

LEGISLATURE OF NEBRASKA
NINETY-EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 683

Introduced by Raikes, 25

Read first time January 22, 2003

Committee: Education

A BILL

1 FOR AN ACT relating to postsecondary education; to amend sections
2 85-1105, 85-1108, 85-1412, 85-1604, 85-1620, 85-1621, and
3 85-1643, Reissue Revised Statutes of Nebraska; to change
4 provisions relating to nonpublic postsecondary
5 educational institutions; to harmonize provisions; and to
6 repeal the original sections.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 85-1105, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 85-1105. In order to establish a new two-year,
4 four-year, graduate, or professional private college, any
5 individual or organization sponsoring such a college shall first
6 petition the Coordinating Commission for Postsecondary Education
7 for approval thereof.

8 For purposes of this section, any private college or
9 private postsecondary career school which will extend its program
10 offerings to the baccalaureate or higher degree level shall first
11 petition the commission for approval. Any private college which,
12 on September 1, 1999, has offered one or more four-year
13 undergraduate programs for at least one academic year in compliance
14 with state and federal law shall not be required to petition the
15 commission under this section for approval to offer graduate or
16 professional programs.

17 Sec. 2. Section 85-1108, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 85-1108. (1) In considering the feasibility of the
20 college proposed in a petition under section 85-1105, the
21 Coordinating Commission for Postsecondary Education shall take into
22 account the following factors:

23 (a) The need for and the objectives of the proposed
24 college;

25 (b) The proposed instructional program and the plan for
26 staffing such a program, including staff qualifications;

27 (c) The financial soundness and capability to fulfill its
28 proposed commitments;

1 (d) Affirmation of intent to seek appropriate
 2 accreditation of the institution by an entity recognized by the
 3 United States Department of Education. When any new private
 4 college petitions the commission to offer degrees at the
 5 baccalaureate or higher degree level, it shall seek accreditation
 6 by an accrediting agency which has been approved by the United
 7 States Department of Education with the scope to accredit
 8 institutions offering programs at such degree levels; and

9 (e) Such other pertinent factors as relate to the
 10 potential of the proposed college to achieve its objectives or as
 11 may be developed at the hearing.

12 (2) The commission may charge a reasonable fee based on
 13 its administrative costs for review and authorization of petitions
 14 and applications made pursuant to sections 85-1105 to 85-1111 and
 15 may also adopt and promulgate such rules and regulations as may be
 16 necessary to carry out ~~the provisions of~~ sections 85-1105 to
 17 ~~85-1110~~ 85-1111.

18 Sec. 3. Section 85-1412, Reissue Revised Statutes of
 19 Nebraska, is amended to read:

20 85-1412. The commission shall have the following
 21 additional powers and duties:

22 (1) Conduct surveys and studies as may be necessary to
 23 undertake the coordination function of the commission pursuant to
 24 section 85-1403 and request information from governing boards and
 25 appropriate administrators of public institutions and other
 26 governmental agencies for research projects. All public
 27 institutions and governmental agencies receiving state funds shall
 28 comply with reasonable requests for information under this

1 subdivision. Public institutions may comply with such requests
2 pursuant to section 85-1417;

3 (2) Recommend to the Legislature and the Governor
4 legislation it deems necessary or appropriate to improve
5 postsecondary education in Nebraska and any other legislation it
6 deems appropriate to change the role and mission provisions in
7 sections 85-121.05 and 85-917 to 85-966.01;

8 (3) Establish any advisory committees as may be necessary
9 to undertake the coordination function of the commission pursuant
10 to section 85-1403 or to solicit input from affected parties such
11 as students, faculty, governing boards, administrators of the
12 public institutions, administrators of the private nonprofit
13 institutions of postsecondary education and proprietary
14 institutions in the state, and community and business leaders
15 regarding the coordination function of the commission;

16 (4) Participate in or designate an employee or employees
17 to participate in any committee which may be created to prepare a
18 coordinated plan for the delivery of educational programs and
19 services in Nebraska through the telecommunications system;

20 (5) Seek a close liaison with the State Board of
21 Education and the State Department of Education in recognition of
22 the need for close coordination of activities between elementary
23 and secondary education and postsecondary education;

24 (6) Administer the Integrated Postsecondary Education
25 Data System or other information system or systems to provide the
26 commission with timely, comprehensive, and meaningful information
27 pertinent to the exercise of its duties. The information system
28 shall be designed to provide comparable data on each public

