

AMENDMENTS TO LB538

Introduced by Hardin, 48.

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  
27       race, ethnicity, national origin, sex, disability, religion, or marital

1 status;

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

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

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

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

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

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

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

31 (4) On or before July 1, 2027, each school board shall include

1 antisemitism awareness training as part of other trainings on harassment  
2 provided by such school district to students and employees.

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

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

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

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

29 (5) The State Board of Education may adopt and promulgate rules and  
30 regulations to carry out this section.

31 **Sec. 3.** Section 85-1401, Reissue Revised Statutes of Nebraska, is

1 amended to read:

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

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

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

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

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

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

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

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

30 (2) The Title VI coordinator shall monitor discrimination and  
31 harassment in public institutions, including antisemitic discrimination

1 as defined in section 1 of this act.

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

14 (4) The coordinator shall annually submit a report electronically to  
15 the Legislature relating to discrimination and harassment in violation of  
16 Title VI of the federal Civil Rights Act of 1964 in public institutions,  
17 including antisemitism. Such report shall detail the number of formal  
18 complaints received and the resolution, if any. Such report shall not  
19 identify any particular individual, employee, or student.

20 **Sec. 6.** It is the intent of the Legislature that the Board of  
21 Regents of the University of Nebraska, the Board of Trustees of the  
22 Nebraska State Colleges, and the board of governors of any community  
23 college area may adopt a policy for such board's respective postsecondary  
24 educational institutions regarding all forms of discrimination prohibited  
25 under Title VI of the federal Civil Rights Act of 1964, including  
26 antisemitic discrimination as defined in section 1 of this act.

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