

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 691

Introduced by Morfeld, 46.

Read first time January 06, 2016

Committee: Education

1 A BILL FOR AN ACT relating to universities and colleges; to amend section
2 85-1412, Revised Statutes Supplement, 2015; to adopt the Teacher
3 Education and Health Care Professions Student Grant Program Act; to
4 provide duties for the Coordinating Commission for Postsecondary
5 Education; to provide an operative date; to repeal the original
6 section; and to declare an emergency.

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

1 Section 1. Sections 1 to 23 of this act shall be known and may be
2 cited as the Teacher Education and Health Care Professions Student Grant
3 Program Act.

4 Sec. 2. The Legislature finds and declares that:

5 (1) Nebraska has an interest in providing quality postsecondary
6 educational opportunities to its citizens in an efficient, cost-
7 effective, and rigorous manner;

8 (2) Certain occupations are crucial to the well-being and future of
9 the citizens of Nebraska;

10 (3) Education of teaching and health care professionals is
11 particularly important and aid to needy students who major in those
12 fields may make them more likely to serve Nebraskans in the future; and

13 (4) It is in the state's best interest to create a program that will
14 assist students enrolled in teacher education programs and health care
15 professions programs to continue their education while minimizing their
16 student debt.

17 Sec. 3. For purposes of the Teacher Education and Health Care
18 Professions Student Grant Program Act, the definitions found in sections
19 4 to 12 of this act shall be used.

20 Sec. 4. Award year means the period from July 1 of one year through
21 June 30 of the succeeding year.

22 Sec. 5. Commission means the Coordinating Commission for
23 Postsecondary Education.

24 Sec. 6. Educational expenses means the published student costs for
25 undergraduates for tuition, fees, room and board, and books and an
26 allowance for such other expenses as the commission determines by rule
27 and regulation to be reasonably related to attendance at an eligible
28 postsecondary educational institution.

29 Sec. 7. Eligible postsecondary educational institution means a
30 public or private nonprofit institution which is:

31 (1) Located in Nebraska;

- 1 (2) Primarily engaged in instruction of students;
- 2 (3) Accredited by a regional accrediting organization recognized by
- 3 the United States Department of Education; and
- 4 (4) Offering courses and programs of instruction leading to a
- 5 baccalaureate or an advanced degree to regularly enrolled undergraduate
- 6 or graduate students who reside in Nebraska and have received high school
- 7 diplomas or their equivalent.

8 Sec. 8. Eligible student means an individual who is a resident of

9 Nebraska as provided by section 85-502, who is enrolled as a full-time or

10 part-time undergraduate student in a teacher education program or a

11 health care profession program, as defined by the commission, at an

12 eligible postsecondary educational institution, and who is eligible to

13 receive student financial assistance pursuant to Title IV of the federal

14 Higher Education Act of 1965, 20 U.S.C. 1001 et seq., as such act and

15 sections existed on January 1, 2015.

16 Sec. 9. Enrollment means the establishment and maintenance of an

17 individual's status as a student in an eligible postsecondary educational

18 institution regardless of the term used at the institution to describe

19 such a status.

20 Sec. 10. Full-time student shall be defined by the commission in

21 the rules and regulations adopted and promulgated by the commission

22 pursuant to the Teacher Education and Health Care Professions Student

23 Grant Program Act.

24 Sec. 11. Substantial financial need shall be defined by the

25 commission in accordance with the federal needs analysis methodology.

26 Sec. 12. Undergraduate student means an individual who is enrolled

27 in a postsecondary educational program which leads to or is creditable

28 toward a first baccalaureate degree in a teacher education program or a

29 health care profession program.

30 Sec. 13. (1) The Teacher Education Student Grant Fund is created.

31 The fund shall consist of funds allocated pursuant to subdivision (2)(a)

1 of section 14 of this act, gifts, grants, bequests, and any other funds
2 appropriated by the Legislature.

3 (2) The Health Care Professions Student Grant Fund is created. The
4 fund shall consist of funds allocated pursuant to subdivision (2)(b) of
5 section 14 of this act, gifts, grants, bequests, and any other funds
6 appropriated by the Legislature.

7 (3) Any money in the funds available for investment shall be
8 invested by the state investment officer pursuant to the Nebraska Capital
9 Expansion Act and the Nebraska State Funds Investment Act.

10 Sec. 14. (1) The Teacher Education and Health Care Professions
11 Student Grant Program Act shall provide for awards made directly to
12 eligible students demonstrating substantial financial need and shall be
13 administered by the commission in conjunction with eligible postsecondary
14 educational institutions.

15 (2) In order to reduce the costs of administering the act, the
16 commission shall allocate the funds to be distributed pursuant to the act
17 to the eligible postsecondary educational institutions which shall act as
18 the agents of the commission in the distribution of funds to eligible
19 students.

