

LEGISLATURE OF NEBRASKA  
 ONE HUNDRED THIRD LEGISLATURE  
 FIRST SESSION  
**LEGISLATIVE BILL 331**

Final Reading

Introduced by Harms, 48.

Read first time January 17, 2013

Committee: Education

A BILL

1 FOR AN ACT relating to postsecondary education; to amend sections  
 2 85-1903, 85-1907, 85-2403, and 85-2405, Revised Statutes  
 3 Cumulative Supplement, 2012; to redefine award and  
 4 eligible student for purposes of the Nebraska Opportunity  
 5 Grant Act; to redefine authorization to operate for  
 6 purposes of the Postsecondary Institution Act; to provide  
 7 for interstate reciprocity agreements regarding  
 8 postsecondary distance education; to change provisions  
 9 for fees under the Postsecondary Institution Act; to  
 10 harmonize provisions; to repeal the original sections;  
 11 and to declare an emergency.

12 Be it enacted by the people of the State of Nebraska,

1                   Section 1. Section 85-1903, Revised Statutes Cumulative  
2 Supplement, 2012, is amended to read:

3                   85-1903 Award means a grant of money by the commission to  
4 an eligible student for educational expenses. ~~Awards~~ An award shall  
5 not exceed: ~~(1) For each award year except award years 2008-09 and~~  
6 ~~2009-10,~~ fifty percent of the tuition and mandatory fees for a full-  
7 time, resident, undergraduate student for the last completed award  
8 year at the University of Nebraska-Lincoln. ; and

9                   ~~(2) For award years 2008-09 and 2009-10, twenty five~~  
10 ~~percent of the tuition and mandatory fees for a full time, resident,~~  
11 ~~undergraduate student for the last completed award year at the~~  
12 ~~University of Nebraska Lincoln.~~

13                   Sec. 2. Section 85-1907, Revised Statutes Cumulative  
14 Supplement, 2012, is amended to read:

15                   85-1907 Eligible student means an undergraduate student  
16 who:

17                   (1) Is enrolled in an eligible postsecondary educational  
18 institution;

19                   (2) Has applied for federal financial aid through the  
20 Free Application for Federal Student Aid for the applicable award  
21 year and ~~either is eligible to receive a Federal Pell Grant from the~~  
22 ~~United States Department of Education or~~ has an expected family  
23 contribution for the applicable award year of no more than the  
24 ~~qualifying maximum which will equal six thousand dollars for award~~  
25 ~~year 2010-11 and will equal the prior year's qualifying maximum~~

1 ~~increased by two and one-half percent for each award year thereafter~~  
2 ~~which is equal to or less than one hundred ten percent of the maximum~~  
3 ~~expected family contribution to qualify for a Federal Pell Grant in~~  
4 ~~that award year;~~

5 (3) Is a resident student who is domiciled in Nebraska as  
6 provided by section 85-502; and

7 (4) Complies with all other provisions of the Nebraska  
8 Opportunity Grant Act and its rules and regulations.

9 Sec. 3. Section 85-2403, Revised Statutes Cumulative  
10 Supplement, 2012, is amended to read:

11 85-2403 For purposes of the Postsecondary Institution  
12 Act:

13 (1) Authorization to operate means either an  
14 authorization to operate on a continuing basis or a recurrent  
15 authorization to operate;

16 (2) Authorization to operate on a continuing basis means  
17 approval by the commission to operate a postsecondary institution in  
18 this state without a renewal requirement and once such authorization  
19 has been issued it continues indefinitely unless otherwise suspended,  
20 revoked, or terminated, including such authorizations previously  
21 deemed to be effective as of May 5, 2011, pursuant to the  
22 Postsecondary Institution Act for private and out-of-state public  
23 postsecondary institutions that had been continuously offering four-  
24 year undergraduate programs with a physical presence in the state for  
25 at least twenty academic years and for Nebraska public postsecondary

1 institutions;

2 (3) Commission means the Coordinating Commission for  
3 Postsecondary Education;

4 (4)(a) Establishing a physical presence means:

5 (i) Offering a course for college credit or a degree  
6 program in this state that leads to an associate, baccalaureate,  
7 graduate, or professional degree, including:

8 (A) Establishing a physical location in this state where  
9 a student may receive synchronous or asynchronous instruction; or

10 (B) Offering a course or program that requires students  
11 to physically meet in one location for instructional purposes more  
12 than once during the course term; or

13 (ii) Establishing an administrative office in this state,  
14 including:

15 (A) Maintaining an administrative office in this state  
16 for purposes of enrolling students, providing information to students  
17 about the institution, or providing student support services;

18 (B) Providing office space to staff, whether  
19 instructional or noninstructional staff; or

20 (C) Establishing a mailing address in this state.

