

By: Representative Eubanks

To: Education

HOUSE BILL NO. 1494

1 AN ACT TO ESTABLISH THE TEACHING RACIAL AND UNIVERSAL
2 EQUALITY (TRUE) ACT; TO DEFINE TERMINOLOGY USED HEREIN; TO
3 PROHIBIT THE STATE BOARD OF EDUCATION, SCHOOLS OR SCHOOL GOVERNING
4 AUTHORITIES FROM INCLUDING OR PROMOTING DIVISIVE CONCEPTS AS PART
5 OF ITS CURRICULUM OR INSTRUCTIONAL PROGRAM, OR ALLOWING TEACHERS
6 OR OTHER EMPLOYEES OF THE SCHOOL TO USE SUPPLEMENTAL INSTRUCTIONAL
7 MATERIALS THAT INCLUDE OR PROMOTE DIVISIVE CONCEPTS; TO PROVIDE
8 FOR THE USE OF IMPARTIAL INSTRUCTION AND DISCUSSION OF HISTORICAL
9 MATERIAL AND HISTORICAL OCCURRENCES THROUGH THE USE OF
10 SUPPLEMENTAL HISTORICAL DOCUMENTS; TO PROHIBIT THE CONTENT-BASED
11 CENSORSHIP OF AMERICAN OR MISSISSIPPI HISTORY OR HERITAGE BASED ON
12 ANY RELIGIOUS REFERENCES CONTAINED IN SUCH DOCUMENTS, WRITINGS OR
13 RECORDS; TO PROVIDE FOR THE WITHHOLDING OF STATE FUNDS TO ANY
14 SCHOOL FOR ANY KNOWN VIOLATION OF THIS ACT; TO REQUIRE SCHOOL
15 GOVERNING AUTHORITIES TO ENSURE THAT THE TRAINING PROVIDED AT EACH
16 SCHOOL UNDER ITS JURISDICTION FOSTERS A LEARNING ENVIRONMENT AND
17 WORKPLACE THAT IS RESPECTFUL OF ALL STUDENTS AND EMPLOYEES; TO
18 PROVIDE THAT DIVERSITY AND INCLUSION PROGRAMS HELD AT OR SPONSORED
19 BY SCHOOLS SHALL PROHIBIT EMPLOYEES AND STUDENTS FROM
20 DISCRIMINATING AGAINST ANOTHER PERSON BASED ON ANY CHARACTERISTIC
21 PROTECTED UNDER THE FEDERAL CIVIL RIGHTS ACT OF 1964; TO REQUIRE
22 SCHOOL GOVERNING AUTHORITIES TO ADOPT POLICIES AND PROCEDURES FOR
23 THE INVESTIGATION OF ANY COMPLAINTS RELATIVE TO NONCOMPLIANCE WITH
24 THIS ACT; TO PROVIDE FOR THE SEVERABILITY OF PROVISIONS OF THIS
25 ACT; AND FOR RELATED PURPOSES.

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

27 **SECTION 1.** This act shall be known and may be cited as the
28 Teaching Racial and Universal Equality (TRUE) Act.



29 **SECTION 2.** As used in this act, the following terms shall
30 have the meanings ascribed in this section, unless context of use
31 clearly requires otherwise:

32 (a) "Divisive concepts" includes any of the following,
33 in accordance with the Civil Rights Act of 1964, as amended, the
34 Elementary and Secondary Education Act of 1965, as amended, and
35 this act:

36 (i) That one (1) race or sex is inherently
37 superior or inferior to another race or sex;

38 (ii) That either the United States of America or
39 the State of Mississippi is fundamentally, institutionally, or
40 systemically racist or sexist;

41 (iii) That an individual, by virtue of the
42 individual's race or sex, is inherently or systemically racist,
43 sexist, or oppressive, whether consciously or unconsciously, or
44 has negative or positive characteristics that inhere in the
45 individual's DNA;

46 (iv) That an individual should be discriminated
47 against, favored, or receive differential treatment solely or
48 partly because of the individual's race or sex;

