

By: Representatives Bennett, Stamps, Karriem To: Education; Appropriations

HOUSE BILL NO. 1312

1 AN ACT TO BRING FORWARD SECTIONS 37-68-1, 37-68-3 AND
2 37-68-5, MISSISSIPPI CODE OF 1972, WHICH ARE PROVISIONS OF THE
3 "EQUITY IN DIGITAL LEARNING ACT," FOR THE PURPOSE OF POSSIBLE
4 AMENDMENTS; TO AMEND SECTION 37-68-7, MISSISSIPPI CODE OF 1972, TO
5 AUTHORIZE THE STATE DEPARTMENT OF EDUCATION TO ESTABLISH AND
6 ADMINISTER THE VOLUNTARY EQUITY IN DISTANCE LEARNING GRANT PROGRAM
7 FOR SCHOOLS CHOOSING TO PARTICIPATE FOR THE PURPOSE OF PURCHASING
8 TECHNOLOGY DEVICES AND HARDWARE TO AID IN FACILITATING DISTANCE
9 LEARNING AND SAFE CLASSROOM OR REMOTE INSTRUCTION; TO AUTHORIZE
10 PARTICIPATING SCHOOLS TO PROVIDE, AS MATCHING FUNDS, A PRO RATA
11 SHARE OF ITS TOTAL EQUIPMENT COST, CALCULATED BY PERCENTAGE, BASED
12 ON THE TOTAL EQUIPMENT PURCHASE COST FOR ALL PARTICIPATING SCHOOL
13 DISTRICTS; TO AMEND SECTION 37-68-9, MISSISSIPPI CODE OF 1972, TO
14 REQUIRE THE DEPARTMENT TO CONDUCT A STATEWIDE TECHNOLOGY
15 NEEDS-ASSESSMENT SURVEY OF SCHOOL DISTRICTS TO DETERMINE THE NEED
16 OR DESIRE TO UPDATE DEVICES AND HARDWARE USED TO FACILITATE
17 DISTANCE LEARNING AND SAFE CLASSROOM OR REMOTE INSTRUCTION; TO
18 REQUIRE THE DEPARTMENT TO ANNUALLY REVISE THE ADOPTED EPL BASED
19 UPON PURCHASING DEMANDS AS NEEDED TO PROVIDE SCHOOLS WITH CHOICES
20 IN THE SELECTION OF THE ELECTRONIC DEVICES; TO AMEND SECTION
21 37-68-11, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A PRO RATA
22 SHARE OF THE MONIES USED BY A SCHOOL DISTRICT FOR PURPOSES OF THIS
23 ACT MAY BE ALLOCATED FROM ANY OF THE DISTRICT'S AVAILABLE AND
24 UNOBLIGATED ESSER FUNDS, ESSER II FUNDS OR ESSER III FUNDS; TO
25 AMEND SECTION 37-68-13, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
26 THE LEGISLATURE MAY MAKE AN INITIAL APPROPRIATION OF
27 \$10,000,000.00 TO THE EQUITY IN DISTANCE LEARNING FUND; TO AMEND
28 SECTION 37-68-15, MISSISSIPPI CODE OF 1972, TO REQUIRE THE
29 DEPARTMENT TO SUBMIT AN ANNUAL COMPREHENSIVE REPORT TO THE
30 LEGISLATION ON THE USE OF FUNDS DISTRIBUTED UNDER THE GRANT
31 PROGRAM BY DECEMBER 31; AND FOR RELATED PURPOSES.

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



33 **SECTION 1.** Section 37-68-1, Mississippi Code of 1972, is
34 brought forward as follows:

35 37-68-1. This chapter shall be known and may be cited as the
36 "Equity in Distance Learning Act."

37 **SECTION 2.** Section 37-68-3, Mississippi Code of 1972, is
38 brought forward as follows:

39 37-68-3. (1) The Mississippi Legislature finds the
40 following:

41 (a) The State of Emergency and ongoing public health
42 crisis related to COVID-19 requires all schools to plan and
43 implement distance learning programs, and plan to facilitate safe
44 classroom and remote instruction;

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

49 (c) In recognition that every school's technology needs
50 are different, this chapter establishes the Equity in Distance
51 Learning Grant Program to require the Mississippi Department of
52 Education and schools to expend funds on eligible expenses, within
53 the relevant statutory provisions of this chapter and the
54 regulations promulgated, in order to assist schools in
55 expeditiously implementing distance learning programs and
56 facilitating safe classroom and remote instruction.

