

LEGISLATURE OF NEBRASKA  
ONE HUNDREDTH LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 192**  
FINAL READING

Introduced by Harms, 48

Read first time January 9, 2007

Committee: Education

A BILL

1 FOR AN ACT relating to postsecondary education; to amend section  
2 85-1412, Revised Statutes Cumulative Supplement, 2006;  
3 to adopt the Access College Early Scholarship Program  
4 Act; to eliminate the Community Scholarship Foundation  
5 Program Act; to harmonize provisions; to repeal the  
6 original section; and to outright repeal sections  
7 85-2001, 85-2002, 85-2003, 85-2004, 85-2005, 85-2006,  
8 85-2007, 85-2008, 85-2009, and 85-2010, Revised Statutes  
9 Cumulative Supplement, 2006.

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

1           Section 1. Section 85-1412, Revised Statutes Cumulative  
2 Supplement, 2006, is amended to read:

3           85-1412 The commission shall have the following  
4 additional powers and duties:

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

14           (2) Recommend to the Legislature and the Governor  
15 legislation it deems necessary or appropriate to improve  
16 postsecondary education in Nebraska and any other legislation it  
17 deems appropriate to change the role and mission provisions in  
18 sections 85-917 to 85-966.01;

19           (3) Establish any advisory committees as may be necessary  
20 to undertake the coordination function of the commission pursuant  
21 to section 85-1403 or to solicit input from affected parties  
22 such as students, faculty, governing boards, administrators  
23 of the public institutions, administrators of the private  
24 nonprofit institutions of postsecondary education and proprietary  
25 institutions in the state, and community and business leaders

1 regarding the coordination function of the commission;

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

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

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

20 (7) Administer the ~~Community Scholarship Foundation~~  
21 Access College Early Scholarship Program Act and the Nebraska  
22 Scholarship Act;

23 (8) Accept and administer loans, grants, and programs  
24 from the federal or state government and from other sources, public  
25 and private, for carrying out any of its functions, including

1 the administration of privately endowed scholarship programs. Such  
2 loans and grants shall not be expended for any other purposes than  
3 those for which the loans and grants were provided. The commission  
4 shall determine eligibility for such loans, grants, and programs,  
5 and such loans and grants shall not be expended unless approved by  
6 the Governor;

7 (9) Consistent with section 85-1620, approve, in a  
8 timely manner, new baccalaureate degree programs to be offered  
9 at private postsecondary career schools as defined in section  
10 85-1603. The commission may charge a reasonable fee based on  
11 its administrative costs for authorizations pursuant to this  
12 subdivision and section 85-1620. The commission shall report such  
13 action to the Commissioner of Education;

14 (10) Pursuant to sections 85-1101 to 85-1104, authorize  
15 out-of-state institutions of higher or postsecondary education to  
16 offer courses or degree programs in this state;

17 (11) Pursuant to sections 85-1105 to 85-1111, approve  
18 or disapprove petitions to establish new private colleges in this  
19 state;

20 (12) On or before December 1, 2000, and on or before  
21 December 1 every two years thereafter, submit to the Legislature  
22 and the Governor a report of its objectives and activities and  
23 any new private colleges in Nebraska and the implementation of any  
24 recommendations of the commission for the preceding two calendar  
25 years;

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

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

5           Sec. 2. Sections 2 to 9 of this act shall be known and  
6 may be cited as the Access College Early Scholarship Program Act.

7           Sec. 3. For purposes of the Access College Early  
8 Scholarship Program Act:

9           (1) Commission means the Coordinating Commission for  
10 Postsecondary Education;

11           (2) Extreme hardship means any event, including fire,  
12 illness, accident, or job loss, that has recently resulted in a  
13 significant financial difficulty for a student or the student's  
14 parent or legal guardian;

15           (3) Postsecondary educational institution means a  
16 two-year or four-year college or university which is a member  
17 institution of an accrediting body recognized by the United States  
18 Department of Education;

19           (4) Qualified postsecondary educational institution means  
20 a postsecondary educational institution located in Nebraska which  
21 has agreed, on a form developed and provided by the commission, to  
22 comply with the requirements of the act; and

23           (5) Student means a student attending a Nebraska high  
24 school with a reasonable expectation that such student will meet  
25 the residency requirements of section 85-502 upon graduation from a

1 Nebraska high school.

2           Sec. 4. The Access College Early Scholarship Program is  
3 established. The purpose of the program is to provide financial  
4 assistance to low-income students for courses to be taken for  
5 credit from a qualified postsecondary educational institution while  
6 still enrolled in high school. The program shall be administered by  
7 the commission.

