

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 607

Introduced by Gay, 14; Avery, 28.

Read first time January 21, 2009

Committee: Education

A BILL

1 FOR AN ACT relating to postsecondary education; to amend section
2 85-1412, Reissue Revised Statutes of Nebraska; to adopt
3 the Higher Education Academic Scholarship Program Act; to
4 provide for appropriations; to harmonize provisions; and
5 to repeal the original section.
6 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
7 to a qualified college or university student who has demonstrated
8 superior academic achievement as provided in section 5 of this act;

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

11 (3) Eligible postsecondary educational institution means
12 a public or private not-for-profit postsecondary educational
13 institution which:

14 (a) Is located in Nebraska;

15 (b) Is primarily engaged in the instruction of students;

16 (c) Satisfies the provisions of Nebraska law relating to
17 the approval and licensure of schools, colleges, and universities
18 and maintaining accreditation by an accrediting organization
19 recognized by the United States Department of Education;

20 (d) Offers courses of instruction in regularly scheduled
21 classes to regularly enrolled undergraduate students who reside
22 in Nebraska and have received high school diplomas or their
23 equivalent; and

24 (e) Has adopted, and has available for inspection,
25 academic scholarship refund, withdrawal, and repayment policies;

1 and

2 (4) Program means the Higher Education Academic
3 Scholarship Program.

4 Sec. 3. The Higher Education Academic Scholarship Program
5 is established. Any money appropriated by the Legislature for
6 the program shall be used to provide academic scholarships for
7 qualified recipients as provided in the Higher Education Academic
8 Scholarship Program Act.

9 Sec. 4. (1) The commission shall be the administrative
10 agency responsible for the implementation of the program. The
11 commission shall:

12 (a) Adopt and promulgate rules and regulations to
13 carry out the Higher Education Academic Scholarship Program
14 Act, including rules and regulations for maintenance of fiscal
15 controls and fund accounting procedures as may be necessary
16 to assure proper disbursement of funds and to assure that the
17 eligible postsecondary educational institutions, as agents of
18 the commission, comply with the act. Such rules and regulations
19 shall be developed in cooperation with representatives of eligible
20 postsecondary educational institutions and shall be designed, to
21 the extent consistent with requirements of the act, to minimize
22 the administrative burden on the eligible postsecondary educational
23 institutions and the commission;

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

1 (c) Identify and recommend qualified recipients to
2 receive academic scholarships.

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

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

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

14 (b) Is (i) a high school student whose composite score on
15 the American College Testing Program college entrance examination
16 is at least twenty-eight or (ii) an individual who either has
17 successfully passed a general educational development test or holds
18 a diploma of high school equivalency, who has taken the American
19 College Testing Program college entrance examination on or before
20 December 31 of the year previous to the individual's first academic
21 year at an eligible postsecondary educational institution, and
22 whose composite score on such examination is at least twenty-eight;
23 and

24 (c) Is enrolled or has been accepted for enrollment in an
25 eligible postsecondary educational institution who has not earned a

1 first baccalaureate degree as a full-time undergraduate student as
2 defined in section 85-1910.

3 (2) Academic scholarships may be renewed for up to three
4 additional academic years if the recipient remains in compliance
5 with the Higher Education Academic Scholarship Program Act and
6 maintains a cumulative grade-point average of 3.25 on a four-point
7 scale as a full-time student.

8 Sec. 6. (1) Beginning with academic year 2010-11, an
9 applicant who meets the requirements of subdivision (1)(b) of
10 section 5 of this act and is otherwise eligible under the Higher
11 Education Academic Scholarship Program Act may be offered an
12 academic scholarship in the amount of one thousand five hundred
13 dollars. The eligible postsecondary educational institution in
14 which the recipient enrolls shall provide a matching scholarship
15 equal to the same amount to the recipient.

16 (2) The total amount of such academic scholarship,
17 including the matching scholarship provided by the eligible
18 postsecondary educational institution, is renewable annually for
19 the second, third, and fourth academic years after the initial
20 award or as long as the recipient is in compliance with the
21 eligibility requirements of the act if such years of study are
22 continuous, except as provided in section 7 of this act.

23 Such academic scholarships shall be allocated on a
24 first-come, first-served basis.

25 Sec. 7. A recipient of an academic scholarship under the

1 program may transfer from one eligible postsecondary educational
2 institution to another without losing initial or renewal
3 eligibility for the academic scholarship, except that the eligible
4 postsecondary educational institution to which the recipient
5 transfers shall not be required to provide a matching scholarship
6 pursuant to section 6 of this act. If a recipient of an academic
7 scholarship at any time withdraws from an eligible postsecondary
8 educational institution for a reason other than transfer to another
9 eligible postsecondary educational institution so that under the
10 regulations of that institution he or she is entitled to a refund
11 of any tuition, fees, or other charges for any portion of an
12 academic year, the award recipient shall remit any award balance
13 allowable to the eligible postsecondary educational institution
14 in accordance with such institution's withdrawal policy. The
15 institution shall remit such award balance to the commission in
16 accordance with such institution's refund policy.

17 Sec. 8. The Higher Education Academic Scholarship Program
18 Fund is created. The fund shall consist of funds appropriated by
19 the Legislature and gifts, grants, or donations from any source and
20 shall be used to carry out the purposes of the Higher Education
21 Academic Scholarship Program Act. Any money in the fund available
22 for investment shall be invested by the state investment officer
23 pursuant to the Nebraska Capital Expansion Act and the Nebraska
24 State Funds Investment Act.

25 Sec. 9. The Legislature shall appropriate two million

1 five hundred thousand dollars for FY2010-11 and five million
2 dollars for FY2011-12 to carry out the purposes of the Higher
3 Education Academic Scholarship Program Act.

4 Sec. 10. Section 85-1412, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 85-1412 The commission shall have the following
7 additional powers and duties:

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

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

22 (3) Establish any advisory committees as may be necessary
23 to undertake the coordination function of the commission pursuant
24 to section 85-1403 or to solicit input from affected parties
25 such as students, faculty, governing boards, administrators

1 of the public institutions, administrators of the private
2 nonprofit institutions of postsecondary education and proprietary
3 institutions in the state, and community and business leaders
4 regarding the coordination function of the commission;

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

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

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

23 (7) Administer the Access College Early Scholarship
24 Program Act, and the Nebraska Scholarship Act, and the Higher
25 Education Academic Scholarship Program Act;

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

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

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

20 (11) Pursuant to sections 85-1105 to 85-1111, approve
21 or disapprove petitions to establish new private colleges in this
22 state;

23 (12) On or before December 1, 2000, and on or before
24 December 1 every two years thereafter, submit to the Legislature
25 and the Governor a report of its objectives and activities and

1 any new private colleges in Nebraska and the implementation of any
2 recommendations of the commission for the preceding two calendar
3 years;

4 (13) Provide staff support for interstate compacts on
5 postsecondary education; and

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

8 Sec. 11. Original section 85-1412, Reissue Revised
9 Statutes of Nebraska, is repealed.