

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

To: Judiciary A

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1193

1 AN ACT TO PROHIBIT PUBLIC SCHOOLS, STATE ACCREDITED NONPUBLIC
2 SCHOOLS AND PUBLIC POSTSECONDARY EDUCATIONAL INSTITUTIONS FROM
3 CREATING, PROMOTING AND IMPLEMENTING DIVERSITY, EQUITY, AND
4 INCLUSION (DEI) PROGRAMS; TO DEFINE RELEVANT TERMS; AND TO
5 PROHIBIT THE USE OF DIVERSITY STATEMENTS AND TRAINING IN HIRING,
6 ADMISSIONS, AND EMPLOYMENT PRACTICES AT STATE INSTITUTIONS OF
7 HIGHER LEARNING; TO REQUIRE THE STATE DEPARTMENT OF EDUCATION, THE
8 BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING AND THE
9 MISSISSIPPI COMMUNITY COLLEGE BOARD IN MISSISSIPPI, TO TEACH,
10 PROMOTE AND DISTRIBUTE INFORMATION THAT THERE ARE TWO GENDERS,
11 MALE AND FEMALE, AS DETERMINED BY AN INDIVIDUAL'S CHROMOSOMES; TO
12 REQUIRE THE SUBMISSION OF ANNUAL REPORTS TO THE GOVERNOR AND THE
13 LEGISLATURE CONTAINING INFORMATION ON ITS COMPLIANCE WITH THIS ACT
14 AND THE COMPLIANCE OF EACH SCHOOL DISTRICT; TO PROVIDE FOR THE
15 PRIVATE ENFORCEMENT OF THIS ACT; TO PROVIDE FOR ENFORCEMENT OF
16 THIS ACT BY THE MISSISSIPPI ATTORNEY GENERAL; AND FOR RELATED
17 PURPOSES.

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

19 **SECTION 1.** The purpose of this act is to prohibit public
20 schools, state-accredited nonpublic schools, and public
21 postsecondary educational institutions from taking certain actions
22 and engaging in discriminatory practices. This act seeks to
23 ensure that employment, academic opportunities, and student
24 engagement are based solely on individual merit, qualifications,



25 and academic performance, without consideration of an individual's
26 views on diversity, equity and inclusion (DEI).

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

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

35 (b) "Diversity training" means any formal or informal
36 education, seminars, workshops or instructional program that focus
37 on increasing awareness or understanding of issues related to
38 race, sex, color, ethnicity, gender identity, sexual orientation,
39 religion or national origin.

40 (c) "Divisive concepts" are concepts that:

41 (i) One (1) race, sex, color, ethnicity, gender
42 identity, sexual orientation, religion or national origin is
43 inherently superior to another race or sex;

44 (ii) An individual, by virtue of his or her race,
45 sex, color, ethnicity, gender identity, sexual orientation,
46 religion or national origin, is inherently racist, sexist or
47 oppressive, whether consciously or unconsciously;

48 (iii) An individual should be discriminated
49 against or treated adversely solely because of their race, sex,



50 color, ethnicity, gender identity, sexual orientation, religion or
51 national origin;

52 (iv) Members of one (1) race, one (1) sex, one (1)
53 color, one (1) ethnicity, certain gender identity, sexual
54 orientation, religion or national origin cannot and should not
55 attempt to treat others without respect to race, color, ethnicity
56 or sex, gender identity, sexual orientation, religion or national
57 origin;

58 (v) An individual's moral character is necessarily
59 determined by his or her race, color, ethnicity, sex, gender
60 identity, sexual orientation, religion or national origin;

61 (vi) An individual, by virtue of his or her race,
62 color, ethnicity, sex, gender identity, sexual orientation,
63 religion or national origin, bears responsibility for actions
64 committed in the past by other members of any class listed herein;

65 (vii) An individual should feel discomfort, guilt,
66 anguish or any other form of psychological distress on account of
67 his or her race, color, ethnicity, sex, gender identity, sexual
68 orientation, gender identity, religion or national origin; or

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

72 (d) "Public school" means an elementary or secondary
73 school governmental entity under the exercise and management of a
74 local school governing board, established to supervise one or more



75 public schools within its geographical limits pursuant to state
76 statutes. The terms also include:

77 (i) Agricultural high schools;

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

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

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

86 (v) Public charter schools.

87 (e) "State-accredited nonpublic school" means a
88 nonpublic school located within this state accredited by the State
89 Board of Education.

90 (f) "Public postsecondary educational institutions"
91 mean any state-supported four-year college or university under the
92 purview of the Board of Trustees of State Institutions of Higher
93 Learning and any two-year community or junior college under the
94 purview of the Mississippi Community College Board and the boards
95 of trustees of the community college district to which the
96 community or junior college is assigned.

