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To: Education

SENATE BILL NO. 3044

1 AN ACT TO ESTABLISH THE "EQUITY IN DISTANCE LEARNING ACT" TO
2 BE ADMINISTERED BY THE MISSISSIPPI DEPARTMENT OF EDUCATION TO
3 PROVIDE GUIDANCE, TECHNICAL SUPPORT AND FINANCIAL REIMBURSEMENT TO
4 SCHOOLS TO PROVIDE DISTANCE LEARNING AND ONLINE SERVICES; TO STATE
5 LEGISLATIVE FINDINGS AND INTENT; TO DEFINE TERMS; TO ESTABLISH THE
6 "EQUITY IN DISTANCE LEARNING GRANT PROGRAM"; TO PROVIDE THAT
7 ALLOCATIONS UNDER THE PROGRAM SHALL BE MADE BASED ON AVERAGE DAILY
8 ATTENDANCE; TO HIGHLY ENCOURAGE EACH SCHOOL TO COMMIT A PORTION OF
9 ITS FEDERAL ELEMENTARY AND SECONDARY SCHOOL EMERGENCY RELIEF
10 (ESSER) FUNDS TO PURCHASE EQUIPMENT FOR ITS DISTANCE LEARNING
11 PLAN; TO REQUIRE THE DEPARTMENT TO INFORM EACH SCHOOL OF ITS
12 PORTION OF AVAILABLE FUNDS, TO DEVELOP REGULATIONS AND PROCEDURES
13 TO GOVERN THE GRANT PROGRAM AND TO COMPILE AN EXPRESS PRODUCTS
14 LIST; TO PRESCRIBE THE ELIGIBILITY REQUIREMENTS FOR SCHOOLS TO BE
15 REIMBURSED UNDER THE GRANT PROGRAM; TO CREATE A SPECIAL FUND IN
16 THE STATE TREASURY TO BE KNOWN AS THE "EQUITY IN DISTANCE LEARNING
17 FUND"; TO PROVIDE THAT THE PROVISIONS OF THIS ACT ARE SEVERABLE;
18 AND FOR RELATED PURPOSES.

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

20 **SECTION 1.** This act shall be known and may be cited as the
21 "Equity in Distance Learning Act."

22 **SECTION 2.** (1) The Mississippi Legislature finds the
23 following:

24 (a) The State of Emergency and ongoing public health
25 crisis related to COVID-19 requires all schools to plan and



26 implement distance learning programs, and plan to facilitate safe
27 classroom and remote instruction;

28 (b) The availability of unprecedented federal funding
29 for distance learning has created a unique opportunity for schools
30 to provide all students and teachers with better access to
31 technology to enhance traditional classroom teaching; and

32 (c) In recognition that every school's technology needs
33 are different, this act establishes the Equity in Distance
34 Learning Grant Program to require the Mississippi Department of
35 Education and schools to expend funds on eligible expenses, within
36 the relevant statutory provisions of this act and the regulations
37 promulgated, in order to assist schools in expeditiously
38 implementing distance learning programs and facilitating safe
39 classroom and remote instruction.

40 (2) Therefore, the intent of the Mississippi Legislature is:

41 (a) To provide funding for devices and other
42 technology, including technology related to connectivity and
43 online access, sufficient for students, teachers, and
44 administrators and other staff to engage in grade-appropriate
45 distance learning aligned with the state's college and career
46 readiness standards, and provide funding for safe classroom or
47 remote instruction; and

48 (b) To provide funding for technical support and
49 professional development to facilitate distance learning and safe
50 classroom or remote instruction.



51 **SECTION 3.** For purposes of this act, the following words
52 shall have the meanings ascribed herein unless the context
53 otherwise requires:

54 (a) "Grant program" means the Equity in Distance
55 Learning Grant Program established in this act.

56 (b) "Department" means the Mississippi Department of
57 Education.

58 (c) "School" means public school districts,
59 agricultural high schools, the Mississippi School for the Deaf and
60 Blind, the Mississippi School of the Arts and the Mississippi
61 School for Mathematics and Science and public charter schools.

62 (d) "COVID-19" means the Coronavirus Disease 2019.