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



58 (a) To provide funding for devices and other
59 technology, including technology related to connectivity and
60 online access, sufficient for students, teachers, and
61 administrators and other staff to engage in grade-appropriate
62 distance learning aligned with the state's College and Career
63 Readiness Standards, and provide funding for safe classroom or
64 remote instruction; and

65 (b) To provide funding for technical support and
66 professional development to facilitate distance learning and safe
67 classroom or remote instruction.

68 **SECTION 3.** Section 37-68-5, Mississippi Code of 1972, is
69 brought forward as follows:

70 37-68-5. For purposes of this chapter, the following words
71 shall have the meanings ascribed herein unless the context
72 otherwise requires:

73 (a) "Grant program" means the Equity in Distance
74 Learning Grant Program established in this chapter.

75 (b) "Department" means the Mississippi Department of
76 Education.

77 (c) "School" means public school districts,
78 agricultural high schools, the Mississippi School for the Deaf and
79 Blind, the Mississippi School of the Arts and the Mississippi
80 School for Mathematics and Science and public charter schools.

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



82 (e) "State of Emergency" means the State of Emergency
83 declared by Executive Order of the Governor of the State of
84 Mississippi on March 14, 2020, and any amendments thereto or
85 subsequent orders or amendments thereto.

86 (f) "Express Product List" or "EPL" means the
87 compilation of vendors and products adopted by the department for
88 use by schools for the purchase of devices, software, online
89 tools, and other equipment and technology necessary to support
90 distance learning.

91 (g) "Learning management system" means a software
92 application for the administration, documentation, tracking,
93 reporting, automation and delivery of educational courses,
94 training programs, or learning and development programs.

95 (h) "Eligible expenses" means a cost incurred by a
96 school, pursuant to this chapter, to facilitate or enhance
97 distance learning capabilities under its distance learning plan,
98 including:

99 (i) The purchase of laptop computers, tablets,
100 assisted learning devices or other devices which can be used
101 personally by a student or teacher in their home or in the
102 classroom;

103 (ii) The purchase of learning management systems,
104 software and other online tools;

105 (iii) The purchase and installation of hardware to
106 provide for or enhance the internet connectivity of a school's



107 students, including the cost of establishing personal or centrally
108 located hotspots;

109 (iv) The enhancement of security related to
110 devices or connectivity to comply with state and federal law, and
111 to protect students, teachers and administrators and other staff
112 working within the school;

113 (v) The delivery of professional development
114 related to use of devices, connectivity and other relevant
115 components of distance learning for teachers, students and the
116 wider community, including parents or guardians of students
117 enrolled in the school; and

118 (vi) Materials or equipment necessary to increase
119 health and safety precautions in classrooms or other school
120 facilities.

121 **SECTION 4.** Section 37-68-7, Mississippi Code of 1972, is
122 amended as follows:

123 37-68-7. (1) There is established the Equity in Distance
124 Learning Grant Program which shall be administered by the
125 department for the purpose of * * * assisting schools, * * * which
126 voluntarily participate in the program, with eligible expenses
127 incurred in funding their distance learning plans, and in
128 facilitating safe classroom and remote instruction as deemed
129 necessary to provide continuous in-person or remote instruction to
130 their student population.



131 (2) Subject to appropriations by the Legislature to the
132 Equity in Distance Learning Fund, * * * participating
133 schools * * * may provide a pro rata match of its total equipment
134 cost, calculated by percentage, * * * based on * * * the total
135 equipment purchase cost for all participating school districts.

136 * * *

137 (3) Subject to the provisions of this chapter, and other
138 applicable federal law and regulations, schools choosing to
139 participate in the program shall have the authority to use the
140 funds provided in this grant program in a way which best
141 facilitates their distance learning plan, and safe classroom or
142 remote instruction.

