

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 413

Introduced by Ashford, 20; Nordquist, 7.

Read first time January 16, 2009

Committee: Education

A BILL

- 1 FOR AN ACT relating to postsecondary education; to adopt the
- 2 College Choice Grant Program Act; and to provide an
- 3 operative date.
- 4 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) The mere provision of a public system of
5 postsecondary education may not ensure adequate choice of
6 postsecondary educational institutions for the citizens of
7 Nebraska;

8 (2) A significant number of Nebraskans attend public
9 colleges and universities outside the state in part because of
10 inadequate financial incentives for persons who wish to choose a
11 nonpublic college or university within Nebraska;

12 (3) Nebraska residents who wish to choose a nonprofit
13 nonpublic college or university within Nebraska do not receive the
14 tuition subsidy afforded Nebraskans who attend public colleges and
15 universities in Nebraska;

16 (4) Because of the lack of state-provided financial
17 incentives to attend Nebraska nonprofit nonpublic postsecondary
18 educational institutions, many students are choosing a college or
19 university experience in which they may be less likely to be
20 successful in obtaining a degree; and

21 (5) It is in the best interests of Nebraskans to provide
22 a program that allows students meaningful choice of postsecondary
23 educational institutions to attend.

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

1 be 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 student costs for
7 tuition, fees, room and board, and books and an allowance for such
8 other expenses as the commission determines by rule and regulation
9 to be reasonably related to attendance at an eligible postsecondary
10 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
21 high 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
24 a full-time or part-time undergraduate student at an eligible
25 postsecondary educational institution, and eligible to receive

1 United States Department of Education Title IV student financial
2 assistance.

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

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

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

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

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

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

1 institutions which shall act as the agents of the commission in
2 the distribution of funds to eligible students. To determine the
3 allocation amount for each institution the commission shall:

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

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

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

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

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

25 Sec. 14. An award may be given to an eligible student for

1 attendance at an eligible postsecondary educational institution if:

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

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

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

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

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

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

25 (5) The eligible student receiving such an award signs

1 a statement certifying that the award will be used only for
2 educational expenses; and

3 (6) The eligible student has complied with such rules and
4 regulations as may be established by the commission.

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

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

23 Sec. 17. The commission and its agents shall discharge
24 the authority granted them under the College Choice Grant Program
25 Act without regard to any eligible student's race, creed, color,

1 national origin, ancestry, age, sex, or handicap.

2 Sec. 18. The commission shall:

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

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

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

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

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

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

25 Sec. 21. The commission shall require an annual report

1 from each eligible postsecondary educational institution. The
2 report shall demonstrate that students receiving funds under the
3 College Choice Grant Program Act have met the basic criteria
4 established in the act and the rules and regulations of the
5 commission adopted pursuant to the act. The report may include
6 other data as required by the commission.

7 Sec. 22. The commission shall adopt and promulgate rules
8 and regulations necessary to carry out the College Choice Grant
9 Program Act.

10 Sec. 23. This act becomes operative on July 1, 2010.