49 (v) That an individual of one (1) race or sex
50 should be treated disrespectfully regarding that individual's race
51 or sex;



52 (vi) That an individual's moral character is any
53 way defined, described, or determined by the individual's race or
54 sex;

55 (vii) That an individual, by virtue of the
56 individual's race or sex, bears responsibility or is to be held
57 accountable for actions committed in the past by other members of
58 the same race or sex;

59 (viii) That any individual should feel or be made
60 to feel discomfort, guilt, anguish, or any other form of
61 psychological or emotional distress on account of that
62 individual's race or sex;

63 (ix) That the concept of meritocracy or traits
64 such as a strong work ethic are racist or sexist or were created
65 by a particular race or sex to oppress another race or sex;

66 (x) That the concepts of capitalism, free markets,
67 or working for a private party in exchange for wages are racist
68 and sexist or oppress a given race or sex;

69 (xi) That the concepts of racial equity and gender
70 equity, meaning the unequal treatment of individuals because of
71 their race, sex, or national origin, should be given preference in
72 education and advocacy over the concepts of racial equality and
73 gender equality, meaning the equal treatment of individuals
74 regardless of their race, sex, or national origin;

75 (xii) That promotes or advocates the violent
76 overthrow of the United States government;



77 (xiii) That promotes or the division between, or
78 resentment of, a race, sex, religion, creed, nonviolent political
79 affiliation, social class or class of people; or

80 (xiv) Any form of race or sex scapegoating or race
81 or sex stereotyping.

82 (b) "Race or sex scapegoating" means assigning fault,
83 blame, or bias to a race or sex or to members of a race or sex
84 because of their race or sex or claiming that, consciously or
85 unconsciously, and by virtue of a persons' race or sex, members of
86 any race are inherently racist or inherently inclined to oppress
87 others or that members of a sex are inherently sexist or
88 inherently inclined to oppress others. Additionally, the term
89 "race or sex stereotyping" means ascribing character traits,
90 values, moral and ethical codes, privileges, status, or beliefs to
91 a race or sex or to an individual because of the individual's race
92 or sex.

93 (c) "School" means any of the following:

94 (i) A public elementary or secondary school;

95 (ii) A public charter school;

96 (iii) A nonpublic elementary or secondary school
97 that receives state funds;

98 (iv) A public postsecondary educational
99 institution; or

100 (v) A nonpublic postsecondary educational
101 institution that receives state funds.



102 (d) "School governing authority" means any of the
103 following:

104 (i) The local school board of a public elementary
105 or secondary school;

106 (ii) The governing board of a public charter
107 school;

108 (iii) The board of trustees or governing board of
109 a nonpublic elementary or secondary school that receives state
110 funds; or

111 (iv) The board of trustees or governing board of a
112 public postsecondary educational institution or nonpublic
113 postsecondary educational institution that receives state funds.

114 (e) "Board" means the State Board of Education.

115 (f) "Training" means the teaching and education of a
116 student or employee by means of lecturing or textbooks,
117 audio-visual materials, or any other kind of reference materials.

118 **SECTION 3.** (1) The State Board of Education, school or
119 school governing authority shall not include or promote divisive
120 concepts as part of a course of instruction or in a curriculum or
121 instructional program, or allow teachers or other employees of the
122 school to use supplemental instructional materials that include or
123 promote divisive concepts.

124 (2) Notwithstanding subsection (1), this section does not
125 prohibit a school from including, as part of a course of
126 instruction or in a curriculum or instructional program, or from



127 allowing teachers or other employees of the school to use
128 supplemental instructional materials that include:

129 (a) The history of an ethnic group, as described in
130 textbooks and instructional materials adopted in accordance with
131 Chapter 43, Title 37, Mississippi Code of 1972;

132 (b) The impartial discussion of controversial aspects
133 of history;

134 (c) The impartial instruction on the historical
135 oppression of a particular group of people based on race,
136 ethnicity, class, nationality, religion, or geographic region; or

137 (d) Historical documents relevant to:

138 (i) The national motto;

139 (ii) The national anthem;

140 (iii) The Pledge of Allegiance;

141 (iv) The 1890 Constitution of Mississippi;

142 (v) The Declaration of Independence;

143 (vi) The writings, speeches, documents and

144 proclamations of the founders or presidents of the United States
145 or the founders or governors of this state;

146 (vii) Opinions of the United States Supreme Court
147 and the Mississippi Supreme Court;

148 (viii) Acts of the United States Congress and acts
149 of the Mississippi Legislature; and

150 (ix) The United States Constitution.



