

FISCAL NOTE

LEGISLATIVE FISCAL ANALYST ESTIMATE

Updated for 2026 session.

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)					
EXPENDITURES	GENERAL	CASH	FEDERAL	REVOLVING	TOTAL
FY2025-2026	0	0	0	0	0
FY2026-2027	249,626	0	0	0	249,626
FY2027-2028	254,602	0	0	0	254,602
FY2028-2029	254,602	0	0	0	254,602
REVENUE	GENERAL	CASH	FEDERAL	REVOLVING	TOTAL
FY2025-2026	0	0	0	0	0
FY2026-2027	0	0	0	0	0
FY2027-2028	0	0	0	0	0
FY2028-2029	0	0	0	0	0

Any Fiscal Notes received from state agencies and political subdivisions are attached following the Legislative Fiscal Analyst Estimate.

The intent of LB 538 is to address and prohibit discrimination, including antisemitic incidents, in Nebraska public K-12 schools and postsecondary institutions.

Section 6 requires that the Coordinating Commission for Postsecondary Education (CCPE) designate a Title VI coordinator who will monitor discrimination and harassment in public institutions. The coordinator will also be required to investigate all complaints of discrimination or harassment in public institutions and file an annual report. The coordinator may be required to file complaints with the United States Department of Education and the United States Department of Justice.

The CCPE believes an attorney would be best suited to perform these investigative duties and would request a 1.0 FTE position, operating expenses (phone and computer), and travel expenses related to investigations. CCPE estimates their expenses to total \$118,800 in FY27 and \$124,800 in FY28. The FY28 estimate will also be assumed for FY29. Expenditures by category are seen in the CCPE fiscal note response.

The Nebraska Department of Education (NDE) reports that a new Program Specialist II would be needed to investigate complaints and perform related tasks currently performed by the federal government, should LB 538 be enacted for the State of Nebraska. Expenditures by category are available in NDE's response (\$130,826 for FY27 and \$124,800 for FY28), though the amount of work is undeterminable at this time.

The Nebraska State College System and the University of Nebraska system report no additional expenditures are expected to result from the passage of LB 538. The Fiscal Office has no basis to disagree with the above responses.

The Community Colleges report annual expenditures of \$51,500 and \$53,405 respectively, which could be absorbed within FY27 appropriations exceeding \$398 million.

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2026

LB⁽¹⁾ 538

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾

Nebraska Community College Association

Prepared by: ⁽³⁾ Courtney Wittstruck

Date Prepared: ⁽⁴⁾ 12/2/2025

Phone: ⁽⁵⁾ 402.471.4685

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2026-27		FY 2027-28	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	\$51,500		\$53,045	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

Explanation of Estimate:

New policy development costs plus additional training and development amount to an estimated \$10,000 per college per year in Jan. 2025, plus a 3% YoY increase.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

POSITION TITLE	NUMBER OF POSITIONS		2026-27	2027-28
	26-27	27-28	EXPENDITURES	EXPENDITURES
Benefits.....				
Operating.....				
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL				

Please complete **ALL** (5) blanks in the first three lines.

2026

LB⁽¹⁾ 538

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Education

Prepared by: ⁽³⁾ Lane Carr Date Prepared: ⁽⁴⁾ 12.3.25 Phone: ⁽⁵⁾ 402.419.3012

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2026-27</u>		<u>FY 2027-28</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	<u>\$130,826</u>		<u>\$129,802</u>	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	<u>\$130,826</u>		<u>\$129,802</u>	

Explanation of Estimate:

Current requirements of federal civil rights law provide that any recipients of federal funds, whether that be a state agency, or political subdivision, are required to adhere to the requirements of the civil rights law, including having a complaint process. The bill appears to have the Legislature enact some of the same federal civil rights language, and then direct that the NDE investigate any complaints filed involving school districts.

