

TITLE 75, COMMUNITY-BASED JUVENILE SERVICES AID PROGRAM

CHAPTER 1, DISTRIBUTION OF COMMUNITY-BASED JUVENILE SERVICES
AID

NEBRASKA COMMISSION ON LAW ENFORCEMENT
AND CRIMINAL JUSTICE

Nebraska Administrative Code

Title 75, Nebraska Administrative Code, Chapter 1

Nebraska Commission on Law Enforcement and Criminal Justice
Community-based Juvenile Services Aid Program

Rules and Regulations for
Distribution of Community-based Juvenile Services Aid

TITLE 75

STATE OF NEBRASKA

NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE
COMMUNITY-BASED JUVENILE SERVICES AID PROGRAM

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NEBRASKA ADMINISTRATIVE CODE

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CHAPTER 1 – DISTRIBUTION OF COMMUNITY-BASED JUVENILE SERVICES AID

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TITLE 75 – COMMUNITY-BASED JUVENILE SERVICES AID PROGRAM

CHAPTER 1 – DISTRIBUTION OF COMMUNITY-BASED JUVENILE SERVICES AID

001 PURPOSE AND SCOPE

001.01 PURPOSE: To establish procedures governing the distribution and management of Community-based Juvenile Services Aid funds by the Nebraska Commission on Law Enforcement and Criminal Justice.

001.02 SCOPE: Applicable to individual counties, multiple counties, federally recognized or state recognized Indian tribes requesting and receiving funds distributed by the Commission with the intent to provide community-based services to juveniles under programs aligned with evidence-based practices.

002 REFERENCE: Juvenile Services Act, 43-2401 – 43-2413.

003 DEFINITIONS: The following terms and definitions will be utilized for purposes of this chapter:

003.01 APPLICANT refers to individual counties, multiple counties, federally or state recognized Indian tribes within the State of Nebraska that have applied for Community-based Juvenile Services Aid.

003.02 CASH REPORT is a document prepared by the subgrantee that reports quarterly expenditures and may serve as a request for funds.

003.03 COMMISSION is the Nebraska Commission on Law Enforcement and Criminal Justice.

003.04 COMMISSION FUNDING PANEL is a three-person panel that makes final funding decisions. The Commission Funding Panel shall consist of three Commission members approved by the Commission, and shall include the Chair of the Nebraska Coalition for Juvenile Justice so long as he/she does not have a conflict of interest. The Commission Funding Panel members shall be selected by the Commission annually and will include selection of one alternate member.

003.05 COMMUNITY PLANNING ADVISORY SUBCOMMITTEE is a statewide working group of the Nebraska Coalition for Juvenile Justice State Advisory Group pursuant to Nebraska Revised Statute 43-2404.01 tasked with regular strategic planning related to supporting, funding, monitoring, and evaluating the effectiveness of plans and programs receiving funds from the Community-based Juvenile Services Aid Program.

003.06 COMMUNITY PLANNING RESOURCES refers to the *Juvenile Services Comprehensive Community Planning User Manual* adopted by the Commission, and additional resources and requirements deemed necessary by the Director of the Community-based Juvenile Services Aid Program and Community Planning Advisory Subcommittee. Community planning resources will be posted on the Commission's website and outlined in the Request for Application.

003.07 COMMUNITY PLANNING TEAM is a local community team comprised of members who represent the interests of the county or Indian tribe within the community, and consist of individuals serving the community in the roles listed in the community planning resources, and is formed to oversee the planning and implementation of services developed and provided within each community or region.

003.08 COMMUNITY-BASED JUVENILE SERVICES AID APPORTIONMENT FORMULA is based on the total number of residents per county and federally recognized or state recognized Indian tribe who are twelve years of age through eighteen years of age and other relevant factors as determined by the Commission. The Commission may determine a minimum funding amount for

counties or Indian tribes whose population produces an apportionment below the minimum funding amount.

003.09 COMMUNITY-BASED JUVENILE SERVICES AID PROGRAM provides aid to counties and federally recognized or state recognized Indian tribes as outlined in Nebraska Revised Statute 43-2404.02.

