

By: Representatives Scoggin, Faulkner

To: Rules

HOUSE BILL NO. 1793
(As Sent to Governor)

1 AN ACT TO CREATE THE "POSTSECONDARY EDUCATION COVID-19
2 MITIGATION RELIEF PROGRAM ACT," TO BE ADMINISTERED BY THE
3 DEPARTMENT OF FINANCE AND ADMINISTRATION TO PROVIDE GRANTS AND
4 REIMBURSEMENTS TO ELIGIBLE TWO-YEAR AND FOUR-YEAR, PUBLIC AND
5 PRIVATE POSTSECONDARY EDUCATIONAL INSTITUTIONS LOCATED WITHIN THE
6 STATE OF MISSISSIPPI FOR COVID-19-RELATED ELIGIBLE EXPENSES; TO
7 DEFINE TERMS; TO PRESCRIBE ELIGIBILITY REQUIREMENTS FOR A
8 POSTSECONDARY EDUCATIONAL INSTITUTION'S PARTICIPATION IN THE GRANT
9 PROGRAM; TO REQUIRE THE DEPARTMENT OF FINANCE AND ADMINISTRATION
10 TO DEVELOP REGULATIONS, PROCEDURES AND APPLICATION FORMS TO GOVERN
11 THE ADMINISTRATION OF THE PROGRAM, AND ESTABLISH THE MINIMUM
12 REQUIREMENTS TO BE INCLUDED IN THE APPLICATION FOR CONSIDERATION
13 FOR GRANT FUNDS, INCLUDING DEMONSTRATION OF NEED, INTENT FOR USE
14 OF GRANT FUNDS RECEIVED, AN ITEMIZED EXPENSE REPORT OF
15 REIMBURSABLE ELIGIBLE EXPENSES; TO PARTICIPATING POSTSECONDARY
16 EDUCATIONAL INSTITUTIONS TO MAKE APPLICATION FOR A GRANT TO THE
17 BOARD; TO PROVIDE THAT THE APPLICATION MUST BE ACCOMPANIED WITH
18 VERIFIED DOCUMENTATION AND SIGNED UNDER PENALTY OF PERJURY; TO
19 PROVIDE THAT THE USE OF GRANTS SHALL SUBJECT THE RECEIVING
20 POSTSECONDARY EDUCATIONAL INSTITUTION TO AUDIT BY THE UNITED
21 STATES DEPARTMENT OF THE TREASURY'S OFFICE OF INSPECTOR GENERAL
22 AND THE MISSISSIPPI OFFICE OF THE STATE AUDITOR; TO REQUIRE
23 POSTSECONDARY EDUCATIONAL INSTITUTIONS FOUND TO BE FULLY OR
24 PARTIALLY NONCOMPLIANT WITH GRANT REQUIREMENTS TO RETURN TO THE
25 STATE ALL OR A PORTION OF THE GRANT MONIES RECEIVED AND USED FOR
26 UNALLOWABLE EXPENDITURES; TO PROVIDE THAT THE AGGREGATE AMOUNT OF
27 GRANT FUNDS AWARDED TO ANY SINGLE POSTSECONDARY EDUCATIONAL
28 INSTITUTION SHALL NOT EXCEED THE AMOUNT AUTHORIZED FOR THE
29 INDIVIDUAL INSTITUTION UNDER THIS ACT; TO CREATE A SPECIAL FUND IN
30 THE STATE TREASURY, TO BE KNOWN AS THE "POSTSECONDARY EDUCATION
31 COVID-19 MITIGATION RELIEF GRANT FUND"; TO PROVIDE THAT IF ANY
32 UNOBLIGATED MONIES REMAIN IN THE FUND, THE GOVERNOR SHALL HAVE THE
33 DISCRETION TO TRANSFER MONIES TO ANOTHER STATE AGENCY TO BE USED
34 FOR ELIGIBLE EXPENDITURES PURSUANT TO THE CARES ACT; TO REQUIRE



