

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SEVENTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1077**

Introduced by Hansen, B., 16; Albrecht, 17; Brewer, 43; Clements, 2;  
Erdman, 47; Friesen, 34; Groene, 42; Halloran, 33; Lowe,  
37; Murman, 38.

Read first time January 18, 2022

Committee:

1 A BILL FOR AN ACT relating to government; to provide restrictions and  
2 requirements for governmental entities, public postsecondary  
3 institutions, and public schools conducting mandatory staff or  
4 student training or education involving certain concepts relating to  
5 race and sex; to define terms; to provide for enforcement by the  
6 Attorney General; to provide for withholding of funds for  
7 violations; and to provide duties for the Board of Regents,  
8 Coordinating Commission for Postsecondary Education, State  
9 Department of Education, and State Treasurer.  
10 Be it enacted by the people of the State of Nebraska,

1           Section 1. For purposes of sections 1 to 4 of this act:

2           (1) Governmental entity means any state or local government entity  
3 other than a public postsecondary institution or public school;

4           (2) Protected characteristic means a person's race, color, religion,  
5 sex, disability, marital status, or national origin or any other status  
6 or characteristic protected by Title VII of the federal Civil Rights Act  
7 of 1964, 42 U.S.C. section 2000e et seq., as such act existed on January  
8 1, 2022;

9           (3) Public postsecondary institution means any public postsecondary  
10 institution as defined in section 85-2403;

11           (4) Public school means any school offering instruction in  
12 elementary or high school grades which is supported by public funds and  
13 wholly under the control and management of the State of Nebraska or any  
14 of its political subdivisions;

15           (5) Race or sex scapegoating means:

16           (a) Assigning fault, blame, or bias to a race or sex or to members  
17 of a race or sex because of their race or sex; or

18           (b) Claiming that, consciously or unconsciously, by virtue of an  
19 individual's race or sex, members of any race are inherently racist or  
20 are inherently inclined to oppress others or that members of a sex are  
21 inherently sexist or inclined to oppress others;

22           (6) Race stereotyping means ascribing character traits, values,  
23 moral and ethical codes, privileges, status, or beliefs to a race or to  
24 an individual because of the individual's race; and

25           (7) Specific defined concepts includes all of the following:

26           (a) That one race or sex is inherently superior to another race or  
27 sex;

28           (b) That the United States of America or the State of Nebraska are  
29 fundamentally or systemically racist or sexist;

30           (c) That an individual, solely because of the individual's race or  
31 sex, is inherently racist, sexist, or oppressive, whether consciously or

1 unconsciously;

2 (d) That an individual should be discriminated against or receive  
3 adverse treatment solely or partly because of the individual's race or  
4 sex;

5 (e) That members of one race or sex cannot and should not attempt to  
6 treat others without regard to race or sex;

7 (f) That an individual's moral character is necessarily determined  
8 by the individual's race or sex;

9 (g) That an individual, by virtue of the individual's race or sex,  
10 bears responsibility for actions committed in the past by other members  
11 of the same race or sex;

12 (h) That any individual should feel discomfort, guilt, anguish, or  
13 any other form of psychological distress on account of that individual's  
14 race or sex;

15 (i) That meritocracy or traits such as a hard work ethic are racist  
16 or sexist, or were created by a particular race to oppress another race;  
17 and

18 (j) Any other form of race or sex scapegoating or any other form of  
19 race stereotyping.

20 Sec. 2. (1) Each governmental entity shall ensure that any  
21 mandatory staff training provided by an employee or contractor of such  
22 entity does not teach, advocate, encourage, promote, or act upon race or  
23 sex scapegoating, race stereotyping, specific defined concepts, or  
24 prejudice toward others on the basis of any protected characteristic.

25 (2) A governmental entity shall prohibit its employees from  
26 discriminating against other employees on the basis of any protected  
27 characteristic.

28 (3) A person aggrieved by a violation of this section may file a  
29 complaint with the Attorney General, in a form and manner prescribed by  
30 the Attorney General. The Attorney General may bring a civil action to  
31 enjoin compliance with this section.

1       (4) This section shall not be construed to do any of the following:

2       (a) Prevent a governmental entity from providing training that  
3 fosters a workplace and learning environment that is respectful of all  
4 employees;

5       (b) Prevent an employee or contractor of a governmental entity who  
6 is providing mandatory staff training from responding to questions  
7 regarding topics described in subsection (1) of this section during such  
8 training;

9       (c) Prevent a governmental entity from promoting racial, cultural,  
10 ethnic, or intellectual diversity or inclusiveness, provided such efforts  
11 are consistent with this section;

12       (d) Except as provided in subsection (3) of this section, create any  
13 right or benefit, substantive or procedural, enforceable at law or in  
14 equity, by any party against any governmental entity, its officers,  
15 employees, or agents, or any other person;

16       (e) Prohibit a state or federal court or agency of competent  
17 jurisdiction from ordering a training or remedial action containing  
18 discussions of specific defined concepts as a remedial action due to a  
19 finding of unlawful discrimination, including discrimination based on  
20 race or sex; or

21       (f) Prohibit the use of curriculum that teaches the topics of  
22 sexism, slavery, racial oppression, racial segregation, or racial  
23 discrimination, including topics relating to the enactment and  
24 enforcement of laws resulting in sexism, racial oppression, segregation,  
25 and discrimination.

26       Sec. 3. (1) Each public postsecondary institution shall ensure that  
27 any mandatory staff or student training provided by an employee or  
28 contractor of such entity does not teach, advocate, encourage, promote,  
29 or act upon race or sex scapegoating, race stereotyping, specific defined  
30 concepts, or prejudice toward others on the basis of any protected  
31 characteristic.

