

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 937
103RD GENERAL ASSEMBLY

2239H.02C

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapters 160 and 173, RSMo, by adding thereto four new sections relating to protections against discrimination in educational settings.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapters 160 and 173, RSMo, are amended by adding thereto four new sections, to be known as sections 160.014, 160.015, 173.001, and 173.002, to read as follows:

160.014. 1. As used in this section and section 160.015, the following terms mean:

(1) "Antisemitism" or "antisemitic", the International Holocaust Remembrance Alliance's (IHRA) Working Definition of Antisemitism, including its contemporary examples, as it was adopted on May 26, 2016, which states that antisemitism is a certain perception of Jews that may be expressed as hatred toward Jews and that rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals, their property, or both, and toward Jewish community institutions and religious facilities;

(2) "Educational institution", each public school and school district in this state.

2. Each educational institution shall treat harassment or discrimination against students or employees or resulting from institutional policies or programs on such educational institution's campuses that is motivated by or including antisemitic intent in an identical manner to discrimination motivated by race.

3. (1) Each educational institution shall integrate the definition of antisemitism in this section into such educational institution's student, faculty, and employee codes of conduct and shall prohibit such conduct at or by such educational institution if such conduct creates an atmosphere or circumstance in which individuals working at,

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

19 visiting, or attending the educational institution are impeded from their normal course
20 of work, study, or access to the educational institution and the educational institution's
21 services and facilities either by physically impeding such activity or by creating an
22 atmosphere of fear or intimidation.

23 (2) Prohibited conduct as it relates specifically to antisemitism shall be
24 incorporated into such educational institution's student, faculty, and employee codes of
25 conduct and shall include penalties for harassment of and discrimination against Jews
26 in compliance with antidiscrimination regulations promulgated under Title VI of the
27 federal Civil Rights Act of 1964, as amended, by the United States Department of
28 Education and the United States Department of Justice.

29 4. Each educational institution is encouraged to integrate a Jewish American
30 heritage curriculum for students that incorporates Jewish experiences in America pre-
31 and post-revolution, pre- and post-World War II and the Holocaust, and in modern
32 times.

33 5. (1) Criticism of Israel that is similar to criticism toward any other country
34 shall not be construed to be antisemitic.

35 (2) Nothing in this section shall be construed to diminish or infringe upon any
36 right protected under the First Amendment to the Constitution of the United States or
37 the Constitution of Missouri.

38 (3) Nothing in this section shall be construed to conflict with federal or state
39 discrimination laws.

160.015. 1. (1) No educational institution shall discriminate on the basis of race,
2 ethnicity, national origin, sex, disability, religion, or marital status against a student or
3 an employee in the state system of public elementary and secondary education.

4 (2) No person in this state shall, on the basis of race, ethnicity, national origin,
5 sex, disability, religion, or marital status, be excluded from participation in, denied the
6 benefits of, or subjected to discrimination under any program or activity or in any
7 employment conditions or practices conducted by an educational institution that
8 receives or benefits from federal or state financial assistance.

9 2. An educational institution's criteria for admission to a program or course
10 shall not have the effect of restricting access by persons of a particular race, ethnicity,
11 national origin, sex, disability, religion, or marital status.

12 3. (1) All of an educational institution's classes shall be available to all students
13 without regard to race, ethnicity, national origin, sex, disability, religion, or marital
14 status.

15 (2) This subsection shall not be construed to eliminate the provision of programs
16 designed to meet the needs of students with limited proficiency in English, gifted

17 students, or students with disabilities or programs tailored to students with specialized
18 talents or skills.

