

AMENDMENTS TO LB538

Introduced by Education.

1 1. Strike the original sections and insert the following new
2 sections:

3 **Section 1.** For purposes of this section and section 2 of this act:

4 (1) Antisemitism has the same meaning as the International Holocaust
5 Remembrance Alliance's working definition of antisemitism, including its
6 contemporary examples, as adopted on May 26, 2016; and

7 (2) Education program means all the operations of:

8 (a) A state college, the University of Nebraska, or another
9 postsecondary institution, or a public system of higher education;

10 (b) A local educational agency as defined in 20 U.S.C. 7801, as such
11 section existed on January 1, 2025, a system of vocational education, or
12 another school system;

13 (c) An entire corporation, partnership, or other private
14 organization, or an entire sole proprietorship, which is principally
15 engaged in the business of providing education and receives direct
16 appropriations of public funds; or

17 (d) Any other entity which is established by two or more of the
18 entities described in subdivision (a), (b), or (c) of this subsection,
19 any part of which is extended direct appropriations of public funds.

20 **Sec. 2.** (1)(a) No person in Nebraska shall, on the grounds of race,
21 color, or national origin, be excluded from participation in, be denied
22 the benefits of, or be subjected to discrimination under any education
23 program receiving direct appropriations of public funds.

24 (b) Any person who faces discrimination based on actual or perceived
25 shared ancestry or ethnic characteristics does not lose protection under
26 this section for being a member of a group that shares a common religion.

27 (c) Discrimination against Jews violates this section if the

1 discrimination is based on race, color, or national origin, which can
2 include discrimination based on actual or perceived shared ancestry or
3 ethnic characteristics.

4 (d) Discrimination based on actual or perceived shared ancestry or
5 ethnic characteristics includes antisemitism.

6 (e) Unless otherwise modified by subdivision (1)(b), (c), and (d) of
7 this subsection, the portions of subdivision (1)(a) of this section that
8 overlap with 42 U.S.C. 2000d shall carry the same meaning.

9 (2)(a) This state, and all education programs receiving direct
10 appropriations of public funds, shall enforce this section against
11 prohibited forms of discrimination rooted in antisemitism as vigorously
12 as against all other forms of discrimination prohibited by this section
13 or by Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d-2000d-7.

14 (b) Each education program should determine whether affirmative
15 steps would assist in such education program's enforcement of this
16 subsection. Such steps include, but are not limited to, the following:

17 (i) Incorporating antisemitism into a policy relating to other forms
18 of discrimination. Such amended policy should:

19 (A) Prohibit discrimination against a student or an employee of such
20 education program on the basis of race, color, or national origin, which
21 includes antisemitism;

22 (B) Prohibit denying the benefits of any education program on the
23 basis of race, color, or national origin, which includes antisemitism;

24 (C) Ensure the criteria for admission does not effectively restrict
25 access by persons of a particular race, color, or national origin, which
26 includes antisemitism;

27 (D) Require guidance or counseling services and financial assistance
28 services be made available to all students equally, regardless of race,
29 color, or national origin, which includes antisemitism;

30 (E) Treat harassment or discrimination against students or employees
31 motivated by or including antisemitism in an identical manner to other

1 forms of harassment or discrimination motivated by race, color, or national
2 origin; and

3 (F) Require that antisemitism be included as prohibited conduct in
4 the education program's student and employee code of conduct; and

5 (ii) Include antisemitism awareness training as part of other
6 trainings on harassment provided by the education program to students and
7 employees.

8 (3) Each education program subject to the jurisdiction of the State
9 Department of Education shall formally report any pending or resolved
10 incident or complaint that involves a violation of this section and
11 implicates antisemitism to the Title VI coordinator as provided in
12 section 3 of this act. Such reports shall be submitted on or before July
13 31 of each year for incidents or complaints from the immediately
14 preceding school year.

