

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 568

Introduced by Pansing Brooks, 28; Vargas, 7; Walz, 15; Wishart, 27.

Read first time January 19, 2021

Committee:

1 A BILL FOR AN ACT relating to juveniles; to amend sections 28-709,
2 43-247, 43-252, 43-260.03, 43-260.05, 43-2404, 43-2404.03, 43-2405,
3 43-3504, 79-201, 79-207, 79-210, 79-267, 79-1601, and 79-2114,
4 Reissue Revised Statutes of Nebraska, and sections 25-2912.01,
5 43-245, 43-247.03, 43-248, 43-251.01, 43-260.04, 43-274, 43-276,
6 43-286, 43-2404.02, 79-209, and 79-2506, Revised Statutes Cumulative
7 Supplement, 2020; to change the jurisdiction of juvenile courts as
8 prescribed; to change provisions and terminology related to truancy;
9 to eliminate obsolete language; to change provisions of the
10 Community-based Juvenile Services Aid Program and the Commission
11 Grant Program; to change a funding intent; to change provisions
12 related to compulsory education; to transfer a duty; to clarify
13 provisions; to add authority for rules and regulations; to harmonize
14 provisions; and to repeal the original sections.
15 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 25-2912.01, Revised Statutes Cumulative
2 Supplement, 2020, is amended to read:

3 25-2912.01 Restorative justice practices, restorative justice
4 services, or restorative justice programs include, but are not limited
5 to, victim youth conferences, victim-offender mediation, family group
6 conferences, circles, peer-to-peer mediation, excessive absenteeism
7 ~~truancy~~ mediation, victim or community panels, and community conferences.
8 Restorative justice programs may involve restorative projects or classes
9 and facilitated meetings attended voluntarily by the victim, the victim's
10 representatives, or a victim surrogate and the victim's supporters, as
11 well as the youth or adult individual who caused harm and that
12 individual's supporters, whether voluntarily or following a referral for
13 assessment by court order. These meetings may also include community
14 members, when appropriate. By engaging the parties to the offense or harm
15 in voluntary dialogue, restorative justice provides an opportunity for
16 healing for the victim and the individual who harmed the victim by:

17 (1) Holding the individual who caused harm accountable and providing
18 the individual a platform to accept responsibility and gain empathy for
19 the harm he or she caused to the victim and community;

20 (2) Providing the victim a platform to describe the impact that the
21 harm had upon himself or herself or his or her family and to identify
22 detriments experienced or any losses incurred;

23 (3) Providing the opportunity to enter into a reparation plan
24 agreement; and

25 (4) Enabling the victim and the individual who caused harm the
26 opportunity to agree on consequences to repair the harm, to the extent
27 possible. This includes, but is not limited to, apologies, community
28 service, reparation, restitution, restoration, and counseling.

29 Sec. 2. Section 28-709, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 28-709 (1) Any person who, by any act, encourages, causes, or

1 contributes to the delinquency or need for special supervision of a child
2 under eighteen years of age, so that such child becomes, or will tend to
3 become, a delinquent child, or a child in need of special supervision,
4 commits contributing to the delinquency of a child.

5 (2) The following definitions shall be applicable to this section:

6 (a) Delinquent child shall mean any child under the age of eighteen
7 years who has violated any law of the state or any city or village
8 ordinance; and

9 (b) A child in need of special supervision shall mean any child
10 under the age of eighteen years (i) who, by reason of being wayward or
11 habitually disobedient, is uncontrolled by his parent, guardian, or
12 custodian; (ii) who is habitually absent ~~truant~~ from school or home; or
13 (iii) who departs himself so as to injure or endanger seriously the
14 morals or health of himself or others.

15 (3) Contributing to the delinquency of a child is a Class I
16 misdemeanor.

17 Sec. 3. Section 43-245, Revised Statutes Cumulative Supplement,
18 2020, is amended to read:

19 43-245 For purposes of the Nebraska Juvenile Code, unless the
20 context otherwise requires:

21 (1) Abandonment means a parent's intentionally withholding from a
22 child, without just cause or excuse, the parent's presence, care, love,
23 protection, and maintenance and the opportunity for the display of
24 parental affection for the child;

25 (2) Age of majority means nineteen years of age;

26 (3) Alternative to detention means a program or directive that
27 increases supervision of a youth in the community in an effort to ensure
28 the youth attends court and refrains from committing a new law violation.
29 Alternative to detention includes, but is not limited to, electronic
30 monitoring, day and evening reporting centers, house arrest, tracking,
31 family crisis response, and temporary shelter placement. Except for the

1 use of manually controlled delayed egress of not more than thirty
2 seconds, placements that utilize physical construction or hardware to
3 restrain a youth's freedom of movement and ingress and egress from
4 placement are not considered alternatives to detention;

5 (4) Approved center means a center that has applied for and received
6 approval from the Director of the Office of Dispute Resolution under
7 section 25-2909;

8 (5) Civil citation means a noncriminal notice which cannot result in
9 a criminal record and is described in section 43-248.02;

10 (6) Cost or costs means (a) the sum or equivalent expended, paid, or
11 charged for goods or services, or expenses incurred, or (b) the
12 contracted or negotiated price;

13 (7) Criminal street gang means a group of three or more people with
14 a common identifying name, sign, or symbol whose group identity or
15 purposes include engaging in illegal activities;

16 (8) Criminal street gang member means a person who willingly or
17 voluntarily becomes and remains a member of a criminal street gang;

18 (9) Custodian means a nonparental caretaker having physical custody
19 of the juvenile and includes an appointee described in section 43-294;

20 (10) Guardian means a person, other than a parent, who has qualified
21 by law as the guardian of a juvenile pursuant to testamentary or court
22 appointment, but excludes a person who is merely a guardian ad litem;

23 (11) Juvenile means any person under the age of eighteen;

24 (12) Juvenile court means the separate juvenile court where it has
25 been established pursuant to sections 43-2,111 to 43-2,127 and the county
26 court sitting as a juvenile court in all other counties. Nothing in the
27 Nebraska Juvenile Code shall be construed to deprive the district courts
28 of their habeas corpus, common-law, or chancery jurisdiction or the
29 county courts and district courts of jurisdiction of domestic relations
30 matters as defined in section 25-2740;

31 (13) Juvenile detention facility has the same meaning as in section

1 83-4,125;

2 (14) Legal custody has the same meaning as in section 43-2922;

3 (15) Mental health facility means a treatment facility as defined in
4 section 71-914 or a government, private, or state hospital which treats
5 mental illness;

6 (16) Nonoffender means a juvenile who is subject to the jurisdiction
7 of the juvenile court for reasons other than legally prohibited conduct,
8 including, but not limited to, juveniles described in subdivision (3)(a)
9 of section 43-247;

10 (17) Parent means one or both parents or a stepparent ~~stepparents~~
11 when the stepparent is married to a parent who has physical custody of
12 the juvenile as of the filing of the petition;

13 (18) Parties means the juvenile as described in section 43-247 and
14 his or her parent, guardian, or custodian;

15 (19) Physical custody has the same meaning as in section 43-2922;

16 (20) Except in proceedings under the Nebraska Indian Child Welfare
17 Act, relative means father, mother, grandfather, grandmother, brother,
18 sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt,
19 first cousin, nephew, or niece;

20 (21) Restorative justice means practices, programs, or services that
21 emphasize repairing the harm caused to victims and the community by
22 persons who have caused the harm or committed an offense. Restorative
23 justice practices may include, but are not limited to, victim youth
24 conferencing, victim-offender mediation, youth or community dialogue,
25 panels, circles, and excessive absenteeism ~~truancy~~ mediation;

26 (22) Restorative justice facilitator means a qualified individual
27 who has been trained to facilitate restorative justice practices. A
28 qualified individual shall be approved by the referring county attorney,
29 city attorney, or juvenile or county court judge. Factors for approval
30 may include, but are not limited to, an individual's education and
31 training in restorative justice principles and practices; experience in

1 facilitating restorative justice sessions; understanding of the necessity
2 to do no harm to either the victim or the person who harmed the victim;
3 and proven commitment to ethical practices;

4 (23) Seal a record means that a record shall not be available to the
5 public except upon the order of a court upon good cause shown;

6 (24) Secure detention means detention in a highly structured,
7 residential, hardware-secured facility designed to restrict a juvenile's
8 movement;

9 (25) Staff secure juvenile facility means a juvenile residential
10 facility operated by a political subdivision (a) which does not include
11 construction designed to physically restrict the movements and activities
12 of juveniles who are in custody in the facility, (b) in which physical
13 restriction of movement or activity of juveniles is provided solely
14 through staff, (c) which may establish reasonable rules restricting
15 ingress to and egress from the facility, and (d) in which the movements
16 and activities of individual juvenile residents may, for treatment
17 purposes, be restricted or subject to control through the use of
18 intensive staff supervision. Staff secure juvenile facility does not
19 include any institution operated by the Department of Correctional
20 Services;

21 (26) Status offender means a juvenile who has been charged with or
22 adjudicated for conduct which would not be a crime if committed by an
23 adult, including, but not limited to, juveniles charged under subdivision
24 (3)(b) of section 43-247 and sections 53-180.01 and 53-180.02;

25 (27) Traffic offense means any nonfelonious act in violation of a
26 law or ordinance regulating vehicular or pedestrian travel, whether
27 designated a misdemeanor or a traffic infraction; and

28 (28) Young adult means an individual older than eighteen years of
29 age but under twenty-one years of age.