19 **4. Guidance services, counseling services, and financial assistance services in an**
20 **educational institution shall be available to all students equally and provided in the**
21 **same manner regardless of race, ethnicity, national origin, sex, disability, religion, or**
22 **marital status.**

23 **5. All education programs, activities, and opportunities offered by educational**
24 **institutions shall be made available without discrimination on the basis of race,**
25 **ethnicity, national origin, sex, disability, religion, or marital status.**

26 **6. (1) Nothing in this section shall be construed to diminish or infringe upon any**
27 **right protected under the First Amendment to the Constitution of the United States or**
28 **the Constitution of Missouri.**

29 **(2) Nothing in this section shall be construed to conflict with federal or state**
30 **discrimination laws.**

31 **7. (1) The state board of education shall establish a Title VI coordinator to**
32 **monitor antisemitic discrimination and harassment at educational institutions. Each**
33 **educational institution shall report incidents and complaints of antisemitic**
34 **discrimination or harassment to such coordinator through a process established for**
35 **such reporting.**

36 **(2) The Title VI coordinator shall thoroughly investigate the actions of the**
37 **educational institution in response to all complaints made under this subsection. After a**
38 **reasonable investigation, if the coordinator determines that an educational institution**
39 **has engaged in, allowed, or failed to sufficiently prohibit antisemitic discrimination or**
40 **harassment, the state board of education shall notify, in writing, the educational**
41 **institution of such determination and that such educational institution is required to**
42 **address the issues described in such determination within thirty days after receipt of**
43 **such written notice.**

44 **(3) After the expiration of the thirty days to address issues in the coordinator's**
45 **determination, if the Title VI coordinator determines the educational institution has**
46 **failed to take the necessary actions to address such issues, the state board of education**
47 **shall report the coordinator's determination to the United States Department of**
48 **Education and the United States Department of Justice by making a complaint under**
49 **Title VI of the federal Civil Rights Act of 1964, as amended.**

50 **(4) The Title VI coordinator shall compile an annual report on antisemitic**
51 **discrimination and harassment monitored, reported, and investigated under this**
52 **section. Such report shall be submitted to the general assembly before July first of each**
53 **year.**

173.001. 1. As used in this section and section 173.002, the following terms
2 mean:

3 (1) "Antisemitism" or "antisemitic", the International Holocaust Remembrance
4 Alliance's (IHRA) Working Definition of Antisemitism, including its contemporary
5 examples, as it was adopted on May 26, 2016, which states that antisemitism is a certain
6 perception of Jews that may be expressed as hatred toward Jews and that rhetorical and
7 physical manifestations of antisemitism are directed toward Jewish or non-Jewish
8 individuals, their property, or both, and toward Jewish community institutions and
9 religious facilities;

10 (2) "Educational institution", a public postsecondary educational institution
11 governed or supervised by a:

12 (a) Board erected under chapter 172, 174, 175, or 178;

13 (b) Board of trustees of a community college; or

14 (c) State board for any other technical school.

15 2. Each educational institution shall treat harassment or discrimination against
16 students or employees or resulting from institutional policies or programs on such
17 educational institution's campuses that is motivated by or including antisemitic intent in
18 an identical manner to discrimination motivated by race.

19 3. (1) Each educational institution shall integrate the definition of antisemitism
20 in this section into such educational institution's student, faculty, and employee codes of
21 conduct and shall prohibit such conduct at or by such educational institution if such
22 conduct creates an atmosphere or circumstance in which individuals working at,
23 visiting, or attending the educational institution are impeded from their normal course
24 of work, study, or access to the educational institution and the educational institution's
25 services and facilities either by physically impeding such activity or by creating an
26 atmosphere of fear or intimidation.

27 (2) Prohibited conduct as it relates specifically to antisemitism shall be
28 incorporated into such educational institution's student, faculty, and employee codes of
29 conduct and shall include penalties for harassment of and discrimination against Jews
30 in compliance with antidiscrimination regulations promulgated under Title VI of the
31 federal Civil Rights Act of 1964, as amended, by the United States Department of
32 Education and the United States Department of Justice.

