MISSISSIPPI LEGISLATURE

By: Representative Bain

To: Universities and Colleges; Appropriations

HOUSE BILL NO. 1202

AN ACT TO REQUIRE POSTSECONDARY EDUCATIONAL INSTITUTIONS UNDER THE GOVERNANCE OF THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING AND THE MISSISSIPPI COMMUNITY COLLEGE BOARD TO PROVIDE AT LEAST 50% OF IN-PERSON INSTRUCTION BEGINNING WITH THE 2021-2022 ACADEMIC TERM AS A CONDITION OF RECEIVING STATE FUNDED LEGISLATIVE APPROPRIATIONS; AND FOR RELATED PURPOSES.

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

SECTION 1. (1) (a) The Board of Trustees of State Institutions of Higher Learning and the Mississippi Community College Board shall provide services and assistance to postsecondary educational institutions under the purview of their respective governance, consistent with the provisions of this act to ensure the most safe and practicable delivery of in-person instruction to students during the 2021-2022 academic year and each academic year thereafter.

(b) As a condition of receipt of state funding through legislative appropriation, each public postsecondary educational institution shall require a minimum of fifty percent (50%) in-person instruction, which includes traditional residential
instruction. Failure of any postsecondary educational institution to comply with the provisions of this section will result in the withdrawal or withholding of state funding.

(2) Each postsecondary educational institution shall submit to its respective governing board, and in the case of community junior college, to each community college district board of trustees, and the respective board shall approve a comprehensive school reopening plan for the 2021-2022 academic year, based on criteria determined by the boards in consultation with the Governor and the State Health Officer, including criteria specified in paragraphs (a) through (c) of this subsection, that describes how each postsecondary educational institution will safely reopen its campus with the physical presence of students, consistent with maintaining safe and continuous operations aligned with challenging state, regional and national accreditation standards. The respective governing boards shall approve such plans within thirty (30) days after the plan is submitted, subject to the requirements in paragraphs (a) through (c) of this subsection.

(a) A postsecondary educational institution that provides in-person instruction for at least fifty percent (50%) of its students, where the students physically attend school no less than fifty percent (50%) of each school-week, as it was defined by the postsecondary educational institution prior to the Novel Coronavirus emergency, shall receive a state-funded legislative
appropriation in an amount not less than the legislative budget recommendation, notwithstanding the discretion of the Legislature to increase or decrease said appropriation in an effort to achieve a balanced budget.

(b) A postsecondary educational institution that does not provide in-person instruction to any students where the students physically attend school in person shall not be eligible to receive a state-funded legislative appropriation under this subsection (2).

(c) A postsecondary educational institution that provides in-person instruction to at least some students where the students physically attend school in person but does not satisfy the requirements in paragraph (a) of this subsection shall have its appropriation reduced on a pro rata basis as determined by the Legislature.

(3) Each postsecondary educational institution's reopening plan submitted to the appropriate governing board under subsection (2) shall include, in addition to any other information necessary to meet the criteria determined by the respective governing boards in consultation with the Governor and the State Health Officer, the following:

(a) A detailed timeline for when the postsecondary educational institution will provide in-person instruction, including the goals and criteria used for providing fulltime in-person instruction to all students;
(b) A description of how many days of in-person instruction per calendar week the postsecondary educational institution plans to offer to students during the 2021-2022 academic year; and

(c) An assurance that the postsecondary educational institution will offer students as much in-person instruction as is safe and practicable, consistent with maintaining safe and continuous operations aligned with challenging state, regional and national accreditation standards.

(4) (a) Once a reopening plan is approved for a postsecondary educational institution, the institution shall then implement policies and procedures to ensure the in-person instructional mode selected for its campus provides a socially distanced, safe and practicable environment for instruction delivery by providing that:

(i) Students meet in the assigned classroom at the time assigned in the course schedule;

(ii) Students are expected to attend all classes in person unless they are ill or otherwise unable to attend class; and

(iii) In the event of occasional or temporary absence, students will follow the attendance policy of the institution, with some flexibility.

(b) In the event of an extended absence from an in-person class, the postsecondary educational institution shall
work with the student to identify communication and collaboration tools appropriate for the student to successfully complete the course to the extent available.

(c) In the event of a change in circumstance that would impact a student's ability to attend in person before the start of the Fall 2021 semester, the postsecondary educational institution shall work with the student on the selection of an alternate course.

SECTION 2. This act shall take effect and be in force from and after its passage.