

By: Representative Bennett

To: Rules

HOUSE BILL NO. 1804

1 AN ACT MAKING AN APPROPRIATION FROM THE "EQUITY IN DISTANCE
2 LEARNING FUND" TO THE STATE DEPARTMENT OF EDUCATION TO FACILITATE
3 DISTANCE LEARNING DUE TO INTERRUPTIONS IN LEARNING AS A RESULT OF
4 THE IMPACT OF COVID-19 ON PUBLIC EDUCATION; AND FOR RELATED
5 PURPOSES.

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

7 **SECTION 1.** The following sum, or so much of it as may be
8 necessary, is appropriated out of any money in the "Equity in
9 Distance Learning Fund," to the State Department of Education for
10 the purposes of administering the "Equity in Distance Learning
11 Act," established in Senate Bill No. 3044, 2020 Regular Session,
12 for the period beginning upon July 1, 2020, and ending November
13 30, 2020\$150,000,000.00.

14 **SECTION 2.** The State Department of Education shall not
15 disburse any funds appropriated under this act to any recipient
16 without first: (a) making an individualized determination that
17 the reimbursement sought is, in the department's independent
18 judgment, for necessary expenditures incurred due to the public
19 health emergency with respect to COVID-19 as provided under



20 Section 601(d) of the federal Social Security Act as added by
21 Section 5001 of the federal Coronavirus Aid, Relief, and Economic
22 Security (CARES) Act and its implementing guidelines, guidance,
23 rules, regulations and/or other criteria, as may be amended or
24 supplemented from time to time, by the United States Department of
25 the Treasury; and (b) determining that the recipient has not
26 received and will not receive reimbursement for the expense in
27 question from any source of funds, including insurance proceeds,
28 other than those funds provided under Section 601 of the federal
29 Social Security Act as added by Section 5001 of the CARES Act. In
30 addition, the department shall ensure that all funds appropriated
31 under this act are disbursed in compliance with the Single Audit
32 Act (31 USC Sections 7501-7507) and the related provisions of the
33 Uniform Guidance, 2 CFR Section 200.303 regarding internal
34 controls, Sections 200.330 through 200.332 regarding subrecipient
35 monitoring and management, and subpart F regarding audit
36 requirements.

37 **SECTION 3.** (1) As a condition of receiving and expending
38 the funds appropriated to the State Department of Education under
39 this act, the department shall certify to the Department of
40 Finance and Administration that each expenditure of the funds
41 appropriated to the State Department of Education under Section 1
42 of this act is in compliance with the guidelines, guidance, rules,
43 regulations and/or other criteria, as may be amended from time to
44 time, of the United States Department of the Treasury regarding



45 the use of monies from the Coronavirus Relief Fund established by
46 the federal Coronavirus Aid, Relief, and Economic Security (CARES)
47 Act.

48 (2) If the Office of Inspector General of the United States
49 Department of the Treasury, or the Office of Inspector General of
50 any other federal agency having oversight over the use of monies
51 from the Coronavirus Relief Fund established by the federal CARES
52 Act (a) determines that the State Department of Education has
53 expended or otherwise used any of the funds appropriated to the
54 department under this act for any purpose that is not in
55 compliance with the guidelines, guidance, rules, regulations
56 and/or other criteria, as may be amended from time to time, of the
57 United States Department of the Treasury regarding the use of
58 monies from the Coronavirus Relief Fund established by the federal
59 CARES Act, and (b) the State of Mississippi is required to repay
60 the federal government for any of those funds that the Office of
61 the Inspector General determined were expended or otherwise used
62 improperly by the department, then the department, which expended
63 or otherwise used those funds improperly, shall be required to pay
64 the amount of those funds to the State of Mississippi for
65 repayment to the federal government.

66 **SECTION 4.** The money appropriated by this act shall be paid
67 by the State Treasurer out of any money in the "Equity in Distance
68 Learning Fund," not otherwise appropriated, upon warrants issued
69 by the State Fiscal Officer; and the State Fiscal Officer shall



70 issue his warrants upon requisitions signed by the proper person,
71 officer or officers in the manner provided by law.

72 **SECTION 5.** This act shall take effect and be in force from
73 and after July 1, 2020.

