

AMENDMENTS TO LB 331

Introduced by Education

1 1. Strike original section 3 and insert the following new
2 sections:

3 Sec. 3. Section 85-2403, Revised Statutes Cumulative
4 Supplement, 2012, is amended to read:

5 85-2403 For purposes of the Postsecondary Institution
6 Act:

7 (1) Authorization to operate means either an
8 authorization to operate on a continuing basis or a recurrent
9 authorization to operate;

10 (2) Authorization to operate on a continuing basis
11 means approval by the commission to operate a postsecondary
12 institution in this state without a renewal requirement and
13 once such authorization has been issued it continues indefinitely
14 unless otherwise suspended, revoked, or terminated, including such
15 authorizations previously deemed to be effective as of May 5,
16 2011, pursuant to the Postsecondary Institution Act for private
17 and out-of-state public postsecondary institutions that had been
18 continuously offering four-year undergraduate programs with a
19 physical presence in the state for at least twenty academic
20 years and for Nebraska public postsecondary institutions;

21 (3) Commission means the Coordinating Commission for
22 Postsecondary Education;

23 (4) (a) Establishing a physical presence means:

1 (i) Offering a course for college credit or a degree
2 program in this state that leads to an associate, baccalaureate,
3 graduate, or professional degree, including:

4 (A) Establishing a physical location in this state where
5 a student may receive synchronous or asynchronous instruction; or

6 (B) Offering a course or program that requires students
7 to physically meet in one location for instructional purposes more
8 than once during the course term; or

9 (ii) Establishing an administrative office in this state,
10 including:

11 (A) Maintaining an administrative office in this state
12 for purposes of enrolling students, providing information to
13 students about the institution, or providing student support
14 services;

15 (B) Providing office space to staff, whether
16 instructional or noninstructional staff; or

17 (C) Establishing a mailing address in this state.

18 (b) Physical presence does not include:

19 (i) Course offerings in the nature of a short course or
20 seminar if instruction for the short course or seminar takes no
21 more than twenty classroom hours and the institution offers no more
22 than two courses as defined by the commission in a calendar year;

23 (ii) Course offerings on a military installation solely
24 for military personnel or civilians employed on such installation;

25 (iii) An educational experience arranged for an
26 individual student, such as a clinical, practicum, residency, or
27 internship; or

1 (iv) Courses offered online or through the United States
2 mail or similar delivery service which do not require the physical
3 meeting of a student with instructional staff;

4 (5) Executive director means the executive director of
5 the commission or his or her designee;

6 (6) Nebraska public postsecondary institution means
7 any public institution established, operated, and governed by
8 this state or any of its political subdivisions that provides
9 postsecondary education;

10 (7) Out-of-state public postsecondary institution means
11 any public institution with a physical presence in Nebraska that is
12 established, operated, and governed by another state or any of its
13 political subdivisions and that provides postsecondary education;

14 (8) Postsecondary institution means any private
15 postsecondary institution, out-of-state public postsecondary
16 institution, or Nebraska public postsecondary institution exempt
17 from the Private Postsecondary Career School Act;

18 (9) Private postsecondary institution means any Nebraska
19 or out-of-state nonpublic postsecondary institution with a physical
20 presence in Nebraska, including any for-profit or nonprofit
21 institution, that provides postsecondary education; and

22 (10) Recurrent authorization to operate means approval by
23 the commission to operate a postsecondary institution in this state
24 until a renewal of such authorization is required.

25 Sec. 4. Section 85-2405, Revised Statutes Cumulative
26 Supplement, 2012, is amended to read:

27 85-2405 The commission has the following powers and

1 duties:

2 (1) To establish levels for recurrent authorizations to
3 operate based on institutional offerings;

4 (2) To receive, investigate as it may deem necessary, and
5 act upon applications for a recurrent authorization to operate and
6 applications to renew a recurrent authorization to operate;

7 (3) To establish reporting requirements by campus
8 location either through the federal Integrated Postsecondary
9 Education Data System, 20 U.S.C. 1094(a)(17), as such section
10 existed on January 1, 2011, and 34 C.F.R. 668.14(b)(19), as
11 such regulation existed on January 1, 2011, or directly to
12 the commission for any postsecondary institution which has an
13 authorization to operate;

14 (4) To maintain a list of postsecondary institutions
15 which have authorization to operate, which list shall be made
16 available to the public;

17 (5) To enter into interstate reciprocity agreements
18 regarding the provision of postsecondary distance education,
19 to administer such agreements, and to approve or disapprove,
20 consistent with such agreements, participation in such agreements
21 by postsecondary institutions that have their principal place
22 of business in Nebraska and that choose to participate in such
23 agreements;

24 ~~(5)~~ (6) To establish a notification process when a
25 postsecondary institution which has an authorization to operate
26 changes its address or adds instructional sites within this state;

27 ~~(6)~~ (7) To conduct site visits of postsecondary

1 institutions to carry out the Postsecondary Institution Act;

2 ~~(7)~~ (8) To establish fees for applications for a
3 recurrent authorization to operate, ~~and~~ applications to renew
4 or modify a recurrent authorization to operate, and applications
5 to participate or continue participation in an interstate
6 postsecondary distance education reciprocity agreement, which fees
7 shall be not more than the cost of reviewing and evaluating the
8 applications;

9 ~~(8)~~ (9) To investigate any violations of the act by a
10 postsecondary institution; and

11 ~~(9)~~ (10) To adopt and promulgate rules, regulations, and
12 procedures to administer the act.

13 Sec. 5. Original sections 85-1903, 85-1907, 85-2403,
14 and 85-2405, Revised Statutes Cumulative Supplement, 2012, are
15 repealed.

16 Sec. 6. Since an emergency exists, this act takes effect
17 when passed and approved according to law.