

SECOND REGULAR SESSION

HOUSE BILL NO. 2393

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MACKEY.

5898H.01I

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapters 160 and 173, RSMo, by adding thereto four new sections relating to prohibiting antisemitic actions that threaten students and staff at educational institutions.

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
2 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**
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, as a tool and guide for recognizing and
6 combating antisemitism;

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

8 2. Each educational institution shall treat harassment of or discrimination
9 against students or employees, or harassment or discrimination resulting from
10 institutional policies or programs on such educational institution's campuses, that is
11 motivated by or including antisemitism in an identical manner to discrimination
12 motivated by race.

13 3. (1) Each educational institution shall integrate the definition of antisemitism
14 in this section into such educational institution's student, faculty, and employee codes of
15 conduct and shall prohibit such conduct at or by such educational institution if such
16 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.

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

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

27 4. (1) Criticism of Israel that is similar to criticism toward any other country
28 shall not be construed to be antisemitic.

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

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

160.015. 1. (1) No educational institution shall discriminate because 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 special
18 needs.

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) Each educational institution shall report incidents and complaints of
32 antisemitic discrimination or harassment to the Title VI coordinator at the department
33 of elementary and secondary education.

34 (2) The Title VI coordinator shall establish, maintain, and publicize a formal
35 reporting process by which students, parents, staff, and faculty can submit complaints
36 of antisemitic discrimination and harassment.

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

44 (4) 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 department of elementary
47 and secondary education shall report the coordinator's determination to the United
48 States Department of Education and the United States Department of Justice by making
49 a complaint under Title VI of the federal Civil Rights Act of 1964, as amended.

50 (5) The Title VI coordinator shall compile an annual report on complaints of
51 antisemitic discrimination and harassment monitored, reported, and investigated under
52 this section. Such report shall be published on the website of the department of
53 elementary and secondary education and submitted to the general assembly before July
54 first of each 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, as a tool and guide for recognizing and
6 combating antisemitism;

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

- 9 (a) Board erected under chapter 172, 174, 175, or 178;
- 10 (b) Board of trustees of a community college; or
- 11 (c) State board for any other technical school.

12 2. Each educational institution shall treat harassment of or discrimination
13 against students or employees, or harassment or discrimination resulting from
14 institutional policies or programs on such educational institution's campuses, that is
15 motivated by or including antisemitism in an identical manner to discrimination
16 motivated by race.

17 3. (1) Each educational institution shall integrate the definition of antisemitism
18 in this section into such educational institution's student, faculty, and employee codes of
19 conduct and shall prohibit such conduct at or by such educational institution if such
20 conduct creates an atmosphere or circumstance in which individuals working at,
21 visiting, or attending the educational institution are impeded from their normal course
22 of work, study, or access to the educational institution and the educational institution's
23 services and facilities either by physically impeding such activity or by creating an
24 atmosphere of fear or intimidation.

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

31 4. (1) Criticism of Israel that is similar to criticism toward any other country
32 shall not be construed to be antisemitic.

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

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

173.002. 1. (1) No educational institution shall discriminate because 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 special
18 needs.

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) Each educational institution shall report incidents and complaints of
32 antisemitic discrimination or harassment to the Title VI coordinator of the coordinating
33 board for higher education under the department of higher education and workforce
34 development.

35 (2) The Title VI coordinator shall establish, maintain, and publicize a formal
36 reporting process by which students, parents, staff, and faculty can submit complaints
37 of antisemitic discrimination and harassment.

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

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

51 **(5) The Title VI coordinator shall compile an annual report on complaints of**
52 **antisemitic discrimination and harassment monitored, reported, and investigated under**
53 **this section. Such report shall be published on the website of the coordinating board for**
54 **higher education and submitted to the general assembly before July first of each year.**

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