

E AND R AMENDMENTS TO LB 568

Introduced by McKinney, 11, Chairman Enrollment and Review

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:

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

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

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

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

25 (3) Providing the opportunity to enter into a reparation plan
26 agreement; and

27 (4) Enabling the victim and the individual who caused harm the

1 opportunity to agree on consequences to repair the harm, to the extent
2 possible. This includes, but is not limited to, apologies, community
3 service, reparation, restitution, restoration, and counseling.

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

6 28-709 (1) Any person who, by any act, encourages, causes, or
7 contributes to the delinquency or need for special supervision of a child
8 under eighteen years of age, so that such child becomes, or will tend to
9 become, a delinquent child, or a child in need of special supervision,
10 commits contributing to the delinquency of a child.

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

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

15 (b) A child in need of special supervision shall mean any child
16 under the age of eighteen years (i) who, by reason of being wayward or
17 habitually disobedient, is uncontrolled by the child's ~~his~~ parent,
18 guardian, or custodian; (ii) who is habitually absent ~~truant~~ from school
19 or home; or (iii) who deports himself or herself so as to injure or
20 endanger seriously the morals or health of himself, herself, or others.

21 (3) Contributing to the delinquency of a child is a Class I
22 misdemeanor.

23 Sec. 3. Section 43-245, Revised Statutes Cumulative Supplement,
24 2020, is amended to read:

25 43-245 For purposes of the Nebraska Juvenile Code, unless the
26 context otherwise requires:

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

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

1 (3) Alternative to detention means a program or directive that
2 increases supervision of a youth in the community in an effort to ensure
3 the youth attends court and refrains from committing a new law violation.
4 Alternative to detention includes, but is not limited to, electronic
5 monitoring, day and evening reporting centers, house arrest, tracking,
6 family crisis response, and temporary shelter placement. Except for the
7 use of manually controlled delayed egress of not more than thirty
8 seconds, placements that utilize physical construction or hardware to
9 restrain a youth's freedom of movement and ingress and egress from
10 placement are not considered alternatives to detention;

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

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

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

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

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

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

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

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

30 (12) Juvenile court means the separate juvenile court where it has
31 been established pursuant to sections 43-2,111 to 43-2,127 and the county

1 court sitting as a juvenile court in all other counties. Nothing in the
2 Nebraska Juvenile Code shall be construed to deprive the district courts
3 of their habeas corpus, common-law, or chancery jurisdiction or the
4 county courts and district courts of jurisdiction of domestic relations
5 matters as defined in section 25-2740;

6 (13) Juvenile detention facility has the same meaning as in section
7 83-4,125;

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

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

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

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

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

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

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

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

1 (22) Restorative justice facilitator means a qualified individual
2 who has been trained to facilitate restorative justice practices. A
3 qualified individual shall be approved by the referring county attorney,
4 city attorney, or juvenile or county court judge. Factors for approval
5 may include, but are not limited to, an individual's education and
6 training in restorative justice principles and practices; experience in
7 facilitating restorative justice sessions; understanding of the necessity
8 to do no harm to either the victim or the person who harmed the victim;
9 and proven commitment to ethical practices;

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

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

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

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

31 (27) Traffic offense means any nonfelonious act in violation of a

1 law or ordinance regulating vehicular or pedestrian travel, whether
2 designated a misdemeanor or a traffic infraction; and

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

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

7 43-247 The juvenile court in each county shall have jurisdiction of:

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

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

16 (3) Any juvenile:

17 (a) who ~~who~~ is homeless or destitute, or without proper support
18 through no fault of his or her parent, guardian, or custodian; who is
19 abandoned by his or her parent, guardian, or custodian; who lacks proper
20 parental care by reason of the fault or habits of his or her parent,
21 guardian, or custodian; whose parent, guardian, or custodian neglects or
22 refuses to provide proper or necessary subsistence, education, or other
23 care necessary for the health, morals, or well-being of such juvenile;
24 whose parent, guardian, or custodian is unable to provide or neglects or
25 refuses to provide special care made necessary by the mental condition of
26 the juvenile; who is in a situation or engages in an occupation,
27 including prostitution, dangerous to life or limb or injurious to the
28 health or morals of such juvenile; or who, ~~beginning July 1, 2017,~~ has
29 committed an act or engaged in behavior described in subdivision (1),
30 (2), (3)(b), or (4) of this section and who was under eleven years of age
31 at the time of such act or behavior; ~~;~~

1 ~~(b) Who (b)(i) who, until July 1, 2017, by reason of being wayward~~
2 ~~or habitually disobedient, is uncontrolled by his or her parent,~~
3 ~~guardian, or custodian; who deports himself or herself so as to injure or~~
4 ~~endanger seriously the morals or health of himself, herself, or others;~~
5 ~~or who is habitually truant from home or school or (ii) who, beginning~~
6 ~~July 1, 2017,~~ is eleven years of age or older and, by reason of being
7 wayward or habitually disobedient, is uncontrolled by his or her parent,
8 guardian, or custodian; who deports himself or herself so as to injure or
9 endanger seriously the morals or health of himself, herself, or others;
10 or who is habitually truant from home; ~~or school,~~ or

11 (c) Who ~~who~~ is mentally ill and dangerous as defined in section
12 71-908;

13 (4) Any juvenile who has committed an act which would constitute a
14 traffic offense as defined in section 43-245 and who, ~~beginning July 1,~~
15 ~~2017,~~ was eleven years of age or older at the time the act was committed;

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

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

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

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

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

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

31 (11) The proceedings under the Young Adult Bridge to Independence

1 Act; and

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

6 Notwithstanding the provisions of the Nebraska Juvenile Code, the
7 determination of jurisdiction over any Indian child as defined in section
8 43-1503 shall be subject to the Nebraska Indian Child Welfare Act; and
9 the district court shall have exclusive jurisdiction in proceedings
10 brought pursuant to section 71-510.

