

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 1013

Introduced by Gay, 14.

Read first time January 17, 2008

Committee: Education

A BILL

1 FOR AN ACT relating to postsecondary education; to amend section
2 85-1412, Revised Statutes Supplement, 2007; to adopt the
3 Higher Education Academic Scholarship Program Act; to
4 harmonize provisions; and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 8 of this act shall be known and
2 may be cited as the Higher Education Academic Scholarship Program
3 Act.

4 Sec. 2. For purposes of the Higher Education Academic
5 Scholarship Program Act:

6 (1) Academic scholarship means an amount of money paid by
7 the State of Nebraska to a qualified college or university student
8 who has demonstrated superior academic achievement as provided in
9 section 5 of this act;

10 (2) Commission means the Coordinating Commission for
11 Postsecondary Education;

12 (3) Eligible postsecondary educational institution has
13 the definition found in section 85-1906; and

14 (4) Program means the Higher Education Academic
15 Scholarship Program.

16 Sec. 3. The Higher Education Academic Scholarship Program
17 is established. Any money appropriated by the Legislature for
18 the program shall be used to provide scholarships for eligible
19 recipients as provided in the Higher Education Academic Scholarship
20 Program Act.

21 Sec. 4. (1) The commission shall be the administrative
22 agency responsible for the implementation of the program. The
23 commission shall:

24 (a) Adopt and promulgate rules and regulations to
25 carry out the Higher Education Academic Scholarship Program Act,

1 including rules and regulations for granting academic scholarship
2 deferments under section 8 of this act;

3 (b) Prescribe the form, time, and method of applying for
4 academic scholarships; and

5 (c) Select qualified recipients to receive academic
6 scholarships, award such academic scholarships to qualified
7 recipients, and determine the manner and method of payment.

8 (2) Upon request by the commission, the State Department
9 of Education shall provide to the commission information in the
10 department's possession which is required by the commission to
11 carry out the act, including, but not limited to, college entrance
12 examination scores of the applicants for scholarships under the
13 act. The department shall not charge the commission for providing
14 such information.

15 Sec. 5. (1) A student is eligible for an initial academic
16 scholarship under the program if he or she:

17 (a) Is a resident student domiciled in Nebraska as
18 described in section 85-502;

19 (b) Is (i) a high school student whose composite score on
20 the American College Testing Program college entrance examination
21 is in the top five percent of all Nebraska students taking
22 such examination by December 31 of the school year in which
23 the scholarship recipient is a high school senior or (ii)
24 an individual who either has successfully passed a general
25 educational development test or holds a diploma of high school

1 equivalency, who has taken the American College Testing Program
2 college entrance examination on or before December 31 of the year
3 previous to the individual's first academic year at an eligible
4 postsecondary educational institution, and whose composite score on
5 such examination is within the top five percent as described in
6 subdivision (1)(b)(i) of this section; and

7 (c) Is enrolled or has been accepted for enrollment
8 as a full-time student in an eligible postsecondary educational
9 institution.

10 (2) Academic scholarships are renewable if the recipient
11 remains in compliance with the Higher Education Academic
12 Scholarship Program Act and maintains a cumulative grade-point
13 average of 3.5 on a four-point scale as a full-time student.

14 Sec. 6. (1) Beginning with academic year 2009-10, an
15 applicant who meets the requirements of subdivision (1)(b) of
16 section 5 of this act and is otherwise eligible under the Higher
17 Education Academic Scholarship Program Act shall be offered an
18 academic scholarship in the amount of two thousand dollars.

19 (2) Such academic scholarships are renewable annually for
20 the second, third, and fourth academic years after the initial
21 award or as long as the recipient is in compliance with the
22 eligibility requirements of the act if such years of study are
23 continuous, except as provided in section 8 of this act.

24 Sec. 7. A recipient of an academic scholarship
25 under the program may transfer from one eligible postsecondary

1 educational institution to another without losing initial or
2 renewal eligibility for the academic scholarship. If a recipient
3 of an academic scholarship at any time withdraws from an eligible
4 postsecondary educational institution so that under the regulations
5 of that institution he or she is entitled to a refund of any
6 tuition, fees, or other charges for any portion of an academic
7 year, the eligible postsecondary educational institution shall pay
8 the portion of the refund attributable to the academic scholarship
9 for that academic year to the commission.

10 Sec. 8. (1) If a recipient of an initial academic
11 scholarship is unable to use the scholarship during the first
12 academic year because of illness, disability, pregnancy, or other
13 medical need or if a recipient ceases all attendance at an
14 eligible postsecondary educational institution because of illness,
15 disability, pregnancy, or other medical need, the recipient shall
16 be eligible for an initial or renewal scholarship upon enrollment
17 in or return to an eligible postsecondary educational institution
18 if he or she:

19 (a) Enrolls in or returns to full-time status within
20 eighteen months;

21 (b) Provides verification, in compliance with rules and
22 regulations of the commission, of sufficient medical evidence
23 documenting the illness, disability, pregnancy, or other medical
24 need of such recipient to require that such person will not be able
25 to use the initial or renewal academic scholarship during the time

1 period for which it was originally offered; and

2 (c) Meets all other requirements established for
3 eligibility to receive an initial or a renewal academic scholarship
4 under the program.

5 (2) If an academic scholarship recipient ceases all
6 attendance at an approved public or private postsecondary
7 educational institution for the purpose of providing service to
8 a nonprofit organization, a state or federal government agency,
9 or any branch of the armed forces of the United States, the
10 recipient shall be eligible for a renewal academic scholarship upon
11 return to any approved public or private postsecondary educational
12 institution if he or she:

13 (a) Returns to full-time status within eighteen months
14 after initially ceasing full-time enrollment;

15 (b) Provides verification, in compliance with rules
16 and regulations of the Coordinating Commission for Postsecondary
17 Education, that the service to the nonprofit organization was
18 satisfactorily completed and was not compensated other than for
19 expenses or that the service to the state or federal governmental
20 agency or branch of the armed forces of the United States was
21 satisfactorily completed; and

22 (c) Meets all other requirements established for
23 eligibility to receive a renewal scholarship under the program.

24 Sec. 9. Section 85-1412, Revised Statutes Supplement,
25 2007, is amended to read:

1 85-1412 The commission shall have the following
2 additional powers and duties:

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

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

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

25 (4) Participate in or designate an employee or employees

1 to participate in any committee which may be created to prepare
2 a coordinated plan for the delivery of educational programs and
3 services in Nebraska through the telecommunications system;

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

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

18 (7) Administer the Access College Early Scholarship
19 Program Act, and the Nebraska Scholarship Act, and the Higher
20 Education Academic Scholarship Program Act;

21 (8) Accept and administer loans, grants, and programs
22 from the federal or state government and from other sources, public
23 and private, for carrying out any of its functions, including
24 the administration of privately endowed scholarship programs. Such
25 loans and grants shall not be expended for any other purposes than

1 those for which the loans and grants were provided. The commission
2 shall determine eligibility for such loans, grants, and programs,
3 and such loans and grants shall not be expended unless approved by
4 the Governor;

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

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

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

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

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

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

3 Sec. 10. Original section 85-1412, Revised Statutes
4 Supplement, 2007, is repealed.