

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 466

Introduced by Avery, 28.

Read first time January 22, 2013

Committee: Education

A BILL

1 FOR AN ACT relating to the Postsecondary Institution Act; to amend
2 section 85-2403, Revised Statutes Cumulative Supplement,
3 2012; to redefine a term; and to repeal the original
4 section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 85-2403, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

3 85-2403 For purposes of the Postsecondary Institution
4 Act:

5 (1) Authorization to operate means either an
6 authorization to operate on a continuing basis or a recurrent
7 authorization to operate;

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

19 (3) Commission means the Coordinating Commission for
20 Postsecondary Education;

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

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

25 (A) Establishing a physical location in this state where

1 a student may receive synchronous or asynchronous instruction; or

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

5 (ii) Establishing an administrative office in this state,
6 including:

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

10 (B) Providing office space to staff, whether
11 instructional or noninstructional staff; or

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

13 (b) Physical presence does not include:

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

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

20 (iii) An educational experience arranged for an
21 individual student, such as a clinical, practicum, residency, or
22 internship; or

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

1 (5) Executive director means the executive director of
2 the commission or his or her designee;

3 (6) Nebraska public postsecondary institution means any
4 public institution established, operated, and governed by this state
5 or any of its political subdivisions that provides postsecondary
6 education;

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

11 (8) Postsecondary institution means any private
12 postsecondary institution, out-of-state public postsecondary
13 institution, or Nebraska public postsecondary institution exempt from
14 the Private Postsecondary Career School Act;

15 (9) Private postsecondary institution means any Nebraska
16 or out-of-state nonpublic postsecondary institution with a physical
17 presence in Nebraska, including any for-profit or nonprofit
18 institution, that provides postsecondary education; and

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

22 Sec. 2. Original section 85-2403, Revised Statutes
23 Cumulative Supplement, 2012, is repealed.