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

16 Sec. 5. Section 43-247.03, Revised Statutes Cumulative Supplement,
17 2020, is amended to read:

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

1 25-2914.01.

2 (2) For purposes of this section:

3 (a) Expedited family group conference means an expedited and
4 limited-scope facilitated planning meeting which engages a child's or
5 juvenile's parents, the child or juvenile when appropriate, other
6 critical family members, services providers, and staff members from
7 either the Department of Health and Human Services or the Office of
8 Probation Administration to address immediate placement issues for the
9 child or juvenile;

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

18 (c) Juvenile victim-offender dialogue means a court-connected
19 process in which a facilitator meets with the juvenile offender and the
20 victim in an effort to convene a dialogue in which the offender takes
21 responsibility for his or her actions and the victim is able to address
22 the offender and request an apology and restitution, with the goal of
23 creating an agreed-upon written plan;

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

1 (e) Victim youth conferencing means a process in which a restorative
2 justice facilitator meets with the juvenile and the victim, when
3 appropriate, in an effort to convene a dialogue in which the juvenile
4 takes responsibility for his or her actions and the victim or victim
5 surrogate is able to address the juvenile and create a reparation plan
6 agreement, which may include apologies, restitution, community services,
7 or other agreed-upon means of amends.

8 Sec. 6. Section 43-248, Revised Statutes Cumulative Supplement,
9 2020, is amended to read:

10 43-248 A peace officer may take a juvenile into temporary custody
11 without a warrant or order of the court and proceed as provided in
12 section 43-250 when:

13 (1) A juvenile has violated a state law or municipal ordinance and
14 such juvenile was eleven years of age or older at the time of the
15 violation, and the officer has reasonable grounds to believe such
16 juvenile committed such violation and was eleven years of age or older at
17 the time of the violation;

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

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

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

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

30 (6) The officer has reasonable grounds to believe the juvenile is
31 absent truant from the school in which the juvenile is enrolled, such

1 school is open and in session, and such juvenile has not been excused by
2 school authorities;

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

6 (8) A juvenile has committed an act or engaged in behavior described
7 in subdivision (1), (2), (3)(b), or (4) of section 43-247 and such
8 juvenile was under eleven years of age at the time of such act or
9 behavior, and the officer has reasonable cause to believe such juvenile
10 committed such act or engaged in such behavior and was under eleven years
11 of age at such time.

12 Sec. 7. Section 43-251.01, Revised Statutes Cumulative Supplement,
13 2020, is amended to read:

14 43-251.01 All placements and commitments of juveniles for
15 evaluations or as temporary or final dispositions are subject to the
16 following:

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

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

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

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

30 ~~(5)(a) Before July 1, 2019, a juvenile shall not be detained in~~
31 ~~secure detention or placed at a youth rehabilitation and treatment center~~

1 ~~unless detention or placement of such juvenile is a matter of immediate~~
2 ~~and urgent necessity for the protection of such juvenile or the person or~~
3 ~~property of another or if it appears that such juvenile is likely to flee~~
4 ~~the jurisdiction of the court; and~~

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

6 ~~(5)(a) (i)~~ A juvenile shall not be detained unless the physical
7 safety of persons in the community would be seriously threatened or
8 detention is necessary to secure the presence of the juvenile at the next
9 hearing, as evidenced by a demonstrable record of willful failure to
10 appear at a scheduled court hearing within the last twelve months;

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

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

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

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

17 ~~(iii) (C)~~ To permit more convenient administrative access to such
18 juvenile;

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

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

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

28 (7) A juvenile alleged to be a juvenile as described in subdivision
29 (1), (2), (3)(b), or (4) of section 43-247 shall not be placed out of his
30 or her home as a dispositional order of the court unless:

31 (a) All available community-based resources have been exhausted to

1 assist the juvenile and his or her family; and

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

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

6 43-252 (1) The fingerprints of any juvenile less than fourteen years
7 of age, who has been taken into custody in the investigation of a
8 suspected unlawful act, shall not be taken without a court order ~~unless~~
9 ~~the consent of any district, county, associate county, associate separate~~
10 ~~juvenile court, or separate juvenile court judge has first been obtained.~~

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

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

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

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

26 43-260.03 The goals of a juvenile pretrial diversion program are:

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

31 (2) To reduce recidivism among diverted juvenile offenders and

1 juveniles with excessive absenteeism from home or school;

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

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

6 Sec. 10. Section 43-260.04, Revised Statutes Cumulative Supplement,
7 2020, is amended to read:

8 43-260.04 A juvenile pretrial diversion program shall:

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

12 (a) The juvenile's age;

13 (b) The nature of the offense or extent of excessive absenteeism
14 from home or school and role of the juvenile in the offense or excessive
15 absenteeism;

16 (c) The number and nature of previous offenses involving the
17 juvenile;

18 (d) The dangerousness or threat posed by the juvenile to persons or
19 property; or

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

22 (2) Permit participation by a juvenile only on a voluntary basis and
23 shall include a juvenile diversion agreement described in section
24 43-260.06;

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

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

28 (a) Prior ~~prior~~ to the filing of a juvenile petition or a criminal
29 charge but after the arrest of the juvenile or issuance of a citation to
30 the juvenile if after the arrest or citation a decision has been made by
31 the county attorney or city attorney that the offense will support the

