

LEGISLATURE OF NEBRASKA  
ONE HUNDRED EIGHTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 478**

Introduced by Wayne, 13.

Read first time January 17, 2023

Committee: Education

1 A BILL FOR AN ACT relating to juveniles; to amend section 43-282, Reissue  
2 Revised Statutes of Nebraska, and sections 79-703 and 83-127,  
3 Revised Statutes Cumulative Supplement, 2022; to change provisions  
4 relating to the Nebraska Juvenile Code; to change provisions  
5 relating to education programs in state institutions that house  
6 juveniles; to change and provide a termination date for provisions  
7 relating to the superintendent of institutional schools; to provide  
8 powers and duties to the State Department of Education and the State  
9 Board of Education relating to establishing an educational division  
10 responsible for the education of certain juveniles; to harmonize  
11 provisions; and to repeal the original sections.  
12 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 43-282, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 43-282 (1)(a) If a petition alleging a juvenile to be within the  
4 jurisdiction of the Nebraska Juvenile Code is filed in a county other  
5 than the county where the juvenile is presently living or domiciled, the  
6 court, at any time after adjudication and prior to final termination of  
7 jurisdiction, may transfer the proceedings to the county where the  
8 juvenile lives or is domiciled and the court having juvenile court  
9 jurisdiction therein shall thereafter have sole charge of such  
10 proceedings and full authority to enter any order it could have entered  
11 had the adjudication occurred therein.

12 (b) All documents, social histories, and records, or certified  
13 copies thereof, on file with the court pertaining to the case shall  
14 accompany the transfer.

15 (2) Beginning July 1, 2024, if a juvenile is detained, placed, or  
16 committed outside of the juvenile's home by an order of the juvenile  
17 court or pursuant to any provision of the Nebraska Juvenile Code for more  
18 than twenty-four hours, the court shall immediately notify the  
19 superintendent of the school district created pursuant to section 4 of  
20 this act.

21 Sec. 2. Section 79-703, Revised Statutes Cumulative Supplement,  
22 2022, is amended to read:

23 79-703 (1) To ensure both equality of opportunity and quality of  
24 programs offered, all public schools in the state shall be required to  
25 meet quality and performance-based approval or accreditation standards as  
26 prescribed by the State Board of Education. The board shall establish a  
27 core curriculum standard, which shall include multicultural education and  
28 vocational education courses, for all public schools in the state.  
29 Accreditation and approval standards shall be designed to assure  
30 effective schooling and quality of instructional programs regardless of  
31 school size, wealth, or geographic location. Accreditation standards for

1 school districts that are members of a learning community shall include  
2 participation in the community achievement plan for the learning  
3 community as approved by the board. Until July 1, 2024, accreditation  
4 ~~Accreditation~~ standards for education programs in state institutions  
5 under the supervision of the Department of Health and Human Services that  
6 house juveniles shall include an annual report to the State Board of  
7 Education by the superintendent of institutional schools. The board shall  
8 recognize and encourage the maximum use of cooperative programs and may  
9 provide for approval or accreditation of programs on a cooperative basis,  
10 including the sharing of administrative and instructional staff, between  
11 school districts for the purpose of meeting the approval and  
12 accreditation requirements established pursuant to this section and  
13 section 79-318.

14 (2) The Commissioner of Education shall appoint an accreditation  
15 committee which shall be representative of the educational institutions  
16 and agencies of the state and shall include as a member the director of  
17 admissions of the University of Nebraska.

18 (3) The accreditation committee shall be responsible for: (a)  
19 Recommending appropriate standards and policies with respect to the  
20 accreditation and classification of schools; and (b) making  
21 recommendations annually to the commissioner relative to the  
22 accreditation and classification of individual schools. No school shall  
23 be considered for accreditation status which has not first fulfilled all  
24 requirements for an approved school.

