

By: Representatives Hood, Powell, Burch,
Calvert, Keen, Tubb, Hale, Arnold

To: Judiciary A

HOUSE BILL NO. 1193
(As Sent to Governor)

1 AN ACT TO PROHIBIT CERTAIN ACTIONS RELATED TO DIVERSITY,
2 EQUITY AND INCLUSION; TO DEFINE TERMS; TO REQUIRE THE BOARD OF
3 TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING, THE MISSISSIPPI
4 COMMUNITY COLLEGE BOARD, THE MISSISSIPPI STATE BOARD OF EDUCATION,
5 AND THE MISSISSIPPI CHARTER SCHOOL AUTHORIZER BOARD TO ENSURE THAT
6 EACH INSTITUTION, COLLEGE, AND PUBLIC SCHOOL DOES NOT USE CERTAIN
7 FUNDS FOR CERTAIN PURPOSES; TO REQUIRE ALL PUBLIC SCHOOLS AND
8 PUBLIC POSTSECONDARY EDUCATION INSTITUTIONS TO TEACH, PROMOTE, AND
9 DISTRIBUTE INFORMATION BASED ON THE DEFINITIONS PROVIDED IN STATE
10 LAW; TO CREATE EXCEPTIONS; TO REQUIRE EACH INSTITUTION, COLLEGE,
11 OR PUBLIC SCHOOL TO SUBMIT A REPORT TO ITS GOVERNING BOARD BY JULY
12 30 OF EACH YEAR SUMMARIZING ALL REPORTED INCIDENTS AND
13 INVESTIGATIONS; TO REQUIRE EACH BOARD TO SUBMIT A REPORT OF
14 INCIDENTS AND INVESTIGATIONS TO THE LEGISLATURE BY OCTOBER 30 EACH
15 YEAR; AND FOR RELATED PURPOSES.

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

17 **SECTION 1.** The purpose of this act is to prohibit public
18 schools and public postsecondary educational institutions from
19 taking certain actions and engaging in discriminatory practices.
20 This act seeks to ensure that employment, academic opportunities
21 and student engagement are based solely on individual merit,
22 qualifications and academic performance, without consideration of
23 an individual's race, sex, color, national origin, or expressed



24 opposition to, or refusal to affirm or participate in, diversity,
25 equity and inclusion.

26 **SECTION 2.** (1) As used in this act, the following terms
27 shall have the meanings ascribed herein unless the context clearly
28 requires otherwise:

29 (a) "Diversity, equity and inclusion" shall mean:

30 (i) Any effort to select or influence the
31 composition of the faculty, staff, employee or student body by
32 favoring applicants based on race, sex, color or national origin;

33 (ii) Any effort to promote differential treatment
34 of or provide special benefits to individuals in employment or
35 admissions based on race, sex, color or national origin;

36 (iii) Any effort to promote or promulgate policies
37 and procedures designed or implemented to favor individuals based
38 on race, color or national origin, except as otherwise permitted
39 in state and federal law;

40 (iv) Any effort to require trainings, programming,
41 or activities designed and\or implemented to compel participants
42 to change their beliefs with reference to race, color, national
43 origin, gender identity or sexual orientation; and

44 (b) "Diversity, equity and inclusion office" means an
45 office, division or other unit of an institution of higher
46 learning, community college or public school established for the
47 purpose of:



(i) Promoting hiring decisions or employment practices at the institution, college or public school that favor individuals based on race, sex, color or national origin;

(ii) Promoting differential treatment of or providing special benefits to favor individuals in admissions and hiring based on race, sex, color or national origin; or

(iii) Promoting policies or procedures or conducting trainings, programs, or activities designed or implemented to favor individuals based on race, sex, color or national origin, other than policies or procedures approved in writing by the institution, college or public school's legal counsel for the sole purpose of ensuring compliance with any applicable formal final finding of the court.

(c) "Diversity statement" means a written statement or essay that requires an individual to express their views or commitment regarding issues related to race, sex, color, national origin, gender identity, sexual orientation, or national origin.

(d) "Diversity training" means any formal or informal education, seminars, workshops or institutional program that focus on increasing awareness or understanding of issues related to race, sex, color, gender identity, sexual orientation or national origin.