1 filing of a juvenile petition or criminal charges; or

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

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

6 (6) Result in dismissal of the juvenile petition or criminal charges
7 if the juvenile successfully completes the program or result in a finding
8 of resolution of the excessive absenteeism from home or school;

9 (7) Be designed and operated to further the goals stated in section
10 43-260.03 and comply with sections 43-260.04 to 43-260.07;

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

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

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

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

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

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

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

27 43-260.05 A juvenile pretrial diversion program may:

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

30 (2) Establish goals for diverted juvenile offenders and juveniles
31 with excessive absenteeism from school and monitor performance of the

1 goals;

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

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

7 (5) Oversee the payment of victim restitution by diverted juvenile
8 offenders;

9 (6) Assist diverted juvenile offenders and juveniles with excessive
10 absenteeism from school in identifying and contacting appropriate
11 community resources;

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

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

19 Sec. 12. Section 43-274, Revised Statutes Cumulative Supplement,
20 2020, is amended to read:

21 43-274 (1) The county attorney or city attorney, having knowledge of
22 a juvenile within his or her jurisdiction who appears to be a juvenile
23 described in subdivision (1), (2), (3)(b), or (4) of section 43-247 or
24 who is excessively absent from school and taking into consideration the
25 criteria in section 43-276, may proceed as provided in this section.

26 (2) The county attorney or city attorney may offer pretrial
27 diversion to the juvenile in accordance with a juvenile pretrial
28 diversion program established pursuant to sections 43-260.02 to
29 43-260.07.

30 (3)(a) If a juvenile appears to be a juvenile described in
31 subdivision (1), (2), (3)(b), or (4) of section 43-247 or who is

1 excessively absent from school, the county attorney or city attorney may
2 utilize restorative justice practices or services as a form of, or
3 condition of, diversion or plea bargaining or as a recommendation as a
4 condition of disposition, through a referral to a restorative justice
5 facilitator.

6 (b) For victim-involved offenses, a restorative justice facilitator
7 shall conduct a separate individual intake and assessment session with
8 each juvenile and victim to determine which, if any, restorative justice
9 practice is appropriate. All participation by the victim shall be
10 voluntary. If the victim declines to participate in any or all parts of
11 the restorative justice practice, a victim surrogate may be invited to
12 participate with the juvenile. If, after assessment, participation by the
13 juvenile is deemed inappropriate, the restorative justice facilitator
14 shall return the referral to the referring county attorney or city
15 attorney.

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

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

28 (e) If a reparation plan agreement is reached, the restorative
29 justice facilitator shall forward a copy of the agreement to the
30 referring county attorney or city attorney. The terms of the reparation
31 plan agreement shall specify provisions for reparation, monitoring,

1 completion, and reporting. An agreement may include, but is not limited
2 to, one or more of the following:

3 (i) Participation by the juvenile in certain community service
4 programs;

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

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

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

8 and

9 (v) Any other areas of agreement.

10 (f) The restorative justice facilitator shall give notice to the
11 county attorney or city attorney regarding the juvenile's compliance with
12 the terms of the reparation plan agreement. If the juvenile does not
13 satisfactorily complete the terms of the agreement, the county attorney
14 or city attorney may:

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

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

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

22 (i) Not file a juvenile court petition or criminal charge against
23 the juvenile for the acts for which the juvenile was referred for
24 restorative justice practice or services when referred as a diversion or
25 an alternative to diversion; or

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

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

30 (5) When a transfer from juvenile court to county court or district
31 court is authorized because there is concurrent jurisdiction, the county

1 attorney or city attorney may move to transfer the proceedings. Such
2 motion shall be filed with the juvenile court petition unless otherwise
3 permitted for good cause shown. The juvenile court shall schedule a
4 hearing on such motion within fifteen days after the motion is filed. The
5 county attorney or city attorney has the burden by a preponderance of the
6 evidence to show why such proceeding should be transferred. The juvenile
7 shall be represented by counsel at the hearing and may present the
8 evidence as to why the proceeding should be retained. After considering
9 all the evidence and reasons presented by both parties, the juvenile
10 court shall retain the proceeding unless the court determines that a
11 preponderance of the evidence shows that the proceeding should be
12 transferred to the county court or district court. The court shall make a
13 decision on the motion within thirty days after the hearing. The juvenile
14 court shall set forth findings for the reason for its decision.

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

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

1 Sec. 13. Section 43-276, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 43-276 (1) The county attorney or city attorney, in making the
4 determination whether to file a criminal charge, file a juvenile court
5 petition, offer juvenile pretrial diversion or restorative justice, or
6 transfer a case to or from juvenile court, and the juvenile court, county
7 court, or district court in making the determination whether to transfer
8 a case, shall consider: (a) The type of treatment such juvenile would
9 most likely be amenable to; (b) whether there is evidence that the
10 alleged offense included violence; (c) the motivation for the commission
11 of the offense; (d) the age of the juvenile and the ages and
12 circumstances of any others involved in the offense; (e) the previous
13 history of the juvenile, including whether he or she had been convicted
14 of any previous offenses or adjudicated in juvenile court; (f) the best
15 interests of the juvenile; (g) consideration of public safety; (h)
16 consideration of the juvenile's ability to appreciate the nature and
17 seriousness of his or her conduct; (i) whether the best interests of the
18 juvenile and the security of the public may require that the juvenile
19 continue in secure detention or under supervision for a period extending
20 beyond his or her minority and, if so, the available alternatives best
21 suited to this purpose; (j) whether the victim or juvenile agree to
22 participate in restorative justice; (k) whether there is a juvenile
23 pretrial diversion program established pursuant to sections 43-260.02 to
24 43-260.07; (l) whether the juvenile has been convicted of or has
25 acknowledged unauthorized use or possession of a firearm; (m) whether a
26 juvenile court order has been issued for the juvenile pursuant to section
27 43-2,106.03; (n) whether the juvenile is a criminal street gang member;
28 and (o) such other matters as the parties deem relevant to aid in the
29 decision.