15 (4) All other education programs not described in subsection (3) of
16 this section shall formally report any pending or resolved incident or
17 complaint that involves a violation of this section and implicates
18 antisemitism to the Title VI coordinator as provided in section 6 of this
19 act. Such reports shall be submitted on or before July 31 of each year
20 for incidents or complaints from the immediately preceding school year.

21 (5) Nothing in this section shall be construed to conflict with
22 federal or state discrimination laws or diminish or infringe upon any
23 right protected under the First Amendment to the Constitution of the
24 United States.

25 (6) Nothing in this section shall be construed to prohibit a
26 religious education program from the admission or employment of
27 individuals of a particular religion to attend or perform work connected
28 with the carrying on by such education program of its religious
29 activities.

30 **Sec. 3.** (1) The Commissioner of Education shall designate an
31 individual to fulfill the roles and duties of the Title VI coordinator

1 within the State Department of Education.

2 (2) The Title VI coordinator shall monitor discrimination and
3 harassment in school districts, including discrimination as described in
4 section 2 of this act. Duties of the coordinator include, but are not
5 limited to, receiving reports of all incidents or complaints of
6 discrimination or harassment in school districts in violation of section
7 2 of this act and filing an annual report.

8 (3) The coordinator shall on or before October 31 of each year
9 submit a report electronically to the Legislature relating to
10 discrimination and harassment in schools, including antisemitism. Such
11 report shall detail the number of incidents or complaints received and
12 the resolution, if any. Such report shall not identify any particular
13 individual, employee, or student.

14 **Sec. 4.** Section 85-1401, Reissue Revised Statutes of Nebraska, is
15 amended to read:
16 85-1401 Sections 85-1401 to 85-1420 and section 6 of this act shall
17 be known and may be cited as the Coordinating Commission for
18 Postsecondary Education Act.

19 **Sec. 5.** Section 85-1411, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 85-1411 To assist it in carrying out its duties, the commission
22 shall:

23 (1) Employ an executive director and all other employees of the
24 office of the commission and hire consultants as may be necessary and
25 prescribe their duties and designate a Title VI coordinator as prescribed
26 in section 6 of this act;

27 (2) Except as may be provided pursuant to the State Employees
28 Collective Bargaining Act, fix the compensation of the officers and
29 employees of the office and provide benefits for all present or future
30 employees of the commission, including retirement benefits, group life
31 insurance, group hospital-medical insurance, and group long-term

1 disability income insurance;

2 (3) Pay expenses for the recruitment of administrative and
3 professional personnel for the commission; and

4 (4) Adopt and promulgate rules and regulations pursuant to the
5 Administrative Procedure Act or as otherwise provided in the Coordinating
6 Commission for Postsecondary Education Act to carry out the Coordinating
7 Commission for Postsecondary Education Act and the powers and duties of
8 the commission, except that for sections 85-1402 and 85-1413 to 85-1416,
9 the provisions in section 84-908 for approval of the adoption, amendment,
10 or repeal of any rule or regulation by the Governor shall not apply.

11 **Sec. 6.** (1) The commission shall designate an individual to fulfill
12 the roles and duties of the Title VI coordinator within the commission.

13 (2) The Title VI coordinator shall monitor discrimination and
14 harassment in public institutions, including discrimination as described
15 in section 2 of this act. Duties of the coordinator include, but are not
16 limited to, receiving reports of all incidents or complaints of
17 discrimination or harassment in public institutions in violation of
18 section 2 of this act and filing an annual report.

19 (3) The coordinator shall on or before October 31 of each year
20 submit a report electronically to the Legislature relating to
21 discrimination and harassment in public institutions, including
22 antisemitism. Such report shall detail the number of incidents or
23 complaints received and the resolution, if any. Such report shall not
24 identify any particular individual, employee, or student.

25 (4) The coordinator may convene and collaborate with other Title VI
26 coordinators to consider process improvements, share best practices, and
27 ensure any challenges are addressed.

28 **Sec. 7.** Original sections 85-1401 and 85-1411, Reissue Revised
29 Statutes of Nebraska, are repealed.