



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

October 15, 2026

Dr. Lisa Karmacharya
Executive Director, Mississippi Charter School Authorizer Board
239 North Lamar Street, Suite 207
Jackson, Mississippi 39201

Re: The Applicability of Student Assessment and Accountability Requirements to
Charter Schools

Dear Dr. Karmacharya:

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

Background

In your request, you ask three questions regarding the applicability of student assessment and accountability requirements to charter schools. You assert that there could be two competing statutory interpretations of Mississippi Code Annotated Sections 37-28-45(2), (4), and (5). Under one reading, Section 37-28-45(2) is a specific inclusion that gives charter schools the same substantive student assessment and accountability requirements as noncharter public schools, even when the implementing statute or rule uses district terminology. Under the other reading, Subsections (4) and (5) limit Subsection (2): a duty assigned to a school district or school board does not apply to a charter school unless the Legislature expressly says so, and a Mississippi Department of Education (“MDE”) or State Board of Education (“SBE”) requirement does not apply unless required by the Mississippi Charter School Authorizer Board (“MCSAB”) or incorporated into the charter contract.

Questions Presented

1. Does Section 37-28-45(2) operate as an exception to Subsections (4) and (5), such that statutory student assessment and accountability requirements—and the SBE or MDE rules implementing those requirements—apply to charter schools even when directed to a “school district,” “school board,” or similar entity, or do Subsections (4) and (5) require an express reference to charter schools, separate requirement imposed by MCSAB, or incorporation into the charter contract?
2. Under the construction of Section 37-28-45, do the mathematics and literacy assessment screening, process monitoring, individualized student plan, and intervention requirements enacted

in Sections 1 through 24 of Senate Bill No. 2294, Regular Session 2026 (“Mississippi Math Act”) apply to charter schools? If so, does their application extend only to student-facing requirements, or also to related district level program administration, staffing, reporting, and governance duties?

3. Does Mississippi Public School Accountability Standard 14, including Standard 14.1.1’s Individual Success Plan requirement, apply to charter schools serving the relevant grades by operation of Section 37-28-45(2) or 37-28-29(2)? Or does 37-28-45(5) make the standard applicable only if MCAB separately requires compliance or the applicable charter contract incorporates it?

Brief Response

1. Based on the plain language of Subsection (2), charter schools must comply with student assessment and accountability requirements applicable to noncharter public schools in the state.

2. Charter schools must comply with assessment and accountability requirements in the Mississippi Math Act. This requirement is limited to assessments of students and does not necessarily apply to all district level program administration, staffing, reporting, and governance duties. However, for specific questions regarding the applicability of specific SBE policies and procedures or accountability standards, we refer you to the SBE or MDE.

3. SBE accountability standards are applicable to charter schools to the extent that they implement statutory student assessment and accountability requirements. However, pursuant to Section 7-5-25, we cannot opine on or interpret policies or procedures adopted by state agencies, which would include SBE accountability standards. Which and to what extent specific SBE policies are applicable to charter schools are outside the scope of this opinion.

Applicable Law and Discussion

As an initial matter, opinions of this office are limited to prospective questions of state law. Miss. Code Ann. § 7-5-25. We cannot opine on or interpret policies or procedures adopted by state agencies, which would include SBE accountability standards. We offer the following interpretation of state law for future guidance.

The portions of Section 37-28-45 that you reference in your request provide as follows:

(2) Charter schools are subject to the student assessment and accountability requirements applicable to noncharter public schools in the state; however, this requirement does not preclude a charter school from establishing additional student assessment measures that go beyond state requirements if the authorizer approves those measures.

. . .

(4) Whenever the provisions of Title 37, Mississippi Code of 1972, relating to the elementary and secondary education of public school students establish a requirement for or grant authority to local school districts, their school boards and

the schools within the respective school districts, the language “school districts,” “school boards,” “boards of trustees,” “the schools within a school district,” or any other similar phraseology does not include a charter school and the governing board of a charter school unless the statute specifically is made applicable to charter schools as well as noncharter public schools.

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

(6)(x) Charter schools and their governing boards, when conducting charter school business, are not exempt from . . . Sections 37-16-1, 37-16-3, 37-16-4 and 37-16-9, which relate to the statewide assessment testing program.

Your first question asks whether statutory student assessment and accountability requirements in Subsection (2) apply to charter schools even when directed to a “school district,” “school board,” or similar entity or whether the assessment and accountability provisions require an express reference to charter schools, separate requirement imposed by MCSAB, or incorporation into the charter contract. Based on the plain language of Subsection (2), charter schools must comply with student assessment and accountability requirements applicable to noncharter public schools in the state. Further, it is the opinion of this office that Subsection (2) operates as the statute making this requirement specifically applicable to charter schools as referenced in Subsection (4). No further statutory reference is required to make these assessment and accountability requirements applicable to charter schools. Additionally, while Subsection (5) does state that “a [c]harter school is not subject to any rule, regulation, policy or procedure adopted by the [SBE] or [MDE] unless” required by the MCSAB or in the charter contract, Subsection (2) specifically provides that charter schools are subject to the student assessment and accountability requirements applicable to noncharter public schools. We understand that the student assessment and accountability requirements are defined and implemented in accordance with SBE policies and, thus, these policies are applicable to charter schools to the extent that they address student assessment and accountability requirements. However, which and to what extent specific SBE policies are applicable to charter schools is outside the scope of this opinion.

Your second question asks whether the mathematics and literacy assessment screening, process monitoring, individualized student plan, and intervention requirements enacted in the Mississippi Math Act apply to charter schools, and if so, whether their application extends only to student-facing requirements, or also to related district level program administration, staffing, reporting, and governance duties. As stated above, charter schools are subject to the student assessment and accountability requirements applicable to noncharter public schools in the state. The Mississippi Math Act is replete with references to required assessments, including diagnostic assessments and statewide math assessments. Notably, the language of Section 37-28-45(2) is specific to *student* assessment and accountability requirements. Accordingly, it is the opinion of this office that the assessment requirements in the Mississippi Math Act that are applicable to charter schools are limited to assessments of students and do not necessarily apply to all district level program administration, staffing, reporting, and governance duties. However, for specific questions

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regarding the applicability of specific SBE policies and procedures or accountability standards, we refer you to the SBE or MDE.

Your third question asks whether Mississippi Public School Accountability Standard 14 applies to charter schools serving the relevant grades by operation of Sections 37-28-45(2) or 37-28-29(2) or whether Section 37-28-45(5) makes the standard applicable only if MCAB separately requires compliance or the applicable charter contract incorporates it. As stated above, SBE accountability standards are applicable to charter schools to the extent that they address student assessment and accountability requirements. However, pursuant to Section 7-5-25, we cannot opine on or interpret policies or procedures adopted by state agencies, which would include SBE accountability standards. Which and to what extent specific SBE policies are applicable to charter schools is outside the scope of this opinion.

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/ Beebe Garrard*

Beebe Garrard
Special Assistant Attorney General

OFFICIAL OPINION