30 (2) Prior to filing a petition alleging that a juvenile is a
31 juvenile as described in subdivision (3)(b) of section 43-247, the county

1 attorney shall make reasonable efforts to refer the juvenile and family
2 to community-based resources available to address the juvenile's
3 behaviors, provide crisis intervention, and maintain the juvenile safely
4 in the home. Failure to describe the efforts required by this subsection
5 shall be a defense to adjudication.

6 (3) When the county attorney receives a referral from a school that
7 a juvenile is excessively absent, after a school has made a brief
8 assessment, the county attorney shall work with the school to refer the
9 juvenile and his or her family to community-based resources available to
10 address the juvenile's behaviors, provide crisis intervention, and
11 maintain the juvenile safely in the home.

12 Sec. 14. Section 43-286, Revised Statutes Cumulative Supplement,
13 2020, is amended to read:

14 43-286 (1) When any juvenile is adjudicated to be a juvenile
15 described in subdivision (1), (2), or (4) of section 43-247, the court
16 may enter dispositional orders to address the risks and needs of a
17 juvenile to effectuate the goals of the juvenile court set forth in
18 section 43-246, including, but not limited to, excessive absenteeism and:

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

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

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

31 (b) When it is alleged that the juvenile has exhausted all levels of

1 probation supervision and options for community-based services and
2 section 43-251.01 has been satisfied, a motion for commitment to a youth
3 rehabilitation and treatment center may be filed and proceedings held as
4 follows:

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

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

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

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

16 (B) All options for community-based services have been exhausted;
17 and

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

22 (c) After the hearing, the court may, as a condition of an order of
23 intensive supervised probation, commit such juvenile to the Office of
24 Juvenile Services for placement at a youth rehabilitation and treatment
25 center operated in compliance with state law. Upon commitment by the
26 court to the Office of Juvenile Services, the court shall immediately
27 notify the Office of Juvenile Services of the commitment. Intensive
28 supervised probation for purposes of this subdivision means that the
29 Office of Juvenile Services shall be responsible for the care and custody
30 of the juvenile until the Office of Juvenile Services discharges the
31 juvenile from commitment to the Office of Juvenile Services. Upon

1 discharge of the juvenile, the court shall hold a review hearing on the
2 conditions of probation and enter any order allowed under subdivision (1)
3 (a) of this section;

4 (d) The Office of Juvenile Services shall notify those required to
5 be served by sections 43-262 to 43-267, all interested parties, and the
6 committing court of the pending discharge of a juvenile from the youth
7 rehabilitation and treatment center sixty days prior to discharge and
8 again in every case not less than thirty days prior to discharge. Upon
9 notice of pending discharge by the Office of Juvenile Services, the court
10 shall set a continued disposition hearing in anticipation of reentry. The
11 Office of Juvenile Services shall work in collaboration with the Office
12 of Probation Administration in developing an individualized reentry plan
13 for the juvenile as provided in section 43-425. The Office of Juvenile
14 Services shall provide a copy of the individualized reentry plan to the
15 juvenile, the juvenile's attorney, and the county attorney or city
16 attorney prior to the continued disposition hearing. At the continued
17 disposition hearing, the court shall review and approve or modify the
18 individualized reentry plan, place the juvenile under probation
19 supervision, and enter any other order allowed by law. No hearing is
20 required if all interested parties stipulate to the individualized
21 reentry plan by signed motion. In such a case, the court shall approve
22 the conditions of probation, approve the individualized reentry plan, and
23 place the juvenile under probation supervision; and

24 (e) The Office of Juvenile Services is responsible for
25 transportation of the juvenile to and from the youth rehabilitation and
26 treatment center. The Office of Juvenile Services may contract for such
27 services. A plan for a juvenile's transport to return to the community
28 shall be a part of the individualized reentry plan. The Office of
29 Juvenile Services may approve family to provide such transport when
30 specified in the individualized reentry plan.

31 (2) When any juvenile is found by the court to be a juvenile

1 described in subdivision (3)(b) of section 43-247, the court may enter
2 such order as it is empowered to enter under subdivision (1)(a) of this
3 section.

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

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

16 (5)(a) When a juvenile is placed on probation or under the
17 supervision of the court and it is alleged that the juvenile is again a
18 juvenile described in subdivision (1), (2), (3)(b), or (4) of section
19 43-247, a petition may be filed and the same procedure followed and
20 rights given at a hearing on the original petition. If an adjudication is
21 made that the allegations of the petition are true, the court may make
22 any disposition authorized by this section for such adjudications and the
23 county attorney may file a motion to revoke the juvenile's probation.