35 THE STATE FISCAL OFFICER TO TRANSFER A SET AMOUNT OF FUNDS FROM
36 THE BUDGET CONTINGENCY FUND TO THE "POSTSECONDARY EDUCATION
37 COVID-19 MITIGATION RELIEF GRANT FUND,"; TO CREATE THE
38 "INDEPENDENT SCHOOLS' COVID-19 ASSISTANCE GRANT PROGRAM ACT," TO
39 BE ADMINISTERED BY THE MISSISSIPPI DEVELOPMENT AUTHORITY TO
40 PROVIDE GRANTS AND REIMBURSEMENT TO ELIGIBLE INDEPENDENT SCHOOLS
41 FOR COVID-19-RELATED ELIGIBLE EXPENSES; TO DEFINE TERMS; TO
42 PRESCRIBE ELIGIBILITY REQUIREMENTS FOR INDEPENDENT SCHOOL
43 PARTICIPATION IN THE GRANT PROGRAM; TO REQUIRE THE MISSISSIPPI
44 DEVELOPMENT AUTHORITY TO DEVELOP REGULATIONS AND PROCEDURES TO
45 GOVERN THE ADMINISTRATION OF THE PROGRAM, AND ESTABLISH THE
46 MINIMUM REQUIREMENTS TO BE INCLUDED IN THE APPLICATION FOR GRANT
47 FUNDS, INCLUDING DEMONSTRATION OF NEED, INTENT FOR USE OF GRANT
48 FUNDS RECEIVED, AN ITEMIZED EXPENSE REPORT OF REIMBURSABLE
49 ELIGIBLE EXPENSES; TO REQUIRE AN ELIGIBLE INDEPENDENT SCHOOL
50 DESIRING TO PARTICIPATE IN THE PROGRAM TO MAKE APPLICATION FOR A
51 GRANT TO THE MISSISSIPPI DEVELOPMENT AUTHORITY; TO PROVIDE THAT
52 THE APPLICATION MUST BE ACCOMPANIED WITH VERIFIED DOCUMENTATION
53 AND SIGNED UNDER PENALTY OF PERJURY; TO PROVIDE THAT USE OF GRANTS
54 SHALL SUBJECT AN INDEPENDENT SCHOOL TO AUDIT BY THE UNITED STATES
55 DEPARTMENT OF THE TREASURY'S OFFICE OF INSPECTOR GENERAL AND THE
56 MISSISSIPPI OFFICE OF THE STATE AUDITOR; TO REQUIRE INDEPENDENT
57 SCHOOLS FOUND TO BE FULLY OR PARTIALLY NONCOMPLIANT WITH GRANT
58 REQUIREMENTS TO RETURN TO THE STATE ALL OR A PORTION OF THE GRANT
59 MONIES RECEIVED AND USED FOR UNALLOWABLE EXPENDITURES; TO PROVIDE
60 THAT THE AGGREGATE AMOUNT OF GRANT FUNDS AWARDED TO ANY SINGLE
61 INDEPENDENT SCHOOL SHALL NOT EXCEED A CERTAIN SUM; TO STIPULATE
62 THAT GRANTS FUNDS SHALL ONLY BE AWARDED IN THE AMOUNT INDICATED IN
63 THE INDEPENDENT SCHOOL'S APPLICATION AS ITEMIZED ELIGIBLE
64 EXPENSES, SUBJECT TO APPROVAL BY THE MISSISSIPPI DEVELOPMENT
65 AUTHORITY; TO ALLOW INDEPENDENT SCHOOLS TO APPLY FOR GRANTS ON
66 MULTIPLE OCCASIONS UNTIL SUCH TIME THAT THE INDEPENDENT SCHOOL HAS
67 RECEIVED THE AGGREGATE AMOUNT OF FUNDS IT IS ELIGIBLE TO BE
68 AWARDED; TO CREATE A SPECIAL FUND IN THE STATE TREASURY, TO BE
69 KNOWN AS THE "INDEPENDENT SCHOOLS' COVID-19 ASSISTANCE GRANT
70 FUND"; TO PROVIDE THAT IF ANY UNOBLIGATED MONIES REMAIN IN THE
71 FUND, THE GOVERNOR SHALL HAVE THE DISCRETION TO TRANSFER MONIES TO
72 ANOTHER STATE AGENCY TO BE USED FOR ELIGIBLE EXPENDITURES PURSUANT
73 TO THE CARES ACT; TO REQUIRE THE STATE FISCAL OFFICER TO TRANSFER
74 A SET AMOUNT OF FUNDS FROM THE BUDGET CONTINGENCY FUND TO THE
75 "INDEPENDENT SCHOOLS' COVID-19 ASSISTANCE GRANT FUND"; TO PROVIDE
76 THAT THE PROVISIONS OF THIS ACT ARE SEVERABLE; AND FOR RELATED
77 PURPOSES.

