

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 1034**

Introduced by Nordquist, 7; Lathrop, 12; Lautenbaugh, 18.

Read first time January 17, 2012

Committee:

A BILL

1 FOR AN ACT relating to universities and colleges; to amend section  
2 85-1412, Revised Statutes Supplement, 2011; to adopt the  
3 College Choice Grant Program Act; to provide duties for  
4 the Coordinating Commission for Postsecondary Education;  
5 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 22 of this act shall be known  
2 and may be cited as the College Choice Grant Program Act.

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

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

7           (2) As part of Nebraska's commitment to ensuring a  
8 successful future for our young citizens and helping ensure our  
9 state's economic vitality, Nebraska has adopted eight education goals  
10 as part of the P-16 initiative;

11           (3) Goals relating to postsecondary education include  
12 improving our college-going rate to the top ten tier nationally,  
13 providing affordable access to Nebraska colleges and universities,  
14 improving the time to degree completion, increasing college  
15 graduation rates, and increasing the number of college graduates in  
16 the areas of science, technology, engineering, and math;

17           (4) In order to meet the state's postsecondary education  
18 goals, Nebraska must utilize the strengths of its privately  
19 controlled nonprofit colleges and universities; and

20           (5) Nebraska will enhance its ability to meet its  
21 postsecondary education goals by providing financial assistance to  
22 Nebraska residents who wish to attend a privately controlled  
23 nonprofit college or university located in Nebraska.

24           Sec. 3. For purposes of the College Choice Grant Program  
25 Act, the definitions found in sections 4 to 12 of this act shall be

1 used.

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

4           Sec. 5. Commission means the Coordinating Commission for  
5 Postsecondary Education.

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

11           Sec. 7. Eligible postsecondary educational institution  
12 means a nonprofit institution not controlled or administered by any  
13 state agency or any political subdivision of the state which is:

14                   (1) Located in Nebraska;

15                   (2) Primarily engaged in instruction of students;

16                   (3) Accredited by a regional accrediting organization  
17 recognized by the United States Department of Education; and

18                   (4) Offering courses and programs of instruction leading  
19 to an associate or baccalaureate degree to regularly enrolled  
20 undergraduate students who reside in Nebraska and have received high  
21 school diplomas or their equivalent.

22           Sec. 8. Eligible student means an individual who is a  
23 resident of Nebraska as provided by section 85-502, enrolled as a  
24 full-time or part-time undergraduate student at an eligible  
25 postsecondary educational institution, and eligible to receive United

1 States Department of Education Title IV student financial assistance.

2           Sec. 9. Enrollment means the establishment and  
3 maintenance of an individual's status as a student in an eligible  
4 postsecondary educational institution regardless of the term used at  
5 the institution to describe such a status.

6           Sec. 10. Full-time student shall be defined by the  
7 commission in the rules and regulations adopted and promulgated by  
8 the commission pursuant to the College Choice Grant Program Act.

9           Sec. 11. Substantial financial need shall be defined by  
10 the commission in accordance with the federal needs analysis  
11 methodology.

12           Sec. 12. Undergraduate student means an individual who  
13 has not earned a first baccalaureate or professional degree and is  
14 enrolled in a postsecondary educational program which leads to or is  
15 creditable toward a first baccalaureate degree, certificate, diploma,  
16 or equivalent.

17           Sec. 13. (1) The College Choice Grant Program Act shall  
18 provide for awards made directly to eligible students demonstrating  
19 substantial financial need and shall be administered by the  
20 commission in conjunction with eligible postsecondary educational  
21 institutions.

22           (2) In order to reduce the costs of administering the  
23 act, the commission shall allocate the funds to be distributed  
24 pursuant to the act to the eligible postsecondary educational  
25 institutions which shall act as the agents of the commission in the

1 distribution of funds to eligible students. To determine the  
2 allocation amount for each institution the commission shall:

3 (a) Determine the number of students enrolled in  
4 undergraduate programs at the eligible postsecondary educational  
5 institution in the last completed award year with an expected family  
6 contribution of five thousand five hundred fifty dollars or below as  
7 determined pursuant to the federal Pell Grant Program;

8 (b) Multiply the number determined in subdivision (a) of  
9 this subsection by the institution's average educational expenses for  
10 all full-time undergraduate students for the last completed award  
11 year;

12 (c) Divide the product derived pursuant to subdivision  
13 (b) of this subsection for each eligible postsecondary educational  
14 institution by the sum of the products derived pursuant to  
15 subdivision (b) of this subsection for all eligible postsecondary  
16 educational institutions; and

17 (d) Multiply the total state funds appropriated for the  
18 purpose of distribution pursuant to the act by the ratio derived  
19 pursuant to subdivision (c) of this subsection.

20 (3) In conformance with the rules and regulations of the  
21 commission, each eligible postsecondary educational institution shall  
22 distribute the funds to eligible students attending the respective  
23 institution.

24 Sec. 14. An award may be given to an eligible student for  
25 attendance at an eligible postsecondary educational institution if:

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

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

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

10          (b) In the case of an eligible student enrolled in an  
11 eligible postsecondary educational institution following the  
12 successful completion of the first year, he or she continues to meet  
13 the requirements of the College Choice Grant Program Act and has  
14 maintained such minimum standards of performance as are required by  
15 the institution in which the eligible student is enrolled;

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

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

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

25          (6) The eligible student has complied with such rules and

1 regulations as may be established by the commission.