30 Sec. 4. Section 43-247, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 43-247 The juvenile court in each county shall have jurisdiction of:

2 (1) Any juvenile who has committed an act other than a traffic
3 offense which would constitute a misdemeanor or an infraction under the
4 laws of this state, or violation of a city or village ordinance, and who,
5 ~~beginning July 1, 2017,~~ was eleven years of age or older at the time the
6 act was committed;

7 (2) Any juvenile who has committed an act which would constitute a
8 felony under the laws of this state and who, ~~beginning July 1, 2017,~~ was
9 eleven years of age or older at the time the act was committed;

10 (3) Any juvenile:

11 (a) who ~~who~~ is homeless or destitute, or without proper support
12 through no fault of his or her parent, guardian, or custodian; who is
13 abandoned by his or her parent, guardian, or custodian; who lacks proper
14 parental care by reason of the fault or habits of his or her parent,
15 guardian, or custodian; whose parent, guardian, or custodian neglects or
16 refuses to provide proper or necessary subsistence, education, or other
17 care necessary for the health, morals, or well-being of such juvenile;
18 whose parent, guardian, or custodian is unable to provide or neglects or
19 refuses to provide special care made necessary by the mental condition of
20 the juvenile; who is in a situation or engages in an occupation,
21 including prostitution, dangerous to life or limb or injurious to the
22 health or morals of such juvenile; or who, ~~beginning July 1, 2017,~~ has
23 committed an act or engaged in behavior described in subdivision (1),
24 (2), (3)(b), or (4) of this section and who was under eleven years of age
25 at the time of such act or behavior; ~~;~~

26 (b) Who ~~(b)(i) who, until July 1, 2017, by reason of being wayward~~
27 ~~or habitually disobedient, is uncontrolled by his or her parent,~~
28 ~~guardian, or custodian; who deports himself or herself so as to injure or~~
29 ~~endanger seriously the morals or health of himself, herself, or others;~~
30 ~~or who is habitually truant from home or school or (ii) who, beginning~~
31 ~~July 1, 2017,~~ is eleven years of age or older and, by reason of being

1 wayward or habitually disobedient, is uncontrolled by his or her parent,
2 guardian, or custodian; who departs himself or herself so as to injure or
3 endanger seriously the morals or health of himself, herself, or others;
4 or who is habitually truant from home; ~~or school,~~ or

5 (c) Who ~~who~~ is mentally ill and dangerous as defined in section
6 71-908;

7 (4) Any juvenile who has committed an act which would constitute a
8 traffic offense as defined in section 43-245 and who, ~~beginning July 1,~~
9 ~~2017,~~ was eleven years of age or older at the time the act was committed;

10 (5) The parent, guardian, or custodian of any juvenile described in
11 this section;

12 (6) The proceedings for termination of parental rights;

13 (7) Any juvenile who has been voluntarily relinquished, pursuant to
14 section 43-106.01, to the Department of Health and Human Services or any
15 child placement agency licensed by the Department of Health and Human
16 Services;

17 (8) Any juvenile who was a ward of the juvenile court at the
18 inception of his or her guardianship and whose guardianship has been
19 disrupted or terminated;

20 (9) The adoption or guardianship proceedings for a child over which
21 the juvenile court already has jurisdiction under another provision of
22 the Nebraska Juvenile Code;

23 (10) The paternity or custody determination for a child over which
24 the juvenile court already has jurisdiction;

25 (11) The proceedings under the Young Adult Bridge to Independence
26 Act; and

27 (12) Except as provided in subdivision (11) of this section, any
28 individual adjudged to be within the provisions of this section until the
29 individual reaches the age of majority or the court otherwise discharges
30 the individual from its jurisdiction.

31 Notwithstanding the provisions of the Nebraska Juvenile Code, the

1 determination of jurisdiction over any Indian child as defined in section
2 43-1503 shall be subject to the Nebraska Indian Child Welfare Act; and
3 the district court shall have exclusive jurisdiction in proceedings
4 brought pursuant to section 71-510.

5 The court may address excessive absenteeism from school as part of a
6 disposition hearing or further review on any case arising under
7 subdivisions (1) through (12) of this section. This subdivision does not
8 create an independent basis for the juvenile court to assert
9 jurisdiction.

10 Sec. 5. Section 43-247.03, Revised Statutes Cumulative Supplement,
11 2020, is amended to read:

12 43-247.03 (1) In any juvenile case, the court may provide the
13 parties the opportunity to address issues involving the child's care and
14 placement, services to the family, and other concerns through restorative
15 justice practices. Restorative justice practices may include, but are not
16 limited to, prehearing conferences, family group conferences, expedited
17 family group conferences, child welfare mediation, permanency prehearing
18 conferences, termination of parental rights prehearing conferences,
19 juvenile victim-offender dialogue, victim youth conferencing, victim-
20 offender mediation, youth or community dialogue, panels, circles, and
21 excessive absenteeism truancy mediation. The Office of Dispute Resolution
22 shall be responsible for funding and management for such services
23 provided by approved centers. All discussions taking place during such
24 restorative justice practices, including plea negotiations, shall be
25 confidential and privileged communications as provided in section
26 25-2914.01.

27 (2) For purposes of this section:

28 (a) Expedited family group conference means an expedited and
29 limited-scope facilitated planning meeting which engages a child's or
30 juvenile's parents, the child or juvenile when appropriate, other
31 critical family members, services providers, and staff members from

1 either the Department of Health and Human Services or the Office of
2 Probation Administration to address immediate placement issues for the
3 child or juvenile;

4 (b) Family group conference means a facilitated meeting involving a
5 child's or juvenile's family, the child or juvenile when appropriate,
6 available extended family members from across the United States, other
7 significant and close persons to the family, service providers, and staff
8 members from either the Department of Health and Human Services or the
9 Office of Probation Administration to develop a family-centered plan for
10 the best interests of the child and to address the essential issues of
11 safety, permanency, and well-being of the child;

12 (c) Juvenile victim-offender dialogue means a court-connected
13 process in which a facilitator meets with the juvenile offender and the
14 victim in an effort to convene a dialogue in which the offender takes
15 responsibility for his or her actions and the victim is able to address
16 the offender and request an apology and restitution, with the goal of
17 creating an agreed-upon written plan;

18 (d) Prehearing conference means a facilitated meeting prior to
19 appearing in court and held to gain the cooperation of the parties, to
20 offer services and treatment, and to develop a problem-solving atmosphere
21 in the best interests of children involved in the juvenile court system.
22 A prehearing conference may be scheduled at any time during the child
23 welfare or juvenile court process, from initial removal through
24 permanency, termination of parental rights, and juvenile delinquency
25 court processes; and

26 (e) Victim youth conferencing means a process in which a restorative
27 justice facilitator meets with the juvenile and the victim, when
28 appropriate, in an effort to convene a dialogue in which the juvenile
29 takes responsibility for his or her actions and the victim or victim
30 surrogate is able to address the juvenile and create a reparation plan
31 agreement, which may include apologies, restitution, community services,

1 or other agreed-upon means of amends.

2 Sec. 6. Section 43-248, Revised Statutes Cumulative Supplement,
3 2020, is amended to read:

4 43-248 A peace officer may take a juvenile into temporary custody
5 without a warrant or order of the court and proceed as provided in
6 section 43-250 when:

7 (1) A juvenile has violated a state law or municipal ordinance and
8 such juvenile was eleven years of age or older at the time of the
9 violation, and the officer has reasonable grounds to believe such
10 juvenile committed such violation and was eleven years of age or older at
11 the time of the violation;

12 (2) A juvenile is seriously endangered in his or her surroundings
13 and immediate removal appears to be necessary for the juvenile's
14 protection;

15 (3) The officer believes the juvenile to be mentally ill and
16 dangerous as defined in section 71-908 and that the harm described in
17 that section is likely to occur before proceedings may be instituted
18 before the juvenile court;

19 (4) The officer has reasonable grounds to believe that the juvenile
20 has run away from his or her parent, guardian, or custodian;

21 (5) A probation officer has reasonable cause to believe that a
22 juvenile is in violation of probation and that the juvenile will attempt
23 to leave the jurisdiction or place lives or property in danger;

24 (6) The officer has reasonable grounds to believe the juvenile is
25 absent truant from the school in which the juvenile is enrolled, such
26 school is open and in session, and such juvenile has not been excused by
27 school authorities;

28 (7) The officer has reasonable grounds to believe the juvenile is
29 immune from prosecution for prostitution under subsection (5) of section
30 28-801; or

31 (8) A juvenile has committed an act or engaged in behavior described

1 in subdivision (1), (2), (3)(b), or (4) of section 43-247 and such
2 juvenile was under eleven years of age at the time of such act or
3 behavior, and the officer has reasonable cause to believe such juvenile
4 committed such act or engaged in such behavior and was under eleven years
5 of age at such time.

6 Sec. 7. Section 43-251.01, Revised Statutes Cumulative Supplement,
7 2020, is amended to read:

8 43-251.01 All placements and commitments of juveniles for
9 evaluations or as temporary or final dispositions are subject to the
10 following:

11 (1) No juvenile shall be confined in an adult correctional facility
12 as a disposition of the court;

13 (2) A juvenile who is found to be a juvenile as described in
14 subdivision (3) of section 43-247 shall not be placed in an adult
15 correctional facility, the secure youth confinement facility operated by
16 the Department of Correctional Services, or a youth rehabilitation and
17 treatment center or committed to the Office of Juvenile Services;

18 (3) A juvenile who is found to be a juvenile as described in
19 subdivision (1), (2), or (4) of section 43-247 shall not be assigned or
20 transferred to an adult correctional facility or the secure youth
21 confinement facility operated by the Department of Correctional Services;

22 (4) A juvenile under the age of fourteen years shall not be placed
23 with or committed to a youth rehabilitation and treatment center;

24 ~~(5)(a) Before July 1, 2019, a juvenile shall not be detained in~~
25 ~~secure detention or placed at a youth rehabilitation and treatment center~~
26 ~~unless detention or placement of such juvenile is a matter of immediate~~
27 ~~and urgent necessity for the protection of such juvenile or the person or~~
28 ~~property of another or if it appears that such juvenile is likely to flee~~
29 ~~the jurisdiction of the court; and~~

30 ~~(b) On and after July 1, 2019:~~

31 (5)(a) (i) A juvenile shall not be detained unless the physical

1 safety of persons in the community would be seriously threatened or
2 detention is necessary to secure the presence of the juvenile at the next
3 hearing, as evidenced by a demonstrable record of willful failure to
4 appear at a scheduled court hearing within the last twelve months;

5 (b) ~~(ii)~~ A child twelve years of age or younger shall not be placed
6 in detention under any circumstances; and

7 (c) ~~(iii)~~ A juvenile shall not be placed into detention:

8 (i) ~~(A)~~ To allow a parent or guardian to avoid his or her legal
9 responsibility;

10 (ii) ~~(B)~~ To punish, treat, or rehabilitate such juvenile;

11 (iii) ~~(C)~~ To permit more convenient administrative access to such
12 juvenile;

13 (iv) ~~(D)~~ To facilitate further interrogation or investigation; or

14 (v) ~~(E)~~ Due to a lack of more appropriate facilities except in case
15 of an emergency as provided in section 43-430;

16 (6) A juvenile alleged to be a juvenile as described in subdivision
17 (3) of section 43-247 shall not be placed in a juvenile detention
18 facility, including a wing labeled as staff secure at such facility,
19 unless the designated staff secure portion of the facility fully complies
20 with subdivision (5) of section 83-4,125 and the ingress and egress to
21 the facility are restricted solely through staff supervision; and

22 (7) A juvenile alleged to be a juvenile as described in subdivision
23 (1), (2), (3)(b), or (4) of section 43-247 shall not be placed out of his
24 or her home as a dispositional order of the court unless:

25 (a) All available community-based resources have been exhausted to
26 assist the juvenile and his or her family; and

27 (b) Maintaining the juvenile in the home presents a significant risk
28 of harm to the juvenile or community.