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

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

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

2 (ii) The juvenile shall be entitled to a hearing before the court to
3 determine the validity of the allegations. At such hearing the juvenile
4 shall be entitled to those rights relating to counsel provided by section
5 43-272 and those rights relating to detention provided by sections 43-254
6 to 43-256. The juvenile shall also be entitled to speak and present
7 documents, witnesses, or other evidence on his or her own behalf. He or
8 she may confront persons who have given adverse information concerning
9 the alleged violations, may cross-examine such persons, and may show that
10 he or she did not violate the conditions of his or her probation or
11 supervision or an order of the court or, if he or she did, that
12 mitigating circumstances suggest that the violation does not warrant
13 revocation of probation or supervision or a change of disposition. The
14 hearing shall be held within a reasonable time after the juvenile is
15 taken into custody;

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

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

1 (v) If the juvenile is found by the court to have violated the terms
2 of his or her probation or supervision or an order of the court, the
3 court may modify the terms and conditions of the probation, supervision,
4 or other court order, extend the period of probation, supervision, or
5 other court order, or enter any order of disposition that could have been
6 made at the time the original order was entered; and

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

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

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

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

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

29 Sec. 16. Section 43-2404.02, Revised Statutes Cumulative Supplement,
30 2020, is amended to read:

31 43-2404.02 (1) There is created a separate and distinct budgetary

1 program within the commission to be known as the Community-based Juvenile
2 Services Aid Program. Funding acquired from participation in the federal
3 act, state General Funds, and funding acquired from other sources which
4 may be used for purposes consistent with the Juvenile Services Act and
5 the federal act shall be used to aid in the establishment and provision
6 of community-based services for juveniles and families who have had, who
7 are at risk of, or who come in contact with the juvenile justice system,
8 and to reduce the risk for juveniles to come in contact with the juvenile
9 justice system.

10 (2)(a) Ten percent of the annual General Fund appropriation to the
11 Community-based Juvenile Services Aid Program, excluding administrative
12 budget funds, shall be set aside for the development of a common data set
13 and evaluation of the effectiveness of the Community-based Juvenile
14 Services Aid Program. The intent in creating this common data set is to
15 allow for evaluation of the use of the funds and the effectiveness of the
16 programs or outcomes in the Community-based Juvenile Services Aid
17 Program.

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

1 commission shall be provided to the University of Nebraska at Omaha,
2 Juvenile Justice Institute, to assess the effectiveness of the Community-
3 based Juvenile Services Aid Program.

4 (c) Providing the commission access to records and information for,
5 as well as the commission granting access to records and information
6 from, the common data set is not a violation of confidentiality
7 provisions under any law, rule, or regulation if done in good faith for
8 purposes of evaluation. Records and documents, regardless of physical
9 form, that are obtained or produced or presented to the commission for
10 the common data set are not public records for purposes of sections
11 84-712 to 84-712.09.

12 (d) The ten percent of the annual General Fund appropriation to the
13 Community-based Juvenile Services Aid Program, excluding administrative
14 budget funds, shall be appropriated as follows: In fiscal year 2015-16,
15 seven percent shall go to the commission for development of the common
16 data set and three percent shall go to the University of Nebraska at
17 Omaha, Juvenile Justice Institute, for evaluation. In fiscal year
18 2016-17, six percent shall go to the commission for development and
19 maintenance of the common data set and four percent shall go to the
20 University of Nebraska at Omaha, Juvenile Justice Institute, for
21 evaluation. Every fiscal year thereafter, beginning in fiscal year
22 2017-18, five percent shall go to the commission for development and
23 maintenance of the common data set and five percent shall go to the
24 University of Nebraska at Omaha, Juvenile Justice Institute, for
25 evaluation.

26 (e) The remaining funds in the annual General Fund appropriation to
27 the Community-based Juvenile Services Aid Program shall be apportioned as
28 aid to counties and federally recognized or state recognized Indian
29 tribes in accordance with a formula established in rules and regulations
30 adopted and promulgated by the commission that consider the difference
31 among counties and Indian tribes in population, geography, and the

1 availability of local resources with a goal of distribution across the
2 state. ~~The formula shall be based on the total number of residents per~~
3 ~~county and federally recognized or state-recognized Indian tribe who are~~
4 ~~twelve years of age through eighteen years of age and other relevant~~
5 ~~factors as determined by the commission.~~ The commission may require a
6 local match of up to forty percent from the county, multiple counties,
7 federally recognized or state-recognized Indian tribe or tribes, or any
8 combination of the three which is receiving aid under such program. Any
9 local expenditures for community-based programs for juveniles may be
10 applied toward such match requirement.

11 (3)(a) In distributing funds provided under the Community-based
12 Juvenile Services Aid Program, aid recipients shall prioritize programs
13 and services that will divert juveniles from the juvenile justice system,
14 address issues of excessive absenteeism, reduce the population of
15 juveniles in juvenile detention and secure confinement, and provide
16 prevention, intervention, and re-entry services to youth and families at
17 risk of, involved in, and transitioning out of juvenile justice system
18 involvement ~~assist in transitioning juveniles from out-of-home~~
19 ~~placements.~~

20 (b) Funds received under the Community-based Juvenile Services Aid
21 Program shall be used exclusively to assist the aid recipient in the
22 implementation and operation of programs or the provision of services
23 identified in the aid recipient's comprehensive juvenile services plan,
24 including programs for local planning and service coordination;
25 screening, assessment, and evaluation; juvenile diversion; family
26 diversion; excessive absenteeism diversion; alternatives to detention;
27 family support services; treatment services; excessive absenteeism
28 truancy prevention and intervention programs for all school-aged youth;
29 pilot projects approved by the commission; payment of transportation
30 costs to and from placements, evaluations, or services; personnel when
31 the personnel are aligned with evidence-based treatment principles,

1 programs, or practices; contracting with other state agencies or private
2 organizations that provide evidence-based treatment or programs;
3 preexisting programs that are aligned with evidence-based practices or
4 best practices; and other services that will positively impact juveniles
5 and families in or at risk of entering the juvenile justice system.