Complaints, investigations, and enforcement of civil rights laws are currently carried out by the federal government, and not the NDE. If the Legislature enacts the bill requiring the NDE to do this work, then there is a fiscal impact as indicated to hire a person. However, the amount work is undeterminable at this time.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

POSITION TITLE	NUMBER OF POSITIONS		2026-27	2027-28
	26-27	27-28	EXPENDITURES	EXPENDITURES
Program Specialist II	1	1	<u>63,641</u>	<u>65,709</u>
Benefits.....			<u>43,191</u>	<u>44,328</u>
Operating.....			<u>22,640</u>	<u>18,370</u>
Travel.....			<u>1,354</u>	<u>1,395</u>
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....			<u>\$130,826</u>	<u>\$129,802</u>

Please complete **ALL** (5) blanks in the first three lines.

2026

LB⁽¹⁾ 538

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾

Coordinating Commission for Postsecondary Education

Prepared by: ⁽³⁾ Gary Timm

Date Prepared: ⁽⁴⁾ 11/19/2025

Phone: ⁽⁵⁾ 402.471.0020

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2026-27</u>	<u>REVENUE</u>	<u>FY 2027-28</u>	<u>REVENUE</u>
GENERAL FUNDS	<u>118,800</u>		<u>124,800</u>	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	<u>118,800</u>		<u>124,800</u>	

Explanation of Estimate:

Section 6 requires the commission to designate a Title VI coordinator that will monitor discrimination and harassment in public institutions. The coordinator will also be required to investigate all complaints of discrimination or harassment in public institution and file an annual report. The coordinator may be required to file complaints with the United States Department of Education and the United States Department of Justice.

The commission believes an attorney would be best suited to perform these investigative duties and would request a 1.0 FTE position, operating expenses including phone and computer, and travel expenses related to investigations.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

POSITION TITLE	NUMBER OF POSITIONS		2026-27	2027-28
	26-27	27-28	EXPENDITURES	EXPENDITURES
Attorney II	<u>1.0</u>	<u>1.0</u>	<u>77,200</u>	<u>79,500</u>
Benefits.....			<u>38,600</u>	<u>42,300</u>
Operating.....			<u>1,500</u>	<u>1,500</u>
Travel.....			<u>1,500</u>	<u>1,500</u>
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....			<u>118,800</u>	<u>124,800</u>

Please complete **ALL** (5) blanks in the first three lines.

2026

LB⁽¹⁾ 538

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾

Nebraska State College System

Prepared by: ⁽³⁾ Brenda Owen Date Prepared: ⁽⁴⁾ 11/21/2025 Phone: ⁽⁵⁾ 471-2507

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2026-27</u>	<u>REVENUE</u>	<u>FY 2027-28</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	_____	_____	_____	_____

Explanation of Estimate:

No fiscal impact.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:	NUMBER OF POSITIONS		2026-27	2027-28	
	POSITION TITLE	26-27	27-28	EXPENDITURES	EXPENDITURES
Benefits.....	_____	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____	_____

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE			
LB: 538	AM:	AGENCY/POLT. SUB: Department of Education	
REVIEWED BY: Kimberly Burns	DATE: 12/10/2025		PHONE: (402) 471-4171
COMMENTS: The Department of Education's assessment of fiscal impact to the agency from LB 538 appears reasonable.			

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE			
LB: 538	AM:	AGENCY/POLT. SUB: Nebraska Community College Association	
REVIEWED BY: Kimberly Burns	DATE: 12/05/2025		PHONE: (402) 471-4171
COMMENTS: No basis to disagree with Nebraska Community College Association's estimate of fiscal impact for FY 2026-27, but disagree with assessment of a 3% fiscal impact increase for FY 2027-28, as it would be more reasonable to anticipate a reduction in ongoing costs once the policy is in place.			

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE			
LB: 538	AM:	AGENCY/POLT. SUB: Nebraska State College System	
REVIEWED BY: Kimberly Burns	DATE: 12/01/2025		PHONE: (402) 471-4171
COMMENTS: No basis to disagree with the Nebraska State College System's assessment of no fiscal impact to the agency from LB 538.			

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE			
LB: 538	AM:	AGENCY/POLT. SUB: Coordinating Commission for Postsecondary Education	
REVIEWED BY: Kimberly Burns	DATE: 11/21/2025		PHONE: (402) 471-4171
COMMENTS: No basis to disagree with the Coordinating Commission for Postsecondary Education's assessment of fiscal impact to the agency from LB 538.			