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MISSISSIPPI LEGISLATURE

2020 Regular Session

To: Rules

By: Representative Bennett

House Bill 1792

(As Sent to Governor)

AN ACT MAKING AN APPROPRIATION FROM THE "EQUITY IN DISTANCE LEARNING FUND" TO THE STATE DEPARTMENT OF EDUCATION TO FACILITATE DISTANCE LEARNING DUE TO INTERRUPTIONS IN LEARNING AS A RESULT OF THE IMPACT OF COVID-19 ON PUBLIC EDUCATION; AND FOR RELATED PURPOSES.

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

SECTION 1. The following sum, or so much of it as may be necessary, is appropriated out of any money in the "Equity in Distance Learning Fund," to the State Department of Education for the purposes of administering the "Equity in Digital Learning Act," established in Senate Bill No. 3044, 2020 Regular Session, for the period beginning upon July 1, 2020, and ending November 30, 2020 .....$150,000,000.00.

SECTION 2. The State Department of Education shall not disburse any funds appropriated under this act to any recipient without first: (a) making an individualized determination that the reimbursement sought is, in the department's independent judgment, for necessary expenditures incurred due to the public health emergency with respect to COVID-19 as provided under Section 601(d) of the federal Social Security Act as added by Section 5001 of the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act and its implementing guidelines, guidance, rules, regulations and/or other criteria, as may be amended or supplemented from time to time, by the United States Department of the Treasury; and (b) determining that the recipient has not received and will not receive reimbursement for the expense in question from any source of funds, including insurance proceeds, other than those funds provided under Section 601 of the federal Social Security Act as added by Section 5001 of the CARES Act. In addition, the department shall ensure that all funds appropriated under this act are disbursed in compliance with the Single Audit Act (31 USC Sections 7501-7507) and the related provisions of the Uniform Guidance, 2 CFR Section 200.303 regarding internal controls, Sections 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements.

SECTION 3. (1) As a condition of receiving and expending the funds appropriated to the State Department of Education under this act, the department shall certify to the Department of Finance and Administration that each expenditure of the funds appropriated to the State Department of Education under Section 1 of this act is in compliance with the guidelines, guidance, rules, regulations and/or other criteria, as may be amended from time to time, of the United States Department of the Treasury regarding the use of monies from the Coronavirus Relief Fund established by the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act.

(2) If the Office of Inspector General of the United States Department of the Treasury, or the Office of Inspector General of any other federal agency having oversight over the use of monies from the Coronavirus Relief Fund established by the federal CARES Act (a) determines that the State Department of Education has expended or otherwise used any of the funds appropriated to the department under this act for any purpose that is not in compliance with the guidelines, guidance, rules, regulations and/or other criteria, as may be amended from time to time, of the United States Department of the Treasury regarding the use of monies from the Coronavirus Relief Fund established by the federal CARES Act, and (b) the State of Mississippi is required to repay the federal government for any of those funds that the Office of the Inspector General determined were expended or otherwise used improperly by the department, then the department, which expended or otherwise used those funds improperly, shall be required to pay the amount of those funds to the State of Mississippi for repayment to the federal government.

SECTION 4. The money appropriated by this act shall be paid by the State Treasurer out of any money in the "Equity in Distance Learning Fund," not otherwise appropriated, upon warrants issued by the State Fiscal Officer; and the State Fiscal Officer shall issue his warrants upon requisitions signed by the proper person, officer or officers in the manner provided by law.

SECTION 5. This act shall take effect and be in force from and after July 1, 2020.

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