

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 283**

Introduced by Cornett, 45.

Read first time January 14, 2009

Committee: Education

A BILL

1 FOR AN ACT relating to community colleges; to amend sections  
2 85-1503 and 85-2224, Reissue Revised Statutes of  
3 Nebraska; to redefine terms; to change provisions  
4 relating to calculations under the Community College  
5 Foundation and Equalization Aid Act; and to repeal the  
6 original sections.  
7 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 85-1503, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           85-1503 For purposes of sections 85-1501 to 85-1540,  
4 unless the context otherwise requires:

5           (1) Community college means an educational institution  
6 operating and offering programs pursuant to such sections;

7           (2) Community college area means an area established by  
8 section 85-1504;

9           (3) Board means the Community College Board of Governors  
10 for each community college area;

11           (4) Full-time equivalent student means, in the aggregate,  
12 the equivalent of a registered student who in a twelve-month period  
13 is enrolled in (a) thirty semester credit hours or forty-five  
14 quarter credit hours of classroom, laboratory, clinical, practicum,  
15 or independent study course work or cooperative work experience or  
16 (b) nine hundred contact hours of classroom or laboratory course  
17 work for which credit hours are not offered or awarded. Avocational  
18 and recreational community service programs or courses are not  
19 included in determining full-time equivalent students or student  
20 enrollment;

21           (5) Contact hour means an educational activity consisting  
22 of sixty minutes minus break time and required time to change  
23 classes;

24           (6) Credit hour means the unit used to ascertain the  
25 educational value of course work offered by the institution to

1 students enrolling for such course work, earned by such students  
2 upon successful completion of such course work, and for which  
3 tuition is charged. A credit hour may be offered and earned in  
4 any of several instructional delivery systems, including, but not  
5 limited to, classroom hours, laboratory hours, clinical hours,  
6 practicum hours, cooperative work experience, and independent  
7 study. A credit hour shall consist of a minimum of: (a) Ten  
8 quarter or fifteen semester classroom contact hours per term of  
9 enrollment; (b) twenty quarter or thirty semester academic transfer  
10 and academic support laboratory hours per term of enrollment; (c)  
11 thirty quarter or forty-five semester vocational laboratory hours  
12 per term of enrollment; (d) thirty quarter or forty-five semester  
13 clinical or practicum contact hours per term of enrollment; or  
14 (e) forty quarter or sixty semester cooperative work experience  
15 contact hours per term of enrollment. An institution may include  
16 in a credit hour more classroom, laboratory, clinical, practicum,  
17 or cooperative work experience hours than the minimum required in  
18 this subdivision. The institution shall publish in its catalog, or  
19 otherwise make known to the student in writing prior to the student  
20 enrolling or paying tuition for any courses, the number of credit  
21 or contact hours offered in each such course. Such published credit  
22 or contact hour offerings shall be used to determine whether a  
23 student is a full-time equivalent student pursuant to subdivision  
24 (4) of this section;

25 (7) Classroom hour means a minimum of fifty minutes

1 of formalized instruction on campus or off campus in which a  
2 qualified instructor applying any combination of instructional  
3 methods such as lecture, directed discussion, demonstration, or the  
4 presentation of audiovisual materials is responsible for providing  
5 an educational experience to students;

6 (8) Laboratory hour means a minimum of fifty minutes of  
7 educational activity on campus or off campus in which students  
8 conduct experiments, perfect skills, or practice procedures under  
9 the direction of a qualified instructor;

10 (9) Clinical hour means a minimum of fifty minutes of  
11 educational activity on campus or off campus during which the  
12 student is assigned practical experience under constant supervision  
13 at a health-related agency, receives individual instruction in the  
14 performance of a particular function, and is observed and critiqued  
15 in the repeat performance of such function. Adjunct professional  
16 personnel, who may or may not be paid by the college, may be used  
17 for the directed supervision of students and for the delivery of  
18 part of the didactic phase of the experience;

19 (10) Practicum hour means a minimum of fifty minutes  
20 of educational activity on campus or off campus during which  
21 the student is assigned practical experiences, receives individual  
22 instruction in the performance of a particular function, and is  
23 observed and critiqued by an instructor in the repeat performance  
24 of such function. Adjunct professional personnel, who may or  
25 may not be paid by the college, may be used for the directed

1 supervision of the students;

2 (11) Cooperative work experience means an internship  
3 or on-the-job training, designed to provide specialized skills  
4 and educational experiences, which is coordinated, supervised,  
5 observed, and evaluated by qualified college staff or faculty and  
6 may be completed on campus or off campus, depending on the nature  
7 of the arrangement;

8 (12) Independent study means an arrangement between an  
9 instructor and a student in which the instructor is responsible  
10 for assigning work activity or skill objectives to the student,  
11 personally providing needed instruction, assessing the student's  
12 progress, and assigning a final grade. Credit hours shall be  
13 assigned according to the practice of assigning credits in similar  
14 courses;

15 (13) Full-time equivalent student enrollment total means  
16 the total of full-time equivalent students enrolled in a community  
17 college in any fiscal year;

