

TITLE 281, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 1
COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION
RULES AND REGULATIONS CONCERNING AUTHORIZATION FOR
OUT-OF-STATE INSTITUTIONS TO OFFER COURSES AND
PROGRAMS IN THE STATE OF NEBRASKA

12/10/93 Amendment

TITLE 281 - COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION.
CHAPTER 1 - RULES AND REGULATIONS CONCERNING AUTHORIZATION FOR
OUT-OF-STATE INSTITUTIONS TO OFFER COURSES AND
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FILED
SECRETARY OF STATE
-984003001

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LAST ISSUE DATE: MARCH 13, 1992

001 APPLICATION

Prior to offering any course or degree program in the State of Nebraska, out-of-state institutions shall apply to the Commission for authorization to operate in the State. The provisions of this rule shall also apply to courses or programs delivered in the State by an out-of-state institution via telecommunications-based instruction if the institution will have a physical presence in Nebraska.

001.01 Exclusions. The requirements shall not apply to out-of-state institutions (a) offering a short course or seminar in which instruction for the segment takes no more than twenty classroom hours, or (b) offering courses or programs on a military installation solely for military personnel or civilians employed on such installation.

An out-of-state institution which offers more than one short course or seminar in Nebraska for which instruction for the segment takes no more than twenty classroom hours is subject to provisions of this rule.

002 STATUTORY AUTHORITY

002.01 Chapter 85, Section 85-1101 relating to a definition of out-of-state institutions.

002.02 Chapter 85, Section 85-1102 relating to registration and authorization requirements for out-of-state institutions which intend to offer courses or degree programs in the State of Nebraska.

002.03 Chapter 85, Section 85-1103 relating to criteria for Commission determinations on applications of out-of-state institutions to offer courses or degree programs in the State of Nebraska.

002.04 Chapter 85, Section 85-1104 relating to criminal penalties for violation of the Statutes.

APPROVED
DON STENBERG
ATTORNEY GENERAL

MAR 10 1994

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APPROVED

MAY - 6 1994

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002.05 Provisions relating to the establishment of new two or four-year private colleges in the State are found in Chapter 85, Sections 85-1105 to 85-1111 and Title 281, NAC Chapter 2.

002.06 Private out-of-state vocational educational institutions offering vocational credentials, or offering instruction for attainment of occupational objectives, as defined in Section 79-2843 (R.R.S.) have requirements in Chapter 24 and Chapter 28 and Title 92, NAC Chapters 41, 42 and 43. The Commission shall make recommendations to the State Board of Education with regard to granting permits for the operation of correspondence schools, privately owned business or trade schools, or other educational institutions under the Private Postsecondary Career School Act whenever said school offers any course which is intended to lead to the granting of an associate degree, diploma, or certificate for any course which qualifies for college credit (85-1412 [9]).

003 APPLICATION PROCEDURE

Out-of-state institutions of higher education shall apply to the Coordinating Commission for Postsecondary Education to request authorization to offer courses or programs in the State of Nebraska.

003.01 Application Format. The request shall be made in a form as specified by the Commission for this purpose. The applicant shall provide all information ~~requested before the application may be reviewed by the Commission.~~ Separate applications shall be required for each degree program. Multiple individual courses not intended as a degree program may be submitted simultaneously.

003.02 Application Fee. A non-refundable application fee for administrative costs shall be submitted with each application. Resubmission of an application following its withdrawal by the out-of-state institution or reapplication requires an additional application fee.

Cooperative arrangements (ie: co-sponsorship) for the delivery of courses or programs within the State of Nebraska between a Nebraska institution and an out-of-state institution through an exchange of faculty and/or students may be authorized without payment of an administrative fee as long as the courses and programs are within the established role and mission of the Nebraska public

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institution, or within the accredited curriculum of the Nebraska independent institution, and written notification is received by the Commission before such a course or program is offered. Such courses and programs must be considered as a part of the regular instructional program of the Nebraska institution.

004 DEFINITIONS

004.01 Commission shall mean the Coordinating Commission for Postsecondary Education.

004.02 Out-Of-State Institution shall mean any college, university, community college, technical community college, technical institute, junior college, or the equivalent that awards an associate or higher degree and is controlled by a public or private body organized outside the boundaries of the State of Nebraska.

004.03 Course shall mean a college-level course offered for credit with specific curriculum, educational objectives and course requirements.

004.04 Degree Program shall mean a sequence or combination of courses which, upon satisfactory completion thereof, lead to an award of an educational certificate, diploma, or degree.

004.05 Telecommunications-based instruction shall mean college-level credit ~~courses offered where any number of~~ students are assembled at a receiving site by a postsecondary institution for the purpose of engaging in instruction by means of telecommunications regularly emanating from a sending institution. Telecommunications-based instruction provided to the personal residence of individual students are excluded from this rule. This definition excludes courses which use telecommunications primarily to enhance or supplement instruction. Telecommunications-based instruction shall include instruction delivered to the receiving site via terrestrial or satellite installations including television, radio, telephone and/or computer communications.

