

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 507

Introduced by Conrad, 46.

Read first time January 17, 2023

Committee: Judiciary

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, 43-3504,
3 79-201, 79-207, 79-210, 79-267, 79-1601, and 79-2114, Reissue
4 Revised Statutes of Nebraska, and sections 25-2912.01, 43-245,
5 43-247.03, 43-248, 43-251.01, 43-260.04, 43-274, 43-276, 43-286,
6 43-2404.02, 79-209, and 79-2506, Revised Statutes Cumulative
7 Supplement, 2022; 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 related to
10 funding and compulsory education; to transfer a duty; to clarify
11 provisions; to add authority for rules and regulations; to harmonize
12 provisions; and to repeal the original sections.
13 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 25-2912.01, Revised Statutes Cumulative
2 Supplement, 2022, 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 or her parent, guardian,
12 or custodian; (ii) who is habitually absent ~~truant~~ from school or home;
13 or (iii) who departs himself or herself so as to injure or endanger
14 seriously the morals or health of himself, herself, 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 2022, 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 2022, 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 2022, 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 2022, 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 2022, 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;

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

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

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

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

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

20 (4) Be offered to the juvenile when practicable;

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

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

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

30 (6) Result in dismissal of the juvenile petition or criminal charges
31 if the juvenile successfully completes the program or result in a finding

1 of resolution of the excessive absenteeism from home or school;

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

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

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

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

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

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

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

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

20 43-260.05 A juvenile pretrial diversion program may:

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

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

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

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

31 (5) Oversee the payment of victim restitution by diverted juvenile

1 offenders;

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

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

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

12 Sec. 12. Section 43-274, Revised Statutes Cumulative Supplement,
13 2022, is amended to read:

14 43-274 (1) The county attorney or city attorney, having knowledge of
15 a juvenile within his or her jurisdiction who appears to be a juvenile
16 described in subdivision (1), (2), (3)(b), or (4) of section 43-247 or
17 who is excessively absent from school and taking into consideration the
18 criteria in section 43-276, may proceed as provided in this section.

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

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

30 (b) For victim-involved offenses, a restorative justice facilitator
31 shall conduct a separate individual intake and assessment session with

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

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

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

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

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

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

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

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

1 and

2 (v) Any other areas of agreement.

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

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

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

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

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

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

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

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

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

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

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

25 Sec. 13. Section 43-276, Revised Statutes Cumulative Supplement,
26 2022, is amended to read:

27 43-276 (1) The county attorney or city attorney, in making the
28 determination whether to file a criminal charge, file a juvenile court
29 petition, offer juvenile pretrial diversion or restorative justice, or
30 transfer a case to or from juvenile court, and the juvenile court, county
31 court, or district court in making the determination whether to transfer

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

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

30 (3) When the county attorney receives a referral from a school that
31 a juvenile is excessively absent, after a school has made a brief

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

5 Sec. 14. Section 43-286, Revised Statutes Cumulative Supplement,
6 2022, is amended to read:

7 43-286 (1) When any juvenile is adjudicated to be a juvenile
8 described in subdivision (1), (2), or (4) of section 43-247:

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

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

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

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

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

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

1 Office of Juvenile Services; and

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

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

6 (B) All options for community-based services have been exhausted;

7 and

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

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

25 (d) The Office of Juvenile Services shall notify those required to
26 be served by sections 43-262 to 43-267, all interested parties, and the
27 committing court of the pending discharge of a juvenile from the youth
28 rehabilitation and treatment center sixty days prior to discharge and
29 again in every case not less than thirty days prior to discharge. Upon
30 notice of pending discharge by the Office of Juvenile Services, the court
31 shall set a continued disposition hearing in anticipation of reentry. The

1 Office of Juvenile Services shall work in collaboration with the Office
2 of Probation Administration in developing an individualized reentry plan
3 for the juvenile as provided in section 43-425. The Office of Juvenile
4 Services shall provide a copy of the individualized reentry plan to the
5 juvenile, the juvenile's attorney, and the county attorney or city
6 attorney prior to the continued disposition hearing. At the continued
7 disposition hearing, the court shall review and approve or modify the
8 individualized reentry plan, place the juvenile under probation
9 supervision, and enter any other order allowed by law. No hearing is
10 required if all interested parties stipulate to the individualized
11 reentry plan by signed motion. In such a case, the court shall approve
12 the conditions of probation, approve the individualized reentry plan, and
13 place the juvenile under probation supervision; and

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

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

25 (3) When any juvenile is adjudicated to be a juvenile described in
26 subdivision (1), (2), (3)(b), or (4) of section 43-247, the court may
27 order the juvenile to be assessed for referral to participate in a
28 restorative justice program. Factors that the judge may consider for such
29 referral include, but are not limited to: The juvenile's age,
30 intellectual capacity, and living environment; the ages of others who
31 were part of the offense; the age and capacity of the victim; and the

1 nature of the case.