63 (e) "State of Emergency" means the State of Emergency
64 declared by Executive Order of the Governor of the State of
65 Mississippi on March 14, 2020, and any amendments thereto or
66 subsequent orders or amendments thereto.

67 (f) "Express Product List" or "EPL" means the
68 compilation of vendors and products adopted by the department for
69 use by schools for the purchase of devices, software, online
70 tools, and other equipment and technology necessary to support
71 distance learning.

72 (g) "Learning management system" means a software
73 application for the administration, documentation, tracking,
74 reporting, automation and delivery of educational courses,
75 training programs, or learning and development programs.



76 (h) "Eligible expenses" means a cost incurred by a
77 school, pursuant to this act, to facilitate or enhance distance
78 learning capabilities under its distance learning plan, including:
79 (i) The purchase of laptop computers, tablets,
80 assisted learning devices or other devices which can be used
81 personally by a student or teacher in their home or in the
82 classroom;
83 (ii) The purchase of learning management systems,
84 software and other online tools;
85 (iii) The purchase and installation of hardware to
86 provide for or enhance the internet connectivity of a school's
87 students, including the cost of establishing personal or centrally
88 located hotspots;
89 (iv) The enhancement of security related to
90 devices or connectivity to comply with state and federal law, and
91 to protect students, teachers and administrators and other staff
92 working within the school;
93 (v) The delivery of professional development
94 related to use of devices, connectivity and other relevant
95 components of distance learning for teachers, students and the
96 wider community, including parents or guardians of students
97 enrolled in the school; and
98 (vi) Materials or equipment necessary to increase
99 health and safety precautions in classrooms or other school
100 facilities.



101 **SECTION 4.** (1) There is established the Equity in Distance
102 Learning Grant Program which shall be administered by the
103 department for the purpose of reimbursing schools for eligible
104 expenses incurred in funding their distance learning plans, and in
105 facilitating safe classroom and remote instruction.

106 (2) Subject to appropriations by the Legislature,
107 allocations to schools shall be made based on average daily
108 attendance, as defined in Section 37-151-5 and as calculated in
109 the 2019-2020 school year.

110 (3) Subject to the provisions of this act, and other
111 applicable federal law and regulations, schools shall have the
112 authority to use the funds provided in this grant program in a way
113 which best facilitates their distance learning plan, and safe
114 classroom or remote instruction.

115 (4) Schools are highly encouraged to commit a portion of its
116 federal ESSER funds as supplemental matching funds to offset the
117 total cost of purchasing sufficient electronic devices,
118 technological supports and systems of service for its distance
119 learning plan.

120 **SECTION 5.** (1) The department shall:

121 (a) Inform each school of its portion of the funds
122 appropriated to this grant program as provided for in Section 4(2)
123 of this act;

124 (b) Develop regulations and procedures to govern the
125 administration of this grant program, to include:



126 (i) A reimbursement process for schools to submit
127 expenditures and receive reimbursement for eligible expenses from
128 the department up to the total amount allocated to each school in
129 Section 4 of this act;

130 (ii) Provide guidance to schools in the
131 development of a technology sustainability plan, addressing how
132 devices and other technology purchased and used by the school
133 district, and students, teachers and other administrators and
134 staff, will be maintained throughout their usage and replaced
135 before the expiration of the term of their expected useful life;

136 (iii) Provide guidance to schools in the
137 development of a responsible use policy for students, teachers and
138 administrators or other staff to govern the use of devices and
139 other technology purchased under this grant program;

140 (c) Provide guidance to schools on the development and
141 implementation of a distance learning plan; and

142 (d) Solicit bid proposals from vendors to establish an
143 EPL.

144 (2) The department may:

145 (a) Revise the adopted EPL based upon purchasing
146 demands as needed to provide schools with choice in the selection
147 of the electronic devices; and

148 (b) Use the federal ESSER funds set aside for
149 administration of the program to administer this grant program, to
150 the extent permissible under federal law.



