

ONE HUNDRED NINTH LEGISLATURE - FIRST SESSION - 2025
COMMITTEE STATEMENT
LB538

Hearing Date: Monday February 03, 2025
Committee On: Education
Introducer: Hardin
One Liner: Require school boards and postsecondary educational institutions to adopt a policy and provide training relating to discrimination and antisemitism and provide for Title VI coordinators

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye:	5	Senators Murman, Hughes, Lonowski, Meyer, Sanders
Nay:	2	Senators Hunt, Juarez
Absent:	1	Senator Conrad
Present Not Voting:		

Testimony:

Proponents:

Senator Brian Hardin
Adam Beren
Josephine Litwinowicz
Noah Lederman
Leah Abrahamsson
Sarah Rips
Harmon Maples
Sharon Brodkey

Representing:

Opening Presenter
Combat Antisemitism Movement
Higher Power Church
Alpha Epsilon Pi, Combat Antisemitism Movement
Combat Antisemitism Movement
Self
Anti-Defamation League
Jewish Community Relations Council - Omaha

Opponents:

Representing:

Neutral:

Maimoon Qureshi

Representing:

Self

* ADA Accommodation Written Testimony

Summary of purpose and/or changes:

Section 1 requires each school board to adopt a policy addressing discrimination and antisemitism, using the International Holocaust Remembrance Alliance's working definition of antisemitism, including its contemporary examples as adopted on May 26, 2016. The policy shall prohibit discrimination against students and employees based on race, ethnicity, national origin, sex, disability, religion, or marital status; prohibit denial of access to educational programs, classes, or activities on these bases; ensure admission criteria do not restrict access based on these characteristics; and require that all programs, classes, counseling, and financial assistance services be provided without discrimination. The policy shall treat antisemitic harassment or discrimination, including that arising



from institutional policies or programs, in the same manner as discrimination based on race. It shall also incorporate the definition of antisemitism into student and employee codes of conduct and identify it as prohibited conduct. School districts shall include antisemitism awareness training in existing harassment training for students and employees and report any incidents or complaints of antisemitic discrimination or harassment to the State Department of Education for referral to the Title VI coordinator. The bill affirms that none of its provisions shall conflict with federal or state discrimination laws or infringe on rights protected under the First Amendment to the U.S. Constitution.

Section 2 requires the Commissioner of Education to designate an individual within the State Department of Education to serve as the Title VI coordinator. The coordinator is responsible for monitoring discrimination and harassment in school districts, including antisemitic discrimination as defined in section 1 of this act. Duties include investigating complaints of discrimination or harassment that violate district policies or the federal Civil Rights Act of 1964 and filing an annual report. If, following a reasonable investigation, the coordinator determines that a school district has engaged in, permitted, or failed to adequately prevent such discrimination or harassment, the coordinator shall issue written notice to the school board and require corrective action. If the school board does not comply within 30 days, the coordinator shall file a complaint with the United States Department of Education and the United States Department of Justice under Title VI of the Civil Rights Act of 1964. The coordinator shall also submit an annual electronic report to the Legislature detailing the number and resolution of complaints related to discrimination and harassment in schools, including antisemitism, without identifying any individual student or employee.

Section 3 requires the Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, and the board of governors of any community college to adopt a policy addressing discrimination and antisemitism at their respective postsecondary educational institutions, using the International Holocaust Remembrance Alliance's working definition of antisemitism, including its contemporary examples as adopted on May 26, 2016. The policy shall prohibit discrimination against students and employees based on race, ethnicity, national origin, sex, disability, religion, or marital status; prohibit denial of access to any program, class, or activity on those bases; ensure that admission criteria do not restrict access based on the same characteristics; and require that all programs, classes, counseling, and financial aid services be made available without discrimination. The policy shall treat antisemitic discrimination or harassment, including that resulting from institutional policies or programs, in the same manner as discrimination based on race. The definition of antisemitism shall be included in student and employee codes of conduct and identified as prohibited conduct. Antisemitism awareness training shall be included in existing harassment training provided to students and employees. Each institution shall report incidents or complaints of antisemitic discrimination or harassment to the Coordinating Commission for Postsecondary Education for referral to the Title VI coordinator as specified in section 6 of this act. The bill provides that its provisions shall not conflict with federal or state discrimination laws or infringe upon any rights protected under the First Amendment to the U.S. Constitution.

Section 4 amends 85-1401 to add section 6 of this act to sections 85-1401 to 85-1420 that may be cited as the Coordinating Commission for Postsecondary Education Act.

Section 5 amends 85-1411 to requires the commission to employ an executive director and all other employees of the commission to designate a title VI coordinator as prescribed in section 6 of this act.