2           Sec. 15. An award may be made for a period not to exceed  
3 an award year. If the award recipient discontinues attendance at the  
4 eligible postsecondary educational institution before the end of the  
5 award period, the award recipient shall remit any award balances  
6 allowable to the eligible postsecondary educational institution in  
7 accordance with the eligible postsecondary educational institution's  
8 withdrawal policy. An eligible postsecondary educational institution  
9 may redistribute to other eligible students any award balance  
10 returned in accordance with its refund policy. Award funds not  
11 distributed or redistributed within the award year in which funds  
12 were allocated shall be returned to the commission by the eligible  
13 postsecondary educational institution.

14           Sec. 16. The commission shall provide that, in the  
15 granting of awards, priority shall be given to full-time eligible  
16 students, but the commission may provide that awards to part-time  
17 eligible students enrolled in an eligible postsecondary educational  
18 institution may be given.

19           Sec. 17. The commission and its agents shall discharge  
20 the authority granted them under the College Choice Grant Program Act  
21 without regard to any eligible student's race, creed, color, national  
22 origin, ancestry, age, sex, or handicap.

23           Sec. 18. The commission shall:

24           (1) Supervise the issuance of public information  
25 concerning the College Choice Grant Program Act;

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

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

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

7           Sec. 19. The commission shall establish a reasonable and  
8 fair appeal procedure for students and eligible postsecondary  
9 educational institutions which have been adversely affected by the  
10 actions of the commission or eligible postsecondary educational  
11 institutions in the distribution of funds or granting of awards  
12 pursuant to the College Choice Grant Program Act.

13           Sec. 20. The College Choice Grant Program Act shall not  
14 be construed as granting any authority to the commission to control  
15 or influence the policies of any eligible postsecondary educational  
16 institution because the eligible postsecondary educational  
17 institution accepts students who receive awards nor as requiring any  
18 such eligible postsecondary educational institution to admit or, once  
19 admitted, to continue in the eligible postsecondary educational  
20 institution any student receiving an award.

21           Sec. 21. The commission shall require an annual report  
22 from each eligible postsecondary educational institution. The report  
23 shall demonstrate that students receiving funds under the College  
24 Choice Grant Program Act have met the basic criteria established in  
25 the act and the rules and regulations of the commission adopted



1 pursuant to the act. The report may include other data as required by  
2 the commission.

3           Sec. 22. The commission shall adopt and promulgate rules  
4 and regulations necessary to carry out the College Choice Grant  
5 Program Act.

6           Sec. 23. Section 85-1412, Revised Statutes Supplement,  
7 2011, is amended to read:

8           85-1412 The commission shall have the following  
9 additional powers and duties:

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

19           (2) Recommend to the Legislature and the Governor  
20 legislation it deems necessary or appropriate to improve  
21 postsecondary education in Nebraska and any other legislation it  
22 deems appropriate to change the role and mission provisions in  
23 sections 85-917 to 85-966.01;

24           (3) Establish any advisory committees as may be necessary  
25 to undertake the coordination function of the commission pursuant to

1 section 85-1403 or to solicit input from affected parties such as  
2 students, faculty, governing boards, administrators of the public  
3 institutions, administrators of the private nonprofit institutions of  
4 postsecondary education and proprietary institutions in the state,  
5 and community and business leaders regarding the coordination  
6 function of the commission;

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

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

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

25 (7) Administer the Access College Early Scholarship

1 Program Act, the College Choice Grant Program Act, the Nebraska  
2 Opportunity Grant Act, and the Postsecondary Institution Act;

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

12 (9) On or before December 1 of each even-numbered year,  
13 submit to the Legislature and the Governor a report of its objectives  
14 and activities and any new private colleges in Nebraska and the  
15 implementation of any recommendations of the commission for the  
16 preceding two calendar years;

17 (10) Provide staff support for interstate compacts on  
18 postsecondary education;

19 (11) Request inclusion of the commission in any existing  
20 grant review process and information system; and

21 (12) In collaboration with the State Department of  
22 Education, public and private postsecondary educational institutions,  
23 private, denominational, or parochial secondary schools, educational  
24 service units, and school districts, conduct a study regarding the  
25 need for uniform policies and practices for dual-enrollment courses

1 and career academies in Nebraska, including transferability of dual-  
2 enrollment courses and consistency of administration of career  
3 academies. The study shall also include a review of any program that  
4 provides Nebraska high school students with the opportunity to earn  
5 college credit or advanced placement through participation in courses  
6 and examinations administered by a not-for-profit organization and of  
7 the need for uniform policies and practices related to the acceptance  
8 and transferability of such courses and the college credit or  
9 advanced placement earned as a result of a student's performance on  
10 such examinations. The commission shall report the findings of such  
11 study and its recommendations, including recommendations for possible  
12 legislation, to the Legislature on or before December 15, 2011. For  
13 purposes of this subdivision, dual-enrollment course has the same  
14 definition as provided in section 79-1201.01.

15           Sec. 24. This act becomes operative on July 1, 2012.

16           Sec. 25. Original section 85-1412, Revised Statutes  
17 Supplement, 2011, is repealed.

18           Sec. 26. Since an emergency exists, this act takes effect  
19 when passed and approved according to law.