004.06 Service Area shall mean the county of the specific location at which the institution proposes to conduct courses/programs.

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004.07 Physical Presence in Nebraska shall be evidenced by arrangements for sites where an out-of-state institution offers one or more courses for college credit on an established schedule at locations other than the personal residence of individual students.

005 APPLICATION REQUIREMENTS

The Commission will consider the following criteria.

005.01 Demonstrated Need and Demand for the Course or Program in the Area to be Served. The institution shall demonstrate the need for the program in Nebraska. The Commission will determine whether the proposal constitutes unnecessary duplication in the context of the existence of comparable courses and/or programs already offered in the proposed service area which may meet the needs of students targeted by the out-of-state institution.

005.02 The Quality of Courses or Programs of Instruction to be Offered in the State. The institution shall demonstrate that the instructional program is of sufficient depth, breadth and rigor to provide the knowledge, skills and abilities which are expected of course/program graduates or completers and to merit award of the proposed certificate, diploma or degree.

The quality of the instructional program to be offered in the State shall be comparable to that offered on the main campus of the institution. There shall be a reasonable relationship between the hours of instruction and credits awarded.

005.03 The Quality of Teaching Faculty, Library and Support Services. The institution shall demonstrate that faculty who will teach the courses to be offered in Nebraska are appropriately qualified to teach such courses.

The institution shall demonstrate that local library and learning resources are of an appropriate breadth, depth and quality to support the courses and/or instructional program and meet the needs of Nebraska students enrolled in such courses and/or program.

The institution shall demonstrate that local support services for faculty and student services are adequate and appropriate to support the students and faculty.

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The quality of teaching faculty, library and support services which are part of courses or programs to be offered in Nebraska shall be comparable to the quality of such offered on the main campus of the institution.

005.04 Legal Form and Ownership. The applicant shall specify the legal form of the institution (for-profit, 501.C.3, corporation, partnership, etc.). If the institution is affiliated with any other institution, or ownership of the institution is by an out-of-state entity, such relationship shall be defined.

005.05 Financial Soundness and Ability to Fulfill Commitments to Students. The institution shall demonstrate financial stability and financial capability to support its programs for Nebraska students.

005.06 Program or Course Location. The institution shall identify the specific location or locations (by street address) where courses or programs will be offered and demonstrate that the facilities are adequate at such location or locations for the courses or programs to be offered. When an out-of-state institution designates a planned program location, approval shall be contingent upon designation of a specific location or locations where programs will be offered within a Commission-specified period of time following Commission approval.

005.07 Affiliations. The institution shall identify relationships with Nebraska postsecondary institutions for transfer of credit; use of joint faculty and/or facilities; or other supportive relationships.

005.08 Transferability of Credits. The institution shall affirm that course credits earned by students in Nebraska are reasonably transferable to the main campus of the institution and to other postsecondary education institutions. Advertisements of courses or programs in Nebraska shall indicate the extent to which course credits are transferable.

005.09 Accreditation. The institution shall demonstrate it holds appropriate accreditation from an accrediting body recognized by the United States Department of Education. If accreditation of the program to be offered in the State is commonly recognized as an essential indicator of program quality and a valid predictor of student employment placement, then the institution shall also demonstrate that it holds such program accreditation.

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005.10 Additional Information. The Commission may examine any aspects of the proposal deemed necessary to establish sufficient understanding to draw an appropriate conclusion with respect to any part of the proposal. The institution shall comply with any reasonable request of the Commission for information which the Commission deems necessary to draw an appropriate conclusion.

006 PUBLIC HEARING

Pursuant to the Administrative Procedures Act 281 NAC Chapter 12, Section 003.03 (4) and Section 005.02A, the Commission will hold a public hearing prior to making a determination to approve or deny the application of an out-of-state institution to offer courses and/or programs in the State. The Commission will publish notice of such public hearing in a newspaper with general circulation at least thirty but not more than sixty days prior to the date set for such hearing. A representative of the out-of-state institution shall be present for such public hearing.

007 COMMISSION ACTION

All contacts with the Commission shall be through the Executive Director or his/her designee. The Executive Director or his/her designee shall notify the applicant institution of action of the Commission.

008 ANNUAL REPORT

Each out-of-state institution shall provide an annual report to the Commission in a form prescribed by the Commission.

009 REVOCATION OR SUSPENSION OF PERMISSION TO OFFER COURSES OR PROGRAMS IN THE STATE

The Commission may, based on documented substantial evidence that an out-of-state institution no longer meets the requirements of this rule, revoke or temporarily suspend the authorization of such institutions to offer a course or program in the State. Prior to any such revocation or suspension, the Commission will hold a public hearing pursuant to the procedures described in Section 006 of this rule.

FILED
SECRETARY OF STATE
1994-394008362

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010 APPLICATION INFORMATION

The Commission will adopt an application procedure describing the specific information which institutions shall submit to demonstrate compliance with the criteria prescribed in this rule.

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MAR 10 1994

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APPROVED
MAY - 6 1994

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