

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 478

Introduced by Wayne, 13.

Read first time January 17, 2023

Committee:

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.