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

79 **SECTION 1.** Sections 1 through 6 of this act shall be known,
80 and may be cited as the "Postsecondary Education COVID-19
81 Mitigation Relief Program Act."



82 **SECTION 2.** As used in Sections 1 through 6 of this act, the
83 following terms shall have the meanings ascribed unless the
84 context otherwise requires:

85 (a) "Department" means the Department of Finance and
86 Administration.

87 (b) "COVID-19" means the Coronavirus Disease 2019.

88 (c) "CARES Act" means the Coronavirus Aid, Relief, and
89 Economic Security Act.

90 (d) "Eligible postsecondary educational institution"
91 means:

92 (i) Any state-supported four-year college or
93 university operating within the State of Mississippi under the
94 governing authority of the Board of Trustees of State Institutions
95 of Higher Learning;

96 (ii) Any private four-year college or university
97 operating within the State of Mississippi and accredited by a
98 state, regional or national accrediting organization; and

99 (iii) Any state-supported two-year community
100 college operating within the State of Mississippi under the
101 governing authority of the Mississippi Community College Board and
102 a local community college district board of trustees.

103 (e) "Interruption in learning" means disruption of
104 regular educational instruction at a postsecondary educational
105 institution facility resulting from required or voluntary closure
106 related to COVID-19.



107 (f) "Public health measure" means any action reasonably
108 taken to prevent the spread of COVID-19 in the educational
109 setting.

110 (g) "Eligible expense" means a cost incurred by a
111 postsecondary educational institution for public health measures
112 or due to interruption in learning from March 1, 2020, through
113 December 30, 2020. Such eligible expenses may consist of:

114 (i) Training and professional development for
115 faculty and staff regarding measures to decrease the spread of
116 COVID-19;

117 (ii) Purchasing facility sanitization supplies and
118 other expenses of disinfection of the recipient institution's
119 facilities to mitigate or respond to COVID-19;

120 (iii) Technology costs associated with transition
121 to and administration of online learning;

122 (iv) Payroll expenses for public health and public
123 safety employees employed by the recipient institution, and
124 payroll expenses for health care, human services and similar
125 employees of the institution whose services are substantially
126 dedicated to mitigating or responding to the COVID-19 public
127 health emergency;

128 (v) Purchasing of medical supplies and personal
129 protection equipment (PPE);

130 (vi) Developing infrastructure necessary at the
131 community or junior colleges to increase capacity in workforce



132 development or skills training classes for students who are
133 unemployed, underemployed or seeking new employment as a direct or
134 indirect result of COVID-19; or

135 (vii) Medical expenses incurred by the recipient
136 institution to treat or diagnose COVID-19, including COVID-19
137 testing and serological testing, emergency medical response and
138 transportation, and telemedicine expenses related to COVID-19.

139 No cost will be considered an eligible expense if found to be
140 ineligible under the guidelines, guidance, rules, regulations
141 and/or other criteria, as may be amended or supplemented from time
142 to time, of the United States Department of the Treasury regarding
143 the use of monies from the Coronavirus Relief Fund established by
144 the CARES Act.

145 (h) "Grant" means an award by the department to a
146 postsecondary educational institution to cover eligible expenses
147 in accordance with this act.

148 (i) "Program" means the Postsecondary Education
149 COVID-19 Mitigation Relief Program established in Sections 1
150 through 6 of this act.

151 **SECTION 3.** (1) There is established the Postsecondary
152 Education COVID-19 Mitigation Relief Program for public and
153 private postsecondary educational institutions to be administered
154 by the department, which shall set the dates and deadlines for
155 applying for an award under this section. The program is
156 established for the purpose of providing reimbursement to eligible



157 postsecondary educational institutions for unreimbursed expenses
158 directly related to COVID-19. The department shall establish such
159 rules and regulations as it deems necessary and proper to carry
160 out the purposes and intent of this section.