003.10 COMPREHENSIVE JUVENILE SERVICES COMMUNITY PLAN is the document created by the community planning team and approved by their respective county board or tribal council that covers three years of planning for juveniles within the identified community. The comprehensive juvenile services community plan will satisfy the requirements laid out in this chapter and be consistent with instruction found in the community planning resources. Comprehensive juvenile services community plans must be developed every three years, and submitted to the Director of the Community-based Juvenile Services Aid Program for approval. Annual updates are completed with the submission of the application for the Community-based Juvenile Services Aid Program.

003.11 CONFLICT OF INTEREST shall include situations where the individual would be required to take any action or make any decision that may cause financial benefit or detriment to him or her, a member of his or her immediate family, or a business or organization with which he or she is associated, or a community which he or she represents.

003.12 CONTINGENCY is a condition(s) required by the Commission that must be satisfied prior to the awarding of a grant.

003.13 DIRECTOR OF JUVENILE DIVERSION PROGRAMS is the individual appointed by the Executive Director of the Commission who shall perform duties as provided in Nebraska Revised Statute 81-1427.

003.14 DIRECTOR OF THE COMMUNITY-BASED JUVENILE SERVICES AID PROGRAM is the individual appointed by the Executive Director of the Commission who shall perform duties as provided in Nebraska Revised Statute 43-2404.01.

003.15 EVIDENCE-BASED PRACTICE is a program that can demonstrate that it effectively prevents or deters youth from involvement in the juvenile or criminal justice system as outlined in the Request for Application.

003.16 EXECUTIVE DIRECTOR is the individual who is responsible for the supervision of the policies as established by the Commission and has the powers and duties as outlined in Nebraska Revised Statute 81-1425.

003.17 GRANT AWARD PACKET is an agreement between the Commission and the subgrantee that awards funds; specifies terms; sets conditions on the receipt, usage, and documentation of funds; and specifies other conditions deemed necessary by the Director of the Community-based Juvenile Services Aid Program.

003.18 GRANT REVIEW SUBCOMMITTEE is a subcommittee of the Nebraska Coalition for Juvenile Justice State Advisory Group tasked with reviewing grant applications to the Commission, oversight of the grant review process, and reporting to the Nebraska Coalition for Juvenile Justice.

003.19 MEMORANDUM OF UNDERSTANDING is an agreement between two or more counties or Indian tribes that are applying as a regional group that outlines the commitment to combine their Community-based Juvenile Services Aid funds to accomplish the priorities in their comprehensive juvenile services community plan and project(s) in the grant application.

003.20 NEBRASKA COALITION FOR JUVENILE JUSTICE is the State Advisory Group for the state of Nebraska pursuant to the Juvenile Justice and Delinquency Prevention Act; responsible for advising the Commission on the awarding of grants, identifying and sharing juvenile justice issues, and other duties and powers outlined in Nebraska Revised Statute 43-2412.

003.21 REGIONAL GROUP is a group of counties or Indian tribal communities that have agreed to work together to serve juveniles who reside within their boundaries. A memorandum of understanding must be submitted as outlined in the Request for Application if a regional group jointly applies for grant funding.

003.22 REQUEST FOR APPLICATION is the announcement and solicitation of the Community-based Juvenile Services Aid Program that is apportioned as aid by the Commission as outlined in this chapter. The Request for Application includes, but is not limited to program specifications, application procedures, evidence-based practice requirements, and predetermined allocation amounts. The information included in the Request for Application is subject to change contingent upon statutory requirements, agency requirements, evaluation outcomes, and evidence-based practices and principles.

003.23 STAFF REVIEW TEAM is comprised of members from the Community Planning Advisory Subcommittee, staff from the Commission, research experts, and other individuals deemed necessary to review grant applications for compliance with use of funding restrictions as outlined in Nebraska Revised Statute 43.2404.02 and appropriately determine the effectiveness of the program(s) in the grant applications.

003.24 SUBGRANTEE refers to applicants which have accepted the grant award packet for the Community-based Juvenile Services Aid Program.

004 ELIGIBILITY FOR FUNDING: Individual counties, multiple counties, federally recognized or state recognized Indian tribes, or any combination of these entities, within the state of Nebraska, are eligible for funding so long as they have developed, adopted, and submitted to the Commission an approved comprehensive juvenile services community plan and application for funding as outlined in the annual Request for Application. Counties or Indian tribes may apply individually for funds or apply as a regional group. Should a group of counties or Indian tribes apply, one county or Indian tribe must be the lead applicant and provide memorandums of understanding in the funding application between each participant in the regional group.