29 Sec. 8. Section 43-252, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 43-252 (1) The fingerprints of any juvenile less than fourteen years

1 of age, who has been taken into custody in the investigation of a
2 suspected unlawful act, shall not be taken without a court order ~~unless~~
3 ~~the consent of any district, county, associate county, associate separate~~
4 ~~juvenile court, or separate juvenile court judge has first been obtained.~~

5 (2) The fingerprints of any juvenile alleged or found to be a
6 juvenile as described in subdivision (3)(b) of section 43-247 shall not
7 be taken.

8 (3) If the judge permits the fingerprinting, the fingerprints must
9 be filed by law enforcement officers in files kept separate from those of
10 persons of the age of majority.

11 (4) The fingerprints of any juvenile shall not be sent to a state or
12 federal depository by a law enforcement agency of this state unless: (a)
13 The juvenile has been convicted of or adjudged to have committed a
14 felony; (b) the juvenile has unlawfully terminated his or her commitment
15 to a youth rehabilitation and treatment center; or (c) the juvenile is a
16 runaway and a fingerprint check is needed for identification purposes to
17 return the juvenile to his or her parent.

18 Sec. 9. Section 43-260.03, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 43-260.03 The goals of a juvenile pretrial diversion program are:

21 (1) To provide eligible juvenile offenders with an alternative
22 program in lieu of adjudication through the juvenile court or provide
23 juveniles with excessive absenteeism from home or school with services to
24 address the needs of the juvenile and his or her family;

25 (2) To reduce recidivism among diverted juvenile offenders and
26 juveniles with excessive absenteeism from home or school;

27 (3) To reduce the costs and caseload burdens on the juvenile justice
28 system and the criminal justice system; and

29 (4) To promote the collection of restitution to the victim of the
30 juvenile offender's crime.

31 Sec. 10. Section 43-260.04, Revised Statutes Cumulative Supplement,

1 2020, is amended to read:

2 43-260.04 A juvenile pretrial diversion program shall:

3 (1) Be an option available for the county attorney or city attorney
4 based upon his or her determination under this subdivision. The county
5 attorney or city attorney may use the following information:

6 (a) The juvenile's age;

7 (b) The nature of the offense or extent of excessive absenteeism
8 from home or school and role of the juvenile in the offense or excessive
9 absenteeism;

10 (c) The number and nature of previous offenses involving the
11 juvenile;

12 (d) The dangerousness or threat posed by the juvenile to persons or
13 property; or

14 (e) The recommendations of the referring agency, victim, and
15 advocates for the juvenile;

16 (2) Permit participation by a juvenile only on a voluntary basis and
17 shall include a juvenile diversion agreement described in section
18 43-260.06;

19 (3) Allow the juvenile to consult with counsel prior to a decision
20 to participate in the program;

21 (4) Be offered to the juvenile when practicable:

22 (a) Prior ~~prior~~ to the filing of a juvenile petition or a criminal
23 charge but after the arrest of the juvenile or issuance of a citation to
24 the juvenile if after the arrest or citation a decision has been made by
25 the county attorney or city attorney that the offense will support the
26 filing of a juvenile petition or criminal charges; or

27 (b) Following a referral from a school, parent, guardian, or
28 custodian in regard to excessive absenteeism;

29 (5) Provide screening services for use in creating a diversion plan
30 utilizing appropriate services for the juvenile;

31 (6) Result in dismissal of the juvenile petition or criminal charges

1 if the juvenile successfully completes the program or result in a finding
2 of resolution of the excessive absenteeism from home or school;

3 (7) Be designed and operated to further the goals stated in section
4 43-260.03 and comply with sections 43-260.04 to 43-260.07;

5 (8) Require information received by the program regarding the
6 juvenile to remain confidential unless a release of information is signed
7 upon admission to the program or is otherwise authorized by law; and

8 (9)(a) Respond to a public inquiry in the same manner as if there
9 were no information or records concerning participation in the diversion
10 program. Information or records pertaining to participation in the
11 diversion program shall not be disseminated to any person other than:

12 (i) A criminal justice agency as defined in section 29-3509;

13 (ii) The individual who is the subject of the record or any persons
14 authorized by such individual; or

15 (iii) Other persons or agencies authorized by law.

16 (b) An individual, a person, or an agency requesting information
17 subject to subdivision (9)(a) of this section shall provide the diversion
18 program with satisfactory verification of his, her, or its identity.

19 Sec. 11. Section 43-260.05, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 43-260.05 A juvenile pretrial diversion program may:

22 (1) Provide screening services to the court and county attorney or
23 city attorney to help identify likely candidates for the program;

24 (2) Establish goals for diverted juvenile offenders and juveniles
25 with excessive absenteeism from school and monitor performance of the
26 goals;

27 (3) Coordinate chemical dependency assessments of diverted juvenile
28 offenders and juveniles with excessive absenteeism from school when
29 indicated, make appropriate referrals for treatment, and monitor
30 treatment and aftercare;

31 (4) Coordinate individual, group, and family counseling services;

1 (5) Oversee the payment of victim restitution by diverted juvenile
2 offenders;

3 (6) Assist diverted juvenile offenders and juveniles with excessive
4 absenteeism from school in identifying and contacting appropriate
5 community resources;

6 (7) Coordinate educational services to diverted juvenile offenders
7 and juveniles with excessive absenteeism from school to enable them to
8 earn a high school diploma or general education development diploma; and

9 (8) Provide accurate information on how diverted juvenile offenders
10 and juveniles with excessive absenteeism from school perform in the
11 program to the juvenile courts, county attorneys, city attorneys, defense
12 attorneys, and probation officers.

13 Sec. 12. Section 43-274, Revised Statutes Cumulative Supplement,
14 2020, is amended to read:

15 43-274 (1) The county attorney or city attorney, having knowledge of
16 a juvenile within his or her jurisdiction who appears to be a juvenile
17 described in subdivision (1), (2), (3)(b), or (4) of section 43-247 or
18 who is excessively absent from school and taking into consideration the
19 criteria in section 43-276, may proceed as provided in this section.

20 (2) The county attorney or city attorney may offer pretrial
21 diversion to the juvenile in accordance with a juvenile pretrial
22 diversion program established pursuant to sections 43-260.02 to
23 43-260.07.

24 (3)(a) If a juvenile appears to be a juvenile described in
25 subdivision (1), (2), (3)(b), or (4) of section 43-247 or who is
26 excessively absent from school, the county attorney or city attorney may
27 utilize restorative justice practices or services as a form of, or
28 condition of, diversion or plea bargaining or as a recommendation as a
29 condition of disposition, through a referral to a restorative justice
30 facilitator.

31 (b) For victim-involved offenses, a restorative justice facilitator

1 shall conduct a separate individual intake and assessment session with
2 each juvenile and victim to determine which, if any, restorative justice
3 practice is appropriate. All participation by the victim shall be
4 voluntary. If the victim declines to participate in any or all parts of
5 the restorative justice practice, a victim surrogate may be invited to
6 participate with the juvenile. If, after assessment, participation by the
7 juvenile is deemed inappropriate, the restorative justice facilitator
8 shall return the referral to the referring county attorney or city
9 attorney.

10 (c) A victim or his or her parent or guardian shall not be charged a
11 fee. A juvenile or his or her parent or guardian may be charged a fee
12 according to the policies and procedures of the restorative justice
13 facilitator and the referring county attorney or city attorney.
14 Restorative justice facilitators shall use a sliding fee scale based on
15 income and shall not deny services based upon the inability of a juvenile
16 or his or her parent or guardian to pay, if funding is otherwise
17 available.

18 (d) Prior to participating in any restorative justice practice or
19 service under this section, the juvenile, the juvenile's parent or
20 guardian, and the victim, if he or she is participating, shall sign a
21 consent to participate form.

22 (e) If a reparation plan agreement is reached, the restorative
23 justice facilitator shall forward a copy of the agreement to the
24 referring county attorney or city attorney. The terms of the reparation
25 plan agreement shall specify provisions for reparation, monitoring,
26 completion, and reporting. An agreement may include, but is not limited
27 to, one or more of the following:

28 (i) Participation by the juvenile in certain community service
29 programs;

30 (ii) Payment of restitution by the juvenile to the victim;

31 (iii) Reconciliation between the juvenile and the victim;

1 (iv) Apology, when appropriate, between the juvenile and the victim;
2 and

3 (v) Any other areas of agreement.

4 (f) The restorative justice facilitator shall give notice to the
5 county attorney or city attorney regarding the juvenile's compliance with
6 the terms of the reparation plan agreement. If the juvenile does not
7 satisfactorily complete the terms of the agreement, the county attorney
8 or city attorney may:

9 (i) Refer the matter back to the restorative justice facilitator for
10 further restorative justice practices or services; or

11 (ii) For a juvenile described in subdivision (1), (2), (3)(b), or
12 (4) of section 43-247, proceed ~~Proceed~~ with filing a juvenile court
13 petition or criminal charge.