161 (2) The department shall approve applications for
162 reimbursement from each eligible postsecondary educational
163 institution. For each eligible postsecondary educational
164 institution, the department shall only award funds equivalent to
165 the lesser of the total of itemized eligible COVID-19-related
166 expenses or the maximum allowable for each institution based on
167 the total number of students enrolled during the 2019-2020
168 scholastic year, who were actively enrolled as a part-time or
169 full-time student on March 1, 2020, as determined by the student
170 allocation formulas specified in subsections (3) and (4) of this
171 section. To qualify for reimbursement, each postsecondary
172 educational institution's application for reimbursement must, in
173 addition to specifying the amount of reimbursement requested, also
174 include an itemized expense report that evidences the eligible
175 expenses incurred by the eligible postsecondary educational
176 institution.

177 (3) (a) Each four-year postsecondary educational
178 institution shall be eligible to be reimbursed at an amount
179 equivalent to Five Hundred Sixty-eight Dollars (\$568.00) per
180 student actively enrolled as a part-time or full-time student on
181 March 1, 2020. Each four-year postsecondary educational



182 institution's reimbursement shall be determined upon the
183 submission of the itemized expense report, required under
184 subsection (2) of this section. Failure of a four-year
185 postsecondary educational institution to submit the itemized
186 expense report will subject the institution to forfeiture of any
187 allotted funds designated for the specific institution's eligible
188 maximum reimbursement amount.

189 (b) Upon a showing of itemized eligible
190 COVID-19-related expenses, the eligible maximum reimbursement
191 amount allowed for each four-year postsecondary educational
192 institution, as determined by the student allocation formula
193 prescribed in paragraph (a) of this subsection, shall be as
194 follows:

195	(i) Alcorn State University	
196	.....	\$ 1,854,520.00
197	(ii) Delta State University	
198	.....	\$ 1,946,536.00
199	(iii) Jackson State University	
200	.....	\$ 3,603,960.00
201	(iv) Mississippi State University	
202	.....	\$ 11,704,776.00
203	(v) Mississippi University for Women	
204	.....	\$ 1,523,944.00
205	(vi) Mississippi Valley State University	
206	.....	\$ 1,147,928.00



207	(vii) University of Mississippi	
208	.....	\$ 11,981,392.00
209	(viii) University of Southern Mississippi	
210	.....	\$ 7,320,384.00
211	(ix) Belhaven University	
212	.....	\$ 2,272,000.00
213	(x) Blue Mountain College	
214	.....	\$ 340,800.00
215	(xi) Millsaps College	
216	.....	\$ 433,952.00
217	(xii) Mississippi College	
218	.....	\$ 2,465,688.00
219	(xiii) Rust College	
220	.....	\$ 364,088.00
221	(xiv) Tougaloo College	
222	.....	\$ 397,600.00
223	(xv) William Carey University	
224	.....	\$ 2,433,312.00.

225 (c) The department shall directly allocate to the Board
226 of Trustees of State Institutions of Higher Learning the amount of
227 One Hundred and Thirty Thousand Dollars (\$130,000.00) to be used
228 for COVID-19-related expenses.

229 (d) The total allocating authority provided to the
230 Department of Finance and Administration under the provisions of



231 this subsection (3) shall not exceed Fifty Million Dollars
232 (\$50,000,000.00).

233 (4) (a) Each two-year postsecondary educational
234 institution, upon a showing of itemized eligible COVID-19-related
235 expenses, shall be eligible to be awarded funds equivalent to the
236 lesser of the total of its itemized eligible expenses or the base
237 amount of Three Hundred Fifty-one Thousand Five Hundred Fifty
238 Dollars and Seventy-one Cents (\$351,550.71) available to each
239 respective institution, as determined by calculating the total
240 amount of unreimbursed expenses incurred by all two-year
241 postsecondary educational institutions multiplied by the full-time
242 equivalent (FTE) rate of fifteen percent (15%), and divided by the
243 total number of two-year postsecondary educational institutions
244 based on a thirty-seven percent (37%) reduction. The total of the
245 base amount actually awarded to each institution under this
246 paragraph (a) shall be deducted from the eligible maximum
247 reimbursement amount allowed for each institution under paragraph
248 (c) of this subsection.