005 COMPREHENSIVE JUVENILE SERVICES COMMUNITY PLANNING PROCESS: All applicants shall submit a comprehensive juvenile services community plan to the Commission for approval before submitting an application for funds. Each comprehensive juvenile services plan must be developed by a community planning team and submitted in accordance with the Juvenile Services Act, community planning resources, and requirements of this chapter. Comprehensive juvenile services community plans shall:

005.01 Provide relevant county-level data, including but not limited to, types of data listed within the community planning resources that

supports the existence of the problem that the planning team will address;

005.02 Identify clearly defined community priorities of the community planning team, that includes defining a problem, or set of problems, that affects juveniles at risk or those already involved in the criminal justice system;

005.03 Identify programs and practices for addressing the community's priorities. Such programs and practices shall be supported by evidence-based practice, research, or are standardized and have reliably demonstrated positive outcomes in other areas of juvenile services;

005.04 Identify clear implementation strategies; and

005.05 Identify how the impact of the program will be measured in alignment with evidence-based practices or research.

006 FUNDING APPLICATION PROCESS

006.01 Notification of the availability of funds shall be announced annually by the Director of the Community-based Juvenile Services Aid Program through a Request for Application. Such notification will include application requirements and instructions. Funding amount will be calculated by the community-based juvenile services aid apportionment formula.

006.02 After a community planning team has submitted their comprehensive juvenile services community plan to the Commission and approval has been granted, applicants must also submit an application for funds that shall:

006.02A Align with the priorities identified in the comprehensive juvenile services community plan;

006.02B Be written consistent with the program development strategies outlined in the community planning resources and comprehensive juvenile services community plan;

006.02C Identify how the funds will be used to implement programs identified in the comprehensive juvenile services community plan;

006.02D Demonstrate that the use of funds shall be limited to developing policies and practices that are supported by evidence-based practice, research, or are standardized and have reliably demonstrated positive outcomes in other areas of juvenile aid services;

006.02E Be determined by a majority vote among the community planning team representing the interests of the applicant submitting the grant application for the Community-based Juvenile Services Aid Program; and

006.02F Include the respective county board or tribal council's approval of the grant application. In the event the county board or tribal council does not approve recommendations from the community planning team, the county board or tribal council may submit written justification to the Commission in consideration of a modification of the initial proposal approved by the community planning team.

006.03 If an applicant's community planning team would like to request a determination of whether the use of funds is permissible, they should submit this request for determination to the Director of the Community-based Juvenile Services Aid Program no less than 30 days prior to the grant application due date. The Director of the Community-based Juvenile Services Aid Program shall consult with the Juvenile Justice Institute for assistance in determining alignment with evidence-based practices. The Director of the Community-based Juvenile Services Aid Program will notify the applicant after consultation with the Juvenile Justice Institute.

006.04 Community-based Juvenile Services Aid is awarded on an annual basis. Applicants receiving funds shall be required to reapply annually for funding, pursuant to requirements outlined in the Request for Application and this chapter.

007 FUND MATCHING

007.01 Subgrantees may be required to provide up to a 40% match of the designated Commission award amount. The mandatory match requirement will be outlined in the Request for Application.

007.02 Subgrantees must include documentation of matching funds. Any local county or tribal expenditures for community-based programs,

including funds directly associated with the grant application, may be applied toward the match requirement. Subgrantees must include documentation of these match expenditures in their cash report. Instructions are subject to change and will be outlined in the conditions that are included in the grant award packet.

007.03 Counties or Indian tribes applying as a regional group must each provide their designated portion of the mandatory match requirement.

007.04 Subgrantees contracting with non-profit agencies or service providers cannot require the contracting agency to provide matching funds.

008 REVIEW OF GRANT APPLICATION

008.01 All grant applications that were received by the appropriate deadline outlined in the Request for Application shall receive initial review by the Staff Review Team. Upon completion of staff review, funding recommendations and summary comments will be sent to the Grant Review Subcommittee.