1       (2) A public postsecondary institution shall prohibit its employees  
2 from discriminating against students and other employees on the basis of  
3 any protected characteristic or political ideology.

4       (3) A public postsecondary institution's diversity and inclusion  
5 efforts shall discourage students from discriminating against one another  
6 on the basis of any protected characteristic or political ideology.

7       (4) If the Board of Regents or the Coordinating Commission for  
8 Postsecondary Education finds that a public postsecondary institution  
9 under its jurisdiction has knowingly violated this section, the board or  
10 commission may notify the State Treasurer, who shall withhold state funds  
11 from the institution in an amount determined by the board or commission.  
12 Such funds shall be withheld until the board or commission is satisfied  
13 that the institution is no longer in violation of this section.

14       (5) This section shall not be construed to do any of the following:

15       (a) Inhibit or violate the rights of students or employees under the  
16 First Amendment of the Constitution of the United States or undermine a  
17 public postsecondary institution's duty to protect intellectual freedom  
18 and free expression to the fullest degree. The intellectual vitality of  
19 students and employees shall not be infringed under this section;

20       (b) Prevent a public postsecondary institution from providing  
21 training that fosters a workplace and learning environment that is  
22 respectful of all students and employees;

23       (c) Prevent an employee or contractor of a public postsecondary  
24 institution who is providing mandatory staff or student training from  
25 responding to questions regarding topics described in subsection (1) of  
26 this section during such training;

27       (d) Prohibit discussing specific defined concepts as part of a  
28 larger course of academic instruction;

29       (e) Prohibit the use of curriculum that teaches the topics of  
30 sexism, slavery, racial oppression, racial segregation, or racial  
31 discrimination, including topics relating to the enactment and

1 enforcement of laws resulting in sexism, racial oppression, segregation,  
2 and discrimination;

3 (f) Prevent a public postsecondary institution from promoting  
4 racial, cultural, ethnic, or intellectual diversity or inclusiveness,  
5 provided such efforts are consistent with this section;

6 (g) Create any right or benefit, substantive or procedural,  
7 enforceable at law or in equity, by any party against any public  
8 postsecondary institution, its officers, employees, or agents, or any  
9 other person; or

10 (h) Prohibit a state or federal court or agency of competent  
11 jurisdiction from ordering a training or remedial action containing  
12 discussions of specific defined concepts as a remedial action due to a  
13 finding of unlawful discrimination, including discrimination based on  
14 race or sex.

15 Sec. 4. (1) Each public school shall ensure that any mandatory  
16 staff or student training provided by an employee, a teacher, or a  
17 contractor of such school does not teach, advocate, encourage, promote,  
18 or act upon race or sex scapegoating, race stereotyping, specific defined  
19 concepts, or prejudice toward others on the basis of any protected  
20 characteristic.

21 (2) A public school shall prohibit its employees and teachers from  
22 discriminating against students and other employees and teachers on the  
23 basis of any protected characteristic or political ideology.

24 (3) A public school's diversity and inclusion efforts shall  
25 discourage students from discriminating against one another on the basis  
26 of any protected characteristic or political ideology.

27 (4) No public school or teacher of such school shall require, make  
28 part of a course, or award course grading or credit, including extra  
29 credit, for:

30 (a) Student work for, affiliation with, or service learning in  
31 association with any organization engaged in lobbying for legislation at

1 the local, state, or federal level or in social or public policy  
2 advocacy; or

3 (b) Political activism, lobbying, or efforts to persuade members of  
4 the legislative or executive branch to take specific actions by direct  
5 communication at the local, state, or federal level, or any practicum,  
6 action project, or similar activity involving social or public policy  
7 advocacy.

8 (5) If the State Department of Education finds that a public school  
9 has knowingly violated this section, the department may notify the State  
10 Treasurer, who shall withhold state funds from the institution in an  
11 amount determined by the department. Such funds shall be withheld until  
12 the department is satisfied that the institution is no longer in  
13 violation of this section.

14 (6) This section shall not be construed to do any of the following:

15 (a) Inhibit or violate the rights of students, teachers, or  
16 employees under the First Amendment of the Constitution of the United  
17 States or undermine a public school's duty to protect intellectual  
18 freedom and free expression to the appropriate degree. The intellectual  
19 vitality of students, teachers, and employees shall not be infringed  
20 under this section;

21 (b) Prevent a public school from providing training that fosters a  
22 workplace and learning environment that is respectful of all students,  
23 teachers, and employees;

24 (c) Prevent a teacher, an employee, or a contractor of a public  
25 school who is providing mandatory staff or student training from  
26 responding to questions regarding topics described in subsection (1) of  
27 this section during such training;

28 (d) Prohibit the use of curriculum that teaches the topics of  
29 sexism, slavery, racial oppression, racial segregation, or racial  
30 discrimination, including topics relating to the enactment and  
31 enforcement of laws resulting in sexism, racial oppression, segregation,

1 and discrimination;

2 (e) Prevent a public school from promoting racial, cultural, ethnic,  
3 or intellectual diversity or inclusiveness, provided such efforts are  
4 consistent with this section;

5 (f) Create any right or benefit, substantive or procedural,  
6 enforceable at law or in equity, by any party against any public school,  
7 its officers, employees, teachers, or agents, or any other person; or

8 (g) Prohibit a state or federal court or agency of competent  
9 jurisdiction from ordering a training or remedial action containing  
10 discussions of specific defined concepts as a remedial action due to a  
11 finding of unlawful discrimination, including discrimination based on  
12 race or sex.