

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

2239H.02P

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapters 160 and 173, RSMo, by adding thereto five 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 five new sections, to be known as sections 160.014, 160.015, 160.082, 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

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.

17 **conduct and shall prohibit such conduct at or by such educational institution if such**
18 **conduct creates an atmosphere or circumstance in which individuals working at,**
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.

160.082. 1. This section shall be known and may be cited as the "Missouri
2 Creating a Respectful and Open World for Natural Hair (Missouri CROWN) Act".

3 2. As used in this section, the following terms mean:

4 (1) "Educational institution", any public or private prekindergarten program,
5 public or private elementary or secondary school, or public or private school board or
6 other school administrative body;

7 (2) "Protective hairstyles", includes, but is not limited to, such hairstyles and
8 coverings that are designed to protect textured hair from damage so it may be worn in
9 its natural state as braids, locks, twists, and afros;

10 (3) "Race", includes a perception that a person is of a particular racial group
11 based upon shared physical traits associated with ancestral origin or ethnicity, shared
12 cultural attributes, and similar physical characteristics such as skin color and facial
13 features;

14 (4) "State financial assistance", any funds or other form of financial aid
15 appropriated or authorized under the laws of this state, or under any federal law
16 administered by any state agency, for the purpose of providing assistance to any
17 educational institution for its own benefit or for the benefit of any pupils admitted to the
18 educational institution. "State financial assistance" shall include, but not be limited to,
19 all of the following:

20 (a) Grants of state property, or any interest therein;

21 (b) Provision of the services of state personnel; and

22 (c) Funds provided by contract, tax rebate, appropriation, allocation, or
23 formula;

24 (5) "State student financial aid", any funds or other form of financial aid
25 appropriated or authorized under the laws of this state, or under any federal law
26 administered by any state agency, for the purpose of providing assistance directly to any
27 student admitted to an educational institution. "State student financial aid" shall
28 include, but not be limited to, scholarships, loans, grants, or wages.

29 3. No person shall be subjected to discrimination based on the person's hair
30 texture or protective hairstyle, if that protective hairstyle or texture is commonly
31 associated with a particular race or origin, in any program or activity conducted by an
32 educational institution that receives or benefits from state financial assistance or enrolls
33 pupils who receive state student financial aid; provided, however, that such institution
34 may require the use of hair nets or coverings or may require that hair be secured for
35 safety purposes in any career and technical training course or class to comply with

36 safety regulations and standards of the course or class throughout the duration of the
37 course or class.

38 4. The provisions of subsection 3 of this section shall not apply to an educational
39 institution that is controlled by a religious organization if the application of such
40 provision would not be consistent with the religious tenets of that organization.

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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