72           (m) Section 37-13-3, which prohibits doctrinal,  
73 sectarian or denominational teaching in public schools.

74           (n) Sections 37-13-5 and 37-13-6, which require the  
75 flags of the United States and the State of Mississippi to be  
76 displayed near the school building.

77           (o) Section 37-13-63(1), which prescribes the minimum  
78 number of days which public schools must be kept in session during  
79 a scholastic year.

80           (p) Section 37-13-91, which is the Mississippi  
81 Compulsory School Attendance Law.

82           (q) Section 37-13-171(2) and (4), which requires any  
83 course containing sex-related education to include instruction in  
84 abstinence-only or abstinence-plus education.

85           (r) Section 37-13-173, which requires notice to parents  
86 before instruction on human sexuality is provided in public  
87 classrooms.

88           (s) Section 37-13-193, which relates to civil rights  
89 and human rights education in the public schools.



90           (t) Sections 37-15-1 and 37-15-3, which relate to the  
91 maintenance and transfer of permanent student records in public  
92 schools.

93           (u) Section 37-15-6, which requires the State  
94 Department of Education to maintain a record of expulsions from  
95 the public schools.

96           (v) Section 37-15-9, which establishes minimum age  
97 requirements for kindergarten and first grade enrollment in public  
98 schools.

99           (w) Section 37-15-11, which requires a parent, legal  
100 guardian or custodian to accompany a child seeking enrollment in a  
101 public school.

102           (x) Sections 37-16-1, 37-16-3, 37-16-4 and 37-16-9,  
103 which relate to the statewide assessment testing program.

104           (y) Section 37-18-1, which establishes the  
105 Superior-Performing Schools Program and Exemplary Schools Program  
106 to recognize public schools that improve.

107       **SECTION 2.** This act shall take effect and be in force from  
108 and after July 1, 2025.