97 **SECTION 3.** No public school, state-accredited nonpublic
98 school or public postsecondary educational institution shall:



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

103 (b) Require, request, or consider diversity statements
104 or similar materials from applicants for admission to academic
105 programs;

106 (c) Require, induce or compel students or employees to
107 participate in diversity training;

108 (d) Require, induce, or compel students or employees to
109 endorse, assent to or publicly express a divisive concept;

110 (e) Penalize or discriminate against a student,
111 employee or contractor on the basis of his or her refusal to
112 support, believe, endorse, embrace, confess, act upon or otherwise
113 assent to a divisive concept; or

114 (f) Maintain any programs, including academic programs
115 or courses, or offices that promote or endorse divisive concepts
116 or concepts promoting transgender ideology, gender-neutral
117 pronouns, heteronormativity, gender theory, sexual privilege or
118 any related formulation of these concepts.

119 **SECTION 4.** Nothing in this act shall be construed to:

120 (a) Prohibit the required collection or reporting of
121 demographic data by a public school, state-accredited nonpublic
122 school or public postsecondary educational institution;



123 (b) Prohibit a public school, state-accredited
124 nonpublic school or public postsecondary educational institution
125 from requiring a student or employee to comply with federal or
126 state laws, or from taking action against a student or employee
127 for violations of federal or state law;

128 (c) Limit or restrict freedom of speech or academic
129 freedom that undermines the duty of a public school,
130 state-accredited nonpublic school or public postsecondary
131 educational institution to protect academic freedom, intellectual
132 diversity and true expression provided that none of these
133 protected tenets conflict with this act;

134 (d) Prohibit a public school, state-accredited
135 nonpublic school or public postsecondary educational institution
136 from complying with any applicable academic accreditation
137 standards or requirements; or

138 (e) Prohibit or restrict programs or campus activities
139 required for compliance with federal laws or regulations, or
140 access programs for military veterans, Pell Grant recipients,
141 first-generation college students, nontraditional students,
142 students from low-income families or students with
143 unique abilities, students with disabilities or students from the
144 foster care system.

145 **SECTION 5.** (1) All public schools, state-accredited
146 nonpublic schools, and public postsecondary educational
147 institutions in Mississippi, shall teach, promote and distribute



148 information based on the scientific policy that there are two (2)
149 genders, male and female. A male has a chromosome of XY, and a
150 female has a chromosome of XX. The State Department of Education,
151 all public school districts, the Board of Trustees of State
152 Institutions of Higher Learning and the Mississippi Community
153 College Board shall recognize and establish policies that
154 biological gender shall be based on the chromosomal makeup of an
155 individual.

156 (2) By July 1, 2026, and annually by July 1 thereafter, the
157 State Department of Education, the Board of Trustees of State
158 Institutions of Higher Learning and the Mississippi Community
159 College Board shall provide a report and documentation to the
160 Governor, the Lieutenant Governor and the Speaker of the
161 Mississippi House of Representatives regarding its compliance with
162 this section, and including information on the compliance of each
163 public school district.

164 **SECTION 6.** (1) A person may assert a violation of this
165 section as a claim or defense in a judicial or administrative
166 proceeding and obtain compensatory damages, punitive damages,
167 injunctive relief, declaratory relief or any other appropriate
168 relief. Such claim may be brought against any applicable
169 governmental entity which caused or contributed to a violation of
170 this section.

171 (2) Any person under eighteen (18) years of age may bring an
172 action at any time to assert a violation of this section through a



173 parent or next friend and may bring an action in his or her own
174 name upon reaching the age of eighteen (18) years.

175 (3) An action under this act may be commenced, and relief
176 may be granted, in a judicial proceeding without regard to whether
177 the person commencing the action has sought or exhausted available
178 administrative remedies.

179 (4) In any action or proceeding to enforce a provision of
180 this section, a prevailing party who establishes a violation of
181 this section shall recover reasonable attorney's fees.

182 (5) (a) The Attorney General shall bring an action to
183 enforce compliance with this section.

184 (b) This section shall not be construed to deny, impair
185 or otherwise affect any right or authority of the Attorney
186 General, the State of Mississippi, or any agency, officer or
187 employee of the state, acting under any law other than this
188 section, to institute or intervene in any proceeding.

189 **SECTION 7.** If any public school, state-accredited nonpublic
190 school, or public postsecondary educational institution receives
191 more than two (2) complaints in violation of this act, applicable
192 state grants or monies shall be withheld until the school or
193 institution complies with the provisions of this act.

194 **SECTION 8.** If any section, paragraph, sentence, clause,
195 phrase or any part of this act is declared to be unconstitutional
196 or void, or if for any reason is declared to be invalid or of no
197 effect, the remaining sections, paragraphs, sentences, clauses,



198 phrases or parts thereof shall be in no manner affected thereby
199 but shall remain in full force and effect.

200 **SECTION 9.** This act shall take effect and be in force from
201 and after July 1, 2025.