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

6 (5)(a) When a juvenile is placed on probation or under the
7 supervision of the court and it is alleged that the juvenile is again a
8 juvenile described in subdivision (1), (2), (3)(b), or (4) of section
9 43-247, a petition may be filed and the same procedure followed and
10 rights given at a hearing on the original petition. If an adjudication is
11 made that the allegations of the petition are true, the court may make
12 any disposition authorized by this section for such adjudications and the
13 county attorney may file a motion to revoke the juvenile's probation.

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

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

23 (ii) The juvenile shall be entitled to a hearing before the court to
24 determine the validity of the allegations. At such hearing the juvenile
25 shall be entitled to those rights relating to counsel provided by section
26 43-272 and those rights relating to detention provided by sections 43-254
27 to 43-256. The juvenile shall also be entitled to speak and present
28 documents, witnesses, or other evidence on his or her own behalf. He or
29 she may confront persons who have given adverse information concerning
30 the alleged violations, may cross-examine such persons, and may show that
31 he or she did not violate the conditions of his or her probation or

1 supervision or an order of the court or, if he or she did, that
2 mitigating circumstances suggest that the violation does not warrant
3 revocation of probation or supervision or a change of disposition. The
4 hearing shall be held within a reasonable time after the juvenile is
5 taken into custody;

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

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

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

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

31 (6) Costs incurred on behalf of a juvenile under this section shall

1 be paid as provided in section 43-290.01.

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

6 (8) In any dispositional order, the juvenile court may include
7 conditions or requirements necessary to address excessive absenteeism.

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

10 43-2404 The coalition shall make award recommendations to the
11 commission, at least annually, in accordance with the Juvenile Services
12 Act and the federal act for grants made under the Commission Grant
13 Program. Such grants shall be used to assist in the implementation and
14 operation of programs or services identified in the applicable
15 comprehensive juvenile services plan, to include: Programs for local
16 planning and service coordination; screening, assessment, and evaluation;
17 diversion; alternatives to detention; family support services; treatment
18 services; reentry services; excessive absenteeism truancy prevention and
19 intervention programs; and other services documented by data that will
20 positively impact juveniles and families in the juvenile justice system.

21 Sec. 16. Section 43-2404.02, Revised Statutes Cumulative Supplement,
22 2022, is amended to read:

23 43-2404.02 (1) There is created a separate and distinct budgetary
24 program within the commission to be known as the Community-based Juvenile
25 Services Aid Program. Funding acquired from participation in the federal
26 act, state General Funds, and funding acquired from other sources which
27 may be used for purposes consistent with the Juvenile Services Act and
28 the federal act shall be used to aid in the establishment and provision
29 of community-based services for juveniles and families who have had, who
30 are at risk of, or who come in contact with the juvenile justice system,
31 and to reduce the risk for juveniles who come in contact with the

1 juvenile justice system.

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

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

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

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

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

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

1 local expenditures for community-based programs for juveniles may be
2 applied toward such match requirement.

3 (3)(a) In distributing funds provided under the Community-based
4 Juvenile Services Aid Program, aid recipients shall prioritize programs
5 and services that will divert juveniles from the juvenile justice system,
6 address issues of excessive absenteeism, reduce the population of
7 juveniles in juvenile detention and secure confinement, and provide
8 prevention, intervention, and re-entry services to youth and families at
9 risk of, involved in, and transitioning out of the juvenile justice
10 system ~~assist in transitioning juveniles from out-of-home placements.~~

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

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

30 (i) To convert an existing juvenile detention facility or other
31 existing structure for use as an alternative to detention as defined in

1 section 43-245;

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

5 (iii) For the initial lease of a facility for use as an alternative
6 to detention.