14 (g) If a juvenile meets the terms of the reparation plan agreement,
15 the county attorney or city attorney shall either:

16 (i) Not file a juvenile court petition or criminal charge against
17 the juvenile for the acts for which the juvenile was referred for
18 restorative justice practice or services when referred as a diversion or
19 an alternative to diversion; or

20 (ii) File a reduced charge as previously agreed when referred as a
21 part of a plea negotiation.

22 (4) The county attorney or city attorney shall file the petition in
23 the court with jurisdiction as outlined in section 43-246.01.

24 (5) When a transfer from juvenile court to county court or district
25 court is authorized because there is concurrent jurisdiction, the county
26 attorney or city attorney may move to transfer the proceedings. Such
27 motion shall be filed with the juvenile court petition unless otherwise
28 permitted for good cause shown. The juvenile court shall schedule a
29 hearing on such motion within fifteen days after the motion is filed. The
30 county attorney or city attorney has the burden by a preponderance of the
31 evidence to show why such proceeding should be transferred. The juvenile

1 shall be represented by counsel at the hearing and may present the
2 evidence as to why the proceeding should be retained. After considering
3 all the evidence and reasons presented by both parties, the juvenile
4 court shall retain the proceeding unless the court determines that a
5 preponderance of the evidence shows that the proceeding should be
6 transferred to the county court or district court. The court shall make a
7 decision on the motion within thirty days after the hearing. The juvenile
8 court shall set forth findings for the reason for its decision.

9 An order granting or denying transfer of the case from juvenile
10 court to county or district court shall be considered a final order for
11 the purposes of appeal. Upon the entry of an order, any party may appeal
12 to the Court of Appeals within ten days. Such review shall be advanced on
13 the court docket without an extension of time granted to any party except
14 upon a showing of exceptional cause. Appeals shall be submitted,
15 assigned, and scheduled for oral argument as soon as the appellee's brief
16 is due to be filed. The Court of Appeals shall conduct its review in an
17 expedited manner and shall render the judgment and opinion, if any, as
18 speedily as possible. During the pendency of any such appeal, the
19 juvenile court may continue to enter temporary orders in the best
20 interests of the juvenile pursuant to section 43-295.

21 If the proceeding is transferred from juvenile court to the county
22 court or district court, the county attorney or city attorney shall file
23 a criminal information in the county court or district court, as
24 appropriate, and the accused shall be arraigned as provided for a person
25 eighteen years of age or older in subdivision (1)(b) of section 29-1816.

26 Sec. 13. Section 43-276, Revised Statutes Cumulative Supplement,
27 2020, is amended to read:

28 43-276 (1) The county attorney or city attorney, in making the
29 determination whether to file a criminal charge, file a juvenile court
30 petition, offer juvenile pretrial diversion or restorative justice, or
31 transfer a case to or from juvenile court, and the juvenile court, county

1 court, or district court in making the determination whether to transfer
2 a case, shall consider: (a) The type of treatment such juvenile would
3 most likely be amenable to; (b) whether there is evidence that the
4 alleged offense included violence; (c) the motivation for the commission
5 of the offense; (d) the age of the juvenile and the ages and
6 circumstances of any others involved in the offense; (e) the previous
7 history of the juvenile, including whether he or she had been convicted
8 of any previous offenses or adjudicated in juvenile court; (f) the best
9 interests of the juvenile; (g) consideration of public safety; (h)
10 consideration of the juvenile's ability to appreciate the nature and
11 seriousness of his or her conduct; (i) whether the best interests of the
12 juvenile and the security of the public may require that the juvenile
13 continue in secure detention or under supervision for a period extending
14 beyond his or her minority and, if so, the available alternatives best
15 suited to this purpose; (j) whether the victim or juvenile agree to
16 participate in restorative justice; (k) whether there is a juvenile
17 pretrial diversion program established pursuant to sections 43-260.02 to
18 43-260.07; (l) whether the juvenile has been convicted of or has
19 acknowledged unauthorized use or possession of a firearm; (m) whether a
20 juvenile court order has been issued for the juvenile pursuant to section
21 43-2,106.03; (n) whether the juvenile is a criminal street gang member;
22 and (o) such other matters as the parties deem relevant to aid in the
23 decision.

24 (2) Prior to filing a petition alleging that a juvenile is a
25 juvenile as described in subdivision (3)(b) of section 43-247, the county
26 attorney shall make reasonable efforts to refer the juvenile and family
27 to community-based resources available to address the juvenile's
28 behaviors, provide crisis intervention, and maintain the juvenile safely
29 in the home. Failure to describe the efforts required by this subsection
30 shall be a defense to adjudication.

31 (3) When the county attorney receives a referral from a school that

1 a juvenile is excessively absent, after a school has made a brief
2 assessment, the county attorney shall work with the school to refer the
3 juvenile and his or her family to community-based resources available to
4 address the juvenile's behaviors, provide crisis intervention, and
5 maintain the juvenile safely in the home.

6 Sec. 14. Section 43-286, Revised Statutes Cumulative Supplement,
7 2020, is amended to read:

8 43-286 (1) When any juvenile is adjudicated to be a juvenile
9 described in subdivision (1), (2), or (4) of section 43-247 the court may
10 enter dispositional orders to address the risks and needs of a juvenile
11 to effectuate the goals of the juvenile court set forth in section
12 43-246, including, but not limited to, excessive absenteeism and:

13 (a) The court may continue the dispositional portion of the hearing,
14 from time to time upon such terms and conditions as the court may
15 prescribe, including an order of restitution of any property stolen or
16 damaged or an order requiring the juvenile to participate in restorative
17 justice programs or community service programs, if such order is in the
18 interest of the juvenile's reformation or rehabilitation, and, subject to
19 the further order of the court, may:

20 (i) Place the juvenile on probation subject to the supervision of a
21 probation officer; or

22 (ii) Permit the juvenile to remain in his or her own home or be
23 placed in a suitable family home or institution, subject to the
24 supervision of the probation officer;

25 (b) When it is alleged that the juvenile has exhausted all levels of
26 probation supervision and options for community-based services and
27 section 43-251.01 has been satisfied, a motion for commitment to a youth
28 rehabilitation and treatment center may be filed and proceedings held as
29 follows:

30 (i) The motion shall set forth specific factual allegations that
31 support the motion and a copy of such motion shall be served on all

1 persons required to be served by sections 43-262 to 43-267;

2 (ii) The Office of Juvenile Services shall be served with a copy of
3 such motion and shall be a party to the case for all matters related to
4 the juvenile's commitment to, placement with, or discharge from the
5 Office of Juvenile Services; and

6 (iii) The juvenile shall be entitled to a hearing before the court
7 to determine the validity of the allegations. At such hearing the burden
8 is upon the state by a preponderance of the evidence to show that:

9 (A) All levels of probation supervision have been exhausted;

10 (B) All options for community-based services have been exhausted;
11 and

12 (C) Placement at a youth rehabilitation and treatment center is a
13 matter of immediate and urgent necessity for the protection of the
14 juvenile or the person or property of another or if it appears that such
15 juvenile is likely to flee the jurisdiction of the court;

16 (c) After the hearing, the court may, as a condition of an order of
17 intensive supervised probation, commit such juvenile to the Office of
18 Juvenile Services for placement at a youth rehabilitation and treatment
19 center operated in compliance with state law. Upon commitment by the
20 court to the Office of Juvenile Services, the court shall immediately
21 notify the Office of Juvenile Services of the commitment. Intensive
22 supervised probation for purposes of this subdivision means that the
23 Office of Juvenile Services shall be responsible for the care and custody
24 of the juvenile until the Office of Juvenile Services discharges the
25 juvenile from commitment to the Office of Juvenile Services. Upon
26 discharge of the juvenile, the court shall hold a review hearing on the
27 conditions of probation and enter any order allowed under subdivision (1)
28 (a) of this section;

29 (d) The Office of Juvenile Services shall notify those required to
30 be served by sections 43-262 to 43-267, all interested parties, and the
31 committing court of the pending discharge of a juvenile from the youth

1 rehabilitation and treatment center sixty days prior to discharge and
2 again in every case not less than thirty days prior to discharge. Upon
3 notice of pending discharge by the Office of Juvenile Services, the court
4 shall set a continued disposition hearing in anticipation of reentry. The
5 Office of Juvenile Services shall work in collaboration with the Office
6 of Probation Administration in developing an individualized reentry plan
7 for the juvenile as provided in section 43-425. The Office of Juvenile
8 Services shall provide a copy of the individualized reentry plan to the
9 juvenile, the juvenile's attorney, and the county attorney or city
10 attorney prior to the continued disposition hearing. At the continued
11 disposition hearing, the court shall review and approve or modify the
12 individualized reentry plan, place the juvenile under probation
13 supervision, and enter any other order allowed by law. No hearing is
14 required if all interested parties stipulate to the individualized
15 reentry plan by signed motion. In such a case, the court shall approve
16 the conditions of probation, approve the individualized reentry plan, and
17 place the juvenile under probation supervision; and

18 (e) The Office of Juvenile Services is responsible for
19 transportation of the juvenile to and from the youth rehabilitation and
20 treatment center. The Office of Juvenile Services may contract for such
21 services. A plan for a juvenile's transport to return to the community
22 shall be a part of the individualized reentry plan. The Office of
23 Juvenile Services may approve family to provide such transport when
24 specified in the individualized reentry plan.

25 (2) When any juvenile is found by the court to be a juvenile
26 described in subdivision (3)(b) of section 43-247, the court may enter
27 such order as it is empowered to enter under subdivision (1)(a) of this
28 section.

29 (3) When any juvenile is adjudicated to be a juvenile described in
30 subdivision (1), (2), (3)(b), or (4) of section 43-247, the court may
31 order the juvenile to be assessed for referral to participate in a

1 restorative justice program. Factors that the judge may consider for such
2 referral include, but are not limited to: The juvenile's age,
3 intellectual capacity, and living environment; the ages of others who
4 were part of the offense; the age and capacity of the victim; and the
5 nature of the case.

6 (4) When a juvenile is placed on probation and a probation officer
7 has reasonable cause to believe that such juvenile has committed a
8 violation of a condition of his or her probation, the probation officer
9 shall take appropriate measures as provided in section 43-286.01.

