

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 1061

Introduced by Janssen, 15.

Read first time January 21, 2010

Committee: Education

A BILL

1 FOR AN ACT relating to postsecondary education; to amend section
2 85-1412, Revised Statutes Supplement, 2009; to adopt
3 the Tuition Equalization Grant Program Act; to harmonize
4 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 7 of this act shall be known and
2 may be cited as the Tuition Equalization Grant Program Act.

3 Sec. 2. The Legislature finds that:

4 (1) Increasing the number of Nebraskans with high
5 levels of educational attainment is essential to support economic
6 expansion and diversification and is important to the long-term
7 interests of the state;

8 (2) It is important to enroll Nebraska high school
9 graduates in Nebraska postsecondary educational institutions;

10 (3) Enrolling talented Nebraska high school graduates
11 will assist Nebraska postsecondary educational institutions in
12 increasing student retention and student persistence in completing
13 postsecondary education;

14 (4) Choice of postsecondary educational institutions is
15 important in determining student success; and

16 (5) Nebraska would be well served by creating a tuition
17 equalization grant program for its high school graduates.

18 Sec. 3. For purposes of the Tuition Equalization Grant
19 Program Act:

20 (1) Commission means the Coordinating Commission for
21 Postsecondary Education;

22 (2) Eligible postsecondary educational institution means
23 a nonpublic, privately controlled, and nonprofit postsecondary
24 educational institution:

25 (a) Located in Nebraska;

1 (b) Primarily engaged in the instruction of students;

2 (c) Satisfying the provisions of Nebraska law
3 relating to the approval and licensure of schools, colleges,
4 and universities and maintaining accreditation by a regional
5 accrediting organization recognized by the United States Department
6 of Education;

7 (d) Offering courses of instruction in regularly
8 scheduled classes to regularly enrolled undergraduate students who
9 reside in Nebraska and have received high school diplomas or their
10 equivalent; and

11 (e) Which has adopted, and has available for inspection,
12 award refund and repayment policies;

13 (3) Eligible student means a United States citizen who:

14 (a) (i) Is a high school student who is domiciled in
15 Nebraska, (ii) is a graduate of a high school located in Nebraska,
16 (iii) has been accepted for enrollment as a full-time undergraduate
17 student in an eligible postsecondary educational institution, (iv)
18 will be eligible to receive a federal Pell Grant from the United
19 States Department of Education or a federally subsidized loan from
20 the Federal Family Education Loan Program or from the William
21 D. Ford Direct Loan Program, and (v) complies with all other
22 provisions of the Tuition Equalization Grant Program Act and the
23 rules and regulations adopted pursuant to the act; or

24 (b) (i) Is a resident student who is domiciled in
25 Nebraska, (ii) is a full-time undergraduate student, (iii) is

1 enrolled in an eligible postsecondary educational institution, (iv)
2 is eligible to receive a federal Pell Grant from the United States
3 Department of Education or a federally subsidized loan from the
4 Federal Family Education Loan Program or from the William D. Ford
5 Direct Loan Program, and (v) complies with all other provisions of
6 the act and the rules and regulations adopted pursuant to the act;
7 and

8 (4) Undergraduate student has the definition found in
9 section 85-1910.

10 Sec. 4. (1) The tuition equalization grant program is
11 created. The program shall provide tuition equalization grants on
12 a first-come, first-served basis to eligible students enrolled in
13 eligible postsecondary educational institutions.

14 (2) A grant under the tuition equalization grant program
15 for the fall and spring semesters shall be the amount of the
16 student's financial need for that period but shall not exceed the
17 total tuition and mandatory fees for two semesters for the minimum
18 number of credit hours that will qualify the student as a full-time
19 student or four thousand five hundred dollars, whichever is less.

20 (3) A grant under the tuition equalization grant program
21 may be renewed for up to three additional academic years if
22 the recipient remains in compliance with the Tuition Equalization
23 Grant Program Act and continues to be a full-time student making
24 satisfactory progress toward a first baccalaureate degree.

