



Bill Summary: Equal Opportunity Initiatives

1st Sub. H.B. 261 | Policy Analyst: Finn Rose | January 18, 2024

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Key Changes Made by 1st Substitute (adopted on 1/17/24 in House Education Standing Committee)

The substitute:

- Adds the reference of the name “Diversity, Equity, and Inclusion” to prohibited discriminatory practices.
- Defines Title VII and Title IX and clarifies that the federal law requirements include Title VII and Title IX.
- Clarifies that eligibility for federal programs within an institution of higher education are not impacted by the legislation.
- Removes the requirement for the State Board of Education (state board) to provide a prepared report on an LEA’s or school district’s compliance with the standards established in the legislation and clarifies that the state board shall provide an update to the Education Interim Committee and Public Education Appropriations Subcommittee on compliance with the standards established in the legislation.
- Requires that the state board shall conduct a review of an LEA’s (local education agency) or district school’s compliance with standards enacted by the bill and allows for the remediation of violations.

Summary

This proposed legislation prohibits institutions of higher education, LEAs, the state board of education, and governmental employers from:

- Participating in prohibited discriminatory practices (as defined on line 169) including establishing or maintaining an office that engages in prohibited discriminatory practices.
- Requiring a prohibited submission (as defined on line 570) before taking action with respect to different aspects of employment, graduation/advancement from an institution or academic program, and qualification for state financial aid or assistance.
- Requiring an employee or prospective employee to attend a mandatory prohibited training (as defined on line 624) as a condition for employment.

The legislation requires that each institution of higher education establishes or maintains a student success office, division, employment position, or other unit of an institution, to provide all students with experiences and opportunities for success. The Legislature is tasked with appropriating ongoing funding to support an institution of higher education’s student success and support program.

The bill defines “personal identity characteristics” as an individual’s race, color, ethnicity, sex, sexual orientation, national origin, religion, or gender identity (see line 167).



This legislation also provides for different reporting mechanisms, including campus climate surveys, to ensure compliance with the standards enacted by the legislation.

Additional Changes

- Provides exceptions for institutions of higher education, LEAs, the State Board of Education, and governmental employers to maintain authority to establish policies that are necessary to comply with state or federal law, including laws related to prohibited discrimination or harassment (see lines 105, 210, 270, 471, 546, 616, 631, and 644).
- Requires an institution of higher education to annually train the institution’s faculty and staff on academic freedom and freedom of speech (see line 141).
- Directs the Board of Higher Education to contract with a third-party to conduct campus expression climate surveys (see line 248).
- Allows for the Legislature to withhold future state appropriations to an institution of higher education who fails to cure a violation of the standards established in the legislation within a specified timeframe (see line 297).
- Defines “governmental employer” as any department, division, agency, commission, board, council, committee, authority, municipality, county, political subdivision, or any other institution of the state, excluding an LEA, district school, or institution of higher education (see line 565).