8           Sec. 5. A student who is applying to take one or more  
9 courses for credit from a qualified postsecondary educational  
10 institution is eligible for the Access College Early Scholarship  
11 Program if:

12           (1) Such student or the student's parent or legal  
13 guardian is eligible to receive:

14           (a) Supplemental Security Income;

15           (b) Food stamps;

16           (c) Free or reduced-price lunches under United States  
17 Department of Agriculture child nutrition programs;

18           (d) Aid to families with dependent children; or

19           (e) Assistance under the Special Supplemental Nutrition  
20 Program for Women, Infants, and Children; or

21           (2) The student or the student's parent or legal guardian  
22 has experienced an extreme hardship.

23           Sec. 6. (1) An applicant for the Access College Early  
24 Scholarship Program shall complete an application form developed  
25 and provided by the commission and shall forward the form to his

1 or her guidance counselor. The guidance counselor shall verify the  
2 student's eligibility under the Access College Early Scholarship  
3 Program Act and shall forward the information to the commission for  
4 review within fifteen days following receipt of the form from the  
5 student. Notification of tuition and mandatory fees to be accrued  
6 by the student shall be provided to the commission by the student,  
7 high school, or qualified postsecondary educational institution as  
8 determined by the commission.

9 (2) The commission shall review the application and  
10 verify the student's eligibility under the act. The commission  
11 shall notify the student and the student's guidance counselor of  
12 the verification of eligibility and the estimated award amount in  
13 writing within thirty days following receipt of the form from the  
14 student's guidance counselor. The scholarship award shall equal  
15 the lesser of tuition and mandatory fees accrued by the student  
16 after any discounts applicable to such student from the qualified  
17 postsecondary educational institution or the tuition and mandatory  
18 fees that would have been accrued by the student for the same  
19 number of credit hours if the student were taking the course as a  
20 full-time, resident, undergraduate student from the University of  
21 Nebraska-Lincoln. The commission shall forward such amount directly  
22 to the qualified postsecondary educational institution as payment  
23 of such student's tuition and mandatory fees.

24 (3) The commission shall make such payments in the order  
25 the applications are received by the commission until funds are

1 inadequate to fulfill any remaining scholarships.

2 (4) There is no limit on the number of scholarships a  
3 student may receive under the act.

4 (5) For any student receiving a scholarship pursuant to  
5 the act for tuition and mandatory fees, the qualified postsecondary  
6 educational institution receiving the payment shall report either  
7 the student's grade for the course or the student's failure to  
8 complete the course to the commission within thirty days after  
9 the end of the course or within one hundred eighty days after  
10 receipt of a payment pursuant to the act if the course for which  
11 the scholarship was awarded does not have a specified ending  
12 date. The commission shall keep the identity of students receiving  
13 scholarships confidential, except as necessary to comply with the  
14 requirements of the act.

15 Sec. 7. The commission shall prepare a biennial report  
16 on scholarships awarded pursuant to the Access College Early  
17 Scholarship Program Act and shall submit the report to the Clerk of  
18 the Legislature. The report shall include, but not be limited to,  
19 the number and amount of scholarships awarded, the postsecondary  
20 educational institutions attended by scholarship recipients, and  
21 information regarding the success of scholarship recipients in the  
22 courses for which the scholarships were awarded.

23 Sec. 8. A student or the student's parent or legal  
24 guardian may request in writing a review of any adverse decision  
25 by requesting such review within twenty days following notice of



1 the adverse decision, addressed to the executive director of the  
2 commission. The review shall be pursuant to the Administrative  
3 Procedure Act.

4           Sec. 9. The commission may adopt and promulgate rules  
5 and regulations to carry out the Access College Early Scholarship  
6 Program Act.

7           Sec. 10. Original section 85-1412, Revised Statutes  
8 Cumulative Supplement, 2006, is repealed.

9           Sec. 11. The following sections are outright repealed:  
10 Sections 85-2001, 85-2002, 85-2003, 85-2004, 85-2005, 85-2006,  
11 85-2007, 85-2008, 85-2009, and 85-2010, Revised Statutes Cumulative  
12 Supplement, 2006.