

OFFICE OF THE STATE SUPERINTENDENT
Summary of State Board of Education Agenda Items
May 15, 2025

OFFICE OF ADVOCACY AND COUNSEL

02. Action: Approval to begin the Administrative Procedures Act process: To establish Miss. Admin. Code 7-3: 100.1, State Board Policy, Chapter 100, Rule 100.1, "Compliance with State Law Regarding Diversity, Equity, and Inclusion Prohibitions, Complaint Process, and Investigations" [Goals 1, 2, 3, 4, 5, and 6 – MBE Strategic Plan]

Background Information: During the 2025 Legislative Session, the legislature passed House Bill 1193, which became effective upon passage, April 17, 2025.

House Bill 1193 is an act to prohibit public schools and public postsecondary educational institutions from taking certain actions and engaging in discrimination practices, specifically related to diversity, equity, and inclusion ("DEI"). It seeks to ensure that employment, academic opportunities, and student engagement are based solely on individual merit, qualifications and academic performance, without consideration of an individual's race, sex, color, national origin, or expressed opposition to, or refusal to affirm or participate in diversity, equity, and inclusion.

The law requires that within 90 days of passage, the State Board of Education shall adopt a model complaint process, investigative procedures, and all other policies and procedures for appropriately investigating violations under House Bill 1193.

The following policy has been developed, in conjunction with the Mississippi School Board Association, and meets the requirements of House Bill 1193.

Recommendation: Approval

Back-up material attached

Chapter 100: Compliance with State Law Regarding Diversity, Equity, and Inclusion in Public Education.

Rule 100.1 This policy implements House Bill 1193¹, passed by the Mississippi Legislature during the 2025 Regular Session. This act prohibits public schools and public postsecondary educational institutions from taking certain actions and engaging in discrimination practices, specifically related to diversity, equity, and inclusion (“DEI”). It seeks to ensure that employment, academic opportunities, and student engagement are based solely on individual merit, qualifications and academic performance, without consideration of an individual’s race, sex, color, national origin, or expressed opposition to, or refusal to affirm or participate in diversity, equity, and inclusion.

A. Diversity, Equity and Inclusion Prohibitions

As defined in House Bill 1193, State law prohibits public schools from:

1. Establishing or maintaining a diversity, equity and inclusion office.
2. Engaging in divisive concepts.
3. Hiring or assigning faculty, staff, or employees of the public school or contracting with a third party to perform the duties of a diversity, equity, and inclusion office.
4. Requiring, requesting, or considering diversity statements or similar materials from job applicants as part of the hiring process, contract renewal process, evaluation or promotion process.
5. Giving preference based on race, sex, color, or national origin to an applicant for employment, or when awarding a contract at the public school.
6. Maintaining any programs, including academic programs or courses, or offices that promote diversity, equity and inclusion, endorse divisive concept or concepts promoting transgender ideology, gender-neutral pronouns, deconstruction of heteronormativity, gender theory, sexual privilege or any related formulation of these concepts.
7. Requiring, as a condition of enrolling at, accepting employment with, or being awarded a contract at a public school, or as a requirement of continuing enrollment,

¹ Statutory reference shall be added once provided.

employment, or contractual obligations at a public school, any person to participate in diversity, equity, and inclusion training.

8. Penalizing or discriminating 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.
9. Requiring any “diversity training” 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.

B. Complaint Process

Local school boards of a local public school district, or the State Board of Education for all state-operated schools, shall develop, adopt, and communicate complaint policies and processes to implement the requirements of House Bill 1193 with the minimum required elements.

1. Any employee, faculty, staff or contractor, or student who desires to assert a violation of House Bill 1193, may file a Formal Complaint. Any student under the age of 18 may file a complaint through a parent, guardian or next friend, and may file a complaint in his or her own name upon reaching the age of 18.
2. The Formal Complaint shall be written and signed by the complainant, and shall include the following:
 - a. The full name, address, and telephone number of the individual filing the complaint.
 - b. Name of potential individuals impacted by alleged violation.
 - c. Dated and/or times of the alleged violation.
 - d. Specific nature of the alleged violation, including identification of which section of House Bill 1193 was allegedly violated.
 - e. A statement explaining how the complainant has been harmed by the public school’s alleged failure to comply with House Bill 1193.
 - f. Names of any potential witnesses.
 - g. A statement as to whether any internal or external grievance, charge, complaint, or civil action has been instituted by the complainant in any other form or forum, based

upon the same allegation contained in the Formal Complaint, together with a statement as to the status or disposition of such other action.

