

SENATE BILL NO. 1051

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR TRENT.

5611S.011

KRISTINA MARTIN, Secretary

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
2 adding thereto four new sections, to be known as sections
3 160.014, 160.015, 173.001, and 173.002, to read as follows:

160.014. 1. As used in this section and section
2 160.015, the following terms mean:

3 (1) "Antisemitism" or "antisemitic", the International
4 Holocaust Remembrance Alliance's (IHRA) Working Definition
5 of Antisemitism, including its contemporary examples, as it
6 was adopted on May 26, 2016, as a tool and guide for
7 recognizing and combating antisemitism;

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

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

16 3. (1) Each educational institution shall integrate
17 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. (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 because of race, ethnicity, national origin, sex, disability, religion, or marital status against a student or an employee of any educational institution.

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

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

18 3. (1) All of an educational institution's classes
19 shall be available to all students without regard to race,
20 ethnicity, national origin, sex, disability, religion, or
21 marital status.

22 (2) This subsection shall not be construed to
23 eliminate the provision of programs designed to meet the
24 needs of students with limited proficiency in English,
25 gifted students, or students with disabilities or programs
26 tailored to students with specialized talents or skills.

27 4. Guidance services, counseling services, and
28 financial assistance services in an educational institution
29 shall be available to all students equally and provided in
30 the same manner regardless of race, ethnicity, national
31 origin, sex, disability, religion, or marital status.

32 5. All education programs, activities, and
33 opportunities offered by educational institutions shall be
34 made available without discrimination on the basis of race,
35 ethnicity, national origin, sex, disability, religion, or
36 marital status.

37 6. (1) Nothing in this section shall be construed to
38 diminish or infringe upon any right protected under the
39 First Amendment to the Constitution of the United States or
40 the Constitution of Missouri.

41 (2) Nothing in this section shall be construed to
42 conflict with federal or state discrimination laws.

43 7. (1) Each educational institution shall report
44 incidents and complaints of antisemitic discrimination or
45 harassment to the Title VI coordinator at the department of
46 elementary and secondary education.

47 (2) The Title VI coordinator shall establish,
48 maintain, and publicize a formal reporting process whereby
49 students, parents, staff, and faculty can submit complaints
50 of antisemitic discrimination and harassment.

51 (3) The Title VI coordinator shall thoroughly
52 investigate all complaints made under this subsection.
53 After a reasonable investigation, if the coordinator
54 determines that an educational institution has engaged in,
55 allowed, or failed to sufficiently prohibit antisemitic
56 discrimination or harassment, the department of elementary
57 and secondary education shall notify, in writing, the
58 educational institution of such determination and that such
59 educational institution is required to address the issues
60 described in such determination within thirty days after
61 receipt of such written notice.

62 (4) After the expiration of the thirty days to address
63 issues in the coordinator's determination, if the Title VI
64 coordinator determines the educational institution has
65 failed to take the necessary actions to address such issues,
66 the department of elementary and secondary education shall
67 report the coordinator's determination to the United States
68 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.

(5) The Title VI coordinator shall compile an annual report on complaints of antisemitic discrimination and harassment monitored, reported, and investigated under this section. Such report shall be published on the website of the department of elementary and secondary education and submitted to the general assembly before July first of each year.

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, as a tool and guide for recognizing and combating antisemitism;

(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 antisemitism 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

24 atmosphere or circumstance in which individuals working at,
25 visiting, or attending the educational institution are
26 impeded from their normal course of work, study, or access
27 to the educational institution and the educational
28 institution's services and facilities either by physically
29 impeding such activity or by creating an atmosphere of fear
30 or intimidation.

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

40 4. (1) Criticism of Israel that is similar to
41 criticism toward any other country shall not be construed to
42 be antisemitic.

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

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

173.002. 1. (1) No educational institution shall
2 discriminate because of race, ethnicity, national origin,
3 sex, disability, religion, or marital status against a
4 student or an employee of any educational institution.

5 (2) No person in this state shall, on the basis of
6 race, ethnicity, national origin, sex, disability, religion,
7 or marital status, be excluded from participation in, denied

8 the benefits of, or subjected to discrimination under any
9 program or activity or in any employment conditions or
10 practices conducted by an educational institution that
11 receives or benefits from federal or state financial
12 assistance.

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

18 3. (1) All of an educational institution's classes
19 shall be available to all students without regard to race,
20 ethnicity, national origin, sex, disability, religion, or
21 marital status.

22 (2) This subsection shall not be construed to
23 eliminate the provision of programs designed to meet the
24 needs of students with limited proficiency in English,
25 gifted students, or students with disabilities or programs
26 tailored to students with specialized talents or skills.

27 4. Guidance services, counseling services, and
28 financial assistance services in an educational institution
29 shall be available to all students equally and provided in
30 the same manner regardless of race, ethnicity, national
31 origin, sex, disability, religion, or marital status.

32 5. All educational programs, activities, and
33 opportunities offered by educational institutions shall be
34 made available without discrimination on the basis of race,
35 ethnicity, national origin, sex, disability, religion, or
36 marital status.

37 6. (1) Nothing in this section shall be construed to
38 diminish or infringe upon any right protected under the

39 First Amendment to the Constitution of the United States or
40 the Constitution of Missouri.

41 (2) Nothing in this section shall be construed to
42 conflict with federal or state discrimination laws.

43 7. (1) Each educational institution shall report
44 incidents and complaints of antisemitic discrimination or
45 harassment to the Title VI coordinator of the coordinating
46 board for higher education, under the department of higher
47 education and workforce development.

48 (2) The Title VI coordinator shall establish,
49 maintain, and publicize a formal reporting process whereby
50 students, parents, staff, and faculty can submit complaints
51 of antisemitic discrimination and harassment.

52 (3) The Title VI coordinator shall thoroughly
53 investigate all complaints made under this subsection.
54 After a reasonable investigation, if the coordinator
55 determines that an educational institution has engaged in,
56 allowed, or failed to sufficiently prohibit antisemitic
57 discrimination or harassment, the coordinating board for
58 higher education shall notify, in writing, the educational
59 institution of such determination and that such educational
60 institution is required to address the issues described in
61 such determination within thirty days after receipt of such
62 written notice.

63 (4) After the expiration of the thirty days to address
64 issues in the coordinator's determination, if the Title VI
65 coordinator determines the educational institution has
66 failed to take the necessary actions to address such issues,
67 the coordinating board for higher education shall report the
68 coordinator's determination to the United States Department
69 of Education and the United States Department of Justice by

70 making a complaint under Title VI of the federal Civil
71 Rights Act of 1964, as amended.

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

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