FIRST REGULAR SESSION HOUSE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE FOR

SENATE BILL NO. 38

103RD GENERAL ASSEMBLY

0821H.05C JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 172.280, 174.160, 178.786, and 178.787, RSMo, and to enact in lieu thereof eleven new sections relating to educational institutions, with an emergency clause for a certain section.

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

Section A. Sections 172.280, 174.160, 178.786, and 178.787, RSMo, are repealed

- 2 and eleven new sections enacted in lieu thereof, to be known as sections 160.014, 160.015,
- 3 160.082, 160.083, 160.231, 172.280, 173.001, 173.002, 174.160, 178.786, and 178.787, to
- 4 read as follows:

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- 160.014. 1. As used in this section and section 160.015, the following terms 2 mean:
- (1) "Antisemitism" or "antisemitic", the International Holocaust Remembrance 4 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 12 students or employees or resulting from institutional policies or programs on such 13 educational institution's campuses that is motivated by or including antisemitic intent in 14 an identical manner to discrimination motivated by race.

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.

- 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, visiting, or attending the educational institution are impeded from their normal course of work, study, or access to the educational institution and the educational institution's services and facilities either by physically impeding such activity or by creating an atmosphere of fear or intimidation.
 - (2) Prohibited conduct as it relates specifically to antisemitism shall be incorporated into such educational institution's student, faculty, and employee codes of conduct and shall include penalties for harassment of and discrimination against Jews in compliance with antidiscrimination regulations promulgated under Title VI of the federal Civil Rights Act of 1964, as amended, by the United States Department of Education and the United States Department of Justice.
 - 4. Each educational institution is encouraged to integrate a Jewish American heritage curriculum for students that incorporates Jewish experiences in America preand post-revolution, pre- and post-World War II and the Holocaust, and in modern times.
 - 5. (1) Criticism of Israel that is similar to criticism toward any other country shall not be construed to be antisemitic.
 - (2) Nothing in this section shall be construed to diminish or infringe upon any right protected under the First Amendment to the Constitution of the United States or the Constitution of Missouri.
 - (3) Nothing in this section shall be construed to conflict with federal or state discrimination laws.
 - 160.015. 1. (1) No educational institution shall discriminate on the basis of race, ethnicity, national origin, sex, disability, religion, or marital status against a student or an employee in the state system of public elementary and secondary education.
 - (2) No person in this state shall, on the basis of race, ethnicity, national origin, sex, disability, religion, or marital status, be excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity or in any employment conditions or practices conducted by an educational institution that receives or benefits from federal or state financial assistance.
 - 2. An educational institution's criteria for admission to a program or course shall not have the effect of restricting access by persons of a particular race, ethnicity, national origin, sex, disability, religion, or marital status.

- 3. (1) All of an educational institution's classes shall be available to all students without regard to race, ethnicity, national origin, sex, disability, religion, or marital status.
 - (2) This subsection shall not be construed to eliminate the provision of programs designed to meet the needs of students with limited proficiency in English, gifted students, or students with disabilities or programs tailored to students with specialized talents or skills.
 - 4. Guidance services, counseling services, and financial assistance services in an educational institution shall be available to all students equally and provided in the same manner regardless of race, ethnicity, national origin, sex, disability, religion, or marital status.
 - 5. All education programs, activities, and opportunities offered by educational institutions shall be made available without discrimination on the basis of race, ethnicity, national origin, sex, disability, religion, or marital status.
 - 6. (1) Nothing in this section shall be construed to diminish or infringe upon any right protected under the First Amendment to the Constitution of the United States or the Constitution of Missouri.
 - (2) Nothing in this section shall be construed to conflict with federal or state discrimination laws.
 - 7. (1) The state board of education shall establish a Title VI coordinator to monitor antisemitic discrimination and harassment at educational institutions. Each educational institution shall report incidents and complaints of antisemitic discrimination or harassment to such coordinator through a process established for such reporting.
 - (2) The Title VI coordinator shall thoroughly investigate the actions of the educational institution in response to all complaints made under this subsection. After a reasonable investigation, if the coordinator determines that an educational institution has engaged in, allowed, or failed to sufficiently prohibit antisemitic discrimination or harassment, the state board of education shall notify, in writing, the educational institution of such determination and that such educational institution is required to address the issues described in such determination within thirty days after receipt of such written notice.
 - (3) After the expiration of the thirty days to address issues in the coordinator's determination, if the Title VI coordinator determines the educational institution has failed to take the necessary actions to address such issues, the state board of education shall report the coordinator's determination to the United States Department of