151 **SECTION 6.** To be eligible under this grant program, a school
152 shall:

153 (a) Prioritize first the purchase of products listed in
154 Section 3(h)(i) of this act. Schools shall equip every student
155 with a grade-appropriate device, as recommended by the department,
156 before incurring the other expenses listed in Section 3(h)(ii) or
157 (iii) of this act, which shall receive next priority after the
158 products listed in Section 3(h)(i) of this act;

159 (b) Purchase products from vendors listed on the EPL,
160 if using funds under this grant program, unless the school can
161 demonstrate, to the department, that the products it purchases
162 from vendors not listed on the EPL:

163 (i) Meet or exceed the technological specification
164 and functionality required by the department; and

165 (ii) Can be purchased at a price that is less than
166 any of the prices on listed on the EPL for a comparable product;

167 (c) Submit the original, itemized receipt of purchase
168 or an authentic copy of the receipt with its request for
169 reimbursement;

170 (d) Secure insurance and submit proof of insurance for
171 any items to be reimbursed under this program;

172 (e) Develop and submit to the department, by September
173 1, 2020:

174 (i) A distance learning plan, establishing an
175 appropriate and achievable plan by the school to develop,



176 implement and maintain distance learning capabilities with a focus
177 on device procurement and connectivity to the internet for
178 students and teachers;

179 (ii) With the understanding that this grant
180 program is being funded with one-time federal funds, a technology
181 sustainability plan addressing how devices and other technology
182 purchased and used by the school, and students, teachers and other
183 administrators and staff, will be maintained throughout their
184 usage and replaced before the expiration of the term of their
185 expected useful life without additional state funds; and

186 (iii) A responsible use policy, addressing the use
187 of devices and other technology purchased under this grant
188 program. The policy shall include a provision requiring students,
189 parents or guardians, teachers, administrators and other staff to
190 agree in writing to the provisions in the policy, and may include
191 fines for intentional loss or damage to devices. The policy shall
192 also include a provision acknowledging that the school shall
193 assume the control of ownership and liability for personal devices
194 and other equipment purchased under this grant program until the
195 personal device or other equipment:

196 1. No longer serves the school or related
197 school purposes for which it was acquired and is sold by public
198 auction under Section 17-25-25;

199 2. Is sold to students in Grade 12 under the
200 provisions of Section 37-7-459; or



201 3. Is traded in to a vendor as part of a
202 subsequent purchase; and

203 (f) Compile and maintain an inventory list of all
204 devices purchased and issued to students, teachers and
205 administrators and other staff, as well as any supporting
206 technology or equipment used to support the school's distance
207 learning plan.

208 **SECTION 7.** (1) There is created a special fund in the State
209 Treasury, to be known as the "Equity in Distance Learning Fund,"
210 from which the grants authorized by this act shall be disbursed by
211 the department. All monies shall be disbursed from the fund in
212 compliance with the guidelines, guidance, rules, regulations
213 and/or other criteria, as may be amended from time to time, of the
214 United States Department of the Treasury regarding the use of
215 monies from the Coronavirus Relief Fund established by the CARES
216 Act. If on November 1, 2020, there are unobligated monies in the
217 fund from either the department or schools, the department shall
218 have the discretion to distribute the monies for eligible
219 expenditures pursuant to the CARES Act to schools by application.

220 (2) The use of funds allocated under this grant program
221 shall be subject to audit by the United State Department of
222 Treasury's Office of Inspector General and the Mississippi Office
223 of the State Auditor. Each school, or other entity or person
224 receiving funds under this grant program, found to be fully or



225 partially noncompliant with the requirements in this act, shall
226 return to the state all or a portion of the funds received.

227 **SECTION 8.** The department shall provide a comprehensive
228 report on the use of funds distributed under this grant program
229 and the effectiveness of distance learning plans adopted by
230 schools to the Governor, Lieutenant Governor, Speaker of the House
231 of Representatives, and Chairs of the Senate and House
232 Appropriation and Education Committees by October 11, 2020.

233 **SECTION 9.** If any section, paragraph, sentence, clause,
234 phrase, or any part of this act is declared to be in conflict with
235 federal law, or if for any reason is declared to be invalid or of
236 no effect, the remaining sections, paragraphs, sentences, clauses,
237 phrases or parts thereof shall be in no matter affected thereby
238 but shall remain in full force and effect.

239 **SECTION 10.** This act shall take effect and be in force from
240 and after its passage.