143 (4) Participating schools are highly encouraged to commit a
144 portion of their federal Coronavirus Aid, Relief and Economic
145 Security (CARES) Act -ESSER funds, Coronavirus Response and Relief
146 Supplemental Appropriation (CRRSA) Act -ESSER II funds or American
147 Rescue Plan (ARP) Act -ESSER III funds, whichever such funds
148 remain available for obligation prior to September 30, 2022,
149 September 30, 2023 or September 30, 2024, respectively, for such
150 purposes, above the amount required by Section 37-68-11(b), as
151 supplemental matching funds to offset the total cost of purchasing
152 sufficient electronic devices, technological supports and systems
153 of service for its distance learning plan.

154 **SECTION 5.** Section 37-68-9, Mississippi Code of 1972, is
155 amended as follows:



156 37-68-9. (1) The department shall:

157 (a) Inform each participating school of its required

158 pro rata portion of available and unobligated local ESSER, ESSER

159 II or ESSER III funds, or any other funds made available to the

160 school for such purposes, to be used to match the funds

161 appropriated to this grant program as provided for in Section

162 37-68-7(2);

163 (b) Develop regulations and procedures to govern the

164 administration of this grant program, to include:

165 * * *

166 (* * * i) * * * Providing guidance to

167 participating schools in the development of a technology

168 sustainability plan, addressing how devices and other technology

169 purchased and used by the school district, * * * students,

170 teachers and other administrators and staff, will be maintained

171 throughout their usage and replaced before the expiration of the

172 term of their expected useful life; and

173 (* * * ii) * * * Providing guidance to

174 participating schools in the development of a responsible use

175 policy for students, teachers and administrators or other staff to

176 govern the use of devices and other technology purchased under

177 this grant program;

178 (c) * * * Conduct a statewide technology

179 needs-assessment survey of school districts to determine the need

180 or desire to update devices and hardware used to facilitate



181 distance learning and safe classroom or remote instruction in
182 compliance with the guidelines, guidance, rules, regulations
183 and/or other criteria, as may be amended from time to time, by the
184 United States Department of the Treasury regarding the use of
185 monies from the Coronavirus Relief Fund established by the CARES
186 Act, CRRSA Act and the ARP Act;

187 (d) Solicit bid proposals from vendors to establish an
188 EPL; * * *

189 (e) Seek an emergency exemption from the procurement
190 laws and bidding procedures established in Section 31-7-13 to
191 expedite the compilation of an updated EPL and to minimize the
192 cost of relevant devices or other technology for school districts
193 through bulk purchasing * * *; and

194 (f) Annually revise the adopted EPL based upon
195 purchasing demands as needed to provide schools with choice in the
196 selection of the electronic devices.

197 (2) The department may * * * use the federal Coronavirus
198 Aid, Relief and Economic Security (CARES) Act -ESSER funds,
199 Coronavirus Response and Relief Supplemental Appropriation (CRRSA)
200 Act -ESSER II funds or American Rescue Plan (ARP) Act -ESSER III
201 funds, whichever such funds remain available for obligation prior
202 to September 30, 2022, September 30, 2023 or September 30, 2024,
203 respectively, set aside for administration of the program to
204 administer this grant program, to the extent permissible under
205 federal law.



206 **SECTION 6.** Section 37-68-11, Mississippi Code of 1972, is
207 amended as follows:

208 37-68-11. To be eligible under this grant program, a
209 participating school * * * may:

210 (a) Prioritize first the purchase of products listed in
211 Section 37-68-5(h) (i). Schools shall equip every student with a
212 grade-appropriate device, as recommended by the department, before
213 incurring the other expenses listed in Section 37-68-5(h) (ii) or
214 (iii), which shall receive next priority after the products listed
215 in Section 37-68-5(h) (i);

216 (b) Match * * * the total statewide equipment cost for
217 prioritized products listed in Section 37-68-5(h) for all
218 participating schools with a pro rata share of the monies received
219 by the school from the * * * ESSER Fund, ESSER II Fund or ESSER
220 III Fund, as authorized in Sections 37-68-7(4) and 37-68-9(2),
221 provided that any such funds remain available for obligation prior
222 to their respective expiration dates, or any funds made available
223 to a school district or charter school for such purposes from any
224 federal, state, public or private entity;