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- 48 Education and the United States Department of Justice by making a complaint under Title VI of the federal Civil Rights Act of 1964, as amended. 49
- 50 (4) The Title VI coordinator shall compile an annual report on antisemitic discrimination and harassment monitored, reported, and investigated under this 51 52 section. Such report shall be submitted to the general assembly before July first of each 53 vear.
 - 160.082. 1. This section shall be known and may be cited as the "Missouri Creating a Respectful and Open World for Natural Hair (Missouri CROWN) Act".
 - 2. As used in this section, the following terms mean:
 - (1) "Educational institution", any public or private prekindergarten program, public or private elementary or secondary school, or public or private school board or other school administrative body;
 - (2) "Protective hairstyles", includes, but is not limited to, such hairstyles and coverings that are designed to protect textured hair from damage so it may be worn in its natural state as braids, locks, twists, and afros;
- (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 features:
- "State financial assistance", any funds or other form of financial aid 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 educational institution for its own benefit or for the benefit of any pupils admitted to the educational institution. "State financial assistance" shall include, but not be limited to, all of the following:
 - (a) Grants of state property, or any interest therein;
 - (b) Provision of the services of state personnel; and
 - Funds provided by contract, tax rebate, appropriation, allocation, or formula;
 - "State student financial aid", any funds or other form of financial aid appropriated or authorized under the laws of this state, or under any federal law administered by any state agency, for the purpose of providing assistance directly to any student admitted to an educational institution. "State student financial aid" shall include, but not be limited to, scholarships, loans, grants, or wages.
- 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 associated with a particular race or origin, in any program or activity conducted by an

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- 32 educational institution that receives or benefits from state financial assistance or enrolls pupils who receive state student financial aid; provided, however, that such institution may require the use of hair nets or coverings or may require that hair be secured for safety purposes in any career and technical training course or class to comply with 35 36 safety regulations and standards of the course or class throughout the duration of the 37 course or class.
 - 4. The provisions of subsection 3 of this section shall not apply to an educational institution that is controlled by a religious organization if the application of such provision would not be consistent with the religious tenets of that organization.
- 160.083. 1. This section shall be known and may be cited as the "Missouri Creating a Respectful and Open World for Natural Hair (Missouri CROWN) Act". 2
 - 2. As used in this section, the following terms mean:
 - (1) "Educational institution", any public or private prekindergarten program, public or private elementary or secondary school, charter school, or public or private school board, charter school governing board, or other school administrative body;
 - (2) "Protective hairstyles", includes, but is not limited to, such hairstyles and coverings that are designed to protect textured hair from damage so it may be worn in its natural state as braids, locks, twists, and afros;
 - (3) "Race", includes a perception that a person is of a particular racial group based upon shared physical traits associated with ancestral origin or ethnicity, shared cultural attributes, and similar physical characteristics such as skin color and facial features:
 - "State financial assistance", any funds or other form of financial aid appropriated or authorized under the laws of this state, or under any federal law administered by any state agency, for the purpose of providing assistance to any educational institution for its own benefit or for the benefit of any pupils admitted to the educational institution. "State financial assistance" shall include, but not be limited to, all of the following:
 - (a) Grants of state property, or any interest therein;
 - (b) Provision of the services of state personnel; and
- 22 (c) Funds provided by contract, tax rebate, appropriation, allocation, or 23 formula;
- "State student financial aid", any funds or other form of financial aid 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 include, but not be limited to, scholarships, loans, grants, or wages.

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- 29 3. No person shall be subjected to discrimination based on the person's hair texture or protective hairstyle, if that protective hairstyle or texture is commonly 30 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 pupils who receive state student financial aid, provided, however, that such institution may require the use of hair nets or coverings or may require that hair be secured for 34 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.
 - 4. The provisions of subsection 3 of this section shall not apply to an educational institution that is controlled by a religious organization if the application of such provision would not be consistent with the religious tenets of that organization.