(e) "Divisive concepts" are concepts that:

(i) One (1) race, sex, color, or national origin is inherently superior to another race or sex;



73 (ii) An individual, by virtue of his or her race,
74 sex, color, national origin, is inherently racist, sexist, or
75 oppressive, whether consciously or unconsciously;

76 (iii) An individual should be discriminated
77 against or treated adversely solely because of their race, sex,
78 color, or national origin;

79 (iv) Members of one (1) race, one (1) sex, one (1)
80 color, one (1) national origin cannot and should not attempt to
81 treat others without respect to race, color, national origin or
82 sex, gender identity, sexual orientation, or national origin;

83 (v) An individual's moral character is necessarily
84 determined by his or her race, color, sex, or national origin;

85 (vi) An individual, by virtue of his or her race,
86 color, sex or national origin, bears responsibility for actions
87 committed in the past by other members of any class listed herein;

88 (vii) An individual should feel discomfort, guilt,
89 anguish or any other form of psychological distress on account of
90 his or her race, color, sex, or national origin; or

91 (viii) Meritocracy or traits such as hard work
92 ethic are racist or sexist, or were created by a particular class
93 to oppress another class.

94 (f) "Public school" means an elementary or secondary
95 school governmental entity under the exercise and management of a
96 local school governing board, established to supervise one or more



public schools within its geographical limits pursuant to state statutes. The term also includes:

(i) Agricultural high schools;

(ii) The Mississippi School for the Deaf and Blind, under the governing authority of the State Board of Education;

(iii) The Mississippi School for the Arts, under the governing authority of the State Board of Education;

(iv) The Mississippi School for Mathematics and Science, under the governing authority of the State Board of Education; and

(v) Public charter schools.

(g) "Public postsecondary education institutions" means any state-supported four-year college or university under the purview of the Board of Trustees of the State Institutions of Higher Learning and any two-year community or junior college under the purview of the Mississippi Community College Board and the boards of trustees of the community college district to which the community or junior college is assigned.

(h) "Board" or "boards" means either the Board of Trustees of State Institutions of Higher Learning, the Mississippi Community College Board, the Mississippi State Board of Education, the Mississippi Charter School Authorizer Board, the local board of education for a local school district, or the governing board of a public charter school, or all of them, as applicable.



(i) "Sex" has the definition given in Sections 1-3-83(3) and 41-141-3(a).

(j) "Gender identity" reflects a fully internal and subjective sense of self, disconnected from biological reality and sex and existing on an infinite continuum, that does not provide a meaningful basis for identification and cannot be recognized as a replacement for sex.

SECTION 3. The Board of Trustees of State Institutions of Higher Learning, the Mississippi Community College Board, the Mississippi State Board of Education and the Mississippi Charter School Authorizer Board shall ensure that each institution, college and public school, as applicable, shall not:

(a) Establish or maintain a diversity, equity and inclusion office as defined in subsection (1)(b) of this section;

(b) Engage in divisive concepts as defined in Section 2(d) and (e) of this act;

(c) Hire or assign faculty, staff or employee of the institution, college or public school or contract with a third party to perform the duties of a diversity, equity and inclusion office;

(d) Require, request, or consider diversity statements or similar materials from job applicants as part of the hiring process, contract renewal process, evaluation or promotion process;



(e) Give preference based on race, sex, color or national origin to an applicant for employment, or when awarding a contract at the institution, college or public school;

(f) Maintain any programs, including academic programs or courses, or offices that promote diversity, equity and inclusion, endorse divisive concepts or concepts promoting transgender ideology, gender-neutral pronouns, deconstruction of heteronormativity, gender theory, sexual privilege or any related formulation of these concepts;

(g) Require, as a condition of enrolling at, accepting employment with, or being awarded a contract at an institution, college or public school, or as a requirement of continuing enrollment, employment or contractual obligation at an institution, college or public school, any person to participate in diversity, equity and inclusion training;

(h) Penalize or discriminate against a student, employee, faculty, staff or contractor on the basis of his or her refusal to support, believe, endorse, embrace, confess, act upon or otherwise assent to a diversity, equity or inclusion concept as set forth in this section; and

(i) Require any "diversity training" as defined in Section 2 or any other policies or procedures that result in any formal or informal education, seminars, workshops or institutional program that focus on increasing awareness or understanding of



issues related to race, sex, color, gender identity, sexual orientation or national origin.