1 institution. The commission shall also administer the uniform
2 information system prescribed in sections 85-1421 to 85-1427 known
3 as the Nebraska Educational Data System. Public institutions shall
4 supply the appropriate data for the information system or systems
5 required by the commission;

6 (7) Administer the State Scholarship Award Program Act,
7 the Scholarship Assistance Program Act, and the Postsecondary
8 Education Award Program Act;

9 (8) Accept and administer loans, grants, and programs
10 from the federal or state government and from other sources, public
11 and private, for carrying out any of its functions, including the
12 administration of privately endowed scholarship programs. Such
13 loans and grants shall not be expended for any other purposes than
14 those for which the loans and grants were provided. The commission
15 shall determine eligibility for such loans, grants, and programs,
16 and such loans and grants shall not be expended unless approved by
17 the Governor;

18 (9) ~~Make recommendations to the State Board of Education~~
19 ~~with regard to granting permits for the operation of correspondence~~
20 ~~schools, privately owned business or trade schools, or other~~
21 ~~educational institutions under the Private Postsecondary Career~~
22 ~~School Act whenever any correspondence school, business school, or~~
23 ~~vocational school offers any course which is intended to lead to~~
24 ~~the granting of an associate degree, diploma, or certificate or any~~
25 ~~course which qualifies for college credit~~ Consistent with section
26 85-1620, approve, in a timely manner, new baccalaureate degree
27 programs to be offered at private postsecondary career schools as
28 defined in section 85-1603. The commission may receive a

1 reasonable fee based on its administrative costs for authorizations
2 pursuant to this subsection and section 85-1620. The commission
3 shall report such action to the Commissioner of Education;

4 (10) Pursuant to sections 85-1101 to 85-1104, authorize
5 out-of-state institutions of higher or postsecondary education to
6 offer courses or degree programs in this state;

7 (11) Pursuant to sections 85-1105 to 85-1111, approve or
8 disapprove petitions to establish new private colleges in this
9 state;

10 (12) ~~(a) On or before October 1, 1994, and on or before~~
11 ~~October 1 every two years thereafter through October 1, 1999,~~
12 ~~submit to the Legislature and the Governor a report of its~~
13 ~~objectives and activities and the implementation of any~~
14 ~~recommendations of the commission for the preceding two calendar~~
15 ~~years; and~~

16 ~~(b) On or before December 1, 2000, and on or before~~
17 ~~December 1 every two years thereafter, submit to the Legislature~~
18 ~~and the Governor a report of its objectives and activities and any~~
19 ~~new private colleges in Nebraska and the implementation of any~~
20 ~~recommendations of the commission for the preceding two calendar~~
21 ~~years;~~

22 (13) Provide staff support for interstate compacts on
23 postsecondary education; and

24 (14) Request inclusion of the commission in any existing
25 grant review process and information system.

26 Sec. 4. Section 85-1604, Reissue Revised Statutes of
27 Nebraska, is amended to read:

28 85-1604. The following education and schools are

1 exempted from ~~the provisions of~~ the Private Postsecondary Career
2 School Act:

3 (1) Schools exclusively offering instruction at any or
4 all levels from preschool through the twelfth grade;

5 (2) Education sponsored by a bona fide trade, business,
6 professional, or fraternal organization which is offered solely for
7 that organization's membership or offered without charge;

8 (3) Education solely avocational or recreational in
9 nature as determined by the department;

10 (4) Educational programs offered by a charitable
11 institution, organization, or agency as long as such education or
12 training is not advertised or promoted as leading toward
13 occupational objectives;

14 (5) Public postsecondary schools established, operated,
15 and governed by this state or its political subdivisions;

16 (6) Schools or organizations offering education or
17 instruction which are licensed and regulated by agencies of this
18 state other than the department as of September 2, 1977, except
19 that such schools or organizations shall not be exempt from the
20 provisions of the act with respect to agents' permits and the
21 Tuition Recovery Cash Fund;

22 (7) Schools or organizations which offer education or
23 instruction and which are licensed and regulated solely by an
24 agency of the federal government with respect to curriculum and
25 qualifications of instructional staff; and

26 (8) ~~Private~~ Not-for-profit private colleges, ~~and~~
27 universities, and entities which award baccalaureate or higher
28 degrees and which maintain and operate educational programs for

1 which college credit is given; and

2 (9) For-profit private colleges, universities, and
3 entities which award post-baccalaureate degrees and which maintain
4 and operate educational programs for which college credit is given.