249 (b) The remaining eighty-five percent (85%) of the
250 unreimbursed expenses incurred by all two-year postsecondary
251 educational institutions shall then be divided by the total number
252 of FTE students enrolled in all two-year postsecondary educational
253 institutions to be reimbursed at an amount equivalent to Five
254 Hundred Forty-five Dollars and Forty-two Cents (\$545.42) per FTE
255 student at each respective two-year postsecondary educational



256 institution as of March 1, 2020, based on a thirty-seven percent
257 (37%) reduction. Each postsecondary educational institution's
258 reimbursement shall be determined upon the submission of the
259 itemized expense report, required under subsection (2) of this
260 section. Failure of a postsecondary educational institution to
261 submit the itemized expense report will subject the institution to
262 forfeiture of any allotted funds designated for the specific
263 institution's eligible maximum reimbursement amount.

264 (c) Upon a showing of itemized eligible
265 COVID-19-related expenses, the eligible maximum reimbursement
266 amount allowed for each institution, as determined by the student
267 allocation formulas prescribed in paragraphs (a) and (b) of this
268 subsection, shall be as follows:

269	(i) Coahoma Community College	
270	.....	\$ 1,104,018.54
271	(ii) Copiah-Lincoln Community College	
272	.....	\$ 1,641,377.19
273	(iii) East Central Community College	
274	.....	\$ 1,429,800.67
275	(iv) East Mississippi Community College	
276	.....	\$ 1,943,536.14
277	(v) Hinds Community College	
278	.....	\$ 4,900,064.29
279	(vi) Holmes Community College	
280	.....	\$ 2,908,719.58



281	(vii) Itawamba Community College	
282	.....	\$ 2,511,704.35
283	(viii) Jones County Junior College	
284	.....	\$ 2,359,313.34
285	(ix) Meridian Community College	
286	.....	\$ 1,697,113.29
287	(x) Mississippi Delta Community College	
288	.....	\$ 1,453,472.11
289	(xi) Mississippi Gulf Coast Community College	
290	.....	\$ 4,220,356.11
291	(xii) Northeast Mississippi Community College	
292	.....	\$ 1,866,958.52
293	(xiii) Northwest Mississippi Community College ...	
294	.....	\$ 3,372,657.14
295	(xiv) Pearl River Community College	
296	.....	\$ 2,497,523.94
297	(xv) Southwest Mississippi Community College	
298	.....	\$ 1,248,446.98.

299 (d) The department shall directly allocate:

300 (i) To the Mississippi Community College Board the
301 amount of One Million Dollars (\$1,000,000.00); and

302 (ii) To the individual two-year postsecondary
303 educational institutions, based on full-time enrolled students for
304 all COVID-19-related education expenses, including, but not
305 limited to, PPE and hardened technology infrastructure, the amount



306 of Thirteen Million Eight Hundred Forty-four Thousand Nine Hundred
307 Thirty-seven Dollars and Eighty-one Cents (\$13,844,937.81).

308 Funds allocated under this paragraph (d), at the discretion
309 of the individual two-year postsecondary educational institutions,
310 may be transferred to the Community College Board for consortium
311 distance learning purchases. The Community College Board shall
312 provide the department with the number of full-time enrolled
313 students at the two-year postsecondary educational institutions.
314 Funds allocated under this paragraph (d) shall be for all
315 COVID-19-related education expenses, including, but not limited
316 to, PPE and hardened technology infrastructure at all two-year
317 postsecondary educational institutions.

318 (e) The total allocating authority provided to the
319 department under the provisions of this subsection (4) shall not
320 exceed Fifty Million Dollars (\$50,000,000.00).

321 (5) The department may retain One Hundred Fifty Thousand
322 Dollars (\$150,000.00) for administrative expenses of the program.