20 (a) To determine the allocation amount for each institution from the
21 Teacher Education Student Grant Fund, the commission shall:

22 (i) Determine the number of bachelor's and master's degrees awarded
23 in teacher education programs in the last completed award year for which
24 data is available from the Integrated Postsecondary Education Data System
25 for each teacher education program approved by the State Department of
26 Education, by institution;

27 (ii) Determine the total number of bachelor's and master's degrees
28 awarded in teacher education programs in the last completed award year
29 for which data is available from the Integrated Postsecondary Education
30 Data System for all teacher education programs approved by the State
31 Department of Education;

1 (iii) Divide the number determined in subdivision (a)(i) of this
2 subsection by the total number determined in subdivision (a)(ii) of this
3 section; and

4 (iv) Multiply the total state funds appropriated for the purpose of
5 distribution pursuant to the act by the ratio derived pursuant to
6 subdivision (a)(iii) of this subsection.

7 (b) To determine the allocation amount for each institution from the
8 Health Care Professions Student Grant Fund, the commission shall:

9 (i) Determine the number of bachelor's and master's degrees awarded
10 in health care professions programs in the last completed award year for
11 which data is available from the Integrated Postsecondary Education Data
12 System for each institutional health care professions program, by
13 institution;

14 (ii) Determine the total number of bachelor's and master's degrees
15 awarded in health care professions programs in the last completed award
16 year for which data is available from the Integrated Postsecondary
17 Education Data System for all institutional health care professions
18 programs;

19 (iii) Divide the number determined in subdivision (b)(i) of this
20 subsection by the total number determined in subdivision (b)(ii) of this
21 subsection; and

22 (iv) Multiply the total state funds appropriated for the purpose of
23 distribution pursuant to the act by the ratio derived pursuant to
24 subdivision (b)(iii) of this subsection.

25 (3) In conformance with the rules and regulations of the commission,
26 each eligible postsecondary educational institution shall distribute the
27 funds to eligible students attending the respective institution.

28 Sec. 15. An award may be given to an eligible student for
29 attendance at an eligible postsecondary educational institution if:

30 (1) The award is made directly to the eligible student rather than
31 to the eligible postsecondary educational institution;

1 (2) The eligible student is accepted for enrollment as follows:

2 (a) In the case of an eligible student beginning his or her first
3 year or freshman year of postsecondary education, such eligible student
4 has satisfied requirements for admission and has enrolled or indicated an
5 intent to enroll in an eligible postsecondary educational institution; or

6 (b) In the case of an eligible student enrolled in an eligible
7 postsecondary educational institution following the successful completion
8 of the first year, he or she continues to meet the requirements of the
9 Teacher Education and Health Care Professions Student Grant Program Act
10 and has maintained such minimum standards of performance as are required
11 by the institution in which the eligible student is enrolled;

12 (3) The amount of the award given to an eligible student is based on
13 substantial financial need;

14 (4) The award covers at least one award period but no more than one
15 award year of attendance as an undergraduate student at an eligible
16 postsecondary educational institution which has adopted and has available
17 for inspection its refund and repayment policies;

18 (5) The eligible student receiving such an award signs a statement
19 certifying that the award will be used only for educational expenses; and

20 (6) The eligible student has complied with such rules and
21 regulations as may be established by the commission.

22 Sec. 16. An award may be made for an award period not to exceed an
23 award year. If the award recipient discontinues attendance at the
24 eligible postsecondary educational institution before the end of the
25 award period, the award recipient shall remit any award balances
26 allowable to the eligible postsecondary educational institution in
27 accordance with the eligible postsecondary educational institution's
28 withdrawal policy. An eligible postsecondary educational institution may
29 redistribute to other eligible students any award balance returned in
30 accordance with its refund policy. Award funds not distributed or
31 redistributed within the award year in which funds were allocated shall

1 be returned to the commission by the eligible postsecondary educational
2 institution.

3 Sec. 17. The commission shall provide that, in the granting of
4 awards, priority shall be given to full-time eligible students, but the
5 commission may provide that awards may be given to part-time eligible
6 students enrolled in an eligible postsecondary educational institution.

7 Sec. 18. The commission and its agents shall carry out the Teacher
8 Education and Health Care Professions Student Grant Program Act in
9 compliance with state and federal law.

10 Sec. 19. The commission shall:

11 (1) Supervise the issuance of public information concerning the
12 Teacher Education and Health Care Professions Student Grant Program Act;

13 (2) Determine criteria for the eligibility of award recipients;

14 (3) Determine the effective date of awards made pursuant to the act;
15 and

16 (4) Determine criteria for setting the minimum and maximum size of
17 the awards and the eligibility of applicants.

