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To: Education

SENATE BILL NO. 3044  
(As Passed the Senate)

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. For any school not funded under the  
110 Mississippi Adequate Education Program, the department shall  
111 calculate the average-daily-attendance equivalent or fund the  
112 school based on enrollment.

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

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

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



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

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

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

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

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

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

145 (d) Solicit bid proposals from vendors to establish an  
146 EPL.

147 (2) The department may:



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

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

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

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

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

166 (i) Meet or exceed the technological specification  
167 and functionality required by the department; and

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

170 (c) Submit the original, itemized receipt of purchase  
171 or an authentic copy of the receipt with its request for  
172 reimbursement;



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

175 (e) Develop and submit to the department, by September  
176 1, 2020:

177 (i) A distance learning plan, establishing an  
178 appropriate and achievable plan by the school to develop,  
179 implement and maintain distance learning capabilities with a focus  
180 on device procurement and connectivity to the internet for  
181 students and teachers. A school's distance learning plan shall  
182 make specific provision for its students with special needs,  
183 including the purchase of appropriate devices and equipment;

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

191 (iii) A responsible use policy, addressing the use  
192 of devices and other technology purchased under this grant  
193 program. The policy shall include a provision requiring students,  
194 parents or guardians, teachers, administrators and other staff to  
195 agree in writing to the provisions in the policy, and may include  
196 fines for intentional loss or damage to devices. The policy shall  
197 also include a provision acknowledging that the school shall





198 assume the control of ownership and liability for personal devices  
199 and other equipment purchased under this grant program until the  
200 personal device or other equipment:

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

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

206                   3. Is traded in to a vendor as part of a  
207 subsequent purchase; and

208                   (f) Compile and maintain an inventory list of all  
209 devices purchased and issued to students, teachers and  
210 administrators and other staff, as well as any supporting  
211 technology or equipment used to support the school's distance  
212 learning plan.

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



223 have the discretion to distribute the monies for eligible  
224 expenditures pursuant to the CARES Act to schools by application.

225 (2) The use of funds allocated under this grant program  
226 shall be subject to audit by the United State Department of the  
227 Treasury's Office of Inspector General and the Mississippi Office  
228 of the State Auditor. Each school, or other entity or person  
229 receiving funds under this grant program, found to be fully or  
230 partially noncompliant with the requirements in this act, shall  
231 return to the state all or a portion of the funds received.

232 **SECTION 8.** The department shall provide a comprehensive  
233 report on the use of funds distributed under this grant program  
234 and the effectiveness of distance learning plans adopted by  
235 schools to the Governor, Lieutenant Governor, Speaker of the House  
236 of Representatives, and Chairs of the Senate and House  
237 Appropriation and Education Committees by October 1, 2020.

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

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