323 (6) The total allocating authority provided to the
324 department under the provisions of subsections (3) and (4) of this
325 section shall not exceed One Hundred Million Dollars
326 (\$100,000,000.00).

327 (7) Unless otherwise provided in this act, the department
328 shall develop regulations, procedures and application forms to
329 govern the administration of the program, which at a minimum,
330 shall require eligible postsecondary educational institutions to:



331 (a) Submit an application for a grant for
332 reimbursement;

333 (b) Demonstrate the need and purpose of the grant funds
334 received to mitigate the impact of COVID-19 on the operation of
335 the school and its delivery of instruction; and

336 (c) Provide an itemized list of reimbursable-eligible
337 expenses, as defined in Section 2 of this act, which the eligible
338 postsecondary educational institution has previously incurred, is
339 presently incurring or will incur in the future, as such expenses
340 relate to mitigation of the impact of COVID-19.

341 (8) The department shall report on the utilization of the
342 program to the Chairs of the Universities and Colleges Committees
343 of the Senate and the House of Representatives, the Lieutenant
344 Governor, the Speaker of the House and the Governor by October 1,
345 2020. At a minimum, the report shall contain:

346 (a) The name of each educational institution;

347 (b) The total amount of reimbursement requested by each
348 educational institution; and

349 (c) The total amount of reimbursement received by each
350 educational institution.

351 **SECTION 4.** (1) Any eligible postsecondary educational
352 institution desiring to participate in the program shall make
353 application for a grant to the department in a form satisfactory
354 to the department. The application shall include verified
355 documentation, signed under penalty of perjury.



356 (2) The department shall use the funds appropriated by the
357 Legislature from the Budget Contingency Fund to make grants to
358 eligible postsecondary educational institutions pursuant to
359 applications submitted under subsection (1) of this section, to
360 cover future COVID-19-eligible expenses or provide reimbursement
361 for previously incurred COVID-19-eligible expenses.

362 (3) The use of grants shall be subject to audit by the
363 United States Department of the Treasury's Office of Inspector
364 General and the Mississippi Office of the State Auditor. An
365 eligible postsecondary educational institution found to be fully
366 or partially noncompliant with grant requirements shall return to
367 the state all of the grant monies received and used for
368 unallowable expenditures. Applicants shall confirm their
369 understanding of these terms.

370 (4) The program shall be subject to the following terms and
371 conditions:

372 (a) The aggregate amount of grant funds which may be
373 awarded to any single postsecondary educational institution under
374 the provisions of this act shall not exceed the dollar amount
375 specified for such postsecondary educational institution
376 authorized under subsections (3) (b) and (4) (b) of Section 3 of
377 this act;

378 (b) Grant funds shall only be awarded in the amount
379 indicated in the eligible postsecondary educational institution's



380 application as itemized eligible expenses, subject to approval by
381 the department; and

382 (c) An eligible postsecondary educational institution
383 is not limited to submitting only one (1) application for grant
384 funds, but may submit new applications for grant funds, following
385 the guidelines required by the department, until such time that it
386 has received the aggregate amount of funds for which it is
387 eligible to be awarded.

388 **SECTION 5.** There is created a special fund in the State
389 Treasury, to be known as the "Postsecondary Education COVID-19
390 Mitigation Relief Grant Fund," from which the grants authorized by
391 this act shall be disbursed by the department. All monies shall
392 be disbursed from the fund in compliance with the guidelines,
393 guidance, rules, regulations and/or other criteria, as may be
394 amended from time to time, of the United States Department of the
395 Treasury regarding the use of monies from the Coronavirus Relief
396 Fund established by the CARES Act. If on November 30, 2020, there
397 are unobligated monies in the fund, the Governor shall have the
398 discretion to transfer monies to another state agency to be used
399 for eligible expenditures pursuant to the CARES Act.

400 **SECTION 6.** Upon the effective date of this act, the State
401 Fiscal Officer shall transfer funds from the Budget Contingency
402 Fund to the "Postsecondary Education COVID-19 Mitigation Relief
403 Grant Fund," the amount of One Hundred Million Dollars



404 (\$100,000,000.00) for the implementation and administration of the
405 Postsecondary Education COVID-19 Mitigation Relief Program Act.