18 Sec. 20. The commission shall establish a reasonable and fair
19 appeal procedure for students and eligible postsecondary educational
20 institutions which have been adversely affected by the actions of the
21 commission or eligible postsecondary educational institutions in the
22 distribution of funds or granting of awards pursuant to the Teacher
23 Education and Health Care Professions Student Grant Program Act.

24 Sec. 21. The Teacher Education and Health Care Professions Student
25 Grant Program Act shall not be construed as granting any authority to the
26 commission to control or influence the policies of any eligible
27 postsecondary educational institution because the eligible postsecondary
28 educational institution accepts students who receive awards nor as
29 requiring any such eligible postsecondary educational institution to
30 admit or, once admitted, to continue in the eligible postsecondary
31 educational institution any student receiving an award.

1 Sec. 22. The commission shall require an annual report from each
2 eligible postsecondary educational institution. The report shall
3 demonstrate that students receiving funds under the Teacher Education and
4 Health Care Professions Student Grant Program Act have met the basic
5 criteria established in the act and the rules and regulations of the
6 commission adopted pursuant to the act. The report may include other data
7 as required by the commission.

8 Sec. 23. The commission shall adopt and promulgate rules and
9 regulations necessary to carry out the Teacher Education and Health Care
10 Professions Student Grant Program Act.

11 Sec. 24. Section 85-1412, Revised Statutes Supplement, 2015, is
12 amended to read:

13 85-1412 The commission shall have the following additional powers
14 and duties:

15 (1) Conduct surveys and studies as may be necessary to undertake the
16 coordination function of the commission pursuant to section 85-1403 and
17 request information from governing boards and appropriate administrators
18 of public institutions and other governmental agencies for research
19 projects. All public institutions and governmental agencies receiving
20 state funds shall comply with reasonable requests for information under
21 this subdivision. Public institutions may comply with such requests
22 pursuant to section 85-1417;

23 (2) Recommend to the Legislature and the Governor legislation it
24 deems necessary or appropriate to improve postsecondary education in
25 Nebraska and any other legislation it deems appropriate to change the
26 role and mission provisions in sections 85-917 to 85-966.01. The
27 recommendations submitted to the Legislature shall be submitted
28 electronically;

29 (3) Establish any advisory committees as may be necessary to
30 undertake the coordination function of the commission pursuant to section
31 85-1403 or to solicit input from affected parties such as students,

1 faculty, governing boards, administrators of the public institutions,
2 administrators of the private nonprofit institutions of postsecondary
3 education and proprietary institutions in the state, and community and
4 business leaders regarding the coordination function of the commission;

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

9 (5) Seek a close liaison with the State Board of Education and the
10 State Department of Education in recognition of the need for close
11 coordination of activities between elementary and secondary education and
12 postsecondary education;

13 (6) Administer the Integrated Postsecondary Education Data System or
14 other information system or systems to provide the commission with
15 timely, comprehensive, and meaningful information pertinent to the
16 exercise of its duties. The information system shall be designed to
17 provide comparable data on each public institution. The commission shall
18 also administer the uniform information system prescribed in sections
19 85-1421 to 85-1427 known as the Nebraska Educational Data System. Public
20 institutions shall supply the appropriate data for the information system
21 or systems required by the commission;

22 (7) Administer (a) the Access College Early Scholarship Program Act,
23 (b) the Community College Aid Act, (c) the Nebraska Community College
24 Student Performance and Occupational Education Grant Fund under the
25 direction of the Nebraska Community College Student Performance and
26 Occupational Education Grant Committee, (d) the Nebraska Opportunity
27 Grant Act, (e) the Postsecondary Institution Act, (f) the Teacher
28 Education and Health Care Professions Student Grant Program Act, and (g
29 f) the community college gap assistance program and the Community College
30 Gap Assistance Program Fund;

31 (8) Accept and administer loans, grants, and programs from the

1 federal or state government and from other sources, public and private,
2 for carrying out any of its functions, including the administration of
3 privately endowed scholarship programs. Such loans and grants shall not
4 be expended for any other purposes than those for which the loans and
5 grants were provided. The commission shall determine eligibility for such
6 loans, grants, and programs, and such loans and grants shall not be
7 expended unless approved by the Governor;

8 (9) On or before December 1 of each even-numbered year, submit to
9 the Legislature and the Governor a report of its objectives and
10 activities and any new private colleges in Nebraska and the
11 implementation of any recommendations of the commission for the preceding
12 two calendar years. The report submitted to the Legislature shall be
13 submitted electronically;

14 (10) Provide staff support for interstate compacts on postsecondary
15 education; and

16 (11) Request inclusion of the commission in any existing grant
17 review process and information system.

18 Sec. 25. This act becomes operative on July 1, 2016.

19 Sec. 26. Original section 85-1412, Revised Statutes Supplement,
20 2015, is repealed.

21 Sec. 27. Since an emergency exists, this act takes effect when
22 passed and approved according to law.