160.231. 1. As used in this section, the following terms mean:

- (1) "Multiple-occupancy restroom or changing area", an area in a private school 3 building designed or designated to be used by more than one individual at a time and where individuals may be in various stages of undress in the presence of other individuals. The term includes, but is not limited to, a school restroom, locker room, changing room, or shower room;
 - (2) "Sex", the physical condition of being male or female based on genetics and physiology as identified on the individual's original birth certificate.
 - 2. A private school that serves students in prekindergarten to grade twelve shall not be civilly liable for establishing, to ensure privacy and safety, one or more multipleoccupancy restrooms or changing areas designated as follows:
 - (1) For the exclusive use of the male sex; or
 - (2) For the exclusive use of the female sex.
- 14 3. The provisions of this section shall not apply to individuals entering a multiple-occupancy restroom or changing area designated for use by the opposite sex 15 16 when entering:
 - (1) For custodial, maintenance, or inspection purposes;
 - (2) To render emergency medical assistance; or
- 19 (3) As a parent or guardian accompanying their child, who is eight years of age 20 or younger, with the permission of the school.
- 21 4. (1) No political subdivision shall adopt any ordinance, rule, or regulation 22 prohibiting a private school from establishing one or more multiple-occupancy 23 restrooms or changing areas as provided in this section.
- 24 (2) If a political subdivision adopts an ordinance, rule, or regulation in violation 25 of subdivision (1) of this subsection, such political subdivision shall pay the attorney's

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fees and costs incurred by a private school in such private school's legal defense against such ordinance, rule, or regulation.

172.280. The curators shall have the authority to confer, by diploma, under their common seal, on any person whom they may judge worthy thereof, such degrees as are known to and usually granted by any college or university. The University of Missouri is the state's only public research university [and the exclusive grantor of research doctorates]. As such, [except as provided in section 175.040,] the University of Missouri shall be the only state college or university that may offer research doctorates, doctor of philosophy degrees or first-professional degrees, including dentistry, law, medicine, optometry, pharmacy, and veterinary medicine, except as provided in section 174.160 and section 175.040.

173.001. 1. As used in this section and section 173.002, 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", a public postsecondary educational institution governed or supervised by a:
 - (a) Board erected under chapter 172, 174, 175, or 178;
 - (b) Board of trustees of a community college; or
- (c) State board for any other technical school.
 - 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, visiting, or attending the educational institution are impeded from their normal course of work, study, or access to the educational institution and the educational institution's services and facilities either by physically impeding such activity or by creating an atmosphere of fear or intimidation.

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- 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 conduct and shall include penalties for harassment of and discrimination against Jews in compliance with antidiscrimination regulations promulgated under Title VI of the 30 31 federal Civil Rights Act of 1964, as amended, by the United States Department of 32 Education and the United States Department of Justice.
 - 4. Each educational institution is encouraged to integrate a Jewish American heritage curriculum for students that incorporates Jewish experiences in America preand post-revolution, pre- and post-World War II and the Holocaust, and in modern times.
- 37 5. (1) Criticism of Israel that is similar to criticism toward any other country shall not be construed to be antisemitic. 38
 - (2) Nothing in this section shall be construed to diminish or infringe upon any right protected under the First Amendment to the Constitution of the United States or 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, ethnicity, national origin, sex, disability, religion, or marital status against a student or an employee in the state system of public postsecondary education.
- (2) No person in this state shall, on the basis of race, ethnicity, national origin, 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 employment conditions or practices conducted by an educational institution that receives or benefits from federal or state financial assistance.
 - 2. An educational institution's criteria for admission to a program or course shall not have the effect of restricting access by persons of a particular race, ethnicity, national origin, sex, disability, religion, or marital status.
 - 3. (1) All of an educational institution's classes shall be available to all students without regard to race, ethnicity, national origin, sex, disability, religion, or marital 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 students, or students with disabilities or programs tailored to students with specialized 17 18 talents or skills.
 - 4. Guidance services, counseling services, and financial assistance services in an educational institution shall be available to all students equally and provided in the

