

By: Senator(s) Hill

To: Education

SENATE BILL NO. 2159

1 AN ACT TO CREATE NEW SECTION 37-61-39, MISSISSIPPI CODE OF
2 1972, TO REQUIRE THAT EACH SCHOOL DISTRICT SHALL PROVIDE ANNUALLY
3 A WRITTEN REPORT TO THE SENATE APPROPRIATIONS COMMITTEE AND HOUSE
4 APPROPRIATIONS COMMITTEE RESPONSIBLE FOR THE BUDGET OF THE STATE
5 DEPARTMENT OF EDUCATION, AND TO THE GOVERNOR, DETAILING THE
6 FEDERAL PROGRAMS THROUGH WHICH IT RECEIVED OR EXPECTS TO RECEIVE
7 FEDERAL FUNDS AND THE AMOUNTS RECEIVED OR EXPECTED TO BE RECEIVED
8 THEREUNDER IN THE CURRENT SCHOOL YEAR; TO REQUIRE, BEGINNING WITH
9 THE 2026 REGULAR SESSION, THE SENATE AND HOUSE APPROPRIATIONS
10 COMMITTEES TO REVIEW EACH FEDERAL PROGRAM IDENTIFIED AND TO
11 INTRODUCE LEGISLATION DECLARING THEIR APPROVAL OR DISAPPROVAL OF
12 THE SCHOOL DISTRICTS' USE OF SUCH FEDERAL FUNDS; TO PROVIDE THAT
13 SCHOOL DISTRICTS SHALL REFUSE RECEIPT OF FEDERAL FUNDS FOR ANY
14 FEDERAL PROGRAM NOT APPROVED IN SUCH LEGISLATION; TO PROVIDE
15 EXCEPTIONS; AND FOR RELATED PURPOSES.

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

17 **SECTION 1.** The following shall be codified as Section
18 37-61-39, Mississippi Code of 1972:

19 37-61-39. (1) On or before January 1, 2026, and on or
20 before the first day of January of each year thereafter, each
21 school district shall provide a written report to the Senate
22 Appropriations Committee and House Appropriations Committee
23 responsible for the budget of the State Department of Education,
24 and to the Governor, detailing the federal programs through which



25 it received or expects to receive federal funds and the amounts
26 received or expected to be received thereunder in the current
27 school year.

28 (2) Beginning with the 2026 Regular Session, the Senate
29 Appropriations Committee and House Appropriations Committee
30 responsible for the budget of the State Department of Education
31 shall review each federal program identified by school districts
32 under subsection (1) of this section. For each ongoing program
33 identified, the committees shall each introduce legislation
34 declaring their approval or disapproval of the school districts'
35 use of such federal funds, which shall be taken up by each chamber
36 in the manner of other legislation. If the legislation required
37 by this section becomes law, school districts may use the federal
38 funds for any federal programs approved therein. Except as
39 provided in subsection (3) of this section, school districts shall
40 refuse receipt of federal funds for any federal program not
41 approved in the legislation required by this section.

42 (3) School districts may use federal funds appropriated to
43 them without state legislative approval if:

44 (a) The United States Congress has clearly expressed in
45 the federal legislation making the appropriation or authorizing
46 the award of funds a clear intention to preempt state law; or

47 (b) Requiring state legislative approval before
48 distribution of the funds to the school district would clearly



49 conflict with Congress's purposes in appropriating the federal
50 funds.

51 **SECTION 2.** This act shall take effect and be in force from
52 and after its passage.

