

By: Representative Bain

To: Appropriations

HOUSE BILL NO. 412

1 AN ACT TO REQUIRE POSTSECONDARY EDUCATIONAL INSTITUTIONS  
 2 UNDER THE GOVERNANCE OF THE BOARD OF TRUSTEES OF STATE  
 3 INSTITUTIONS OF HIGHER LEARNING AND THE MISSISSIPPI COMMUNITY  
 4 COLLEGE BOARD TO PROVIDE AT LEAST 50% OF IN-PERSON INSTRUCTION  
 5 BEGINNING WITH THE 2022-2023 ACADEMIC TERM AS A CONDITION OF  
 6 RECEIVING STATE FUNDED LEGISLATIVE APPROPRIATIONS; AND FOR RELATED  
 7 PURPOSES.

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

9 **SECTION 1.** (1) (a) The Board of Trustees of State  
 10 Institutions of Higher Learning and the Mississippi Community  
 11 College Board shall provide services and assistance to  
 12 postsecondary educational institutions under the purview of their  
 13 respective governance, consistent with the provisions of this act  
 14 to ensure the most safe and practicable delivery of in-person  
 15 instruction to students during the 2022-2023 academic year and  
 16 each academic year thereafter.

17 (b) As a condition of receipt of state funding through  
 18 legislative appropriation, each public postsecondary educational  
 19 institution shall require a minimum of fifty percent (50%)  
 20 in-person instruction, which includes traditional residential



21 instruction. Failure of any postsecondary educational institution  
22 to comply with the provisions of this section will result in the  
23 withdrawal or withholding of state funding.

24 (2) Each postsecondary educational institution shall submit  
25 to its respective governing board, and in the case of community  
26 junior college, to each community college district board of  
27 trustees, and the respective board shall approve a comprehensive  
28 school reopening plan for the 2022-2023 academic year, based on  
29 criteria determined by the boards in consultation with the  
30 Governor and the State Health Officer, including criteria  
31 specified in paragraphs (a) through (c) of this subsection, that  
32 describes how each postsecondary educational institution will  
33 safely reopen its campus with the physical presence of students,  
34 consistent with maintaining safe and continuous operations aligned  
35 with challenging state, regional and national accreditation  
36 standards. The respective governing boards shall approve such  
37 plans within thirty (30) days after the plan is submitted, subject  
38 to the requirements in paragraphs (a) through (c) of this  
39 subsection.

40 (a) A postsecondary educational institution that  
41 provides in-person instruction for at least fifty percent (50%) of  
42 its students, where the students physically attend school no less  
43 than fifty percent (50%) of each school-week, as it was defined by  
44 the postsecondary educational institution prior to the Novel  
45 Coronavirus emergency, shall receive a state-funded legislative



46 appropriation in an amount not less than the legislative budget  
47 recommendation, notwithstanding the discretion of the Legislature  
48 to increase or decrease said appropriation in an effort to achieve  
49 a balanced budget.

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

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

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

67 (a) A detailed timeline for when the postsecondary  
68 educational institution will provide in-person instruction,  
69 including the goals and criteria used for providing fulltime  
70 in-person instruction to all students;



71 (b) A description of how many days of in-person  
72 instruction per calendar week the postsecondary educational  
73 institution plans to offer to students during the 2022-2023  
74 academic year; and

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

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

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

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

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

94 (b) In the event of an extended absence from an  
95 in-person class, the postsecondary educational institution shall



96 work with the student to identify communication and collaboration  
97 tools appropriate for the student to successfully complete the  
98 course to the extent available.

99 (c) In the event of a change in circumstance that would  
100 impact a student's ability to attend in person before the start of  
101 the Fall 2022 semester, the postsecondary educational institution  
102 shall work with the student on the selection of an alternate  
103 course.

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