Section 6 requires the Coordinating Commission on Postsecondary Education to designate an individual to serve as the Title VI coordinator within the commission. The coordinator is responsible for monitoring discrimination and harassment, including antisemitic discrimination as defined in section 4 of this act, at public postsecondary institutions. Duties include investigating complaints of discrimination or harassment in violation of the policies required under section 3 of this act or the federal Civil Rights Act of 1964, and filing an annual report. If, after a reasonable investigation, the coordinator finds that a public institution has engaged in, permitted, or failed to adequately prevent such discrimination or harassment, the coordinator shall issue written notice to the institution's governing board and



require corrective action. If the governing board does not comply within 30 days, the coordinator shall file a complaint with the United States Department of Education and the United States Department of Justice under Title VI of the Civil Rights Act of 1964. The coordinator shall also submit an annual electronic report to the Legislature detailing the number and resolution of complaints related to discrimination and harassment, including antisemitism, without identifying any individual student or employee.

Section 7 is the repealer section

Explanation of amendments:

AM 1385 is a white copy amendment to LB 538. AM 1385 does the following:

Section 1 of AM 1385 defines "antisemitism," for the purposes of this section and section 2 of this act, as defined in accordance with the International Holocaust Remembrance Alliance's working definition of antisemitism, including its contemporary examples as adopted on May 26, 2016. The term "education program" refers to all operations of: (a) a state college, the University of Nebraska, another postsecondary institution, or a public system of higher education; (b) a local educational agency as defined in 20 U.S.C. 7801, as in effect on January 1, 2025, a vocational education system, or another school system; (c) an entire corporation, partnership, other private organization, or sole proprietorship that is primarily engaged in the business of providing education and receives direct public appropriations; or (d) any other entity formed by two or more of the entities described in subdivisions (a), (b), or (c), where any part of the entity receives direct public appropriations.

Section 2 of AM 1385 states that no person in Nebraska shall, on the basis of race, color, or national origin, shall be excluded from participation in, denied the benefits of, or subjected to discrimination under any education program that receives direct appropriations of public funds. Protections under this section extend to individuals who experience discrimination based on actual or perceived shared ancestry or ethnic characteristics, including those who are members of groups that share a common religion. Discrimination against Jewish individuals is a violation of this section when it is based on race, color, or national origin, including discrimination rooted in actual or perceived shared ancestry or ethnic characteristics, which encompasses antisemitism. Unless otherwise modified by specified subdivisions, this section is to be interpreted consistently with the provisions of 42 U.S.C. 2000d. The state and all education programs receiving direct public appropriations are required to enforce this section with equal rigor against discrimination rooted in antisemitism as against other forms of prohibited discrimination under this section or Title VI of the Civil Rights Act of 1964.

Section 2 of AM 1385 further states that education programs should assess whether taking affirmative steps would support enforcement of this section. Such steps may include incorporating antisemitism into existing anti-discrimination policies to: prohibit discrimination against students or employees based on race, color, or national origin, including antisemitism; prohibit denial of benefits on those same grounds; ensure admissions criteria do not disproportionately limit access based on those characteristics; ensure counseling and financial services are equitably available; address harassment or discrimination involving antisemitism in the same manner as other violations based on race, color, or national origin; and include antisemitism as prohibited conduct in student and employee codes of conduct. Programs may also include antisemitism awareness as part of existing harassment training for students and employees.

Finally, Section 2 of AM 1385 states that each education program under the jurisdiction of the State Department of Education shall report any pending or resolved incident or complaint involving antisemitism and a potential violation of this section to the Title VI coordinator as outlined in section 3 of the act, with reports due annually by July 31 for the preceding school year. All other applicable education programs shall submit similar reports to the Title VI coordinator as outlined in section 6 of the act, also by July 31 annually. This section does not conflict with existing federal or state discrimination laws and shall not be interpreted to diminish any rights protected under the First Amendment of the



U.S. Constitution. It also does not restrict religious education programs from employing or admitting individuals of a particular religion for religious activities.

Section 3 of AM 1385 states that the Commissioner of Education shall appoint an individual within the State Department of Education to serve as the Title VI coordinator. The Title VI coordinator ("coordinator") is responsible for monitoring discrimination and harassment in school districts, including the types of discrimination described in section 2 of the act. The coordinator's duties include receiving all reports of incidents or complaints involving discrimination or harassment in violation of section 2 and preparing an annual report. By October 31 of each year, the coordinator shall submit an electronic report to the Legislature detailing incidents and complaints related to discrimination and harassment in schools, including those involving antisemitism. The report shall include the number of incidents or complaints received and their resolutions, if any, and shall not contain any identifying information about individuals, employees, or students.

Sections 4 and 5 of AM 1385 remains the same as the original LB 538.

Section 6 of AM 1385 states that the Coordinating Commission ("Commission") shall appoint an individual to serve as the Title VI coordinator within the Commission. The coordinator is responsible for monitoring discrimination and harassment in public institutions, including those forms described in section 2 of the act. Duties of the coordinator include receiving reports of all incidents or complaints of discrimination or harassment in violation of section 2 within public institutions and preparing an annual report. By October 31 of each year, the coordinator shall submit an electronic report to the Legislature detailing incidents and complaints of discrimination and harassment, including antisemitism. The report shall include the number of incidents or complaints received and their resolutions, if any, and shall not contain any identifying information about individuals, employees, or students. The coordinator may also convene and collaborate with other Title VI coordinators to consider process improvements, share best practices, and address any challenges.

Section 7 of AM 1385 remains the same as the original LB 538.

Dave Murman, Chairperson