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

9 (i) Construction of secure detention facilities, secure youth
10 treatment facilities, or secure youth confinement facilities;

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

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

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

18 (e) Any aid not distributed to counties or tribes under this
19 subsection ~~may shall~~ be retained by the commission to implement pilot
20 projects, program development trainings, or other statewide initiatives
21 for the statewide benefit of counties and Indian tribes. The commission
22 may also award any funds that are unspent, returned, de-obligated, or not
23 distributed under this subsection to any new or existing grant recipient
24 under the Community-based Juvenile Services Aid Program with an exhibited
25 need for additional funds be distributed on a competitive basis under the
26 ~~Community-based Juvenile Services Aid Program for a county, multiple~~
27 ~~counties, federally recognized or state-recognized Indian tribe or~~
28 ~~tribes, or any combination of the three demonstrating additional need in~~
29 ~~the funding areas identified in this subsection.~~

30 (f) If a county, multiple counties, or a federally recognized or
31 state-recognized Indian tribe or tribes is denied aid under this section

1 or receives no aid under this section, the entity may request an appeal
2 pursuant to the appeal process in rules and regulations adopted and
3 promulgated by the commission. The commission shall establish appeal and
4 hearing procedures by December 15, 2014. The commission shall make appeal
5 and hearing procedures available on its website.

6 (4)(a) Any recipient of aid under the Community-based Juvenile
7 Services Aid Program shall electronically file an annual report as
8 required by rules and regulations adopted and promulgated by the
9 commission. Any program funded through the Community-based Juvenile
10 Services Aid Program that served juveniles shall report data on the
11 individual youth served. Any program that is not directly serving youth
12 shall include program-level data. In either case, data collected shall
13 include, but not be limited to, the following: The type of juvenile
14 service, how the service met the goals of the comprehensive juvenile
15 services plan, demographic information on the juveniles served, program
16 outcomes, the total number of juveniles served, and the number of
17 juveniles who completed the program or intervention.

18 (b) Any recipient of aid under the Community-based Juvenile Services
19 Aid Program shall be assisted by the University of Nebraska at Omaha,
20 Juvenile Justice Institute, in reporting in the common data set, as set
21 forth in the rules and regulations adopted and promulgated by the
22 commission. Community-based aid utilization and evaluation data shall be
23 stored and maintained by the commission.

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

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

30 (ii) Whether juveniles are sent to staff secure or secure juvenile
31 detention after participating in a program funded by the Community-based

1 Juvenile Services Aid Program.

2 (5) The commission shall report annually to the Governor and the
3 Legislature on the distribution and use of funds for aid appropriated
4 under the Community-based Juvenile Services Aid Program. The report shall
5 include, but not be limited to, an aggregate report of the use of the
6 Community-based Juvenile Services Aid Program funds, including the types
7 of juvenile services and programs that were funded, whether any
8 recipients used the funds for a purpose described in subdivision (3)(c)
9 of this section, demographic information on the total number of juveniles
10 served, program success rates, the total number of juveniles sent to
11 secure juvenile detention or residential treatment and secure
12 confinement, and a listing of the expenditures of all counties and
13 federally recognized or state-recognized Indian tribes for detention,
14 residential treatment, and secure confinement. The report submitted to
15 the Legislature shall be submitted electronically.

16 (6) The commission shall adopt and promulgate rules and regulations
17 for the Community-based Juvenile Services Aid Program in consultation
18 with the Director of the Community-based Juvenile Services Aid Program,
19 the Director of Juvenile Diversion Programs, the Office of Probation
20 Administration, the Nebraska Association of County Officials, and the
21 University of Nebraska at Omaha, Juvenile Justice Institute. The rules
22 and regulations shall include, but not be limited to:

23 (a) The required elements of a comprehensive juvenile services plan
24 and planning process;

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

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

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

1 (e) A reporting process for aid recipients;

2 (f) A reporting process for the commission to the Governor and
3 Legislature. The report shall be made electronically to the Governor and
4 the Legislature; and

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

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

8 43-2404.03 It is the intent of the Legislature to appropriate five
9 million dollars each fiscal year through fiscal year 2022-23 and eight
10 million five hundred thousand dollars for fiscal year 2023-24 and each
11 fiscal year thereafter to the Community-based Juvenile Services Aid
12 Program.

