

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

To: Judiciary A

HOUSE BILL NO. 1193
(As Passed the House)

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

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

18 **SECTION 1.** The purpose of this act is to prohibit public
19 schools and public postsecondary educational institutions from
20 taking certain actions and engaging in discriminatory practices.
21 This act seeks to ensure that employment, academic opportunities,
22 and student engagement are based solely on individual merit,
23 qualifications, and academic performance, without consideration of
24 an individual's views on diversity, equity and inclusion (DEI).



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

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

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

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

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

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

46 (iii) An individual should be discriminated
47 against or treated adversely solely because of their race, sex,
48 color, ethnicity, gender identity, sexual orientation, religion or
49 national origin;



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

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

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

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

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

70 (d) "Public school" means an elementary or secondary
71 school governmental entity under the exercise and management of a
72 local school governing board, established to supervise one or more
73 public schools within its geographical limits pursuant to state
74 statutes. The terms also include:



75 (i) Agricultural high schools;
76 (ii) The Mississippi School for the Deaf and
77 Blind, under the governing authority of the State Board of
78 Education;
79 (iii) The Mississippi School of the Arts, under
80 the governing authority of the State Board of Education;
81 (iv) The Mississippi School for Mathematics and
82 Science, under the governing authority of the State Board of
83 Education; and
84 (v) Public charter schools.
85 (e) "Public postsecondary educational institutions"
86 mean any state-supported four-year college or university under the
87 purview of the Board of Trustees of State Institutions of Higher
88 Learning and any two-year community or junior college under the
89 purview of the Mississippi Community College Board and the boards
90 of trustees of the community college district to which the
91 community or junior college is assigned.

92 **SECTION 3.** No public school or public postsecondary
93 educational institution shall:

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



98 (b) Require, request, or consider diversity statements
99 or similar materials from applicants for admission to academic
100 programs;

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

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

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

109 (f) Maintain any programs, including academic programs
110 or courses, or offices that promote or endorse divisive concepts
111 or concepts promoting transgender ideology, gender-neutral
112 pronouns, heteronormativity, gender theory, sexual privilege or
113 any related formulation of these concepts.

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

115 (a) Prohibit the required collection or reporting of
116 demographic data by a public school or public postsecondary
117 educational institution;

118 (b) Prohibit a public school or public postsecondary
119 educational institution from requiring a student or employee to
120 comply with federal or state laws, or from taking action against a
121 student or employee for violations of federal or state law;



122 (c) Limit or restrict freedom of speech or academic
123 freedom that undermines the duty of a public school, or public
124 postsecondary educational institution to protect academic freedom,
125 intellectual diversity and true expression provided that none of
126 these protected tenets conflict with this act;

127 (d) Prohibit a public school or public postsecondary
128 educational institution from complying with any applicable
129 academic accreditation standards or requirements; or

130 (e) Prohibit or restrict programs or campus activities
131 required for compliance with federal laws or regulations, or
132 access programs for military veterans, Pell Grant recipients,
133 first-generation college students, nontraditional students,
134 students from low-income families or students with
135 unique abilities, students with disabilities or students from the
136 foster care system.

137 **SECTION 5.** (1) All public schools and public postsecondary
138 educational institutions in Mississippi, shall teach, promote and
139 distribute information based on the scientific policy that there
140 are two (2) genders, male and female. A male has a chromosome of
141 XY, and a female has a chromosome of XX. The State Department of
142 Education, all public school districts, the Board of Trustees of
143 State Institutions of Higher Learning and the Mississippi
144 Community College Board shall recognize and establish policies
145 that biological gender shall be based on the chromosomal makeup of
146 an individual.



147 (2) By July 1, 2026, and annually by July 1 thereafter, the
148 State Department of Education, the Board of Trustees of State
149 Institutions of Higher Learning and the Mississippi Community
150 College Board shall provide a report and documentation to the
151 Governor, the Lieutenant Governor and the Speaker of the
152 Mississippi House of Representatives regarding its compliance with
153 this section, and including information on the compliance of each
154 public school district.

155 **SECTION 6.** (1) A person may assert a violation of this
156 section as a claim or defense in a judicial or administrative
157 proceeding and obtain compensatory damages, punitive damages,
158 injunctive relief, declaratory relief or any other appropriate
159 relief. Such claim may be brought against any applicable
160 governmental entity which caused or contributed to a violation of
161 this section.

162 (2) Any person under eighteen (18) years of age may bring an
163 action at any time to assert a violation of this section through a
164 parent or next friend and may bring an action in his or her own
165 name upon reaching the age of eighteen (18) years.

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



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

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

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

180 **SECTION 7.** If any public school or public postsecondary
181 educational institution receives more than two (2) complaints in
182 violation of this act, applicable state grants or monies shall be
183 withheld until the school or institution complies with the
184 provisions of this act.

185 **SECTION 8.** If any section, paragraph, sentence, clause,
186 phrase or any part of this act is declared to be unconstitutional
187 or void, or if for any reason is declared to be invalid or of no
188 effect, the remaining sections, paragraphs, sentences, clauses,
189 phrases or parts thereof shall be in no manner affected thereby
190 but shall remain in full force and effect.

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