- same manner regardless of race, ethnicity, national origin, sex, disability, religion, or marital status.
 - 5. All education programs, activities, and opportunities offered by educational institutions shall be made available without discrimination on the basis of race, ethnicity, national origin, sex, disability, religion, or marital status.
 - 6. (1) Nothing in this section shall be construed to diminish or infringe upon any right protected under the First Amendment to the Constitution of the United States or the Constitution of Missouri.
 - (2) Nothing in this section shall be construed to conflict with federal or state discrimination laws.
 - 7. (1) The coordinating board for higher education shall establish a Title VI coordinator to monitor antisemitic discrimination and harassment at educational institutions. Each educational institution shall report incidents and complaints of antisemitic discrimination or harassment to such coordinator through a process established for such reporting.
 - (2) The Title VI coordinator shall thoroughly investigate the actions of the educational institution in response to all complaints made under this subsection. After a reasonable investigation, if the coordinator determines that an educational institution has engaged in, allowed, or failed to sufficiently prohibit antisemitic discrimination or harassment, the coordinating board for higher education shall notify, in writing, the educational institution of such determination and that such educational institution is required to address the issues described in such determination within thirty days after receipt of such written notice.
 - (3) After the expiration of the thirty days to address issues in the coordinator's determination, if the Title VI coordinator determines the educational institution has failed to take the necessary actions to address such issues, the coordinating board for higher education shall report the coordinator's determination to the United States Department of Education and the United States Department of Justice by making a complaint under Title VI of the federal Civil Rights Act of 1964, as amended.
 - (4) The Title VI coordinator shall compile an annual report on antisemitic discrimination and harassment monitored, reported, and investigated under this section. Such report shall be submitted to the general assembly before July first of each year.
- 174.160. **1.** The board of regents of each state college and each state teachers college shall have power and authority to confer upon students, by diploma under the common seal, such degrees as are usually granted by such colleges, and additional degrees only when authorized by the coordinating board for higher education in circumstances in which offering

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5 such degree would not unnecessarily duplicate an existing program, collaboration is not feasible or a viable means of meeting the needs of students and employers, and the institution 7 has the academic and financial capacity to offer the program in a high-quality manner. In the case of nonresearch doctoral degrees in allied health professions, an institution may be authorized to offer such degree independently if offering it in collaboration with another institution would not increase the quality of the program or allow it to be delivered more 10 11 efficiently. Such boards shall have the power and authority to confer degrees in engineering only in collaboration with the University of Missouri, provided that such collaborative 12 agreements are approved by the governing board of each institution and that in these instances the University of Missouri will be the degree-granting institution. Should the University of Missouri decline to collaborate in the offering of such programs, one of these institutions may 15 seek approval of the program through the coordinating board for higher education's comprehensive review process when doing so would not unnecessarily duplicate an existing 17 program, collaboration is not feasible or a viable means of meeting the needs of students and 18 19 employers, and the institution has the academic and financial capacity to offer the program in 20 a high-quality manner.

2. Notwithstanding section 172.280 and section 174.225, the board of governors of Missouri State University shall have the power and authority to grant doctor of philosophy degrees in disciplines other than engineering and to grant bachelors of science degrees in veterinary technology.

178.786. 1. The coordinating board for higher education, with the assistance of an advisory committee composed of representatives from each public community college in this state and each public four-year institution of higher education, shall develop a recommended lower division core curriculum of forty-two semester credit hours, including a statement of the content, component areas, and objectives of the core curriculum. A majority of the members of the advisory committee shall be faculty members from Missouri public institutions of higher education.

- 2. The coordinating board shall approve a common course numbering equivalency matrix for the forty-two credit hour block at all institutions of higher education in the state to facilitate the transfer of those courses among institutions of higher education by promoting consistency in course designation and course identification. Each community college and four-year institution of higher education shall include in its course listings the applicable course numbers from the common course numbering equivalency matrix approved by the coordinating board under this subsection.
- 3. The coordinating board shall complete the requirements of subsections 1 and 2 of this section prior to January 1, 2018, for implementation of the core curriculum transfer

