

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 538

Introduced by Hardin, 48.

Read first time January 22, 2025

Committee: Education

1 A BILL FOR AN ACT relating to education; to amend sections 85-1401 and
2 85-1411, Reissue Revised Statutes of Nebraska; to require each
3 school board to adopt a policy relating to discrimination and
4 harassment, including antisemitism, as prescribed; to create the
5 position of Title VI coordinator within the State Department of
6 Education and provide powers and duties; to require each
7 postsecondary educational institution governing board to adopt a
8 policy relating to discrimination and harassment, including
9 antisemitism, as prescribed; to require the Coordinating Commission
10 on Postsecondary Education to employ a Title VI coordinator as
11 prescribed and provide powers and duties; to harmonize provisions;
12 and to repeal the original sections.
13 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** (1) For purposes of this section, antisemitic
2 discrimination or antisemitism has the same meaning as the International
3 Holocaust Remembrance Alliance's working definition of antisemitism,
4 including its contemporary examples, as adopted on May 26, 2016.

5 (2) Each school board shall adopt a policy relating to
6 discrimination and antisemitism. Such policy shall:

7 (a) Prohibit discrimination against a student or an employee of such
8 school district on the basis of race, ethnicity, national origin, sex,
9 disability, religion, or marital status;

10 (b) Prohibit denying the benefits of any education program, class,
11 or activity offered or sponsored by such school district on the basis of
12 race, ethnicity, national origin, sex, disability, religion, or marital
13 status;

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

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

21 (e) Require guidance or counseling services and financial assistance
22 services be made available to all students equally, regardless of race,
23 ethnicity, national origin, sex, disability, religion, or marital status;

24 (f) Treat harassment or discrimination against students or employees
25 or resulting from institutional policies or programs of such school
26 district motivated by, or including, antisemitic discrimination in an
27 identical manner to harassment or discrimination motivated by race;

28 (g) Require that the definition of antisemitism provided in this
29 section be included in the student and employee code of conduct of such
30 school district and include antisemitism as prohibited conduct;

31 (3) Each school board shall include antisemitism awareness training

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

3 (4) Each school district shall formally report any incident or
4 complaint of antisemitic discrimination and harassment to the State
5 Department of Education for referral to the Title VI coordinator as
6 provided in section 2 of this act.

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

11 **Sec. 2.** (1) The Commissioner of Education shall designate an
12 individual to fulfill the roles and duties of the Title VI coordinator
13 within the State Department of Education.

14 (2) The Title VI coordinator shall monitor discrimination and
15 harassment in school districts, including antisemitic discrimination as
16 defined in section 1 of this act. Duties of the coordinator include, but
17 are not limited to, investigating all complaints of discrimination or
18 harassment in school districts in violation of the policy required
19 pursuant to section 1 of this act and filing an annual report.

20 (3) If, after a reasonable investigation, the coordinator determines
21 that a school district has engaged in, allowed, or not sufficiently
22 prohibited discrimination or harassment, including antisemitic
23 discrimination, in violation of such policy or the federal Civil Rights
24 Act of 1964, the coordinator shall give written notice to such
25 determination to the school board and require the school board to address
26 such violation and comply with such policy and act. If the school board
27 does not comply within thirty days after written notice by the
28 coordinator, the coordinator shall report its finding to the United
29 States Department of Education and the United States Department of
30 Justice by making a complaint under Title VI of the Civil Rights Act of
31 1964.

1 (4) The coordinator shall annually submit a report electronically to
2 the Legislature relating to discrimination and harassment in schools,
3 including antisemitism. Such report shall detail the number of incidents
4 or complaints received and the resolution, if any. Such report shall not
5 identify any particular individual, employee, or student.

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

7 (a) For purposes of this section, antisemitic discrimination or
8 antisemitism has the same meaning as the International Holocaust
9 Remembrance Alliance's working definition of antisemitism, including its
10 contemporary examples, as adopted on May 26, 2016; and

11 (b) Postsecondary educational institution means the University of
12 Nebraska, a state college, or a community college.

13 (2) The Board of Regents of the University of Nebraska, the Board of
14 Trustees of the Nebraska State Colleges, and the board of governors of
15 any community college shall adopt a policy for their respective
16 postsecondary educational institution relating to discrimination and
17 antisemitism. Such policy shall:

18 (a) Prohibit discrimination against a student or an employee of such
19 postsecondary educational institution on the basis of race, ethnicity,
20 national origin, sex, disability, religion, or marital status;

21 (b) Prohibit denying the benefits of any education program, class,
22 or activity offered or sponsored by such postsecondary educational
23 institution on the basis of race, ethnicity, national origin, sex,
24 disability, religion, or marital status;

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

29 (d) Require all education programs or classes offered by such
30 postsecondary educational institution be made available without
31 discrimination on the basis of race, ethnicity, national origin, sex,

1 disability, religion, or marital status;

2 (e) Require guidance or counseling services and financial assistance
3 services be made available to all students equally, regardless of race,
4 ethnicity, national origin, sex, disability, religion, or marital status;

5 (f) Treat harassment or discrimination against students or employees
6 or resulting from institutional policies or programs of such
7 postsecondary educational institution motivated by, or including,
8 antisemitic discrimination in an identical manner to harassment or
9 discrimination motivated by race;

10 (g) Require that the definition of antisemitism provided in this
11 section be included in the student and employee code of conduct of such
12 postsecondary educational institution and include antisemitism as
13 prohibited conduct;

14 (3) Each school board shall include antisemitism awareness training
15 as part of other trainings on harassment provided by such postsecondary
16 educational institution to students and employees.

17 (4) Each postsecondary educational institution shall formally report
18 any incident or complaint of antisemitic discrimination and harassment to
19 the Coordinating Commission for Postsecondary Education for referral to
20 the Title VI coordinator as provided in section 6 of this act.

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 **Sec. 4.** Section 85-1401, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 85-1401 Sections 85-1401 to 85-1420 and section 6 of this act shall
28 be known and may be cited as the Coordinating Commission for
29 Postsecondary Education Act.

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

1 85-1411 To assist it in carrying out its duties, the commission
2 shall:

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

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

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

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

22 **Sec. 6.** (1) The Coordinating Commission on Postsecondary Education
23 shall designate an individual to fulfill the roles and duties of the
24 Title VI coordinator within the commission.

25 (2) The Title VI coordinator shall monitor discrimination and
26 harassment in public institutions, including antisemitic discrimination
27 as defined in section 4 of this act. Duties of the coordinator include,
28 but are not limited to, investigating all complaints of discrimination or
29 harassment in public institutions in violation of the policy required
30 pursuant to section 3 of this act and filing an annual report.

31 (3) If, after a reasonable investigation, the coordinator determines

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

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

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