

By: Representative Arnold

To: Judiciary A

## HOUSE BILL NO. 1542

1 AN ACT TO PROHIBIT THE LOCAL SCHOOL BOARD OF A PUBLIC SCHOOL  
2 OR GOVERNING BOARD OF A CHARTER SCHOOL FROM IMPLEMENTING ANY  
3 PROGRAM OF INSTRUCTION OR ASSESSMENTS FOR STUDENTS AND ANY  
4 EMPLOYEE TRAININGS, PROGRAMS OR ACTIVITIES DESIGNED TO PROMOTE  
5 DIVERSITY, EQUITY AND INCLUSION; TO DEFINE THE TERM "DIVERSITY,  
6 EQUITY AND INCLUSION"; TO PROHIBIT A SCHOOL OR CHARTER SCHOOL FROM  
7 SPENDING MONEY APPROPRIATED TO THE SCHOOL FOR A FISCAL YEAR UNTIL  
8 THE GOVERNING BOARD OF THE SCHOOL DISTRICT OR CHARTER SCHOOL  
9 SUBMITS TO THE LEGISLATURE AND THE STATE BOARD OF EDUCATION A  
10 REPORT EVIDENCING COMPLIANCE WITH STATUTORILY IMPOSED RESTRICTION  
11 ON DIVERSITY, EQUITY AND INCLUSION; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** (1) As used in this section, "diversity, equity  
14 and inclusion" means:

15 (a) Influencing practices with respect to race, sex,  
16 color, or ethnicity, other than through the use of color blind and  
17 sex neutral processes in accordance with any applicable state and  
18 federal anti discrimination laws;

19 (b) Promoting differential treatment of or providing  
20 special benefits to individuals on the basis of race, color, or  
21 ethnicity;



22 (c) Promoting policies or procedures designed or  
23 implemented in reference to race, color, or ethnicity, other than  
24 policies or procedures approved in writing by the institution's  
25 general counsel and the Texas Higher Education Coordinating Board  
26 for the sole purpose of ensuring compliance with any applicable  
27 court order or state or federal law; or

28 (d) Conducting student instruction and assessments, and  
29 employee trainings, programs or activities designed or implemented  
30 in reference to race, color, ethnicity, gender identity, or sexual  
31 orientation, other than student instruction and assessments, and  
32 employee trainings, programs or activities developed by the board  
33 for the sole purpose of ensuring compliance with any applicable  
34 court order or state or federal law.

35 (2) The local school board of a public school or governing  
36 board of a charter school receiving state funds shall ensure that  
37 each school under its jurisdiction:

38 (a) Does not, except as required by federal law:

39 (i) Establish, maintain or provide instruction or  
40 assessments based on a diversity, equity and inclusion curriculum;

41 (ii) Employ or assign an employee of the school  
42 district or contract with a third party to perform the duties  
43 associated with diversity, equity and inclusion instruction and  
44 assessment;

45 (iii) Compel, require, induce, or solicit any  
46 person to provide a diversity, equity, and inclusion statement or



give preferential consideration to any person based on the provision of a diversity, equity and inclusion statement;

(iv) Give preference on the basis of race, sex, color, ethnicity, or national origin to an applicant for employment, an employee, or a participant in any function of the school district; or

(v) Require, as a condition of enrollment at the school or performing any school function, any person to participate in diversity, equity and inclusion instruction, training, which:

1. Includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation; and

2. Does not include a training, program, or activity developed by the school governing board for the sole purpose of ensuring compliance with any applicable court order or state or federal law; and

(b) Adopts policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the school district or charter school who engages in conduct in violation of paragraph (a).

(3) Nothing in this section may be construed to limit or prohibit a public school or charter school or an employee of a public school or charter school from, for purposes of applying for a grant or complying with the terms of accreditation by an



72 accrediting agency, submitting to the grantor or accrediting  
73 agency a statement that:

74 (a) Highlights the school's work in supporting:

75 (i) Low income students; or

76 (ii) Underserved student populations; or

77 (b) Certifies compliance with state and federal  
78 anti-discrimination laws.

79 (4) A public school or charter school may not spend money  
80 appropriated to the school for a fiscal year until the governing  
81 board of the school district or charter school submits to the  
82 Legislature and the State Board of Education a report certifying  
83 the school district and charter school's compliance with this  
84 section during the preceding fiscal year.

85 (5) In the interim, between each regular session of the  
86 Legislature while the Legislature is convened, the governing board  
87 of each public school or charter school, or the board's designee,  
88 shall, upon request, testify before the standing legislative  
89 Committees on Education, having primary jurisdiction over  
90 elementary and secondary education at a public hearing of the  
91 committee regarding the board's compliance with this section.

92 (6) The State Auditor shall periodically conduct a  
93 compliance audit of each public school or charter school to  
94 determine whether the school has spent state money in violation of  
95 this section. The State Auditor shall adopt a schedule by which  
96 the State Auditor will conduct compliance audits under this



subsection. The schedule must ensure that each public school or charter school is audited at least once every four (4) years.

(7) If the State Auditor determines pursuant to a compliance audit conducted under subsection (6) that a public school or charter school has spent state money in violation of this section, the school district or charter school governing board:

(a) Must correct the violation not later than one hundred eighty (180) days after the date on which the determination is made; and

(b) If the school district or charter school governing board fails to correct the violation during the period described by paragraph (a), is ineligible to receive total funding formula fund increases or exceptional items during the fiscal year immediately following the state fiscal year in which the determination is made.

(8) A student or employee of a public school or charter school who is required to participate in instruction, assessments or training in violation of subsection (2)(a)(v) may bring an action against the institution for injunctive or declaratory relief.

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2025.

