



**STATE OF MISSISSIPPI**  
**OFFICE OF THE STATE AUDITOR**  
**SHAD WHITE**  
**STATE AUDITOR**

August 24, 2020

Honorable Philip Gunn, Speaker of the House  
Honorable Tate Reeves, Governor of Mississippi  
Honorable Delbert Hosemann, Lieutenant Governor of Mississippi

Dear Gentlemen:

I have concerns that the Mississippi Department of Education (MDE) has ignored state law and made it more difficult for schools to purchase technology using the Coronavirus Relief Funds (CARES Act) appropriated by the Legislature.

In Senate Bill 3044, which is now law, MDE was given the responsibility of administering a program to provide funds to school districts for computers and other technology. The funding for the program came from COVID-19 stimulus dollars. The goal was to help schools expand distance learning capabilities.

In the law, MDE is to set up an Express Product List (EPL). That EPL is a list of approved technology vendors. Ideally, MDE would hold an open competition where computer companies compete to offer the lowest prices for the best technology in order to be placed on the list. School districts could then choose to buy technology from the companies on that list, and MDE would reimburse the districts for the cost of the technology.

The Legislature expressly authorized school districts to purchase technology outside the EPL, too, though. Buying off MDE's approved vendor list was simply an option. Section 7(c) of the law states that school districts can buy from companies that are not on the EPL as long as the purchases meet certain criteria. The law states that a "school shall . . . purchase products from vendors listed on the EPL, if using funds under this grant program, **unless** the school can demonstrate . . ." that it has met a list of criteria (emphasis added).

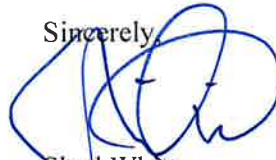
The Office of the State Auditor has learned that MDE has decided that no school—regardless of whether they meet the criteria—may purchase technology outside MDE's preferred list and be reimbursed. MDE has stated that, "after the MDE enters into the contracts [with companies on the EPL], districts should not purchase items on the EPL from other vendors." In MDE's guidance to districts, MDE stated schools "shall . . . purchase products from vendors listed on the Express Product List."

MDE's position contradicts state law. The law clearly gives districts the flexibility to buy outside of MDE's list. Robbing districts of this flexibility will slow down their ability to buy computers for students who may need to learn at home. Multiple districts have contacted my office about this issue. Two districts have informed us that buying from MDE's favored vendors will cost tens of thousands of dollars more than they would otherwise have to spend.

I have a responsibility to shed light on places where the law around public money is being willfully ignored, which is the purpose of this letter. I also have concerns that MDE, by their own admission, only sought bids from four technology companies when preparing their preferred list of vendors. While that action may have been legal, I am not sure it was wise, especially given the fact that a Mississippi-based company told us their proposal was not considered.

Thank you for your attention to this matter. MDE should begin complying with the law so the technology can reach students quickly. Schools deserve the computers necessary for distance learning and keeping their students safe. And they need that ability sooner rather than later.

Sincerely,



Shad White  
State Auditor

cc: Honorable Dennis DeBar, Jr., Chairman, Senate Education Committee  
Honorable John A. Polk, Chairman, Senate Accountability, Efficiency, Transparency Committee  
Honorable Richard Bennett, Chairman, House Education Committee  
Honorable Randy P. Boyd, Chairman, House Accountability, Efficiency, Transparency Committee