SECTION 4. (1) The State Department of Education, the Board of Trustees of State Institutions of Higher Learning, the Mississippi Community College Board and the Mississippi Charter School Authorizer Board shall recognize, teach and establish policies and curriculum in accordance with the definitions of the terms "female," "male" and "sex" as provided in Section 1-3-85 and Section 41-141-3(a). Notwithstanding any other provision of law to the contrary, the policies and curriculum authorized by this subsection shall be adopted and approved as provided by law.

(2) Nothing in this section may be construed to limit or prohibit an institution, college or public school, or an employee, faculty or staff of such, from submitting to a grantor or accrediting body a statement that certifies compliance with controlling state and federal antidiscrimination laws for purposes of applying for a grant or from complying with the terms of accreditation by an accrediting body.

SECTION 5. This act may not be construed to apply to and/or prohibit:

(a) Programs for Military Veterans, students with disabilities or students presently or formerly under a child protective services order;



193 (b) Scholarly research or a creative work by students,
194 faculty, employee or staff at an institution, college or public
195 school or the dissemination of that work;

196 (c) An activity of a registered student organization,
197 guest speaker or performer at an institution, college or public
198 school as long as state funds are not used;

199 (d) A policy to limit or restrict freedom of speech
200 pursuant to the First Amendment of the United State Constitution
201 or Section 13 of the Mississippi Constitution or academic course
202 instruction that undermines the duty of a public school, or public
203 postsecondary educational institution to protect academic course
204 instruction, intellectual diversity and true expression provided
205 that none of these protected tenets conflict with the act;

206 (e) Data collection or reporting of demographic data by
207 a public school or public postsecondary educational institution;

208 (f) Student recruitment;

209 (g) Programs, campus activities or certifications for
210 compliance with state and federal laws or applicable court order;

211 (h) An institution, college or public school from
212 requiring or taking action against a student, employee, faculty,
213 staff or contractor for failing to comply with federal or state
214 law;

215 (i) Discussing pathological approaches or experience
216 with students with mental or physical disabilities; or



(j) Prohibit a public school or public postsecondary education institution from complying with any applicable academic accreditation standards or requirements.

SECTION 6. Beginning in 2026, by July 30 of each year, each institution, college or public school shall submit to their respective boards an annual report summarizing all formal complaints and the dispositions of those investigations and violations. Any institution, college or public school that is not in compliance with the requirements of this act at the time the institution, college or public school files the required report shall provide a written statement explaining its failure to comply. By October 30 of each year, the Board of Trustees of State Institutions of Higher Learning, Mississippi Community College Board, State Board of Education and Mississippi Charter School Authorizer Board shall prepare a report that compiles the reports from each institution, college and public school and makes recommendations for any proposed changes to this act and submit it to the Legislature. The Legislature may call a representative of the Board of Trustees of the State Institutions of Higher Learning, Mississippi Community College Board, School Board of Education and the Mississippi Charter School Authorizer Board to testify before the standing legislative committees with primary jurisdiction over higher education and education, as applicable, at a public hearing of the committees regarding the boards' compliance with this section.



SECTION 7.

(1) Within ninety (90) days of the effective date of this act, the Board of Trustees of State Institutions of Higher Learning shall adopt a complaint process, investigative procedures, and all other policies and procedures for appropriately investigating violations of this act.

(2) (a) Within ninety (90) days of the effective date of this act, the Mississippi Community College Board, the State Board of Education in conjunction with Mississippi School Board Association and the Mississippi Charter School Authorizer Board shall adopt a model complaint process, investigative procedures and all other policies and procedures for appropriately investigating violations of this act.

(b) Within ninety (90) days of adoption of model rules, every local school board, governing board of a charter school, and board of trustees for junior and community colleges shall adopt policies and procedures for appropriately investigating violations of this act. The State Board of Education, as the governing board for state-operated schools, shall adopt such rules for these schools.

(3) Any employee, faculty, staff or contractor, or student who desires to assert a violation of this act shall file a formal complaint within thirty (30) days of the alleged violation with:

(a) The local school board of the school district in which the violation occurred;



(b) The governing board of the charter school in which the violation occurred;

(c) The State Board of Education for all state-operated schools;

(d) The board of trustees for the Community College in which the violation occurred; or

(e) The board of trustees of the state institutions of higher learning for any state institution of higher learning under its jurisdiction.

(4) Any person under eighteen (18) years of age may bring an action under this act through a parent, guardian or next friend and may bring an action in his or her own name upon reaching the age of eighteen (18) years.

