

CORRECTED COPY
LEGISLATIVE BILL 93

Approved by the Governor February 15, 1993

Introduced by Withem, 14

AN ACT relating to postsecondary education; to amend sections 85-1101 and 85-1104, Reissue Revised Statutes of Nebraska, 1943, and section 85-1103, 85-1107, 85-1108, and 85-1412, Revised Statutes Supplement, 1992; to change provisions relating to establishment of programs by out-of-state institutions of higher education as prescribed; to change and provide powers and duties for the Coordinating Commission for Postsecondary Education; to redefine a term; to change a penalty; to change provisions relating to notice and approval of certain petitions by private colleges as prescribed; to harmonize provisions; and to repeal the original sections.

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

Section 1. That section 85-1101, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-1101. ~~As used in~~ For purposes of sections 85-1102 to 85-1104 ~~and section 3 of this act~~, unless the context otherwise requires, out-of-state institution of higher education shall ~~mean and~~ include any ~~senior~~ college, university, community college, technical institute, junior college, or the equivalent that awards an associate or higher degree and is controlled by a public or private body organized outside the boundaries of the State of Nebraska.

Sec. 2. That section 85-1103, Revised Statutes Supplement, 1992, be amended to read as follows:

85-1103. (1) The Coordinating Commission for Postsecondary Education shall consider the following factors in determining whether to authorize an out-of-state institution of higher education to offer courses or degree programs in this state; if:

(a) The financial soundness of such institution and its capability to fulfill its proposed commitments;

(b) The quality of teaching faculty, library, and support services, commensurate with tuition or fees charged;

(c) The demonstrated need and demand for the program in the area to be served;

(d) The quality of the programs to be offered in the state, including courses, programs of instruction, and degrees;

(e) The specific locations where programs will be offered or planned locations and a demonstration that facilities are adequate at the

locations for the programs to be offered. When an out-of-state institution of higher education designates a planned program location, approval shall be contingent upon designation of a specific location or locations where programs will be offered within a reasonable period of time following commission approval;

(f) Adequate assurances regarding transfer of credits earned in the program to the main campus of such institution and to other institutions located in Nebraska and elsewhere; and The institution submits to the commission data on courses or programs to be offered in this state and their locations, degrees to be awarded, and such other information as is specified by the commission;

(b) The institution submits an agreement that it will state in its advertisements, announcements, and course registration materials if the credit earned can be transferred to the main campuses as a part of an existing degree program offered by the institution; and

(c) The institution is (g) Whether such institution and, when appropriate, the program are fully accredited by an accrediting body recognized by the United States Office Department of Education.

(2) The commission may charge a reasonable fee based on its administrative costs for registration and authorization and may also adopt and promulgate rules and regulations as may be necessary to carry out this section.

(3) The commission may revoke or suspend any authorization of an out-of-state institution of higher education to offer a course or degree program in this state upon violation of this section or any agreement submitted for authorization.

Sec. 3. An out-of-state institution of higher education which will offer a course or degree program via telecommunications within Nebraska and which will have a physical presence in Nebraska shall register with and seek approval of the Coordinating Commission for Postsecondary Education prior to offering such course or program in Nebraska. Such institution shall be exempt from this section if the offering is in the nature of a short course or seminar and instruction for the segment takes not more than twenty classroom hours or each course or program offered by it in this state is offered on a military installation solely for military personnel or civilians employed on such installations.

For purposes of this section, physical presence in Nebraska is evidenced by arrangements for sites where such an institution offers one or more courses for college credit on an established schedule at locations other than the personal residence of individual students.

The commission shall establish standards for approval of telecommunications-based courses or programs to be offered in the state by such institutions as prescribed in section 85-1103. Alternatively the commission may enter into reciprocal agreements to review degree programs offered via telecommunications if the standards for review in the state of origin are at least equivalent to the standards prescribed in such section.

Sec. 4. That section 85-1104, Reissue Revised Statutes of

Nebraska, 1943, be amended to read as follows:

85-1104. Any person violating sections 85-1101 to 85-1103 and section 3 of this act shall be guilty of a Class III misdemeanor.

Sec. 5. That section 85-1107, Revised Statutes Supplement, 1992, be amended to read as follows:

85-1107. Upon receipt of ~~such~~ a petition under section 85-1105, the Coordinating Commission for Postsecondary Education shall set a time and a place for a public hearing thereon and shall cause notice thereof to be published ~~twice~~ in one or more newspapers of general circulation; ~~with the latest publication not less than five nor~~ not less than thirty and not more than ten ~~sixty~~ days prior to the date set for the hearing. Such hearing shall be held as provided in the Administrative Procedure Act.