13 Sec. 18. Section 43-3504, Reissue Revised Statutes of Nebraska, is
14 amended to read:

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

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

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

30 (c) Identification of juvenile services within close proximity of
31 the county or counties that may be utilized if community-based programs

1 are not available within the county or counties;

2 (d) Identification of the programs, services, facilities, and
3 providers the county primarily uses for juvenile detention or
4 alternatives to detention, including the costs associated with the use of
5 such programs, services, facilities, and providers; and

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

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

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

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

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

27 (2)(a) ~~(2)~~ Except as provided in subsection (3) of this section,
28 every person residing in a school district within the State of Nebraska
29 who has legal or actual charge or control of any child who is of
30 mandatory attendance age or is enrolled in a public school shall cause
31 such child to enroll in, if such child is not enrolled, and attend

1 regularly a public, private, denominational, or parochial day school
2 which meets the requirements for legal operation prescribed in Chapter
3 79, or a school which elects pursuant to section 79-1601 not to meet
4 accreditation or approval requirements, each day that such school is open
5 and in session, except when excused by school authorities or when illness
6 or severe weather conditions make attendance impossible or impracticable.

7 (b) A violation of this subsection is a Class III misdemeanor.

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

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

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

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

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

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

1 subsection (3) of section 79-1601 on or before the child's seventh
2 birthday, and (iii) such affidavit has been filed by the parent or
3 guardian with the school district in which the child resides; or

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

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

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

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

18 (b) The results of all investigations conducted pursuant to section
19 79-209, including the attendance record that is the subject of the
20 investigation and a list of services rendered in the case;

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

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

25 Sec. 20. Section 79-207, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 79-207 Whenever any child enters or withdraws from any school after
28 the third day in which school is in session, the teacher shall transmit
29 at once the name of such child to the superintendent as specified in
30 section 79-206 and the superintendent shall use such information in
31 whatever way he or she deems necessary for the purpose of enforcing

1 section 79-201. At the end of each week each teacher shall report all
2 absences and the cause of absence to the proper superintendent. At the
3 close of each period each teacher shall transmit to the superintendent a
4 report showing (1) the name, age, and address of each child enrolled, (2)
5 the number of half days each child was absent, (3) the number enrolled
6 and the number attending on the last day of the period, and (4) the
7 average daily attendance for the period. The provisions of this section
8 requiring reports from each teacher shall not apply to individual
9 teachers in schools employing more than one teacher but shall in such
10 case apply to the head teacher, principal, or superintendent who shall
11 obtain the required information from the teachers under his or her
12 supervision or control. All reports and lists required in this section
13 shall be in the manner and form ~~upon~~ blanks prescribed by the
14 Commissioner State Department of Education.

15 Sec. 21. Section 79-209, Revised Statutes Cumulative Supplement,
16 2022, is amended to read:

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

26 (2) All school boards shall have a written policy on attendance
27 developed and annually reviewed in collaboration with the county attorney
28 of the county in which the principal office of the school district is
29 located. The policy shall include a provision indicating how the school
30 district will handle cases in which excessive absences are due to
31 illness. The policy shall also state the circumstances and number of

1 absences or the hourly equivalent upon which the school shall render all
2 services to address barriers to attendance. Such services shall include,
3 but not be limited to:

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

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

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

20 and

21 (vii) Referral to restorative justice practices or services.

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

1 of section 43-247 ~~and habitual truancy under subdivision (3)(b) of~~
2 ~~section 43-247.~~ Illness that makes attendance impossible or impracticable
3 shall not be the basis for referral to the county attorney.

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

7 Sec. 22. Section 79-210, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 79-210 ~~Any person violating the provisions of sections 79-201 to~~
10 ~~79-209 shall be guilty of a Class III misdemeanor.~~

11 The State Board of Education may adopt and promulgate rules and
12 regulations to carry out the provisions of sections 79-201 to 79-210.

13 Sec. 23. Section 79-267, Reissue Revised Statutes of Nebraska, is
14 amended to read:

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

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

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

28 (3) Causing or attempting to cause personal injury to a school
29 employee, to a school volunteer, or to any student. Personal injury
30 caused by accident, self-defense, or other action undertaken on the
31 reasonable belief that it was necessary to protect some other person

1 shall not constitute a violation of this subdivision;

2 (4) Threatening or intimidating any student for the purpose of or
3 with the intent of obtaining money or anything of value from such
4 student;

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

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

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

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

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

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

31 (11) A repeated violation of any rules and standards validly

1 established pursuant to section 79-262 if such violations constitute a
2 substantial interference with school purposes.