18 (14) General academic transfer course means a course  
19 offering in a one-year or two-year degree-credit program, at  
20 the associate degree level or below, intended by the offering  
21 institution for transfer into a baccalaureate program. The  
22 completion of the specified courses in a general academic transfer  
23 program may include the award of a formal degree;

24 (15) Applied technology or occupational course means a  
25 course offering in an instructional program, at the associate

1 degree level or below, intended to prepare individuals for  
2 immediate entry into a specific occupation or career. The primary  
3 intent of the institutions offering an applied technology or  
4 occupational program shall be that such program is for immediate  
5 job entry. The completion of the specified courses in an applied  
6 technology or occupational program may include the award of a  
7 formal degree, diploma, or certificate;

8 (16) Academic support course means a general education  
9 academic course offering which may be necessary to support an  
10 applied technology or occupational program;

11 (17) Class 1 course means an applied technology course,  
12 an academic transfer course, a developmental course, or an  
13 occupational course offering which requires the use of equipment,  
14 software, facilities, or instructional methods easily adaptable for  
15 use in a general academic transfer program classroom or laboratory;

16 (18) Class 2 course means an applied technology course,  
17 an academic transfer course, a developmental course, or an  
18 occupational course offering which requires the use of specialized  
19 equipment, software, facilities, or instructional methods not  
20 easily adaptable for use in a general academic transfer program  
21 classroom or laboratory;

22 (19) Full-time equivalent student means a full-time  
23 equivalent student subject to the following limitation: The number  
24 of credit and contact hours which shall be counted by any community  
25 college area in which a tribally controlled community college

1 is located shall include credit and contact hours awarded by  
2 such tribally controlled community college to students for which  
3 such institution received no federal reimbursement pursuant to the  
4 Tribally Controlled Community College Assistance Act, 25 U.S.C.  
5 1801;

6 (20) Full-time equivalent total means the total of all  
7 full-time equivalents accumulated in a community college area in  
8 any fiscal year;

9 (21) Reimbursable educational unit means a full-time  
10 equivalent student multiplied by (a) for a general academic  
11 ~~transfer course or an~~ academic support course, a factor of one, (b)  
12 for a Class 1 course, a factor of one and fifty-hundredths, (c) for  
13 a Class 2 course, a factor of two, (d) for a tribally controlled  
14 community college general academic transfer course or academic  
15 support course, a factor of two, (e) for a tribally controlled  
16 community college Class 1 course, a factor of three, and (f) for a  
17 tribally controlled community college Class 2 course, a factor of  
18 four;

19 (22) Reimbursable educational unit total means the total  
20 of all reimbursable educational units accumulated in a community  
21 college area in any fiscal year;

22 (23) Special instructional term means any term which is  
23 less than fifteen weeks for community colleges using semesters or  
24 ten weeks for community colleges using quarters;

25 (24) Statewide reimbursable full-time equivalent total

1 means the total of all reimbursable full-time equivalents  
2 accumulated statewide for the community college in any fiscal year;

3 (25) Tribally controlled community college means an  
4 educational institution operating and offering programs pursuant  
5 to the Tribally Controlled Community College Assistance Act, 25  
6 U.S.C. 1801; and

7 (26) Tribally controlled community college state aid  
8 amount means the quotient of the amount of state aid to be  
9 distributed pursuant to the Community College Foundation and  
10 Equalization Aid Act for the current fiscal year to a community  
11 college area in which a tribally controlled community college is  
12 located divided by the reimbursable educational unit total for such  
13 community college area for the immediately preceding fiscal year,  
14 with such quotient then multiplied by the average reimbursable  
15 educational units derived pursuant to subdivision (19) of this  
16 section for the immediately preceding fiscal year.

17 Sec. 2. Section 85-2224, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19 85-2224 (1) The Department of Revenue shall calculate  
20 local effort rate by dividing the sum of (a) the total of base  
21 revenue need for all community college areas minus (b) the amount  
22 appropriated by the Legislature pursuant to the Community College  
23 Foundation and Equalization Aid Act minus (c) the total formula  
24 tuition and fees for all community college areas by the total  
25 ~~taxable valuation from the most recent Certificate of Taxes Levied~~

1 ~~required under section 77-1613.01 for~~ of all community college  
2 areas times one hundred.

3 (2) The department shall calculate the formula resources  
4 available to each community college area by adding the yield from  
5 local effort rate plus local formula tuition and fees.

6 (3) For purposes of the calculation required pursuant to  
7 this section:

8 (a) The yield from local effort rate for each community  
9 college area equals the local effort rate times the total ~~taxable~~  
10 ~~valuation certified~~ property attributable to each community college  
11 area pursuant to the most recent Certificate of Taxes Levied  
12 ~~required under section 77-1613.01~~ divided by one hundred; and

13 (b) Local formula tuition and fees equals tuition and  
14 fees attributable to each community college area that were reported  
15 on the accrual basis of accounting in the fiscal year prior to the  
16 fiscal year for which aid is to be calculated.

17 Sec. 3. Original sections 85-1503 and 85-2224, Reissue  
18 Revised Statutes of Nebraska, are repealed.