5 Sec. 5. Section 85-1620, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 85-1620. (1) A school which has been accredited pursuant
8 to section 85-1619 may apply to the department for authority to
9 award associate degrees. Upon determining that the quality of the
10 courses of instruction at the applicant school meets the standards
11 established in the department's rules and regulations, the
12 commissioner may grant the applicant the authority to award an
13 associate degree and shall issue a certificate setting forth the
14 courses for which the associate degree may be awarded. Such
15 authorization shall continue so long as the school remains
16 accredited.

17 (2) A school which has been accredited pursuant to
18 section 85-1619 may apply to the department for authority to award
19 baccalaureate degrees. The department shall refer such degree
20 application to the Coordinating Commission for Postsecondary
21 Education for its review and approval. The commission shall make a
22 determination setting forth the specific program area and name of
23 the baccalaureate degree program. The commission shall report its
24 determination to the commissioner who shall issue a certificate
25 setting forth the programs for which the baccalaureate degree may
26 be awarded. Such authorization shall continue so long as the
27 school remains accredited.

28 Sec. 6. Section 85-1621, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 85-1621. Any private postsecondary career school which
3 has been accredited or authorized to award associate or
4 baccalaureate degrees and which ceases to meet any of the
5 requirements for accreditation or the awarding of associate or
6 baccalaureate degrees shall be notified in writing of the specifics
7 by certified mail and shall be afforded the opportunity for a
8 hearing to show cause why the accreditation or the authorization
9 should not be withdrawn. The board shall adopt and promulgate
10 rules and regulations for the hearing and may utilize a hearing
11 officer to conduct the hearing and to present recommendations,
12 including findings of facts and conclusions of law, to the board
13 for final decision. Following the hearing, if it is determined
14 that the requirements have not been met, the board may withdraw the
15 accreditation or authorization or may require action as a condition
16 of continued accreditation or authorization.

17 Sec. 7. Section 85-1643, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 85-1643. (1) The Private Postsecondary Career Schools
20 Cash Fund is created. All fees collected pursuant to the Private
21 Postsecondary Career School Act shall be remitted to the State
22 Treasurer for credit to the fund. The fund shall be used only for
23 the purpose of administering the act. No fees shall be subject to
24 refund.

25 (2) Fees collected pursuant to the act shall be the
26 following:

27 (a) Initial application for authorization to operate, two
28 hundred dollars plus twenty dollars per program of study offered;

1 (b) Renewal application for authorization to operate, one
2 hundred dollars plus twenty dollars per program of study offered;

3 (c) Approval to operate a branch facility, one hundred
4 dollars;

5 (d) Late submission of application, fifty dollars;

6 (e) Initial agent's permit, fifty dollars;

7 (f) Agent's permit renewal, twenty dollars;

8 (g) Accreditation or reaccreditation, one hundred
9 dollars;

10 (h) Initial authorization to award an associate degree,
11 one hundred dollars;

12 (i) Initial authorization to offer a baccalaureate
13 degree, two hundred dollars;

14 (j) Significant program change, fifty dollars;

15 ~~(j)~~ (k) Change of name or location, twenty-five dollars;

16 and

17 ~~(k)~~ (l) Additional new program, one hundred dollars.

18 (3) Fees for out-of-state schools may include, but shall
19 not exceed the following:

20 (a) Certificate of approval to recruit, five hundred
21 dollars annually;

22 (b) Initial agent's permit, one hundred dollars; and

23 (c) Agent's permit renewal, forty dollars.

24 (4) Beginning July 1, 2001, the board may establish fees
25 in excess of those stated in subsection (2) of this section. The
26 board shall consult with the advisory council established pursuant
27 to section 85-1607 regarding any increase in fees under the act.
28 Fees may be increased not more than five percent once each three

1 years and shall be set out in the rules and regulations adopted and
2 promulgated by the board.

3 Sec. 8. Original sections 85-1105, 85-1108, 85-1412,
4 85-1604, 85-1620, 85-1621, and 85-1643, Reissue Revised Statutes of
5 Nebraska, are repealed.