10 (5)(a) When a juvenile is placed on probation or under the
11 supervision of the court and it is alleged that the juvenile is again a
12 juvenile described in subdivision (1), (2), (3)(b), or (4) of section
13 43-247, a petition may be filed and the same procedure followed and
14 rights given at a hearing on the original petition. If an adjudication is
15 made that the allegations of the petition are true, the court may make
16 any disposition authorized by this section for such adjudications and the
17 county attorney may file a motion to revoke the juvenile's probation.

18 (b) When a juvenile is placed on probation or under the supervision
19 of the court for conduct under subdivision (1), (2), (3)(b), or (4) of
20 section 43-247 and it is alleged that the juvenile has violated a term of
21 probation or supervision or that the juvenile has violated an order of
22 the court, a motion to revoke probation or supervision or to change the
23 disposition may be filed and proceedings held as follows:

24 (i) The motion shall set forth specific factual allegations of the
25 alleged violations and a copy of such motion shall be served on all
26 persons required to be served by sections 43-262 to 43-267;

27 (ii) The juvenile shall be entitled to a hearing before the court to
28 determine the validity of the allegations. At such hearing the juvenile
29 shall be entitled to those rights relating to counsel provided by section
30 43-272 and those rights relating to detention provided by sections 43-254
31 to 43-256. The juvenile shall also be entitled to speak and present

1 documents, witnesses, or other evidence on his or her own behalf. He or
2 she may confront persons who have given adverse information concerning
3 the alleged violations, may cross-examine such persons, and may show that
4 he or she did not violate the conditions of his or her probation or
5 supervision or an order of the court or, if he or she did, that
6 mitigating circumstances suggest that the violation does not warrant
7 revocation of probation or supervision or a change of disposition. The
8 hearing shall be held within a reasonable time after the juvenile is
9 taken into custody;

10 (iii) The hearing shall be conducted in an informal manner and shall
11 be flexible enough to consider evidence, including letters, affidavits,
12 and other material, that would not be admissible in an adversarial
13 criminal trial;

14 (iv) The juvenile shall not be confined, detained, or otherwise
15 significantly deprived of his or her liberty pursuant to the filing of a
16 motion described in this section unless the requirements of subdivision
17 (5) of section 43-251.01 and section 43-260.01 have been met. In all
18 cases when the requirements of subdivision (5) of section 43-251.01 and
19 section 43-260.01 have been met and the juvenile is confined, detained,
20 or otherwise significantly deprived of his or her liberty as a result of
21 his or her alleged violation of probation, supervision, or a court order,
22 the juvenile shall be given a preliminary hearing. If, as a result of
23 such preliminary hearing, probable cause is found to exist, the juvenile
24 shall be entitled to a hearing before the court in accordance with this
25 subsection;

26 (v) If the juvenile is found by the court to have violated the terms
27 of his or her probation or supervision or an order of the court, the
28 court may modify the terms and conditions of the probation, supervision,
29 or other court order, extend the period of probation, supervision, or
30 other court order, or enter any order of disposition that could have been
31 made at the time the original order was entered; and

1 (vi) In cases when the court revokes probation, supervision, or
2 other court order, it shall enter a written statement as to the evidence
3 relied on and the reasons for revocation.

4 (6) Costs incurred on behalf of a juvenile under this section shall
5 be paid as provided in section 43-290.01.

6 (7) When any juvenile is adjudicated to be a juvenile described in
7 subdivision (4) of section 43-247, the juvenile court shall within thirty
8 days of adjudication transmit to the Director of Motor Vehicles an
9 abstract of the court record of adjudication.

10 Sec. 15. Section 43-2404, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 43-2404 The coalition shall make award recommendations to the
13 commission, at least annually, in accordance with the Juvenile Services
14 Act and the federal act for grants made under the Commission Grant
15 Program. Such grants shall be used to assist in the implementation and
16 operation of programs or services identified in the applicable
17 comprehensive juvenile services plan, to include: Programs for local
18 planning and service coordination; screening, assessment, and evaluation;
19 diversion; alternatives to detention; family support services; treatment
20 services; reentry services; excessive absenteeism ~~truancy~~ prevention and
21 intervention programs; and other services documented by data that will
22 positively impact juveniles and families in the juvenile justice system.

23 Sec. 16. Section 43-2404.02, Revised Statutes Cumulative Supplement,
24 2020, is amended to read:

25 43-2404.02 (1) There is created a separate and distinct budgetary
26 program within the commission to be known as the Community-based Juvenile
27 Services Aid Program. Funding acquired from participation in the federal
28 act, state General Funds, and funding acquired from other sources which
29 may be used for purposes consistent with the Juvenile Services Act and
30 the federal act shall be used to aid in the establishment and provision
31 of community-based services for juveniles who come in contact with the

1 juvenile justice system and to reduce the risk for juveniles to come in
2 contact with the juvenile justice system.

3 (2)(a) Ten percent of the annual General Fund appropriation to the
4 Community-based Juvenile Services Aid Program, excluding administrative
5 budget funds, shall be set aside for the development of a common data set
6 and evaluation of the effectiveness of the Community-based Juvenile
7 Services Aid Program. The intent in creating this common data set is to
8 allow for evaluation of the use of the funds and the effectiveness of the
9 programs or outcomes in the Community-based Juvenile Services Aid
10 Program.

11 (b) The common data set shall be developed and maintained by the
12 commission and shall serve as a primary data collection site for any
13 intervention funded by the Community-based Juvenile Services Aid Program
14 designed to serve juveniles and deter involvement in the formal juvenile
15 justice system. The commission shall work with agencies and programs to
16 enhance existing data sets. To ensure that the data set permits
17 evaluation of recidivism and other measures, the commission shall work
18 with the Office of Probation Administration, juvenile diversion programs,
19 law enforcement, the courts, and others to compile data that demonstrates
20 whether a youth has moved deeper into the juvenile justice system. The
21 University of Nebraska at Omaha, Juvenile Justice Institute, shall assist
22 with the development of common definitions, variables, and training
23 required for data collection and reporting into the common data set by
24 juvenile justice programs. The common data set maintained by the
25 commission shall be provided to the University of Nebraska at Omaha,
26 Juvenile Justice Institute, to assess the effectiveness of the Community-
27 based Juvenile Services Aid Program.

28 (c) Providing the commission access to records and information for,
29 as well as the commission granting access to records and information
30 from, the common data set is not a violation of confidentiality
31 provisions under any law, rule, or regulation if done in good faith for

1 purposes of evaluation. Records and documents, regardless of physical
2 form, that are obtained or produced or presented to the commission for
3 the common data set are not public records for purposes of sections
4 84-712 to 84-712.09.

5 (d) The ten percent of the annual General Fund appropriation to the
6 Community-based Juvenile Services Aid Program, excluding administrative
7 budget funds, shall be appropriated as follows: In fiscal year 2015-16,
8 seven percent shall go to the commission for development of the common
9 data set and three percent shall go to the University of Nebraska at
10 Omaha, Juvenile Justice Institute, for evaluation. In fiscal year
11 2016-17, six percent shall go to the commission for development and
12 maintenance of the common data set and four percent shall go to the
13 University of Nebraska at Omaha, Juvenile Justice Institute, for
14 evaluation. Every fiscal year thereafter, beginning in fiscal year
15 2017-18, five percent shall go to the commission for development and
16 maintenance of the common data set and five percent shall go to the
17 University of Nebraska at Omaha, Juvenile Justice Institute, for
18 evaluation.

19 (e) The remaining funds in the annual General Fund appropriation to
20 the Community-based Juvenile Services Aid Program shall be apportioned as
21 aid in accordance with a formula established in rules and regulations
22 adopted and promulgated by the commission. The formula shall be based on
23 the total number of residents per county and federally recognized or
24 state-recognized Indian tribe who are twelve years of age through
25 eighteen years of age and other relevant factors as determined by the
26 commission. The commission may require a local match of up to forty
27 percent from the county, multiple counties, federally recognized or
28 state-recognized Indian tribe or tribes, or any combination of the three
29 which is receiving aid under such program. Any local expenditures for
30 community-based programs for juveniles may be applied toward such match
31 requirement.

1 (3)(a) In distributing funds provided under the Community-based
2 Juvenile Services Aid Program, aid recipients shall prioritize programs
3 and services that will divert juveniles from the juvenile justice system,
4 address issues of excessive absenteeism, reduce the population of
5 juveniles in juvenile detention and secure confinement, and assist in
6 transitioning juveniles from out-of-home placements.

7 (b) Funds received under the Community-based Juvenile Services Aid
8 Program shall be used exclusively to assist the aid recipient in the
9 implementation and operation of programs or the provision of services
10 identified in the aid recipient's comprehensive juvenile services plan,
11 including programs for local planning and service coordination;
12 screening, assessment, and evaluation; diversion; alternatives to
13 detention; family support services; treatment services; excessive
14 absenteeism ~~truancy~~ prevention and intervention programs; pilot projects
15 approved by the commission; payment of transportation costs to and from
16 placements, evaluations, or services; personnel when the personnel are
17 aligned with evidence-based treatment principles, programs, or practices;
18 contracting with other state agencies or private organizations that
19 provide evidence-based treatment or programs; preexisting programs that
20 are aligned with evidence-based practices or best practices; and other
21 services that will positively impact juveniles and families in the
22 juvenile justice system.

23 (c) Funds received under the Community-based Juvenile Services Aid
24 Program may be used one time by an aid recipient:

25 (i) To convert an existing juvenile detention facility or other
26 existing structure for use as an alternative to detention as defined in
27 section 43-245;

28 (ii) To invest in capital construction, including both new
29 construction and renovations, for a facility for use as an alternative to
30 detention; or

31 (iii) For the initial lease of a facility for use as an alternative

1 to detention.

2 (d) Funds received under the Community-based Juvenile Services Aid
3 Program shall not be used for the following:

4 (i) Construction of secure detention facilities, secure youth
5 treatment facilities, or secure youth confinement facilities;

6 (ii) Capital construction or the lease or acquisition of facilities
7 beyond the one-time use described in subdivision (3)(c) of this section;

8 (iii) Programs, services, treatments, evaluations, or other
9 preadjudication services that are not based on or grounded in evidence-
10 based practices, principles, and research, except that the commission may
11 approve pilot projects that authorize the use of such aid; or

12 (iv) Office equipment, office supplies, or office space.