008.02 Evaluation and funding decisions by all reviewing entities will be determined based on the following criteria:

008.02A Eligibility of the applicant;

008.02B Adherence to federal and state requirements and guidelines;

008.02C Completeness, clarity, continuity, and consistency of the written application. The written application shall include all sections and information as outlined in the Request for Application;

008.02D Ability and capacity of the proposed program to make an impact on the identified problem and comprehensive juvenile services community planning priorities;

008.02E Assessment of the relationship between the proposed program and existing models or analyses of evidence-based practices. If the program is not aligned with evidence-based

practices, the review process will consider how the applicant's proposal will move the program closer to such an alignment;

008.02F Other resources available to address the problem including an explanation of how the grant applicant's proposal will work with or coordinate with existing resources;

008.02G Cost effectiveness of the proposed project;

008.02H Amount of funds available; and

008.02I If previously funded, the performance and ability of the applicant to manage a grant program, including the timely submission of required reports to the Commission.

008.03 The Grant Review Subcommittee will conduct a review of the grant applications, taking into consideration the criteria listed in 008.02 of this chapter, and recommendations from the Staff Review Team. The Grant Review Subcommittee will submit a funding recommendation to the Commission Funding Panel.

008.04 The Commission Funding Panel will conduct a final review of the grant applications. The Commission Funding Panel shall take the grant proposal and recommendations from the Staff Review Team and the Grant Review Subcommittee under advisement before issuing a final decision on the grant applications.

008.04A Final funding determinations will be made by a majority vote of the Commission Funding Panel. The Commission Funding Panel may:

008.04A (1) Vote to adopt the funding recommendations and contingencies of the Grant Review Subcommittee;

008.04A (2) Modify the recommendations of the Grant Review Subcommittee which may include additional contingencies or requirements that the applicant must meet in order to receive funding; or

008.04A (3) Reject any recommendation made by the Grant Review Subcommittee and establish its own funding determination. Any funding determinations contrary to the recommendations of the Grant Review Subcommittee shall include a written justification.

008.04B Upon issue of its final decision, the Director of the Community-based Juvenile Services Aid or his or her designee will notify applicants within (10) working days of the final decision in the following manner:

008.04B (1) For applicants who receive funding, the notification will inform the applicant of the final status of the application, the requirement to meet any contingencies, and the steps necessary to obtain the grant award packet.

008.04B (2) For applicants who were denied funding or funding use, the notification will inform the applicant of the final status of the application, the reason(s) for the denial, and the appeal process.

009 ACCEPTANCE OF FUNDS AND CONDITIONS

009.01 Applicants who are approved to receive aid from the Commission will be required to accept the grant award packet subject to the conditions outlined in this chapter and specified by the Commission.

009.02 Applicants who are required to meet contingencies articulated by the Commission will have thirty (30) days from the notification of application approval to satisfy the requirements. Exceptions to the 30 day deadline may be allowed on a case by case basis, approved by the Director of the Community-based Juvenile Services Aid Program.

009.03 After contingencies have been approved by the Director of the Community-based Juvenile Services Aid Program, the applicant will be required to accept the grant award packet within 30 days. Acceptance requires the appropriate signatures of all documents included in the grant award packet and the original documents returned to the Commission. Exceptions to the 30 day deadline may be allowed on a case by case basis, approved by the Director of the Community-based Juvenile Services Aid Program. In the event that the grant award packet is not received by the deadline, three attempts will be made to contact project personnel listed on the application. If contact is unsuccessful, the applicant will be considered to have withdrawn their application for funding. The Director of the Community-based Juvenile Services Aid Program will notify the applicant of said withdraw.

009.04 Once all the steps have been taken to accept the grant award packet and all necessary documents are received by the Commission, the subgrantee will be eligible to receive funds as outlined in the grant award packet.

009.04A Subgrantees receiving funds will adhere to all reporting and monitoring requirements as outlined in this chapter and the grant award packet.

009.04B Failure to satisfactorily meet any of the conditions outlined in the grant award packet or to submit the required reports or documents by the deadlines may result in the suspension of the subgrantee's funds. Such suspension can be rescinded upon resolving the identified deficiencies. Reasonable efforts will be made by the Director of the Community-based Juvenile Services Aid to work with the subgrantee prior to the suspension of funds.

009.05 Funds received from the Commission shall be used exclusively in accordance with the statutory obligations of the Juvenile Services Act.