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

7 Sec. 24. Section 79-1601, Reissue Revised Statutes of Nebraska, is
8 amended to read:

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

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

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

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

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

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

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

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

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

1 of any students attending such school shall be subject to prosecution
2 pursuant to such section or any statutes relating to excessive
3 absenteeism ~~habitual truancy~~.

4 Sec. 25. Section 79-2114, Reissue Revised Statutes of Nebraska, is
5 amended to read:

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

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

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

21 (c) Computer labs;

22 (d) Tutors for elementary students;

23 (e) Mentors for elementary students;

24 (f) Services for transient students;

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

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

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

30 (j) Health services;

31 (k) Mental health services;

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

3 (m) Nutritional services for families working on skills at the
4 center;

5 (n) Transportation for participating families;

6 (o) Distribution of clothing and school supplies;

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

8 and

9 (q) Interpreter services for educational needs.

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

14 Sec. 26. Section 79-2506, Revised Statutes Cumulative Supplement,
15 2022, is amended to read:

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

20 (a) A grant planning period;

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

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

25 (d) A plan to coordinate and use a combination of local, state,
26 philanthropic, and federal funding sources, including, but not limited
27 to, funding available through the federal No Child Left Behind Act of
28 2001, 20 U.S.C. 6301 et seq., as such act and sections existed on January
29 1, 2015, funds allocated pursuant to section 9-812, and funds from any
30 other source designated or appropriated for purposes of the program.

31 Funding provided by the Expanded Learning Opportunity Grant Program shall

1 be matched on a one-to-one basis by community or partner contributions;

2 (e) A plan to use sliding-fee scales and the funding sources
3 included in subdivision (d) of this subsection;

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

5 (g) Appropriately qualified staff;

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

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

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

10 (k) Developmentally and culturally appropriate practices and
11 assessments.

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

18 (a) Core education subjects of reading, writing, mathematics, and
19 science;

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

23 (c) Science, technology, engineering, and mathematics (STEM)
24 education;

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

26 (e) Remedial education activities;

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

29 (g) Arts and music education;

30 (h) Entrepreneurial education programs;

31 (i) Telecommunications and technology education programs;

1 (j) Programs for English language learners that emphasize language
2 skills and academic achievement;

3 (k) Mentoring programs;

4 (l) Recreational activities;

5 (m) Expanded library service hours;

6 (n) Programs that provide assistance to students who have been
7 ~~absent truant~~, suspended, or expelled to allow such students to improve
8 their academic achievement;

9 (o) Drug abuse prevention and violence prevention programs;

10 (p) Character education programs;

11 (q) Health and nutritional services;

12 (r) Behavioral health counseling services; and

13 (s) Programs that promote parental involvement and family literacy.

14 (3) A proposal shall: (a) Demonstrate specifically how its
15 activities are expected to improve student academic achievement; (b)
16 demonstrate that its activities will be provided by organizations in
17 partnership with the school that have experience or the promise of
18 success in providing educational and related activities that will
19 complement and enhance the academic performance, achievement, and
20 positive development of the students; and (c) demonstrate that the
21 expanded learning opportunity program aligns with the school district
22 learning objectives and behavioral codes. Nothing in this subsection
23 shall be construed to require an expanded learning opportunity program to
24 provide academic services in specific subject areas.

25 (4) The department shall make an effort to fund expanded learning
26 opportunity programs in both rural and urban areas of the state. The
27 department shall award grants to proposals that offer a broad array of
28 services, programs, and activities.

29 Sec. 27. Original sections 28-709, 43-247, 43-252, 43-260.03,
30 43-260.05, 43-2404, 43-2404.03, 43-3504, 79-201, 79-207, 79-210, 79-267,
31 79-1601, and 79-2114, Reissue Revised Statutes of Nebraska, and sections

1 25-2912.01, 43-245, 43-247.03, 43-248, 43-251.01, 43-260.04, 43-274,
2 43-276, 43-286, 43-2404.02, 79-209, and 79-2506, Revised Statutes
3 Cumulative Supplement, 2022, are repealed.