13 (e) Any aid not distributed to counties under this subsection shall
14 be retained by the commission to be distributed on a competitive basis
15 under the Community-based Juvenile Services Aid Program for a county,
16 multiple counties, federally recognized or state-recognized Indian tribe
17 or tribes, or any combination of the three demonstrating additional need
18 in the funding areas identified in this subsection.

19 (f) If a county, multiple counties, or a federally recognized or
20 state-recognized Indian tribe or tribes is denied aid under this section
21 or receives no aid under this section, the entity may request an appeal
22 pursuant to the appeal process in rules and regulations adopted and
23 promulgated by the commission. The commission shall establish appeal and
24 hearing procedures by December 15, 2014. The commission shall make appeal
25 and hearing procedures available on its web site.

26 (4)(a) Any recipient of aid under the Community-based Juvenile
27 Services Aid Program shall electronically file an annual report as
28 required by rules and regulations adopted and promulgated by the
29 commission. Any program funded through the Community-based Juvenile
30 Services Aid Program that served juveniles shall report data on the
31 individual youth served. Any program that is not directly serving youth

1 shall include program-level data. In either case, data collected shall
2 include, but not be limited to, the following: The type of juvenile
3 service, how the service met the goals of the comprehensive juvenile
4 services plan, demographic information on the juveniles served, program
5 outcomes, the total number of juveniles served, and the number of
6 juveniles who completed the program or intervention.

7 (b) Any recipient of aid under the Community-based Juvenile Services
8 Aid Program shall be assisted by the University of Nebraska at Omaha,
9 Juvenile Justice Institute, in reporting in the common data set, as set
10 forth in the rules and regulations adopted and promulgated by the
11 commission. Community-based aid utilization and evaluation data shall be
12 stored and maintained by the commission.

13 (c) Evaluation of the use of funds and the evidence of the
14 effectiveness of the programs shall be completed by the University of
15 Nebraska at Omaha, Juvenile Justice Institute, specifically:

16 (i) The varying rates of recidivism, as defined by rules and
17 regulations adopted and promulgated by the commission, and other measures
18 for juveniles participating in community-based programs; and

19 (ii) Whether juveniles are sent to staff secure or secure juvenile
20 detention after participating in a program funded by the Community-based
21 Juvenile Services Aid Program.

22 (5) The commission shall report annually to the Governor and the
23 Legislature on the distribution and use of funds for aid appropriated
24 under the Community-based Juvenile Services Aid Program. The report shall
25 include, but not be limited to, an aggregate report of the use of the
26 Community-based Juvenile Services Aid Program funds, including the types
27 of juvenile services and programs that were funded, whether any
28 recipients used the funds for a purpose described in subdivision (3)(c)
29 of this section, demographic information on the total number of juveniles
30 served, program success rates, the total number of juveniles sent to
31 secure juvenile detention or residential treatment and secure

1 confinement, and a listing of the expenditures of all counties and
2 federally recognized or state-recognized Indian tribes for detention,
3 residential treatment, and secure confinement. The report submitted to
4 the Legislature shall be submitted electronically.

5 (6) The commission shall adopt and promulgate rules and regulations
6 for the Community-based Juvenile Services Aid Program in consultation
7 with the Director of the Community-based Juvenile Services Aid Program,
8 the Director of Juvenile Diversion Programs, the Office of Probation
9 Administration, the Nebraska Association of County Officials, and the
10 University of Nebraska at Omaha, Juvenile Justice Institute. The rules
11 and regulations shall include, but not be limited to:

12 (a) The required elements of a comprehensive juvenile services plan
13 and planning process;

14 (b) The Community-based Juvenile Services Aid Program formula,
15 review process, match requirements, and fund distribution. The
16 distribution process shall ensure a conflict of interest policy;

17 (c) A distribution process for funds retained under subsection (3)
18 of this section;

19 (d) A plan for evaluating the effectiveness of plans and programs
20 receiving funding;

21 (e) A reporting process for aid recipients;

22 (f) A reporting process for the commission to the Governor and
23 Legislature. The report shall be made electronically to the Governor and
24 the Legislature; and

25 (g) Requirements regarding the use of the common data set.

26 Sec. 17. Section 43-2404.03, Reissue Revised Statutes of Nebraska,
27 is amended to read:

28 43-2404.03 It is the intent of the Legislature to appropriate ten
29 ~~five~~ million dollars to the Community-based Juvenile Services Aid
30 Program.

31 Sec. 18. Section 43-2405, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 43-2405 (1) An eligible applicant may apply to the coalition for a
3 grant under the Commission Grant Program in a manner and form prescribed
4 by the commission for funds made available from the Commission Grant
5 Program or the federal act. The application shall include a comprehensive
6 juvenile services plan. Grants shall be awarded to eligible applicants at
7 least annually within the limits of available funds until programs are
8 available statewide.

9 (2) Eligible applicants may give consideration to contracting with
10 ~~private nonprofit~~ agencies for the provision of programs.

11 Sec. 19. Section 43-3504, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 43-3504 (1) Each county shall develop a county juvenile services
14 plan by January 1, 2003. Two or more counties may establish a multicounty
15 juvenile services plan. Such plan should include input from individuals
16 comprising a local juvenile justice advisory committee as provided for in
17 subdivision (1) of section 43-3505 or a similar committee or group of
18 individuals. The plan shall be submitted to the Nebraska Commission on
19 Law Enforcement and Criminal Justice and shall include:

20 (a) Identification of the risk factors for delinquency that exist in
21 the county or counties and service needs;

22 (b) Identification of juvenile services available within the county
23 or counties, including, but not limited to, programs for assessment and
24 evaluation, the prevention of delinquent behavior, diversion, detention,
25 shelter care, intensive juvenile probation services, restitution, family
26 support services, and community centers for the care and treatment of
27 juveniles in need of services;

28 (c) Identification of juvenile services within close proximity of
29 the county or counties that may be utilized if community-based programs
30 are not available within the county or counties;

31 (d) Identification of the programs, services, facilities, and

1 providers the county primarily uses for juvenile detention or
2 alternatives to detention, including the costs associated with the use of
3 such programs, services, facilities, and providers; and

4 (e) A coordination plan and an enhancement, development, and
5 expansion plan of community services within the county, counties, or
6 region to help prevent delinquency by providing intervention services
7 when behavior that leads to delinquency is first exhibited. Examples of
8 intervention services include, but are not limited to, alternative
9 schools, ~~school truancy programs to combat excessive absenteeism,~~
10 volunteer programs, family preservation and counseling, drug and alcohol
11 counseling, diversion programs, and Parents Anonymous.

12 (2) Following or in conjunction with the development of a county
13 juvenile services plan, each county may develop regional service plans
14 and establish regional juvenile services boards when appropriate. The
15 regional service plan shall be submitted to the Nebraska Commission on
16 Law Enforcement and Criminal Justice.

17 (3) Plans developed under this section shall be updated no less than
18 every five years after the date the plan is submitted to the commission.

19 Sec. 20. Section 79-201, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 79-201 (1) For purposes of this section, a child is of mandatory
22 attendance age if the child (a) will reach six years of age prior to
23 January 1 of the then-current school year and (b) has not reached
24 eighteen years of age.

25 (2) Except as provided in subsection (3) of this section, every
26 person residing in a school district within the State of Nebraska who has
27 legal or actual charge or control of any child who is of mandatory
28 attendance age or is enrolled in a public school shall cause such child
29 to enroll in, if such child is not enrolled, and attend regularly a
30 public, private, denominational, or parochial day school which meets the
31 requirements for legal operation prescribed in Chapter 79, or a school

1 which elects pursuant to section 79-1601 not to meet accreditation or
2 approval requirements, each day that such school is open and in session,
3 except when excused by school authorities or when illness or severe
4 weather conditions make attendance impossible or impracticable.

5 (3) Subsection (2) of this section does not apply in the case of any
6 child who:

7 (a) Has obtained a high school diploma by meeting the graduation
8 requirements established in section 79-729;

9 (b) Has completed the program of instruction offered by a school
10 which elects pursuant to section 79-1601 not to meet accreditation or
11 approval requirements;

12 (c) Has reached sixteen years of age and has been withdrawn from
13 school pursuant to section 79-202;

14 (d)(i) Will reach six years of age prior to January 1 of the then-
15 current school year, but will not reach seven years of age prior to
16 January 1 of such school year, (ii) such child's parent or guardian has
17 signed an affidavit stating that the child is participating in an
18 education program that the parent or guardian believes will prepare the
19 child to enter grade one for the following school year, and (iii) such
20 affidavit has been filed by the parent or guardian with the school
21 district in which the child resides;

22 (e)(i) Will reach six years of age prior to January 1 of the then-
23 current school year but has not reached seven years of age, (ii) such
24 child's parent or guardian has signed an affidavit stating that the
25 parent or guardian intends for the child to participate in a school which
26 has elected or will elect pursuant to section 79-1601 not to meet
27 accreditation or approval requirements and the parent or guardian intends
28 to provide the Commissioner of Education with a statement pursuant to
29 subsection (3) of section 79-1601 on or before the child's seventh
30 birthday, and (iii) such affidavit has been filed by the parent or
31 guardian with the school district in which the child resides; or

1 (f) Will not reach six years of age prior to January 1 of the then-
2 current school year and such child was enrolled in a public school and
3 has discontinued the enrollment according to the policy of the school
4 board adopted pursuant to subsection (4) of this section.

5 (4) The board shall adopt policies allowing discontinuation of the
6 enrollment of students who will not reach six years of age prior to
7 January 1 of the then-current school year and specifying the procedures
8 therefor.