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

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

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

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

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

18 (i) Construction of secure detention facilities, secure youth
19 treatment facilities, or secure youth confinement facilities;

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

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

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

27 (e) Any aid not distributed to counties or tribes under this
28 subsection may shall be retained by the commission to implement pilot
29 projects, program development trainings, or other statewide initiatives
30 for the statewide benefit of counties and Indian tribes. The commission
31 may also award any funds that are unspent, returned, de-obligated, or not

1 ~~distributed under this subsection to any new or existing grant recipient~~
2 ~~under the Community-based Juvenile Services Aid Program with an exhibited~~
3 ~~need for additional funds be distributed on a competitive basis under the~~
4 ~~Community-based Juvenile Services Aid Program for a county, multiple~~
5 ~~counties, federally recognized or state-recognized Indian tribe or~~
6 ~~tribes, or any combination of the three demonstrating additional need in~~
7 ~~the funding areas identified in this subsection.~~

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

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

27 (b) Any recipient of aid under the Community-based Juvenile Services
28 Aid Program shall be assisted by the University of Nebraska at Omaha,
29 Juvenile Justice Institute, in reporting in the common data set, as set
30 forth in the rules and regulations adopted and promulgated by the
31 commission. Community-based aid utilization and evaluation data shall be

1 stored and maintained by the commission.

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

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

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

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

25 (6) The commission shall adopt and promulgate rules and regulations
26 for the Community-based Juvenile Services Aid Program in consultation
27 with the Director of the Community-based Juvenile Services Aid Program,
28 the Director of Juvenile Diversion Programs, the Office of Probation
29 Administration, the Nebraska Association of County Officials, and the
30 University of Nebraska at Omaha, Juvenile Justice Institute. The rules
31 and regulations shall include, but not be limited to:

1 (a) The required elements of a comprehensive juvenile services plan
2 and planning process;

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

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

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

10 (e) A reporting process for aid recipients;

11 (f) A reporting process for the commission to the Governor and
12 Legislature. The report shall be made electronically to the Governor and
13 the Legislature; and

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

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

17 43-2404.03 It is the intent of the Legislature to appropriate five
18 million dollars each fiscal year through fiscal year 2022-23 and eight
19 million five hundred thousand dollars for fiscal year 2023-24 and each
20 fiscal year thereafter to the Community-based Juvenile Services Aid
21 Program.

22 Sec. 18. Section 43-2405, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 43-2405 (1) An eligible applicant may apply to the coalition for a
25 grant under the Commission Grant Program in a manner and form prescribed
26 by the commission for funds made available from the Commission Grant
27 Program or the federal act. The application shall include a comprehensive
28 juvenile services plan. Grants shall be awarded to eligible applicants at
29 least annually within the limits of available funds until programs are
30 available statewide.

31 (2) Eligible applicants may give consideration to contracting with

1 ~~private nonprofit~~ agencies for the provision of programs.

2 Sec. 19. Section 43-2409, Revised Statutes Cumulative Supplement,
3 2020, is amended to read:

4 43-2409 (1) The coalition shall review periodically the performance
5 of eligible applicants participating under the Commission Grant Program
6 and the federal act to determine if substantial compliance criteria are
7 being met. The commission shall establish criteria for defining
8 substantial compliance.

9 ~~(2) Grants received by an eligible applicant under the Commission~~
10 ~~Grant Program shall not be used to replace or supplant any funds~~
11 ~~currently being used to support existing programs for juveniles.~~

12 (2) ~~(3)~~ Grants received under the Commission Grant Program shall not
13 be used for capital construction or the lease or acquisition of
14 facilities except as provided in subdivision (3)(c) of section
15 43-2404.02.

16 Sec. 20. Section 43-3504, Reissue Revised Statutes of Nebraska, is
17 amended to read:

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

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

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

1 juveniles in need of services;

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

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

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

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

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

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

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

30 (2) Except as provided in subsection (3) of this section, every
31 person residing in a school district within the State of Nebraska who has

1 legal or actual charge or control of any child who is of mandatory
2 attendance age or is enrolled in a public school shall cause such child
3 to enroll in, if such child is not enrolled, and attend regularly a
4 public, private, denominational, or parochial day school which meets the
5 requirements for legal operation prescribed in Chapter 79, or a school
6 which elects pursuant to section 79-1601 not to meet accreditation or
7 approval requirements, each day that such school is open and in session,
8 except when excused by school authorities or when illness or severe
9 weather conditions make attendance impossible or impracticable.

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

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

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

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

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

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

1 accreditation or approval requirements and the parent or guardian intends
2 to provide the Commissioner of Education with a statement pursuant to
3 subsection (3) of section 79-1601 on or before the child's seventh
4 birthday, and (iii) such affidavit has been filed by the parent or
5 guardian with the school district in which the child resides; or

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

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

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

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

20 (b) The results of all investigations conducted pursuant to section
21 79-209, including the attendance record that is the subject of the
22 investigation and a list of services rendered in the case;

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

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

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

29 79-207 Whenever any child enters or withdraws from any school after
30 the third day in which school is in session, the teacher shall transmit
31 at once the name of such child to the superintendent as specified in

1 section 79-206 and the superintendent shall use such information in
2 whatever way he or she deems necessary for the purpose of enforcing
3 section 79-201. At the end of each week each teacher shall report all
4 absences and the cause of absence to the proper superintendent. At the
5 close of each period each teacher shall transmit to the superintendent a
6 report showing (1) the name, age, and address of each child enrolled, (2)
7 the number of half days each child was absent, (3) the number enrolled
8 and the number attending on the last day of the period, and (4) the
9 average daily attendance for the period. The provisions of this section
10 requiring reports from each teacher shall not apply to individual
11 teachers in schools employing more than one teacher but shall in such
12 case apply to the head teacher, principal, or superintendent who shall
13 obtain the required information from the teachers under his or her
14 supervision or control. All reports and lists required in this section
15 shall be in the manner and form upon—blanks prescribed by the
16 Commissioner State Department of Education.