225 (c) Purchase products from vendors listed on the
226 annually updated EPL, if using funds under this grant program,
227 unless the school can demonstrate, to the department, that the
228 products it purchases from vendors not listed on the EPL:

229 (i) Meet or exceed the technological specification
230 and functionality required by the department; and



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

233 * * *

234 (* * *d) Develop and submit, or update and submit to
235 the department, by September 1, * * * 2022:

236 (i) * * * An appropriate and achievable plan by
237 the school to * * * maintain distance learning capabilities with a
238 focus on device procurement and connectivity to the internet for
239 students and teachers. A school's distance learning plan shall
240 make specific provision for its students with special needs,
241 including the purchase of appropriate devices and equipment;

242 (ii) With the understanding that this grant
243 program is being funded with * * * state or limited purpose
244 federal funds, a revised technology sustainability plan addressing
245 how devices and other technology purchased and used by the school,
246 and students, teachers and other administrators and staff, will be
247 maintained throughout their usage and replaced before the
248 expiration of the term of their expected useful life without
249 additional state or federal funds; and

250 (iii) A responsible use policy, addressing the use
251 of devices and other technology purchased under this grant
252 program. The policy shall include a provision requiring students,
253 parents or guardians, teachers, administrators and other staff to
254 agree in writing to the provisions in the policy, and may include
255 fines for intentional loss or damage to devices. The policy shall



256 also include a provision acknowledging that the school shall
257 assume the control of ownership and liability for personal devices
258 and other equipment purchased under this grant program until the
259 personal device or other equipment:

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

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

265 3. Is traded in to a vendor as part of a
266 subsequent purchase; and

267 (* * *e) Compile and maintain an inventory list of all
268 devices purchased and issued to students, teachers and
269 administrators and other staff, as well as any supporting
270 technology or equipment used to support the school's distance
271 learning plan.

272 **SECTION 7.** Section 37-68-13, Mississippi Code of 1972, is
273 amended as follows:

274 37-68-13. (1) * * * There is created a special fund in the
275 State Treasury, to be known as the "Equity in Distance Learning
276 Fund," from which the grants authorized by this chapter shall be
277 disbursed by the department. The Legislature may make an initial
278 appropriation to the fund in the amount of Ten Million Dollars
279 (\$10,000,000.00) from either the State General Fund, Budget
280 Contingency Fund, or a combination of both such funds. If



281 appropriated all monies shall be disbursed from the fund in
282 compliance with the guidelines, guidance, rules, regulations
283 and/or other criteria, as may be amended from time to time, by the
284 United States Department of the Treasury regarding the use of
285 monies from the Coronavirus Relief Fund established by the CARES
286 Act, CRRSA Act and the ARP Act. * * * Unexpended amounts of any
287 monies unrelated to the Coronavirus Relief Fund, whether
288 appropriated by the Legislature or donated by any public or
289 private entity, remaining in the fund at the end of a fiscal year
290 shall not lapse into the Budget Contingency Fund or the State
291 General Fund, and any investment earnings or interest earned on
292 amounts in the grant program fund shall be deposited to the credit
293 of the grant program fund.

294 * * *

295 (2) The use of funds allocated under this grant program
296 shall be subject to audit by the United States Department of the
297 Treasury's Office of Inspector General and the Mississippi Office
298 of the State Auditor. Each school, or other entity or person
299 receiving funds under this grant program, found to be fully or
300 partially noncompliant with the requirements in this chapter,
301 shall return to the state all or a portion of the funds received.

302 **SECTION 8.** Section 37-68-15, Mississippi Code of 1972, is
303 amended as follows:

304 37-68-15. The department shall provide * * * an annual
305 comprehensive report on the use of funds distributed under this



306 grant program and the effectiveness of distance learning plans
307 adopted by schools to the Governor, Lieutenant Governor, Speaker
308 of the House of Representatives, and Chairs of the Senate and
309 House Appropriations and Education Committees by * * * December
310 31.

311 **SECTION 9.** This act shall take effect and be in force from
312 and after July 1, 2022.