9 (5) Each school district that is a member of a learning community
10 shall report to the learning community coordinating council on or before
11 September 1 of each year for the immediately preceding school year the
12 following information:

13 (a) All reports of violations of this section made to the attendance
14 officer of any school in the district pursuant to section 79-209;

15 (b) The results of all investigations conducted pursuant to section
16 79-209, including the attendance record that is the subject of the
17 investigation and a list of services rendered in the case;

18 (c) The district's policy on excessive absenteeism; and

19 (d) Records of all notices served and reports filed pursuant to
20 section 79-209 and the district's policy on excessive absenteeism
21 ~~habitual truancy~~.

22 Sec. 21. Section 79-207, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 79-207 Whenever any child enters or withdraws from any school after
25 the third day in which school is in session, the teacher shall transmit
26 at once the name of such child to the superintendent as specified in
27 section 79-206 and the superintendent shall use such information in
28 whatever way he or she deems necessary for the purpose of enforcing
29 section 79-201. At the end of each week each teacher shall report all
30 absences and the cause of absence to the proper superintendent. At the
31 close of each period each teacher shall transmit to the superintendent a

1 report showing (1) the name, age, and address of each child enrolled, (2)
2 the number of half days each child was absent, (3) the number enrolled
3 and the number attending on the last day of the period, and (4) the
4 average daily attendance for the period. The provisions of this section
5 requiring reports from each teacher shall not apply to individual
6 teachers in schools employing more than one teacher but shall in such
7 case apply to the head teacher, principal, or superintendent who shall
8 obtain the required information from the teachers under his or her
9 supervision or control. All reports and lists required in this section
10 shall be in the manner and form ~~upon blanks~~ prescribed by the
11 Commissioner State Department of Education.

12 Sec. 22. Section 79-209, Revised Statutes Cumulative Supplement,
13 2020, is amended to read:

14 79-209 (1) In all school districts in this state, any
15 superintendent, principal, teacher, or member of the school board who
16 knows of any violation of subsection (2) of section 79-201 shall within
17 three days report such violation to the attendance officer of the school,
18 who shall immediately investigate the case. When of his or her personal
19 knowledge or by report or complaint from any resident of the district,
20 the attendance officer believes that there is a violation of subsection
21 (2) of section 79-201, the attendance officer shall immediately
22 investigate such alleged violation.

23 (2) All school boards shall have a written policy on attendance
24 developed and annually reviewed in collaboration with the county attorney
25 of the county in which the principal office of the school district is
26 located. The policy shall include a provision indicating how the school
27 district will handle cases in which excessive absences are due to
28 illness. The policy shall also state the circumstances and number of
29 absences or the hourly equivalent upon which the school shall render all
30 services to address barriers to attendance. Such services shall include,
31 but not be limited to:

1 (a) Verbal or written communication by school officials with the
2 person or persons who have legal or actual charge or control of any
3 child; and

4 (b) One or more meetings between, at a minimum, a school attendance
5 officer, a school social worker, or a school administrator or his or her
6 designee, the person who has legal or actual charge or control of the
7 child, and the child, when appropriate, to attempt to address the
8 barriers to attendance. The result of the meeting or meetings shall be to
9 develop a collaborative plan to reduce barriers identified to improve
10 regular attendance. The plan shall consider, but not be limited to:

- 11 (i) The physical, mental, or behavioral health of the child;
- 12 (ii) Educational counseling;
- 13 (iii) Educational evaluation;
- 14 (iv) Referral to community agencies for economic services;
- 15 (v) Family or individual counseling;
- 16 (vi) Assisting the family in working with other community services;

17 and

- 18 (vii) Referral to restorative justice practices or services.

19 (3) The school may report to the county attorney of the county in
20 which the person resides when the school has documented the efforts it
21 has made as required by subsection (2) of this section that the
22 collaborative plan to reduce barriers identified to improve regular
23 attendance has not been successful and that the child has been absent
24 more than twenty days during the current school ~~per~~ year. The school
25 shall notify the child's family in writing prior to referring the child
26 to the county attorney. Failure by the school to document the efforts
27 required by subsection (2) of this section is a defense to prosecution
28 under section 79-201 and adjudication for educational neglect under
29 subdivision (3)(a) of section 43-247 ~~and habitual truancy under~~
30 ~~subdivision (3)(b) of section 43-247.~~ Illness that makes attendance
31 impossible or impracticable shall not be the basis for referral to the

1 county attorney.

2 (4) Nothing in this section shall preclude a county attorney from
3 being involved at any stage in the process to address violations of
4 section 79-201 excessive absenteeism.

5 Sec. 23. Section 79-210, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 79-210 (1) Any person violating the provisions of section sections
8 79-201 to 79-209 shall be guilty of a Class III misdemeanor.

9 (2) The State Board of Education may adopt and promulgate rules and
10 regulations to carry out the provisions of sections 79-201 to 79-210.

11 Sec. 24. Section 79-267, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 79-267 The following student conduct shall constitute grounds for
14 long-term suspension, expulsion, or mandatory reassignment, subject to
15 the procedural provisions of the Student Discipline Act, when such
16 activity occurs on school grounds, in a vehicle owned, leased, or
17 contracted by a school being used for a school purpose or in a vehicle
18 being driven for a school purpose by a school employee or by his or her
19 designee, or at a school-sponsored activity or athletic event:

20 (1) Use of violence, force, coercion, threat, intimidation, or
21 similar conduct in a manner that constitutes a substantial interference
22 with school purposes;

23 (2) Willfully causing or attempting to cause substantial damage to
24 property, stealing or attempting to steal property of substantial value,
25 or repeated damage or theft involving property;

26 (3) Causing or attempting to cause personal injury to a school
27 employee, to a school volunteer, or to any student. Personal injury
28 caused by accident, self-defense, or other action undertaken on the
29 reasonable belief that it was necessary to protect some other person
30 shall not constitute a violation of this subdivision;

31 (4) Threatening or intimidating any student for the purpose of or

1 with the intent of obtaining money or anything of value from such
2 student;

3 (5) Knowingly possessing, handling, or transmitting any object or
4 material that is ordinarily or generally considered a weapon;

5 (6) Engaging in the unlawful possession, selling, dispensing, or use
6 of a controlled substance or an imitation controlled substance, as
7 defined in section 28-401, a substance represented to be a controlled
8 substance, or alcoholic liquor as defined in section 53-103.02 or being
9 under the influence of a controlled substance or alcoholic liquor;

10 (7) Public indecency as defined in section 28-806, except that this
11 subdivision shall apply only to students at least twelve years of age but
12 less than nineteen years of age;

13 (8) Engaging in bullying as defined in section 79-2,137;

14 (9) Sexually assaulting or attempting to sexually assault any person
15 if a complaint has been filed by a prosecutor in a court of competent
16 jurisdiction alleging that the student has sexually assaulted or
17 attempted to sexually assault any person, including sexual assaults or
18 attempted sexual assaults which occur off school grounds not at a school
19 function, activity, or event. For purposes of this subdivision, sexual
20 assault means sexual assault in the first degree as defined in section
21 28-319, sexual assault in the second degree as defined in section 28-320,
22 sexual assault of a child in the second or third degree as defined in
23 section 28-320.01, or sexual assault of a child in the first degree as
24 defined in section 28-319.01, as such sections now provide or may
25 hereafter from time to time be amended;

26 (10) Engaging in any other activity forbidden by the laws of the
27 State of Nebraska which activity constitutes a danger to other students
28 or interferes with school purposes; or

29 (11) A repeated violation of any rules and standards validly
30 established pursuant to section 79-262 if such violations constitute a
31 substantial interference with school purposes.

1 It is the intent of the Legislature that alternatives to suspension
2 or expulsion be imposed against a student who is excessively absent from
3 or truant, tardy to , ~~or otherwise absent from~~ required school
4 activities.

5 Sec. 25. Section 79-1601, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 79-1601 (1) Except as provided in subsections (2) through (6) of
8 this section, all private, denominational, and parochial schools in the
9 State of Nebraska and all teachers employed or giving instruction in such
10 schools shall be subject to and governed by the provisions of the general
11 school laws of the state so far as the same apply to grades,
12 qualifications, and certification of teachers and promotion of students.
13 All private, denominational, and parochial schools shall have adequate
14 equipment and supplies, shall be graded the same, and shall have courses
15 of study for each grade conducted in such schools substantially the same
16 as those given in the public schools which the students would attend in
17 the absence of such private, denominational, or parochial schools.

18 (2) All private, denominational, or parochial schools shall either
19 comply with the accreditation or approval requirements prescribed in
20 section 79-318 or, for those schools which elect not to meet
21 accreditation or approval requirements, the requirements prescribed in
22 section 79-318 and subsections (2) through (6) of this section. Standards
23 and procedures for approval and accreditation shall be based upon the
24 program of studies, guidance services, the number and preparation of
25 teachers in relation to the curriculum and enrollment, instructional
26 materials and equipment, science facilities and equipment, library
27 facilities and materials, and health and safety factors in buildings and
28 grounds. Rules and regulations which govern standards and procedures for
29 private, denominational, and parochial schools which elect, pursuant to
30 the procedures prescribed in subsections (2) through (6) of this section,
31 not to meet state accreditation or approval requirements shall be based

1 upon evidence that such schools offer a program of instruction leading to
2 the acquisition of basic skills in the language arts, mathematics,
3 science, social studies, and health. Such rules and regulations may
4 include a provision for the visitation of such schools and regular
5 achievement testing of students attending such schools in order to insure
6 that such schools are offering instruction in the basic skills listed in
7 this subsection. Any arrangements for visitation or testing shall be made
8 through a parent representative of each such school. The results of such
9 testing may be used as evidence that such schools are offering
10 instruction in such basic skills but shall not be used to measure,
11 compare, or evaluate the competency of students at such schools.