406 **SECTION 7.** Sections 7 through 12 of this act shall be known,
407 and may be cited as the "Independent Schools' COVID-19 Assistance
408 Grant Program Act."

409 **SECTION 8.** As used in Sections 7 through 12 of this act, the
410 following terms shall have the meanings ascribed unless the
411 context otherwise requires:

412 (a) "COVID-19" means the Coronavirus Disease 2019.

413 (b) "CARES Act" means the Coronavirus Aid, Relief, and
414 Economic Security Act.

415 (c) "Eligible independent school" means any private or
416 nonpublic school operating within the State of Mississippi that:

417 (i) Is a member of the Midsouth Association of
418 Independent Schools (MAIS) and located in the State of
419 Mississippi; or

420 (ii) Is accredited by a state, regional or
421 national accrediting organization; and

422 (iii) Is not subject to the purview of authority
423 of the State Board of Education.

424 "Eligible independent school" includes independent
425 universities that are accredited by a state, regional or national
426 accrediting organization and are not subject to the purview of
427 authority of the State Institutions of Higher Learning.



428 (d) "Interruption in learning" means disruption of
429 regular educational instruction in a school facility resulting
430 from required or voluntary closure related to COVID-19.

431 (e) "Public health measure" means any action reasonably
432 taken to prevent the spread of COVID-19 in the educational
433 setting.

434 (f) "Eligible expense" means a cost incurred by an
435 independent school for public health measures or due to
436 interruption in learning from March 1, 2020 through December 30,
437 2020. Such eligible expenses may consist of:

438 (i) Training and professional development of local
439 school staff regarding measures to decrease the spread of COVID-19
440 and familiarity with technology programs and devices to facilitate
441 distance learning;

442 (ii) Purchasing facility sanitization supplies and
443 other expenses of disinfection of the independent school's
444 facilities to mitigate or respond to COVID-19;

445 (iii) Purchasing technology programs and equipment
446 for the expansion of internet connectivity and broadband access
447 within the school facility to be used by school administrators,
448 faculty and staff to facilitate online distance learning;

449 (iv) Purchasing necessary equipment and
450 accommodations and providing adequate services for students with
451 disabilities;



452 (v) Purchasing medical supplies and personal
453 protection equipment (PPE);

454 (vi) Developing infrastructure necessary at the
455 community or junior colleges to increase capacity in workforce
456 development or skills training classes for students who are
457 unemployed, underemployed or seeking new employment as a direct or
458 indirect result of COVID-19; or

459 (vii) Medical expenses incurred by the independent
460 school to treat or dispense COVID-19, including COVID-19 testing
461 and serological testing, emergency medical response and
462 transportation, and telemedicine expenses related to COVID-19.

463 No cost will be considered an eligible expense if found to be
464 ineligible under the guidelines, guidance, rules, regulations
465 and/or other criteria, as may be amended from time to time, of the
466 United States Department of the Treasury regarding the use of
467 monies from the Coronavirus Relief Fund established by the CARES
468 Act.

469 (g) "MDA" means the Mississippi Development Authority.

470 (h) "Grant" means an award by the MDA to an independent
471 school to cover eligible expenses in accordance with Sections 8
472 through 13 of this act.

473 (i) "Program" means the Independent Schools' COVID-19
474 Assistance Grant Program established in Sections 7 through 12 of
475 this act.



476 **SECTION 9.** (1) The Independent Schools' COVID-19 Assistance
477 Grant Program is established, to be administered by the MDA, for
478 the purpose of making grants to eligible independent schools to
479 provide reimbursements for eligible expenses, as defined in
480 Section 8 of this act.

481 (2) From the date of the beginning of the period for
482 applications for grants under this section, the MDA shall consider
483 and review applications from eligible independent schools that did
484 not receive and have not been awarded reimbursement under any
485 other federal program for the expenses that will be reimbursed by
486 a grant under this section.