17 Sec. 23. Section 79-209, Revised Statutes Cumulative Supplement,
18 2020, is amended to read:

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

28 (2) All school boards shall have a written policy on attendance
29 developed and annually reviewed in collaboration with the county attorney
30 of the county in which the principal office of the school district is
31 located. The policy shall include a provision indicating how the school

1 district will handle cases in which excessive absences are due to
2 illness. The policy shall also state the circumstances and number of
3 absences or the hourly equivalent upon which the school shall render all
4 services to address barriers to attendance. Such services shall include,
5 but not be limited to:

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

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

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

22 and

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

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

1 required by subsection (2) of this section is a defense to prosecution
2 under section 79-201 and adjudication for educational neglect under
3 subdivision (3)(a) of section 43-247 ~~and habitual truancy under~~
4 ~~subdivision (3)(b) of section 43-247.~~ Illness that makes attendance
5 impossible or impracticable shall not be the basis for referral to the
6 county attorney.

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

10 Sec. 24. Section 79-210, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 79-210 (1) Any person violating the provisions of section ~~sections~~
13 ~~79-201 to 79-209~~ shall be guilty of a Class III misdemeanor.

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

16 Sec. 25. Section 79-267, Reissue Revised Statutes of Nebraska, is
17 amended to read:

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

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

28 (2) Willfully causing or attempting to cause substantial damage to
29 property, stealing or attempting to steal property of substantial value,
30 or repeated damage or theft involving property;

31 (3) Causing or attempting to cause personal injury to a school

1 employee, to a school volunteer, or to any student. Personal injury
2 caused by accident, self-defense, or other action undertaken on the
3 reasonable belief that it was necessary to protect some other person
4 shall not constitute a violation of this subdivision;

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

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

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

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

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

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

31 (10) Engaging in any other activity forbidden by the laws of the

1 State of Nebraska which activity constitutes a danger to other students
2 or interferes with school purposes; or

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

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

10 Sec. 26. Section 79-1601, Reissue Revised Statutes of Nebraska, is
11 amended to read:

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

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

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

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

1 at least annually submit to the Commissioner of Education the information
2 necessary to prove that the requirements of subdivisions (4)(a) through
3 (c) of this section are satisfied, (c) the school offers the courses of
4 instruction required by subsections (2), (3), and (4) of this section,
5 and (d) the parents or legal guardians have satisfied themselves that
6 individuals monitoring instruction at such school are qualified to
7 monitor instruction in the basic skills as required by subsections (2),
8 (3), and (4) of this section and that such individuals have demonstrated
9 an alternative competency to monitor instruction or supervise students
10 pursuant to subsections (3) through (6) of this section.

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

28 (5) Individuals employed or utilized by schools which elect not to
29 meet state accreditation or approval requirements shall not be required
30 to meet the certification requirements prescribed in sections 79-801 to
31 79-815 but shall either (a) take appropriate subject matter components of

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

27 (6) The demonstration of competency to monitor instruction in a
28 private, denominational, or parochial school which has elected not to
29 meet state accreditation or approval requirements shall in no way
30 constitute or be construed to grant a license, permit, or certificate to
31 teach in the State of Nebraska. Any school which elects not to meet state

1 accreditation or approval requirements and does not meet the requirements
2 of subsections (2) through (6) of this section shall not be deemed a
3 school for purposes of section 79-201, and the parents or legal guardians
4 of any students attending such school shall be subject to prosecution
5 pursuant to such section or any statutes relating to excessive
6 absenteeism ~~habitual truancy~~.

7 Sec. 27. Section 79-2114, Reissue Revised Statutes of Nebraska, is
8 amended to read:

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

18 (a) Summer school, extended-school-day programs, and extended-
19 school-year programs which may be coordinated with programs offered in
20 the schools;

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

24 (c) Computer labs;

25 (d) Tutors for elementary students;

26 (e) Mentors for elementary students;

27 (f) Services for transient students;

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

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

- 1 (i) English classes for parents and other family members;
- 2 (j) Health services;
- 3 (k) Mental health services;
- 4 (l) Child care for children of parents working on their own literacy
- 5 skills or working with their children on academic skills at the center;
- 6 (m) Nutritional services for families working on skills at the
- 7 center;
- 8 (n) Transportation for participating families;
- 9 (o) Distribution of clothing and school supplies;
- 10 (p) Information on other resources to assist participating families;
- 11 and
- 12 (q) Interpreter services for educational needs.

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

17 Sec. 28. Section 79-2506, Revised Statutes Cumulative Supplement,
18 2020, is amended to read:

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

- 23 (a) A grant planning period;
- 24 (b) An agreement to participate in periodic evaluations of the
- 25 expanded learning opportunity program, to be specified by the department;
- 26 (c) Evidence that the proposed expanded learning opportunity program
- 27 will be coordinated or contracted with existing programs;
- 28 (d) A plan to coordinate and use a combination of local, state,
- 29 philanthropic, and federal funding sources, including, but not limited
- 30 to, funding available through the federal No Child Left Behind Act of
- 31 2001, 20 U.S.C. 6301 et seq., as such act and sections existed on January

1 1, 2015, funds allocated pursuant to section 9-812, and funds from any
2 other source designated or appropriated for purposes of the program.
3 Funding provided by the Expanded Learning Opportunity Grant Program shall
4 be matched on a one-to-one basis by community or partner contributions;

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

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

8 (g) Appropriately qualified staff;

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

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

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

13 (k) Developmentally and culturally appropriate practices and
14 assessments.