151 (3) (a) The list of historically significant or venerated
152 documents, writings or records set out in subsection (2)(d) shall
153 not be construed to be exclusive, and the doctrine of ejusdem
154 generis shall not be applied to prohibit the use, reading or
155 posting of other such documents, writings or records.

156 (b) The use, reading or posting of the types of
157 documents, writings and records authorized by this section shall
158 be undertaken for educational purposes only and shall not be used
159 to promote or establish any religion or religious belief.

160 (c) There shall be no content-based censorship of
161 American or Mississippi history or heritage based on any religious
162 references contained in such documents, writings or records.

163 (d) Each student shall be taught the documents,
164 writings or records set out in subsection (2)(d).

165 (e) The documents, writings or records set out in
166 subsection (2)(d) shall be taught at an age appropriate time prior
167 to graduation from high school as determined by the State Board of
168 Education.

169 (4) If it is determined that a school knowingly violated
170 this section, then the Legislature shall withhold the
171 appropriation of state funds to the appropriate school governing
172 authority until the school provides evidence to the State Board of
173 Education, the Board of Trustees of State Institutions of Higher
174 Learning or the Mississippi Community College Board that the
175 school is no longer in violation of this section.



176 **SECTION 4.** (1) Each school governing authority shall ensure
177 the following:

178 (a) The training provided at each school under its
179 jurisdiction shall foster a learning environment and workplace
180 that is respectful of all students and employees; and

181 (b) No training that teaches, advocates, acts upon, or
182 promotes divisive concepts shall be provided to students or
183 employees.

184 (2) The provisions of subsection (1) of this section apply
185 to any training provided, regardless of whether it is provided by
186 an employee of the school or a nonemployee on a contract or
187 volunteer basis.

188 **SECTION 5.** Diversity and inclusion programs held at schools
189 or sponsored by schools shall prohibit employees and students from
190 discriminating against another person based on color, race,
191 ethnicity, sex, political ideology, or any other characteristic
192 protected under the federal Civil Rights Act of 1964, as amended,
193 and applicable state law.

194 **SECTION 6.** (1) Each school governing authority shall adopt
195 policies and procedures for the investigation of any complaints
196 relative to noncompliance with this act.

197 (2) The policies and procedures, at a minimum, shall
198 provide, upon a determination that a violation has been committed,
199 for an appropriate remedy by means of reprimand, suspension, or
200 termination.



201 **SECTION 7.** Nothing in this act shall be construed to do any
202 of the following:

203 (a) Inhibit or violate the first amendment rights of
204 students or employees or undermine intellectual freedom and
205 freedom of expression;

206 (b) Prevent a school from promoting racial, cultural,
207 ethnic, intellectual, or academic diversity or inclusiveness if
208 such efforts are consistent with the provisions of this act;

209 (c) Prohibit discussion of divisive concepts as part of
210 a larger course of academic instruction;

211 (d) Prevent individuals providing training from
212 responding to questions regarding divisive concepts raised by
213 students or employees; or

214 (e) Create any right or benefit, substantive or
215 procedural, enforceable by any party against the State of
216 Mississippi, its departments, agencies, or entities or its
217 officers, employees, or agents or against any other person.

218 **SECTION 8.** If any section of this act or its application to
219 any person or circumstance is held invalid, then the invalidity of
220 one (1) section does not affect other sections or applications of
221 this act, that can be given effect without the invalid section or
222 application, and to that end, the sections of this act are
223 severable.

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