009.06 Subgrantees who misuse funds for unallowable expenses are subject to suspension or termination by the Commission. The Commission will require the subgrantee to return misused funds.

010 SUSPENSION AND TERMINATION OF FUNDS

010.01 Suspension of funds may occur when the subgrantee is out of compliance with any state or federal laws, guidelines or requirements; or fails to comply with the conditions stated in the grant award packet, or specified by this chapter. In order to suspend funds, the following procedures shall be followed:

010.01A The Director of the Community-based Juvenile Services Aid Program or his or her designee shall notify the subgrantee of the suspension of funds and provide conditions of reinstatement;

010.01B The Director of the Community-based Juvenile Services Aid Program or his or her designee may reinstate a suspension if the subgrantee has taken steps to correct non-compliant activities; and

010.01C If the subgrantee has not taken steps to correct the non-compliant activities within 90 days, the suspended funds shall be considered terminated.

010.02 Termination of funds shall occur for failure to comply with the conditions of reinstatement. A termination of funds may be appealed pursuant to this chapter.

010.03 Subgrantees that have spent money contrary to the grant award packet will be required to repay misspent funds to the Commission. Any funds returned shall be handled in accordance with state and federal law.

011 APPEALS PROCESS

011.01 Applicants or subgrantees may appeal an adverse funding decision to the Commission. Appeals are limited to the following grounds:

011.01A Partial denial of funding amount requested;

011.01B Denial of proposed use of funds;

011.01C Full denial of application that results in refusal of funding; or

011.01D Grant funds have been terminated.

011.02 The basis for an appeal shall be limited to one or more of the following grounds:

011.02A The decision being appealed was biased, arbitrary or prejudiced against the applicant County or Indian tribe;

011.02B The decision being appealed was reached without following procedures outlined in this chapter; or

011.02C The decision being appealed was reached without adherence to statutory requirements as specified in the Juvenile Services Act.

011.03 Notice of an appeal must be made in writing and submitted to the Director of the Community-based Juvenile Services Aid Program or his or her designee within ten (10) working days of receipt of final

funding decision or termination of funding notification. Notice of an appeal shall identify the basis for the appeal, and will inform the Director of the Community-based Juvenile Services Aid Program of the intent to file a full written appeal.

011.04 A full written appeal will detail the basis for the appeal, and include an explanation of why the proposed use of funds satisfies the requirements of this chapter. The full written appeal will be submitted to the Director of Community-based Juvenile Services Aid Program within (20) working days of the notice of appeal.

011.04A All proceedings shall be conducted in accordance with the Administrative Procedures Act, Nebraska Revised Statute 84-901 et seq. and with Title 53 of the Nebraska Administrative Code, Chapter 4, as they relate to the pleadings, notice, ex parte communications, prehearing conferences, discovery and the progression of the actual contested case at hearing.

011.04B The burden of demonstrating that an appealed decision should be reversed is on the party filing the appeal. The burden of proof shall be by a preponderance of the evidence.

011.04C Should the applicant or subgrantee filing the appeal fail to meet deadlines to submit either the notice of appeal or the full written appeal, the appeal will be considered waived and the funding decision shall be final.

011.05 The hearing shall be conducted before the Commission at its next available quarterly meeting. On appeal, the Commission will take into consideration the written appeal of the appellant, all recommendations for funding made during the application review process, and testimony from parties made during the appeal hearing. The final appeal decision shall be determined by a majority vote of the Commission.

012 REPORTING OF FUNDING AWARDS

012.01 REPORTING PROCEDURES

012.01A Subgrantees shall submit reports on program activity, financial expenditures, and individual and programmatic data

that shall be maintained by the Commission. Subgrantees shall report according to requirements outlined in the Request for Application, grant award packet, and Nebraska Revised Statute 43-2404.02.

012.01B Subgrantees may be assisted by the University of Nebraska at Omaha, Juvenile Justice Institute in reporting, as outlined in the Request for Application, grant award packet, and Nebraska Revised Statute 43-2404.01. Community-based Juvenile Services Aid utilization and evaluation data shall be stored and maintained by the Commission.