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

21 (a) Core education subjects of reading, writing, mathematics, and
22 science;

23 (b) Academic enrichment learning programs, including provision of
24 additional assistance to students to allow the students to improve their
25 academic achievement;

26 (c) Science, technology, engineering, and mathematics (STEM)
27 education;

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

29 (e) Remedial education activities;

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

- 1 (g) Arts and music education;
 - 2 (h) Entrepreneurial education programs;
 - 3 (i) Telecommunications and technology education programs;
 - 4 (j) Programs for English language learners that emphasize language
 - 5 skills and academic achievement;
 - 6 (k) Mentoring programs;
 - 7 (l) Recreational activities;
 - 8 (m) Expanded library service hours;
 - 9 (n) Programs that provide assistance to students who have been
 - 10 absent truant, suspended, or expelled to allow such students to improve
 - 11 their academic achievement;
 - 12 (o) Drug abuse prevention and violence prevention programs;
 - 13 (p) Character education programs;
 - 14 (q) Health and nutritional services;
 - 15 (r) Behavioral health counseling services; and
 - 16 (s) Programs that promote parental involvement and family literacy.
- 17 (3) A proposal shall: (a) Demonstrate specifically how its
- 18 activities are expected to improve student academic achievement; (b)
- 19 demonstrate that its activities will be provided by organizations in
- 20 partnership with the school that have experience or the promise of
- 21 success in providing educational and related activities that will
- 22 complement and enhance the academic performance, achievement, and
- 23 positive development of the students; and (c) demonstrate that the
- 24 expanded learning opportunity program aligns with the school district
- 25 learning objectives and behavioral codes. Nothing in this subsection
- 26 shall be construed to require an expanded learning opportunity program to
- 27 provide academic services in specific subject areas.
- 28 (4) The department shall make an effort to fund expanded learning
- 29 opportunity programs in both rural and urban areas of the state. The
- 30 department shall award grants to proposals that offer a broad array of
- 31 services, programs, and activities.

1 Sec. 29. (1) On and after July 1, 2023, there is established within
2 the Nebraska Commission on Law Enforcement and Criminal Justice the
3 position of Director of Absenteeism Prevention and Intervention Programs
4 to be appointed by the executive director of the commission. The Director
5 of Absenteeism Prevention and Intervention Programs shall be supervised
6 by the Director of the Community-based Juvenile Services Aid Program.

7 (2) The Director of Absenteeism Prevention and Intervention Programs
8 shall be responsible for developing, fostering, promoting, researching,
9 and assessing new and existing excessive absenteeism prevention and
10 intervention programs in collaboration with cities and counties. The
11 director shall:

12 (a) In collaboration with the State Department of Education, provide
13 technical assistance and guidance to excessive absenteeism prevention and
14 intervention programs, school districts, and county attorneys for
15 implementing evidence-based strategies or standardized, replicable
16 practices that have been researched and have demonstrated positive
17 outcomes;

18 (b) Establish baseline program guidelines based on evidence-based
19 practices, principles, programs, and research; develop data collection
20 and evaluation protocols; oversee statewide data collection; and generate
21 an annual report on excessive absenteeism prevention and intervention
22 programs;

23 (c) Develop relationships and collaborate with juvenile justice
24 stakeholders; provide education and training as necessary; and serve on
25 boards and committees when approved by the commission;

26 (d) Facilitate consistent communication and information-sharing
27 among excessive absenteeism prevention and intervention programs;

28 (e) Assist program directors, county attorneys, school districts,
29 and county boards in developing policies and practices that achieve the
30 goals of quality excessive absenteeism prevention and intervention
31 programs;

1 (f) Assist in comprehensive community planning efforts as they
2 relate to the development of excessive absenteeism prevention and
3 intervention programs;

4 (g) Develop and coordinate a statewide working group as a
5 subcommittee of the Nebraska Coalition for Juvenile Justice to assist in
6 regular strategic planning related to supporting, funding, monitoring,
7 and evaluating the effectiveness of plans and programs receiving funds
8 from the Community-based Juvenile Services Aid Program; and

9 (h) Assist the Director of the Community-based Juvenile Services Aid
10 Program in the review of Community-based Juvenile Services Aid Program
11 applications as provided in section 43-2404.02.

12 Sec. 30. Original sections 28-709, 43-247, 43-252, 43-260.03,
13 43-260.05, 43-2404, 43-2404.03, 43-2405, 43-3504, 79-201, 79-207, 79-210,
14 79-267, 79-1601, and 79-2114, Reissue Revised Statutes of Nebraska, and
15 sections 25-2912.01, 43-245, 43-247.03, 43-248, 43-251.01, 43-260.04,
16 43-274, 43-276, 43-286, 43-2404.02, 43-2409, 79-209, and 79-2506, Revised
17 Statutes Cumulative Supplement, 2020, are repealed.

18 2. On page 1, line 6, after the second comma insert "43-2409,"; in
19 line 8 after "truancy" insert ", excessive absenteeism, fingerprinting,
20 and the juvenile pretrial diversion program"; in line 11 strike beginning
21 with "a" through the second "change"; and strike beginning with
22 "transfer" in line 12 through "regulations" in line 13 and insert "create
23 a position in the Nebraska Commission on Law Enforcement and Criminal
24 Justice; to provide powers and duties".