Sec. 6. That section 85-1108, Revised Statutes Supplement, 1992, be amended to read as follows:

85-1108. (1) In considering the feasibility of the ~~proposed~~ college proposed in a petition under section 85-1105, the Coordinating Commission for Postsecondary Education shall take into account the following factors:

(a) ~~(+)~~ The need for and the objectives of the proposed college;

(b) ~~(+)~~ The proposed instructional program and the plan for staffing such a program, including staff qualifications;

(c) ~~(+)~~ The financial soundness and capability to fulfill its proposed commitments; and

(d) ~~(+)~~ Such other pertinent factors as relate to the potential of the proposed college to achieve its objectives or as may be developed at the hearing.

(2) The commission may charge a reasonable fee based on its administrative costs for review and authorization and may also adopt and promulgate such rules and regulations as may be necessary to carry out the provisions of sections 85-1105 to 85-1110.

Sec. 7. That section 85-1412, Revised Statutes Supplement, 1992, be amended to read as follows:

85-1412. The commission shall have the following additional powers and duties; ~~to:~~

(1) Conduct surveys and studies it finds appropriate for the purposes of the Coordinating Commission for Postsecondary Education Act and request information from governing boards and appropriate administrators of public institutions and other governmental agencies for research projects. All public institutions and governmental agencies receiving state funds shall comply with reasonable requests for information under this subdivision;

(2) Recommend to the Legislature and the Governor legislation it deems necessary or appropriate to improve postsecondary education in Nebraska;

(3) Establish any advisory committees it finds will assist the commission in facilitating the performance of its duties or in soliciting

input from affected parties such as students, faculty, governing boards, administrators of the public institutions, administrators of the private nonprofit institutions of postsecondary education and proprietary institutions in the state, and community and business leaders;

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

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

(6) Administer the Integrated Postsecondary Education Data System or other information system or systems to provide the commission with timely, comprehensive, and meaningful information pertinent to the exercise of its duties. The information system shall be designed to provide comparable data on each public institution. The commission shall also administer the uniform information system prescribed in sections 85-968 to 85-979; known ~~on January 1, 1992,~~ as the Nebraska Educational Data System; if such responsibility is transferred to the commission pursuant to section 85-973. Public institutions shall supply the appropriate data for the information system or systems required by the commission;

(7) Administer the State Scholarship Award Program Act and the Scholarship Assistance Program Act;

(8) Accept and administer loans, grants, and programs from the federal or state government and from other sources, public and private, for carrying out any of its functions. Such loans and grants shall not be expended for any other purposes than those for which the loans and grants were provided. The commission shall determine eligibility for such loans, grants, and programs, and such loans and grants shall not be expended unless approved by the Governor;

(9) Make recommendations to the State Board of Education with regard to granting permits for the operation of correspondence schools, privately owned business or trade schools, or other educational institutions under the Private Postsecondary Career School Act whenever any correspondence school, business school, or vocational school offers any course which is intended to lead to the granting of an associate degree, diploma, or certificate or any course which qualifies for college credit. By January 1, 1994, the commission shall study and report to the chairpersons of the Education Committee and the Appropriations Committee of the Legislature its recommendations on transferring to the commission the responsibilities of the State Board of Education under the Private Postsecondary Career School Act and the responsibilities of any other state agency which licenses or regulates postsecondary education courses;

(10) Pursuant to sections 85-1101 to 85-1104 and section 3 of this act, authorize out-of-state institutions of higher or postsecondary

education to offer courses or degree programs in this state;

~~(11) On or before January 1, 1993, submit to the Legislature and the Governor a report and summary of the goals and plans of the commission and how the initial development of policies, rules, and regulations of the commission is related to and expected to further its goals. On or before October 1, 1994, and on or before October 1 every two years thereafter, the commission shall submit to the Legislature and the Governor a report of its objectives and activities and the implementation of any recommendations of the commission for the preceding two calendar years;~~

(12) Allocate state incentive funds among the public institutions pursuant to any directives to the commission in the law providing for or authorizing such funds;

(13) Provide staff support for interstate compacts on postsecondary education; and

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

Sec. 8. That original sections 85-1101 and 85-1104, Reissue Revised Statutes of Nebraska, 1943, and section 85-1103, 85-1107, 85-1108, and 85-1412, Revised Statutes Supplement, 1992, are repealed.