012.01C If the subgrantee does not submit reports by the required deadlines, or submits a report that demonstrates failure to meet funding requirements, the Director of the Community-based Juvenile Services Aid Program will provide notice to the subgrantee of the steps necessary to correct deficiencies in satisfying reporting requirements.

012.01D The subgrantee will have ten (10) working days from the date of notification from the Director of the Community-based Juvenile Services Aid Program to respond with a plan to correct program deficiencies.

012.01E Should the subgrantee fail to respond to correct the deficiencies in reporting requirements, the matter will be referred to the Commission for possible termination of the funding award.

012.02 FINANCIAL REPORTING REQUIREMENTS

012.02A All subgrantees shall be required to submit financial reports as prescribed by the grant award packet and this chapter.

012.02B Financial reports shall be submitted to the Director of the Community-based Juvenile Services Aid Program. Funding is subject to suspension if:

012.02B (1) The Director of the Community-based Juvenile Services Aid Program does not receive reports by required deadlines.

012.02B (2) The Director of the Community-based Juvenile Services Aid Program finds discrepancies between financial reports and permissible uses of funding described in the grant award packet or this chapter, and the county or Indian tribe fails to provide a plan for corrective action within ten (10) working days of receiving notification of discrepancy.

012.02C If reasonable efforts have been made by the Director of the Community-based Juvenile Services Aid Program to address deficiencies in reporting and the subgrantee continues to be out of compliance with the financial reporting requirements, the funds will be deemed terminated.

012.03 ACTIVITY REPORTING REQUIREMENTS

012.03A All subgrantees shall be required to submit activity reports as prescribed by the grant award packet and this chapter.

012.03B Activity reports shall be submitted to the Director of the Community-based Juvenile Services Aid Program. Activity reports shall include a narrative and data that addresses the following:

012.03B (1) Explanation of each program or process funded by the Community-based Juvenile Services Aid Program. This section will include information on program operation, community staff involvement, and how programs assisted juveniles within the community;

012.03B (2) Explanation of how each program assisted juveniles at the individual level. This section will explain how the program impacts the juveniles who are affected by it;

012.03B (3) Explanation of the program's impact on the community. This section will focus on broad community outcomes such as juvenile arrests, recidivism, and other community issues that the program addresses; and

012.03B (4) Additional information deemed necessary by the Director of the Community-based Juvenile Services Aid Program as outlined in the grant award packet.

012.04 REPORTING PROCESS FOR THE COMMISSION TO THE GOVERNOR AND LEGISLATURE: The Commission shall report annually to the Governor and the Legislature on the distribution and use of funds appropriated under the Community-based Juvenile Services Aid Program pursuant to Nebraska Revised Statute 43-2404.02.

013 PROGRAM EVALUATION

013.01 Evaluation of the use of the funds and the evidence of effectiveness of the programs shall be completed by the University of Nebraska at Omaha, Juvenile Justice Institute; specifically whether juveniles enrolled in community-based programs have reduced recidivism as defined by the Community Planning Advisory Subcommittee.

013.02 Evaluation will examine each Community-based Juvenile Services Aid Program to ensure ongoing alignment with evidence-based practices. A plan for ongoing evaluation of programs shall be developed jointly between the Community Planning Advisory Subcommittee, the University of Nebraska Omaha, Juvenile Justice Institute, and the Commission.

014 CONFLICT OF INTEREST

014.01 COMMISSION CONFLICT OF INTEREST: Recipients of grant awards, recipients of contracts associated with grants, personnel involved in the Staff Review Team, Grant Review Subcommittee, Commission Funding Panel and members of the Commission and staff that have a conflict of interest shall recuse themselves from participating in any discussion or vote regarding the grant application pursuant to section 008 or appeal hearings pursuant to section 011 that directly involve their agency, institution, or personnel.

014.01A In the event that a member of the Commission Funding Panel has a conflict of interest, that member shall remove himself or herself from the panel and an alternate member designated by the Commission shall take that member's position.

014.01B Any member of the Commission may raise the issue of a conflict of interest.

015 IF ANY ONE SECTION OF THIS ACT OR ANY PART OF ANY SECTION SHALL BE DECLARED INVALID OR UNCONSTITUTIONAL, SUCH DECLARATION SHALL NOT AFFECT THE VALIDITY OR CONSTITUTIONALITY OF THE REMAINING PORTIONS THEREOF.