

By: Senator(s) DeBar

To: Education;  
Appropriations

## SENATE BILL NO. 2884

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 REQUIRE  
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 SHALL 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 SHALL 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 schools  
133 shall provide a pro rata match of its total equipment cost,  
134 calculated by percentage, \* \* \* based on \* \* \* the total equipment  
135 purchase cost for all participating school districts. \* \* \*

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

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

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

155 37-68-9. (1) The department shall:



156 (a) Inform each participating school of its required  
157 pro rata portion of available and unobligated local ESSER, ESSER  
158 II or ESSER III funds, or any other funds made available to the  
159 school for such purposes, to be used to match the funds  
160 appropriated to this grant program as provided for in Section  
161 37-68-7(2);

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

164 \* \* \*

165 ( \* \* \*i) \* \* \* Providing guidance to  
166 participating schools in the development of a technology  
167 sustainability plan, addressing how devices and other technology  
168 purchased and used by the school district, \* \* \* students,  
169 teachers and other administrators and staff, will be maintained  
170 throughout their usage and replaced before the expiration of the  
171 term of their expected useful life; and

172 ( \* \* \*ii) \* \* \* Providing guidance to  
173 participating schools in the development of a responsible use  
174 policy for students, teachers and administrators or other staff to  
175 govern the use of devices and other technology purchased under  
176 this grant program;

177 (c) \* \* \* Conduct a statewide technology  
178 needs-assessment survey of school districts to determine the need  
179 or desire to update devices and hardware used to facilitate  
180 distance learning and safe classroom or remote instruction in



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

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

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

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

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





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

207           37-68-11. To be eligible under this grant program, a  
208 participating school shall:

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

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

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

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



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

232 \* \* \*

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

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

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

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



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

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

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

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

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

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

273           37-68-13. (1) \* \* \* There is created a special fund in the  
274 State Treasury, to be known as the "Equity in Distance Learning  
275 Fund," from which the grants authorized by this chapter shall be  
276 disbursed by the department. The Legislature shall make an  
277 initial appropriation to the fund in the amount of Ten Million  
278 Dollars (\$10,000,000.00) from either the State General Fund,  
279 Budget Contingency Fund, or a combination of both such funds. All



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

292 \* \* \*

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

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

302 37-68-15. The department shall provide \* \* \* an annual  
303 comprehensive report on the use of funds distributed under this  
304 grant program and the effectiveness of distance learning plans



305 adopted by schools to the Governor, Lieutenant Governor, Speaker  
306 of the House of Representatives, and Chairs of the Senate and  
307 House Appropriations and Education Committees by \* \* \* December  
308 31.

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