12 (3) The provisions of subsections (3) through (6) of this section
13 shall apply to any private, denominational, or parochial school in the
14 State of Nebraska which elects not to meet state accreditation or
15 approval requirements. Elections pursuant to such subsections shall be
16 effective when a statement is received by the Commissioner of Education
17 signed by the parents or legal guardians of all students attending such
18 private, denominational, or parochial school, stating that (a) either
19 specifically (i) the requirements for approval and accreditation required
20 by law and the rules and regulations adopted and promulgated by the State
21 Board of Education violate sincerely held religious beliefs of the
22 parents or legal guardians or (ii) the requirements for approval and
23 accreditation required by law and the rules and regulations adopted and
24 promulgated by the State Board of Education interfere with the decisions
25 of the parents or legal guardians in directing the student's education,
26 (b) an authorized representative of such parents or legal guardians will
27 at least annually submit to the Commissioner of Education the information
28 necessary to prove that the requirements of subdivisions (4)(a) through
29 (c) of this section are satisfied, (c) the school offers the courses of
30 instruction required by subsections (2), (3), and (4) of this section,
31 and (d) the parents or legal guardians have satisfied themselves that

1 individuals monitoring instruction at such school are qualified to
2 monitor instruction in the basic skills as required by subsections (2),
3 (3), and (4) of this section and that such individuals have demonstrated
4 an alternative competency to monitor instruction or supervise students
5 pursuant to subsections (3) through (6) of this section.

6 (4) Each such private, denominational, or parochial school shall (a)
7 meet minimum requirements relating to health, fire, and safety standards
8 prescribed by state law and the rules and regulations of the State Fire
9 Marshal, (b) report attendance pursuant to section 79-201, (c) maintain a
10 sequential program of instruction designed to lead to basic skills in the
11 language arts, mathematics, science, social studies, and health, and (d)
12 comply with the immunization requirements in section 79-217 if the
13 statement signed by the parents or legal guardians indicate a
14 nonreligious reason pursuant to subdivision (3)(a)(ii) of this section
15 for the student attending a private, denominational, or parochial school
16 which elects not to meet state accreditation or approval requirements.
17 The State Board of Education shall establish procedures for receiving
18 information and reports required by subsections (3) through (6) of this
19 section from authorized parent representatives who may act as agents for
20 parents or legal guardians of students attending such school and for
21 individuals monitoring instruction in the basic skills required by
22 subsections (2), (3), and (4) of this section.

23 (5) Individuals employed or utilized by schools which elect not to
24 meet state accreditation or approval requirements shall not be required
25 to meet the certification requirements prescribed in sections 79-801 to
26 79-815 but shall either (a) take appropriate subject matter components of
27 a nationally recognized teacher competency examination designated by the
28 State Board of Education as (i) including the appropriate subject matter
29 areas for purposes of satisfying the requirements of subsections (3) and
30 (4) of this section and (ii) a nationally recognized examination or (b)
31 offer evidence of competence to provide instruction in the basic skills

1 required by subsections (3) and (4) of this section pursuant to informal
2 methods of evaluation which shall be developed by the State Board of
3 Education. Such evidence may include educational transcripts, diplomas,
4 and other information regarding the formal educational background of such
5 individuals. Information concerning test results, transcripts, diplomas,
6 and other evidence of formal education may be transmitted to the State
7 Department of Education by authorized representatives of parents or legal
8 guardians. The results of such testing or alternative evaluation of
9 individuals who monitor the instruction of students attending such
10 schools may be used as evidence of whether or not such schools are
11 offering adequate instruction in the basic skills prescribed in
12 subsections (2), (3), and (4) of this section but shall not be used to
13 prohibit any such school from employing such individuals. Failure of a
14 monitor, who is tested for the purpose of satisfying in whole or in part
15 the requirements of subsections (3) through (6) of this section, to
16 attain a score equal to or exceeding both the state or national average
17 score or rating on appropriate subject matter components of recognized
18 teacher competency examinations designated by the State Board of
19 Education may be by itself sufficient proof that such school does not
20 offer adequate instruction in the basic skills prescribed in subsections
21 (3) and (4) of this section.

22 (6) The demonstration of competency to monitor instruction in a
23 private, denominational, or parochial school which has elected not to
24 meet state accreditation or approval requirements shall in no way
25 constitute or be construed to grant a license, permit, or certificate to
26 teach in the State of Nebraska. Any school which elects not to meet state
27 accreditation or approval requirements and does not meet the requirements
28 of subsections (2) through (6) of this section shall not be deemed a
29 school for purposes of section 79-201, and the parents or legal guardians
30 of any students attending such school shall be subject to prosecution
31 pursuant to such section or any statutes relating to excessive

1 ~~absenteeism habitual truancy.~~

2 Sec. 26. Section 79-2114, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 79-2114 (1) Programs offered by an elementary learning center may be
5 accessed by any elementary-age child who resides in the learning
6 community or any family with an elementary-age child who resides in the
7 learning community. Services to be provided by the elementary learning
8 center shall comply with all applicable state regulations for such
9 services, including, but not limited to, regulations requiring
10 certification of teachers, safety provisions, and compliance with state
11 standards. Such programs shall be designed to enhance the academic
12 success of elementary students and may include, but are not limited to:

13 (a) Summer school, extended-school-day programs, and extended-
14 school-year programs which may be coordinated with programs offered in
15 the schools;

16 (b) Literacy centers for providing intensive assistance to
17 elementary-age children and their parents to work on reading skills
18 outside of the school day;

19 (c) Computer labs;

20 (d) Tutors for elementary students;

21 (e) Mentors for elementary students;

22 (f) Services for transient students;

23 (g) Attendance advocates to assist in resolving issues that
24 contribute to excessive absenteeism ~~truancy~~;

25 (h) Transportation for ~~truant~~ students who would otherwise be absent
26 from a school that is open and in session;

27 (i) English classes for parents and other family members;

28 (j) Health services;

29 (k) Mental health services;

30 (l) Child care for children of parents working on their own literacy
31 skills or working with their children on academic skills at the center;

1 (m) Nutritional services for families working on skills at the
2 center;

3 (n) Transportation for participating families;

4 (o) Distribution of clothing and school supplies;

5 (p) Information on other resources to assist participating families;

6 and

7 (q) Interpreter services for educational needs.

8 (2) Each elementary learning center shall report the participation
9 of elementary students in academic programs offered by or in
10 collaboration with the center to the elementary schools attended by such
11 students.

12 Sec. 27. Section 79-2506, Revised Statutes Cumulative Supplement,
13 2020, is amended to read:

14 79-2506 (1) The department shall establish an application process
15 and timeline pursuant to which partner organizations may submit proposals
16 for a grant under the Expanded Learning Opportunity Grant Program. Each
17 proposal shall include:

18 (a) A grant planning period;

19 (b) An agreement to participate in periodic evaluations of the
20 expanded learning opportunity program, to be specified by the department;

21 (c) Evidence that the proposed expanded learning opportunity program
22 will be coordinated or contracted with existing programs;

23 (d) A plan to coordinate and use a combination of local, state,
24 philanthropic, and federal funding sources, including, but not limited
25 to, funding available through the federal No Child Left Behind Act of
26 2001, 20 U.S.C. 6301 et seq., as such act and sections existed on January
27 1, 2015, funds allocated pursuant to section 9-812, and funds from any
28 other source designated or appropriated for purposes of the program.
29 Funding provided by the Expanded Learning Opportunity Grant Program shall
30 be matched on a one-to-one basis by community or partner contributions;

31 (e) A plan to use sliding-fee scales and the funding sources

1 included in subdivision (d) of this subsection;

2 (f) An advisory body which includes families and community members;

3 (g) Appropriately qualified staff;

4 (h) An appropriate child-to-staff ratio;

5 (i) Compliance with minimum health and safety standards;

6 (j) A strong family development and support component, recognizing
7 the central role of parents in their children's development; and

8 (k) Developmentally and culturally appropriate practices and
9 assessments.

10 (2) The proposal shall demonstrate how the expanded learning
11 opportunity program will provide participating students with academic
12 enrichment and expanded learning opportunities that are high quality,
13 based on proven methods, if appropriate, and designed to complement
14 students' regular academic programs. Such activities shall include two or
15 more of the following:

16 (a) Core education subjects of reading, writing, mathematics, and
17 science;

18 (b) Academic enrichment learning programs, including provision of
19 additional assistance to students to allow the students to improve their
20 academic achievement;

21 (c) Science, technology, engineering, and mathematics (STEM)
22 education;

23 (d) Sign language, foreign language, and social studies instruction;

24 (e) Remedial education activities;

25 (f) Tutoring services, including, but not limited to, tutoring
26 services provided by senior citizen volunteers;

27 (g) Arts and music education;

28 (h) Entrepreneurial education programs;

29 (i) Telecommunications and technology education programs;

30 (j) Programs for English language learners that emphasize language
31 skills and academic achievement;

- 1 (k) Mentoring programs;
- 2 (l) Recreational activities;
- 3 (m) Expanded library service hours;
- 4 (n) Programs that provide assistance to students who have been
- 5 ~~absent truant~~, suspended, or expelled to allow such students to improve
- 6 their academic achievement;
- 7 (o) Drug abuse prevention and violence prevention programs;
- 8 (p) Character education programs;
- 9 (q) Health and nutritional services;
- 10 (r) Behavioral health counseling services; and
- 11 (s) Programs that promote parental involvement and family literacy.

12 (3) A proposal shall: (a) Demonstrate specifically how its

13 activities are expected to improve student academic achievement; (b)

14 demonstrate that its activities will be provided by organizations in

15 partnership with the school that have experience or the promise of

16 success in providing educational and related activities that will

17 complement and enhance the academic performance, achievement, and

18 positive development of the students; and (c) demonstrate that the

19 expanded learning opportunity program aligns with the school district

20 learning objectives and behavioral codes. Nothing in this subsection

21 shall be construed to require an expanded learning opportunity program to

22 provide academic services in specific subject areas.

23 (4) The department shall make an effort to fund expanded learning

24 opportunity programs in both rural and urban areas of the state. The

25 department shall award grants to proposals that offer a broad array of

26 services, programs, and activities.

27 Sec. 28. Original sections 28-709, 43-247, 43-252, 43-260.03,

28 43-260.05, 43-2404, 43-2404.03, 43-2405, 43-3504, 79-201, 79-207, 79-210,

29 79-267, 79-1601, and 79-2114, Reissue Revised Statutes of Nebraska, and

30 sections 25-2912.01, 43-245, 43-247.03, 43-248, 43-251.01, 43-260.04,

31 43-274, 43-276, 43-286, 43-2404.02, 79-209, and 79-2506, Revised Statutes

1 Cumulative Supplement, 2020, are repealed.