

LEGISLATIVE BILL 331

Approved by the Governor June 4, 2013

Introduced by Harms, 48.

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

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

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

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

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

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

85-1907 Eligible student means an undergraduate student who:

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

(2) Has applied for federal financial aid through the Free Application for Federal Student Aid for the applicable award year and either is eligible to receive a Federal Pell Grant from the United States Department of Education or has an expected family contribution for the applicable award year of no more than the qualifying maximum which will equal six thousand dollars for award year 2010-11 and will equal the prior year's qualifying maximum increased by two and one-half percent for each award year thereafter which is equal to or less than one hundred ten percent of the maximum expected family contribution to qualify for a Federal Pell Grant in that award year;

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

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

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

85-2403 For purposes of the Postsecondary Institution Act:

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

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

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

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

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

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

(B) Offering a course or program that requires students to physically meet in one location for instructional purposes more than once

during the course term; or

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

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

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

(C) Establishing a mailing address in this state.

(b) Physical presence does not include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) To enter into interstate reciprocity agreements regarding the provision of postsecondary distance education, to administer such agreements, and to approve or disapprove, consistent with such agreements, participation in such agreements by postsecondary institutions that have their principal place of business in Nebraska and that choose to participate in such agreements;

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

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

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

evaluating the applications;

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

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

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

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