33 4. Each educational institution is encouraged to integrate a Jewish American
34 heritage curriculum for students that incorporates Jewish experiences in America pre-
35 and post-revolution, pre- and post-World War II and the Holocaust, and in modern
36 times.

37 **5. (1) Criticism of Israel that is similar to criticism toward any other country**
38 **shall not be construed to be antisemitic.**

39 **(2) Nothing in this section shall be construed to diminish or infringe upon any**
40 **right protected under the First Amendment to the Constitution of the United States or**
41 **the Constitution of Missouri.**

42 **(3) Nothing in this section shall be construed to conflict with federal or state**
43 **discrimination laws.**

173.002. 1. (1) No educational institution shall discriminate on the basis of race,
2 **ethnicity, national origin, sex, disability, religion, or marital status against a student or**
3 **an employee in the state system of public postsecondary education.**

4 **(2) No person in this state shall, on the basis of race, ethnicity, national origin,**
5 **sex, disability, religion, or marital status, be excluded from participation in, denied the**
6 **benefits of, or subjected to discrimination under any program or activity or in any**
7 **employment conditions or practices conducted by an educational institution that**
8 **receives or benefits from federal or state financial assistance.**

9 **2. An educational institution's criteria for admission to a program or course**
10 **shall not have the effect of restricting access by persons of a particular race, ethnicity,**
11 **national origin, sex, disability, religion, or marital status.**

12 **3. (1) All of an educational institution's classes shall be available to all students**
13 **without regard to race, ethnicity, national origin, sex, disability, religion, or marital**
14 **status.**

15 **(2) This subsection shall not be construed to eliminate the provision of programs**
16 **designed to meet the needs of students with limited proficiency in English, gifted**
17 **students, or students with disabilities or programs tailored to students with specialized**
18 **talents or skills.**

19 **4. Guidance services, counseling services, and financial assistance services in an**
20 **educational institution shall be available to all students equally and provided in the**
21 **same manner regardless of race, ethnicity, national origin, sex, disability, religion, or**
22 **marital status.**

23 **5. All education programs, activities, and opportunities offered by educational**
24 **institutions shall be made available without discrimination on the basis of race,**
25 **ethnicity, national origin, sex, disability, religion, or marital status.**

26 **6. (1) Nothing in this section shall be construed to diminish or infringe upon any**
27 **right protected under the First Amendment to the Constitution of the United States or**
28 **the Constitution of Missouri.**

29 **(2) Nothing in this section shall be construed to conflict with federal or state**
30 **discrimination laws.**

31 **7. (1) The coordinating board for higher education shall establish a Title VI**
32 **coordinator to monitor antisemitic discrimination and harassment at educational**
33 **institutions. Each educational institution shall report incidents and complaints of**
34 **antisemitic discrimination or harassment to such coordinator through a process**
35 **established for such reporting.**

36 **(2) The Title VI coordinator shall thoroughly investigate the actions of the**
37 **educational institution in response to all complaints made under this subsection. After a**
38 **reasonable investigation, if the coordinator determines that an educational institution**
39 **has engaged in, allowed, or failed to sufficiently prohibit antisemitic discrimination or**
40 **harassment, the coordinating board for higher education shall notify, in writing, the**
41 **educational institution of such determination and that such educational institution is**
42 **required to address the issues described in such determination within thirty days after**
43 **receipt of such written notice.**

44 **(3) After the expiration of the thirty days to address issues in the coordinator's**
45 **determination, if the Title VI coordinator determines the educational institution has**
46 **failed to take the necessary actions to address such issues, the coordinating board for**
47 **higher education shall report the coordinator's determination to the United States**
48 **Department of Education and the United States Department of Justice by making a**
49 **complaint under Title VI of the federal Civil Rights Act of 1964, as amended.**

50 **(4) The Title VI coordinator shall compile an annual report on antisemitic**
51 **discrimination and harassment monitored, reported, and investigated under this**
52 **section. Such report shall be submitted to the general assembly before July first of each**
53 **year.**

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