21 (b) Physical presence does not include:

22 (i) Course offerings in the nature of a short course or  
23 seminar if instruction for the short course or seminar takes no more  
24 than twenty classroom hours and the institution offers no more than  
25 two courses as defined by the commission in a calendar year;

1           (ii) Course offerings on a military installation solely  
2 for military personnel or civilians employed on such installation;

3           (iii) An educational experience arranged for an  
4 individual student, such as a clinical, practicum, residency, or  
5 internship; or

6           (iv) Courses offered online or through the United States  
7 mail or similar delivery service which do not require the physical  
8 meeting of a student with instructional staff;

9           (5) Executive director means the executive director of  
10 the commission or his or her designee;

11           (6) Nebraska public postsecondary institution means any  
12 public institution established, operated, and governed by this state  
13 or any of its political subdivisions that provides postsecondary  
14 education;

15           (7) Out-of-state public postsecondary institution means  
16 any public institution with a physical presence in Nebraska that is  
17 established, operated, and governed by another state or any of its  
18 political subdivisions and that provides postsecondary education;

19           (8) Postsecondary institution means any private  
20 postsecondary institution, out-of-state public postsecondary  
21 institution, or Nebraska public postsecondary institution exempt from  
22 the Private Postsecondary Career School Act;

23           (9) Private postsecondary institution means any Nebraska  
24 or out-of-state nonpublic postsecondary institution with a physical  
25 presence in Nebraska, including any for-profit or nonprofit

1 institution, that provides postsecondary education; and

2 (10) Recurrent authorization to operate means approval by  
3 the commission to operate a postsecondary institution in this state  
4 until a renewal of such authorization is required.

5 Sec. 4. Section 85-2405, Revised Statutes Cumulative  
6 Supplement, 2012, is amended to read:

7 85-2405 The commission has the following powers and  
8 duties:

9 (1) To establish levels for recurrent authorizations to  
10 operate based on institutional offerings;

11 (2) To receive, investigate as it may deem necessary, and  
12 act upon applications for a recurrent authorization to operate and  
13 applications to renew a recurrent authorization to operate;

14 (3) To establish reporting requirements by campus  
15 location either through the federal Integrated Postsecondary  
16 Education Data System, 20 U.S.C. 1094(a)(17), as such section existed  
17 on January 1, 2011, and 34 C.F.R. 668.14(b)(19), as such regulation  
18 existed on January 1, 2011, or directly to the commission for any  
19 postsecondary institution which has an authorization to operate;

20 (4) To maintain a list of postsecondary institutions  
21 which have authorization to operate, which list shall be made  
22 available to the public;

23 (5) To enter into interstate reciprocity agreements  
24 regarding the provision of postsecondary distance education, to  
25 administer such agreements, and to approve or disapprove, consistent

1 with such agreements, participation in such agreements by  
2 postsecondary institutions that have their principal place of  
3 business in Nebraska and that choose to participate in such  
4 agreements;

5           ~~(5)~~—(6) To establish a notification process when a  
6 postsecondary institution which has an authorization to operate  
7 changes its address or adds instructional sites within this state;

8           ~~(6)~~—(7) To conduct site visits of postsecondary  
9 institutions to carry out the Postsecondary Institution Act;

10           ~~(7)~~—(8) To establish fees for applications for a  
11 recurrent authorization to operate, ~~and~~ applications to renew or  
12 modify a recurrent authorization to operate, and applications to  
13 participate or continue participation in an interstate postsecondary  
14 distance education reciprocity agreement, which fees shall be not  
15 more than the cost of reviewing and evaluating the applications;

16           ~~(8)~~—(9) To investigate any violations of the act by a  
17 postsecondary institution; and

18           ~~(9)~~—(10) To adopt and promulgate rules, regulations, and  
19 procedures to administer the act.

20           Sec. 5. Original sections 85-1903, 85-1907, 85-2403, and  
21 85-2405, Revised Statutes Cumulative Supplement, 2012, are repealed.

22           Sec. 6. Since an emergency exists, this act takes effect  
23 when passed and approved according to law.