

AMENDMENTS TO LB538

(Amendments to Standing Committee amendments, AM1385)

Introduced by Conrad, 46.

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

3 **Section 1.** (1) For purposes of this section:

4 (a) Antisemitic discrimination or antisemitism has the same meaning
5 as the International Holocaust Remembrance Alliance's working definition
6 of antisemitism, including its contemporary examples, as adopted on May
7 26, 2016;

8 (b) Board means the State Board of Education;

9 (c) Department means the State Department of Education;

10 (d) National origin includes characteristics associated with actual
11 or perceived place of birth, ancestry, or ethnicity including, but not
12 limited to, religion; and

13 (e) Race includes characteristics associated with actual or
14 perceived race, ancestry, or ethnicity.

15 (2) On or before December 1, 2026, the board shall develop and
16 distribute a model policy for schools that facilitates and encourages an
17 inclusive and positive learning environment while complying with any
18 applicable federal or state nondiscrimination law. Such policy shall not
19 diminish or infringe upon any rights protected by the First Amendment to
20 the Constitution of the United States or by Article I, section 3, 4, or
21 5, of the Constitution of Nebraska. Such model policy shall:

22 (a) Prohibit discrimination against a student or an employee of a
23 school district on the basis of race, ethnicity, national origin, sex,
24 disability, religion, or marital status;

25 (b) Prohibit denying the benefits of any education program, class,
26 or activity offered or sponsored by a school district on the basis of

1 race, ethnicity, national origin, sex, disability, religion, or marital
2 status;

3 (c) Ensure the criteria for admission to an education program or
4 class does not have the effect of restricting access by persons of a
5 particular race, ethnicity, national origin, disability, religion, or
6 marital status;

7 (d) Require all education programs or classes offered by a school
8 district be made available without discrimination on the basis of race,
9 ethnicity, national origin, sex, disability, religion, or marital status;

10 (e) Require guidance or counseling services and financial assistance
11 services be made available to all students of a school district equally,
12 regardless of race, ethnicity, national origin, sex, disability,
13 religion, or marital status;

14 (f) Treat harassment or discrimination against students or employees
15 of a school district or harassment or discrimination resulting from
16 institutional policies or programs of a school district motivated by, or
17 including, antisemitic discrimination in an identical manner to
18 harassment or discrimination motivated by race;

19 (g) Require that the definition of antisemitism be included in the
20 student and employee code of conduct of a school district and that
21 antisemitism be included as prohibited conduct; and

22 (h) Provide for a process to annually report any incidents or
23 reports of discrimination in violation of this section to the Title VI
24 coordinator of the department.

25 (3) On or before July 1, 2027, each school board shall adopt a
26 written policy to be implemented by the school district at the start of
27 the 2027-28 school year which provides for standards and guidelines in
28 conformance with the minimum standards set forth in the model policy
29 developed by the board pursuant to subsection (2) of this section and
30 includes any other procedures and provisions the school board deems
31 necessary to conform with the intent of this section.

1 (4) On or before July 1, 2027, each school board shall include
2 antisemitism awareness training as part of other trainings on harassment
3 provided by such school district to students and employees.

4 **Sec. 2.** (1) The Commissioner of Education shall designate an
5 individual to fulfill the role and duties of the Title VI coordinator
6 within the State Department of Education.

7 (2) The Title VI coordinator shall monitor and investigate reports
8 of discrimination in school districts, including discrimination as
9 described in section 1 of this act. Duties of the coordinator include,
10 but are not limited to, investigating all complaints of discrimination in
11 school districts in violation of a policy adopted pursuant to section 1
12 of this act.

13 (3) If after investigation the coordinator determines that a school
14 district has engaged in, permitted, or not sufficiently prohibited
15 discrimination in violation of a policy adopted by such school district
16 pursuant to section 1 of this act or the federal Civil Rights Act of
17 1964, the coordinator shall give written notice of such determination to
18 the school board of such school district and request that the board
19 address such violation and comply with such section or such act. If the
20 school board does not comply within thirty days after receipt of such
21 written notice by the coordinator, the coordinator shall report the
22 findings to the United States Department of Education and the United
23 States Department of Justice by making a complaint under Title VI of the
24 federal Civil Rights Act of 1964.

25 (4) The coordinator shall annually submit a report electronically to
26 the Legislature relating to discrimination in the schools, including, but
27 not limited to, antisemitism. Such report shall detail the number of
28 incidents or complaints received and the resolution, if any. Such report
29 shall not identify any particular student, employee, or individual.

30 **Sec. 3.** Section 85-1401, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 85-1401 Sections 85-1401 to 85-1420 and section 5 of this act shall
2 be known and may be cited as the Coordinating Commission for
3 Postsecondary Education Act.

4 **Sec. 4.** Section 85-1411, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 85-1411 To assist it in carrying out its duties, the commission
7 shall:

8 (1) Employ an executive director and all other employees of the
9 office of the commission and hire consultants as may be necessary and
10 prescribe their duties and designate a Title VI coordinator as prescribed
11 in section 5 of this act;

12 (2) Except as may be provided pursuant to the State Employees
13 Collective Bargaining Act, fix the compensation of the officers and
14 employees of the office and provide benefits for all present or future
15 employees of the commission, including retirement benefits, group life
16 insurance, group hospital-medical insurance, and group long-term
17 disability income insurance;

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

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

27 **Sec. 5.** (1) The commission shall designate an individual to fulfill
28 the roles and duties of the Title VI coordinator within the commission.

29 (2) The Title VI coordinator shall monitor discrimination and
30 harassment in public institutions, including antisemitic discrimination
31 as defined in section 1 of this act. Duties of the coordinator include,

1 but are not limited to, investigating all complaints of discrimination or
2 harassment in public institutions in violation of a policy adopted
3 pursuant to section 6 of this act and filing an annual report.

4 (3) If after a reasonable investigation the coordinator determines
5 that a public institution has engaged in, allowed, or not sufficiently
6 prohibited discrimination or harassment, including antisemitic
7 discrimination, in violation of such policy or the federal Civil Rights
8 Act of 1964, the coordinator shall give written notice of such
9 determination to the governing board and require the governing board to
10 address such violation and comply with such policy or such act. If the
11 governing board does not comply within thirty days after written notice
12 by the coordinator, the coordinator shall report the finding to the
13 United States Department of Education and the United States Department of
14 Justice by making a complaint under Title VI of the Civil Rights Act of
15 1964.

16 (4) The coordinator shall annually submit a report electronically to
17 the Legislature relating to discrimination and harassment in public
18 institutions, including antisemitism. Such report shall detail the number
19 of incidents or complaints received and the resolution, if any. Such
20 report shall not identify any particular individual, employee, or
21 student.

22 **Sec. 6.** It is the intent of the Legislature that the Board of
23 Regents of the University of Nebraska, the Board of Trustees of the
24 Nebraska State Colleges, and the board of governors of any community
25 college area may adopt a policy for such board's respective postsecondary
26 educational institutions, including standards and guidelines, which
27 prohibits antisemitic discrimination as defined in section 1 of this act.

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