- h. Any other relevant information that would support an investigation.
- 3. The Formal Complaint shall be filed with the local school board of the local public school district in which the violation occurred, or the State Board of Education for all state-operated schools.
- 4. The Formal Complaint shall be filed within 30 days of the alleged violation.
- 5. Local school boards of a local public school district, or the State Board of Education for all state-operated schools, shall prescribe the manner in which the Formal Complaint shall be delivered.

C. Investigations

Local school boards of a local public school district, or the State Board of Education for all state-operated schools, shall develop, adopt, and communicate investigative policies and procedures to implement the requirements of House Bill 1193 with the minimum required elements.

- 1. Upon receipt of a complete, timely, and properly filed Formal Complaint, the local school board of a local public school district, or State Board of Education for state-operated schools, shall investigate the reported violation or potential violation under the board's adopted procedures.
- 2. Within thirty (30) days of receipt of a complete, timely, and properly filed Formal Complaint, the local school board of a local public school district, or State Board of Education for state-operated schools, shall take action on the Formal Complaint.
 - a. If the local school board of a local public school district, or State Board of Education for state-operated schools, determines there is no violation of House Bill 1193, they shall provide written notification reflecting that determination. Such final ruling shall be provided to the complainant.
 - b. If the local school board of a local public school district, or State Board of Education for state-operated schools, determines that a violation of House Bill 1193 has occurred, the local school board of a local public school district, or State Board of Education for state-operated schools, shall provide written notification to the local public school superintendent or superintendent/executive director of the state-

operated school, with a copy sent to the complainant. The local public school district or state-operated school shall have twenty-five (25) days from receipt of the formal notice of violation to cure the violation and to provide documentation of the curative actions to the local school board of the local public school district, or State Board of Education for state-operated schools. After the twenty-five (25) day period, the local school board of the local public school district, or State Board of Education for state-operated schools, shall issue a final ruling to the local public school district or state-operated school and complainant setting forth the violation and the curative response.

- c. Anyone aggrieved by a formal finding of the governing board is entitled to judicial review in accordance with House Bill 1193.

D. Assurances and Reporting

1. Within 90 days of this adoption of this policy, every local public school district or state-operated school shall adopt and communicate policies, procedures, or other guidance governing the complaint process and investigative procedures regarding House Bill 1193.
2. The local public school district superintendent, or the superintendent/executive director of a state-operated school shall, upon confirming the school district's compliance with this policy, submit to the State Department of Education, a certification on behalf of the school district, that the school district complies with House Bill 1193.
3. The required form of certification shall be prescribed by the State Department of Education and shall be due annually by July 30th.
4. Beginning in 2026, by July 30 of each year, every local superintendent shall submit to their local school board an annual report summarizing all formal complaints and the dispositions of those investigations and violations.
5. Each annual report submitted to the local school board of a local public school district, or State Board of Education for state-operated schools, shall also be submitted to the Mississippi Department of Education by August 15, 2025.
6. The State Board of Education shall annually prepare a report to submit to the Legislature, as required by House Bill 1193, consisting of the reports from all local public school districts and its state-operated schools, along with any recommendations.

E. Withholding of Funds

1. If a local public school district, or a state-operated school, is determined, through final adjudication of the administrative procedures process and exhaustion of all judicial appeals, to be in violation of any provision of the Act on two separate instances, and if the local school board, or State Board of Education for state-operated schools, determines that the second or subsequent violation remains uncured by the local public school district or state-operated school beyond thirty (30) days of the exhaustion of all judicial appeals, the State Department of Education shall withhold disbursement of the state share of the total student funding formula funds to the local public school district, or state-operated school.
2. The State Department of Education shall provide written notification to the local public school district or state-operated school of the disbursement withholding, along with the amount being withheld.
3. Funds shall be withheld until the local school board, or the State Board of Education, certify that the local public school district or state-operated school is compliant with the Act and that certification is affirmed by the Mississippi Attorney General or a court of competent jurisdiction.

Source: House Bill 1193, Miss. Leg. 2025 (Reg. Session)