

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER AND MR. PRESIDENT:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 1193: Public K-12 and Postsecondary schools; prohibit DEI statements and practices.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.
2. That the House and Senate adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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:

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

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



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

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

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

70 (e) "Divisive concepts" are concepts that:

71 (i) One (1) race, sex, color, or national origin
72 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
97 public schools within its geographical limits pursuant to state
98 statutes. The term also includes:

99 (i) Agricultural high schools;

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



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

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

108 (v) Public charter schools.

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

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

122 (i) "Sex" has the definition given in Sections
123 1-3-83(3) and 41-141-3(a).

124 (j) "Gender identity" reflects a fully internal and
125 subjective sense of self, disconnected from biological reality and
126 sex and existing on an infinite continuum, that does not provide a



127 meaningful basis for identification and cannot be recognized as a
128 replacement for sex.

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

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

136 (b) Engage in divisive concepts as defined in Section
137 2(d) and (e) of this act;

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

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

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

149 (f) Maintain any programs, including academic programs
150 or courses, or offices that promote diversity, equity and
151 inclusion, endorse divisive concepts or concepts promoting



152 transgender ideology, gender-neutral pronouns, deconstruction of
153 heteronormativity, gender theory, sexual privilege or any related
154 formulation of these concepts;

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

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

166 (i) Require any "diversity training" as defined in
167 Section 2 or any other policies or procedures that result in any
168 formal or informal education, seminars, workshops or institutional
169 program that focus on increasing awareness or understanding of
170 issues related to race, sex, color, gender identity, sexual
171 orientation or national origin.

172 **SECTION 4.** (1) The State Department of Education, the Board
173 of Trustees of State Institutions of Higher Learning, the
174 Mississippi Community College Board and the Mississippi Charter
175 School Authorizer Board shall recognize, teach and establish
176 policies and curriculum in accordance with the definitions of the



177 terms "female," "male" and "sex" as provided in Section 1-3-85 and
178 Section 41-141-3(a). Notwithstanding any other provision of law
179 to the contrary, the policies and curriculum authorized by this
180 subsection shall be adopted and approved as provided by law.

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

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

190 (a) Programs for Military Veterans, students with
191 disabilities or students presently or formerly under a child
192 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

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

220 **SECTION 6.** Beginning in 2026, by July 30 of each year, each
221 institution, college or public school shall submit to their
222 respective boards an annual report summarizing all formal
223 complaints and the dispositions of those investigations and
224 violations. Any institution, college or public school that is not
225 in compliance with the requirements of this act at the time the
226 institution, college or public school files the required report



227 shall provide a written statement explaining its failure to
228 comply. By October 30 of each year, the Board of Trustees of
229 State Institutions of Higher Learning, Mississippi Community
230 College Board, State Board of Education and Mississippi Charter
231 School Authorizer Board shall prepare a report that compiles the
232 reports from each institution, college and public school and makes
233 recommendations for any proposed changes to this act and submit it
234 to the Legislature. The Legislature may call a representative of
235 the Board of Trustees of the State Institutions of Higher
236 Learning, Mississippi Community College Board, School Board of
237 Education and the Mississippi Charter School Authorizer Board to
238 testify before the standing legislative committees with primary
239 jurisdiction over higher education and education, as applicable,
240 at a public hearing of the committees regarding the boards'
241 compliance with this section.

242 **SECTION 7.** (1) Within ninety (90) days of the effective
243 date of this act, the Board of Trustees of State Institutions of
244 Higher Learning shall adopt a complaint process, investigative
245 procedures, and all other policies and procedures for
246 appropriately investigating violations of this act.

247 (2) (a) Within ninety (90) days of the effective date of
248 this act, the Mississippi Community College Board, the State Board
249 of Education in conjunction with Mississippi School Board
250 Association and the Mississippi Charter School Authorizer Board
251 shall adopt a model complaint process, investigative procedures



252 and all other policies and procedures for appropriately
253 investigating violations of this act.

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

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

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

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

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

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

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

275 (4) Any person under eighteen (18) years of age may bring an
276 action under this act through a parent, guardian or next friend



277 and may bring an action in his or her own name upon reaching the
278 age of eighteen (18) years.

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

286 (6) (a) The respective board shall investigate the reported
287 violation or potential violation under the board's procedures as
288 established in this act and make a finding within thirty (30)
289 days. If the board does not find a violation of this act, they
290 shall issue a formal final finding. Such board shall report that
291 finding to the person making the complaint and to the institution,
292 college, or public school that is the subject of the
293 investigation.

294 (b) If the board finds a violation of this act, the
295 public school or post-secondary institution shall have twenty-five
296 (25) days to cure all actions relating to the violation. The
297 respective board shall issue a formal final finding to the
298 complainant detailing found violation and the curative response
299 within twenty-five (25) days of the formal notice. Should the
300 error remain uncured beyond the twenty-five (25) day curative



301 period, the aggrieved party may file an application for injunctive
302 relief to compel the board to cure the error.

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

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

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

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

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

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



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

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

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

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

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

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



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

360 (b) After receipt of such notification, the Attorney
361 General may file an application for a writ of mandamus in the
362 chancery court of competent jurisdiction for injunctive relief
363 compelling the state institution of higher learning, community or
364 junior college, public school board or charter school governing
365 board to comply with this act if such entity has failed to cure
366 the error with the thirty-day curative period. For purposes of
367 this section, chancery court of competent jurisdiction means the
368 chancery court located in the judicial district in which the state
369 institution of higher learning, community or junior college,
370 public school or charter school is located.

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



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

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

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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.

CONFEREES FOR THE HOUSE

CONFEREES FOR THE SENATE

X (SIGNED)
Joey Hood

X (SIGNED)
Nicole Boyd

X (SIGNED)
Shanda Yates

X (SIGNED)
Scott DeLano

X (SIGNED)
Jimmy Fondren

X (SIGNED)
Tyler McCaughn