(5) A person filing a complaint with any board is limited to any student enrolled at an institution, college or public school, any faculty, employee or staff member of an institution, college or public school, any contractor of an institution, college or public school, or any parent, guardian or next friend of a minor student who has allegedly been harmed by the institution, college or public school's failure to comply with this act.

(6) (a) The respective board shall investigate the reported violation or potential violation under the board's procedures as established in this act and make a finding within thirty (30) days. If the board does not find a violation of this act, they shall issue a formal final finding. Such board shall report that



finding to the person making the complaint and to the institution, college, or public school that is the subject of the investigation.

(b) If the board finds a violation of this act, the public school or post-secondary institution shall have twenty-five (25) days to cure all actions relating to the violation. The respective board shall issue a formal final finding to the complainant detailing found violation and the curative response within twenty-five (25) days of the formal notice. Should the error remain uncured beyond the twenty-five (25) day curative period, the aggrieved party may file an application for injunctive relief to compel the board to cure the error.

(7) (a) Anyone aggrieved by a formal final finding of the governing board is entitled to judicial review thereof, as hereinafter provided.

(b) An appeal de novo may be filed by an aggrieved party in the chancery court of the judicial district in which the institution, college, public school or charter school is located, by filing a complaint with the clerk of that court within thirty (30) days of the receipt of the formal final finding of the board.

(c) The scope of review of the chancery court in such cases shall determine if a violation of this act has occurred.

(d) The appropriate chancery court may award relief in the form of an injunction and/or actual damages.



(e) Any party aggrieved by action of the chancery court may appeal to the Supreme Court in the manner provided by law.

SECTION 8. (1) In addition to all other remedies provided under this act, if a public school or public postsecondary educational institution is determined, through final adjudication of the administrative procedures process and exhaustion of all judicial appeals, to be in violation of any provision of this act, the State of Mississippi shall withhold the disbursement of the following state funds if not cured within thirty (30) days of a formal final finding upon the occurrence of any second or subsequent violations of this act:

(a) For public schools, any and all state funds appropriated by the Legislature for the operation and administration of K-12 education, as determined by the disbursement of the state share of the total student funding formula funds to the local school district in violation;

(b) For state-supported public two-year and four-year postsecondary educational institutions in violation, any and all funds appropriated by the Legislature for the use, benefit, support and maintenance of such institutions, as disbursed by:

(i) The Mississippi Community College Board and the applicable local board of trustees for the respective community and junior colleges; and

(ii) The Board of Trustees of State Institutions of Higher Learning for public universities.



(2) Withholding of funds shall remain in effect until such time that the violating entity demonstrates full compliance with the provisions of this act, as certified by the appropriate governing authority and affirmed by the Attorney General or a court of competent jurisdiction.

(3) The governing board responsible for disbursement of state funds to any school district or postsecondary institution shall promulgate policies, subject to the Mississippi Administrative Procedures Law, to establish a uniform process for the implementation, enforcement and reinstatement of state funds in accordance with this section.

SECTION 9. (1) (a) If any person, parent or guardian of a minor making a complaint under this act is aggrieved by the action or inaction of the respective board, he or she may notify the Attorney General of a violation or potential violation of this act by a state institution of higher learning, community or junior college, public school or charter school by forwarding the Attorney General the complaint filed with the respective board along with the decision of the board and any supporting documentation.

(b) After receipt of such notification, the Attorney General may file an application for a writ of mandamus in the chancery court of competent jurisdiction for injunctive relief compelling the state institution of higher learning, community or junior college, public school board or charter school governing



board to comply with this act if such entity has failed to cure the error with the thirty-day curative period. For purposes of this section, chancery court of competent jurisdiction means the chancery court located in the judicial district in which the state institution of higher learning, community or junior college, public school or charter school is located.

(2) The appropriate chancery court may award relief in the form of an injunction and/or actual damages. Any party aggrieved by action of the chancery court may appeal to the Supreme Court in the manner provided by law.

SECTION 10. If any section, paragraph, sentence, clause, phrase or any part of this act is declared to be unconstitutional or void, or if for any reason is declared to be invalid or of no effect, the remaining sections, paragraphs, sentences, clauses or phrases or parts thereof shall be in no manner affected thereby but shall remain in full force and effect.

SECTION 11. This act shall take effect and be in force from and after its passage.