25 Sec. 5. A tuition equalization grant under the

1 tuition equalization grant program may be made annually for
2 the fall and spring semesters. Payments under the grant shall
3 be allocated equally between the semesters upon certification
4 by the eligible postsecondary educational institution that the
5 student is admitted and enrolled in classes. If the eligible
6 student discontinues attendance before the end of a semester,
7 he or she shall remit any award balances allowable to the
8 eligible postsecondary educational institution in accordance with
9 the eligible postsecondary educational institution's withdrawal
10 policy. An eligible postsecondary educational institution may
11 redistribute to other eligible students any award balance returned
12 in accordance with its refund policy. Award funds not distributed
13 or redistributed within the semester in which the funds were
14 allocated shall be returned to the commission by the eligible
15 postsecondary educational institution.

16 Sec. 6. The Tuition Equalization Grant Program Fund is
17 created. The fund shall consist of money appropriated by the
18 Legislature and any other funds received as grants, gifts, or
19 bequests. Grants pursuant to the tuition equalization grant program
20 shall be made from the fund. Any money in the fund available for
21 investment shall be invested by the state investment officer as
22 provided in the Nebraska Capital Expansion Act and the Nebraska
23 State Funds Investment Act.

24 Sec. 7. The commission shall adopt and promulgate rules
25 and regulations to carry out the Tuition Equalization Grant Program

1 Act. The rules and regulations shall provide for applications
2 and other necessary forms, developing a process for reviewing
3 applications which includes, but is not limited to, determination
4 of eligibility, tuition and mandatory fees, and residency, and the
5 awarding of grants on a first-come, first-served basis. The rules
6 and regulations shall also provide for prorating of the available
7 funds if they are not sufficient to pay for all grants awarded in
8 an award year.

9 Sec. 8. Section 85-1412, Revised Statutes Supplement,
10 2009, is amended to read:

11 85-1412 The commission shall have the following
12 additional powers and duties:

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

22 (2) Recommend to the Legislature and the Governor
23 legislation it deems necessary or appropriate to improve
24 postsecondary education in Nebraska and any other legislation it
25 deems appropriate to change the role and mission provisions in

1 sections 85-917 to 85-966.01;

2 (3) Establish any advisory committees as may be necessary
3 to undertake the coordination function of the commission pursuant
4 to section 85-1403 or to solicit input from affected parties
5 such as students, faculty, governing boards, administrators
6 of the public institutions, administrators of the private
7 nonprofit institutions of postsecondary education and proprietary
8 institutions in the state, and community and business leaders
9 regarding the coordination function of the commission;

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

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

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

1 supply the appropriate data for the information system or systems
2 required by the commission;

3 (7) Administer the Access College Early Scholarship
4 Program Act, ~~and the Nebraska Scholarship Act, and the Tuition~~
5 Equalization Grant Program Act;

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

15 (9) Consistent with section 85-1620, approve, in a
16 timely manner, new baccalaureate degree programs to be offered
17 at private postsecondary career schools as defined in section
18 85-1603. The commission may charge a reasonable fee based on
19 its administrative costs for authorizations pursuant to this
20 subdivision and section 85-1620. The commission shall report such
21 action to the Commissioner of Education;

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

25 (11) Pursuant to sections 85-1105 to 85-1111, approve

1 or disapprove petitions to establish new private colleges in this
2 state;

3 (12) On or before December 1, 2000, and on or before
4 December 1 every two years thereafter, submit to the Legislature
5 and the Governor a report of its objectives and activities and
6 any new private colleges in Nebraska and the implementation of any
7 recommendations of the commission for the preceding two calendar
8 years;

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

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

13 (15) Facilitate a study that explores the following
14 issues related to the Nebraska community college system:

15 (a) The need for changes to the statutory role and
16 mission of Nebraska community colleges;

17 (b) Changes in the weighting of courses that may be
18 necessary for reimbursable educational units to properly reflect
19 the role and mission of Nebraska community colleges and the cost of
20 providing such courses;

21 (c) Powers, duties, and mission of the Nebraska Community
22 College Association or its successor and whether membership in such
23 an association should be required;

24 (d) Consequences for failing to satisfy current community
25 college association membership requirements contained in section

1 85-1502; and

2 (e) State coordination of community colleges in the
3 absence of a community college association or membership therein.

4 The commission shall include and facilitate discussion
5 among the state's community colleges in the completion of such
6 study. Each community college shall participate in good faith with
7 the conduct of such study. The commission shall report its findings
8 to the Legislature on or before December 15, 2009.

9 Sec. 9. Original section 85-1412, Revised Statutes
10 Supplement, 2009, is repealed.