25 (4) All public schools in the state, including, but not limited to,  
26 schools operated by school districts and education programs that serve in  
27 ~~state institutions under the supervision of the Department of Health and~~  
28 ~~Human Services that house juveniles detained, placed, or committed~~  
29 outside of such juveniles' homes by an order of the juvenile court or  
30 pursuant to the Nebraska Juvenile code, shall be accredited.

31 (5) It is the intent of the Legislature that all public school

1 students shall have access to all educational services required of  
2 accredited schools. Such services may be provided through cooperative  
3 programs or alternative methods of delivery.

4 Sec. 3. Section 83-127, Revised Statutes Cumulative Supplement,  
5 2022, is amended to read:

6 83-127 (1) On or before December 1, 2020, the Department of Health  
7 and Human Services shall establish the position of superintendent of  
8 institutional schools to administer the education programs in state  
9 institutions under the supervision of the department that house juveniles  
10 and shall hire an individual meeting the qualifications required under  
11 section 79-801 to fill such position.

12 (2) The superintendent of institutional schools shall report  
13 directly to the chief executive officer of the Department of Health and  
14 Human Services.

15 (3) The superintendent of institutional schools shall report  
16 annually to the State Board of Education as a requirement for  
17 accreditation pursuant to section 79-703 of the education programs in  
18 state institutions under the supervision of the Department of Health and  
19 Human Services that house juveniles.

20 (4) Whenever a vacancy arises in the position of superintendent of  
21 institutional schools, the Department of Health and Human Services shall  
22 expediently hire another individual meeting the qualifications required  
23 under section 79-801 to fill such position.

24 (5) This section terminates on July 1, 2024.

25 Sec. 4. (1) On or before July 1, 2024, the State Department of  
26 Education shall establish an educational division responsible for the  
27 education of juveniles placed, committed, or detained outside of their  
28 homes or otherwise unable to attend school as a result of an order of the  
29 juvenile court or pursuant to the Nebraska Juvenile Code.

30 (2) The division shall function as a school district and the  
31 governing body for the division shall be the State Board of Education.

1 The division may establish schools or education programs or may contract  
2 with other school districts for such services. The State Board of  
3 Education shall establish the position of superintendent to administer  
4 the division and shall hire an individual meeting the qualifications  
5 required under section 79-801 to fill such position.

6 (3) The division shall prioritize keeping each juvenile in such  
7 juvenile's home school district. For a juvenile that is placed out of the  
8 home, but who remains in such juvenile's home school district, such home  
9 school district shall share information with the division for purposes of  
10 identifying additional available resources and preparation for  
11 coordination on providing for future educational needs for the juvenile.

12 Sec. 5. (1) On and after July 1, 2024, the responsibility for  
13 education programs in state institutions under the supervision of the  
14 Department of Health and Human Services that house juveniles shall  
15 transfer to the State Department of Education and the educational  
16 division created pursuant to section 4 of this act.

17 (2) On and after July 1, 2024, whenever the Department of Health and  
18 Human Services is referred to or designated by any contract or other  
19 document in connection with the duties and functions transferred to the  
20 State Department of Education pursuant to this legislative bill, such  
21 reference or designation shall apply to the State Department of  
22 Education. All contracts entered into by the Department of Health and  
23 Human Services prior to July 1, 2024, in connection with the duties and  
24 functions transferred to the State Department of Education are hereby  
25 recognized, with the State Department of Education succeeding to all  
26 rights and obligations under such contracts.

27 (3) On July 1, 2024, all books, documents, and records of the  
28 Department of Health and Human Services pertaining to the duties and  
29 functions transferred to the State Department of Education pursuant to  
30 this legislative bill, shall become the property of the State Department  
31 of Education and the division created pursuant to section 4 of this act.

1           Sec. 6.    Original section 43-282, Reissue Revised Statutes of  
2 Nebraska, and sections 79-703 and 83-127, Revised Statutes Cumulative  
3 Supplement, 2022, are repealed.