487 (3) The MDA shall develop regulations, procedures and
488 application forms to govern the administration of the program,
489 which at a minimum, shall require eligible independent schools to:

490 (a) Submit an application for a grant for
491 reimbursement;

492 (b) Demonstrate the need and purpose of the grant funds
493 received to mitigate the impact of COVID-19 on the operation of
494 the school and its delivery of instruction; and

495 (c) Provide an itemized list of reimbursable eligible
496 expenses as defined in Section 8 of this act, which the
497 independent school has previously incurred, is presently incurring
498 or will incur before December 30, 2020, as such expenses relate to
499 mitigation of the impact of COVID-19.



500 (4) The MDA may retain One Hundred Thousand Dollars
501 (\$100,000.00) for the administration of the program.

502 (5) The department shall report on the utilization of the
503 program to the Chairs of the Universities and Colleges Committees
504 of the Senate and the House of Representatives, the Lieutenant
505 Governor, the Speaker of the House and the Governor by October 1,
506 2020. At a minimum, the report shall contain:

507 (a) The name of each eligible independent school;

508 (b) The total amount of reimbursement requested by each
509 eligible independent school; and

510 (c) The total amount of reimbursement received by each
511 eligible independent school.

512 **SECTION 10.** (1) Any eligible independent school desiring to
513 participate in the program shall make application for a grant to
514 the MDA in a form satisfactory to the MDA. The application shall
515 include verified documentation, signed under penalty of perjury.

516 (2) The MDA shall use the funds appropriated by the
517 Legislature from the Budget Contingency Fund to make grants to
518 eligible independent schools pursuant to applications submitted
519 under subsection (1) of this section, to cover future
520 COVID-19-eligible expenses or provide reimbursement for previously
521 incurred COVID-19-eligible expenses.

522 (3) The use of grants shall be subject to audit by the
523 United States Department of the Treasury's Office of Inspector
524 General and the Mississippi Office of the State Auditor. An



525 eligible independent school found to be fully or partially
526 noncompliant with grant requirements shall return to the state all
527 or a portion of the grant monies received and used for unallowable
528 expenditures. Applicants shall confirm their understanding of
529 these terms.

530 (4) The program shall be subject to the following terms and
531 conditions:

532 (a) The eligible maximum amount of grant funds which
533 may be awarded to any eligible independent school under the
534 provisions of this act shall not exceed One Hundred Thousand
535 Dollars (\$100,000.00);

536 (b) Any grant funds awarded shall be the lesser of the
537 amount indicated in the independent school's application as
538 itemized eligible COVID-19-related expenses or the eligible
539 maximum amount, subject to approval by the MDA; and

540 (c) An eligible independent school is not limited to
541 submitting only one (1) application for grant funds, but may
542 submit new applications for grant funds, following the guidelines
543 required by the MDA, until such time that it has received the
544 aggregate amount of funds for which it is eligible to be awarded.

545 **SECTION 11.** There is created a special fund in the State
546 Treasury, to be known as the "Independent Schools' COVID-19
547 Assistance Grant Fund," from which the grants authorized by this
548 act shall be disbursed by the MDA. All monies shall be disbursed
549 from the fund in compliance with the guidelines, guidance, rules,



550 regulations and/or other criteria, as may be amended from time to
551 time, of the United States Department of the Treasury regarding
552 the use of monies from the Coronavirus Relief Fund established by
553 the CARES Act. If on December 1, 2020, there are unobligated
554 monies in the fund, those funds shall lapse into the Budget
555 Contingency Fund, to be transferred, by the State Fiscal Officer,
556 into the Unemployment Compensation Fund.

557 **SECTION 12.** Upon the effective date of this act, the State
558 Fiscal Officer shall transfer funds from the Budget Contingency
559 Fund to the "Independent Schools' COVID-19 Assistance Grant Fund,"
560 the amount of Ten Million Dollars (\$10,000,000.00) for the
561 implementation and administration of the Independent Schools'
562 COVID-19 Assistance Grant Program Act.

563 **SECTION 13.** If any section, paragraph, sentence, clause,
564 phrase, or any part of this act is declared to be in conflict with
565 federal law, or if for any reason is declared to be invalid or of
566 no effect, the remaining sections, paragraphs, sentences, clauses,
567 phrases or parts thereof shall be in no matter affected thereby
568 but shall remain in full force and effect.

569 **SECTION 14.** This act shall take effect and be in force from
570 and after its passage.