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- 17 recommendations for the 2018-19 academic year for all public institutions of higher 18 education.
 - 4. (1) The coordinating board, with the assistance of an advisory committee composed of representatives from each public community college in this state and each public four-year institution of higher education in this state, shall approve a sixty-credit-hour, transferable, lower-division course curriculum and a common course numbering equivalency matrix for the following degree programs:
 - (a) General business;
 - (b) Elementary education and teaching;
 - (c) General psychology;
 - (d) Registered nursing; and
 - (e) General biology or biological science, or both.
 - (2) Such sixty-credit-hour, transferable, lower-division course curriculum shall facilitate the transfer of courses that are part of such curriculum among public institutions of higher education in this state by promoting consistency in course designation and course identification.
 - (3) Each public community college and public four-year institution of higher education in this state offering the degree programs described in subdivision (1) of this subsection shall include in its programs of study the common course numbering equivalency matrix approved by the coordinating board under this subsection.
 - 5. The coordinating board shall complete the requirements of subsection 4 of this section before June 30, 2027, for implementation of the sixty-credit-hour, transferable, lower-division course curriculum for the degree programs described in subdivision (1) of subsection 4 of this section for the 2027-28 academic year for all public institutions of higher education in this state.
- 178.787. 1. Each community college, as defined in section 163.191, and public fouryear institution of higher education shall adopt the forty-two credit hour block, including specific courses comprising the curriculum, based on the core curriculum recommendations made by the coordinating board for higher education under subsections 1 and 2 of section 178.786, for implementation beginning in the 2018-19 academic year.
 - 2. If a student successfully completes the forty-two credit core curriculum at a community college or other public institution of higher education, that block of courses may be transferred to any other public institution of higher education in this state and shall be substituted for the receiving institution's core curriculum. A student shall receive academic credit for each of the courses transferred and shall not be required to take additional core curriculum courses at the receiving institution.

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- 3. A student who transfers from one public institution of higher education to another public institution of higher education in the state without completing the core curriculum of the sending institution shall receive academic credit from the receiving institution for each of the courses that the student has successfully completed in the core curriculum of the sending institution. Following receipt of credit for these courses, the student may be required to satisfy further course requirements in the core curriculum of the receiving institution.
 - 4. Each community college in this state, as defined in section 163.191, and public four-year institution of higher education in this state shall adopt the sixty-credit-hour, transferable, lower-division course curriculum and common course numbering equivalency matrix for the degree programs described in subdivision (1) of subsection 4 of section 178.786, including specific courses constituting the curriculum, based on the core curriculum recommendations made by the coordinating board for higher education under subsection 4 of section 178.786, for implementation beginning in the 2027-28 academic year. No institution of higher education in this state shall be required to adopt the sixty-credit-hour, transferable, lower-division course curriculum for degree programs not offered at the institution.
 - 5. If a student successfully completes the sixty-credit-hour, transferable, lower-division courses at a community college or other public institution of higher education in this state, such block of courses may be transferred to any other public institution of higher education in this state and shall be substituted for the receiving institution's core curriculum for the same degree program. A student shall receive academic credit toward the student's degree for each of the courses transferred and shall not be required to take additional core curriculum courses at the receiving institution for the same degree program.
 - 6. A student who transfers from one public institution of higher education in this state to another public institution of higher education in this state without completing the sixty-credit-hour, transferable, lower-division course curriculum of the sending institution shall receive academic credit toward the same degree program from the receiving institution for each of the courses that the student has successfully completed in the sixty-credit-hour, transferable, lower-division course curriculum of the sending institution. Following receipt of credit for such courses, the student may be required to satisfy further course requirements in the sixty-credit-hour, transferable, lower-division course curriculum of the receiving institution.
 - 7. The coordinating board shall report to the house higher education committee and the senate education committee on progress related to the requirements of subsections 4 and 5 of section 178.786 and subsections 4, 5, and 6 of this section before December 31, 2026.

Section B. Because immediate action is necessary to protect private schools from

- 2 liability and allow preparation for the 2025-26 school year, section 160.231 of section A of
- 3 this act is deemed necessary for the immediate preservation of the public health, welfare,
- 4 peace, and safety, and is hereby declared to be an emergency act within the meaning of the
- 5 constitution, and section 160.231 of section A of this act shall be in full force and effect upon
- 6 its passage and approval.

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