



Coordinating Commission for Postsecondary Education Act Neb. Rev. Stat. § 85-1401, et seq.

2008 Sine Die

Section 85-1401 ***Act, how cited.***

Sections 85-1401 to 85-1420 shall be known and may be cited as the Coordinating Commission for Postsecondary Education Act.

Source:

Laws 1991, LB 663, § 4
Laws 1999, LB 816, § 10

~ Reissue Revised Statutes of Nebraska 2008

Section 85-1402 ***Terms, defined.***

For purposes of the Coordinating Commission for Postsecondary Education Act:

(1)(a) Capital construction project shall mean a project which utilizes tax funds designated by the Legislature and shall be: Any proposed new capital structure; any proposed addition to, renovation of, or remodeling of a capital structure; any proposed acquisition of a capital structure by gift, purchase, lease-purchase, or other means of construction or acquisition that (i) will be directly financed in whole or in part with tax funds designated by the Legislature totaling at least the minimum capital expenditure for purposes of this subdivision or (ii) is likely, as determined by the institution, to result in an incremental increase in appropriation or expenditure of tax funds designated by the Legislature of at least the minimum capital expenditure for the facility's operations and maintenance costs in any one fiscal year within a period of ten years from the date of substantial completion or acquisition of the project. No tax funds designated by the Legislature shall be appropriated or expended for any incremental increase of more than the

minimum capital expenditure for the costs of the operations and utilities of any facility which is not included in the definition of capital construction project and thus is not subject to commission approval pursuant to the Coordinating Commission for Postsecondary Education Act. No institution shall include a request for funding such an increase in its budget request for tax funds designated by the Legislature nor shall any institution utilize any such funds for such an increase. The Governor shall not include in his or her budget recommendations, and the Legislature shall not appropriate, such funds for such increase.

(b) For purposes of this subdivision:

(i) Directly financed shall mean funded by:

(A) Appropriation of tax funds designated by the Legislature for the specific capital construction project;

(B) Property tax levies used to establish a capital improvement and bond sinking fund pursuant to section 85-1515; or

(C) That portion of tax funds designated by the Legislature and appropriated by the Legislature for the general operation of the public institution and utilized to fund the capital project;

(ii) Incremental increase shall mean an increase in appropriation or expenditure of tax funds designated by the Legislature of at least the minimum capital expenditure for a facility's operations and maintenance costs, beyond any increase due to inflation, to pay for a capital structure's operations and maintenance costs that are a direct result of a capital construction project; and

(iii) Minimum capital expenditure shall mean:

(A) For purposes of subdivision (a)(i) of this subdivision, a base amount of five hundred thousand dollars; and

(B) For the facility's operations and maintenance costs pursuant to subdivision (a)(ii) of this subdivision, a base amount of seventy-five thousand dollars for any one fiscal year.

Both base amounts shall be subject to any inflationary or market adjustments made by the commission pursuant to this subdivision. The commission shall adjust the base amounts on a biennial basis beginning January 1, 2008. The adjustments shall be based on percentage changes in a construction cost index and any other published index relevant to operations and utilities costs, both as

selected by the commission in cooperation with the public institutions. The index or indices shall reflect inflationary or market trends for the applicable operations and maintenance or construction costs;

(2) Commission shall mean the Coordinating Commission for Postsecondary Education;

(3) Coordination shall mean:

(a) Authority to adopt, and revise as needed, a comprehensive statewide plan for postsecondary education which shall include (i) definitions of the role and mission of each public postsecondary educational institution within any general assignments of role and mission as may be prescribed by the Legislature and (ii) plans for facilities which utilize tax funds designated by the Legislature;

(b) Authority to review, monitor, and approve or disapprove each public postsecondary educational institution's programs and capital construction projects which utilize tax funds designated by the Legislature in order to provide compliance and consistency with the comprehensive plan and to prevent unnecessary duplication; and

(c) Authority to review and modify, if needed to promote compliance and consistency with the comprehensive statewide plan and prevent unnecessary duplication, the budget requests of the governing boards or any other governing board for any other public postsecondary educational institution which may be established by the Legislature;

(4) Education center shall mean an off-campus branch of a public institution or cooperative of either public or public and private postsecondary educational institutions which offers instructional programs to students;

(5) Governing board shall mean the Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, or the board of governors for each community college area;

(6) Program shall mean any program of instruction which leads directly to a degree, diploma, or certificate and, for purposes of section 85-1414, shall include public service programs and all off-campus instructional programs, whether or not such programs lead directly to a degree, diploma, or certificate. Program shall also include the establishment of any new college, school, major division, education center, or institute but shall not include reasonable and moderate extensions of existing curricula which have a direct relationship to existing programs;

(7) Public institution shall mean each campus of a public postsecondary educational institution which is or may be established by the Legislature, which is under the direction of a governing board, and which is administered as a separate unit by the board; and

(8) Tax funds designated by the Legislature shall mean all state tax revenue and all property tax revenue.

Source:

Laws 1991, LB 663, § 5
Laws 1994, LB 683, § 15
Laws 1999, LB 816, § 11
Laws 2006, LB 196, § 2.

~ Reissue Revised Statutes of Nebraska 2008

Section 85-1403

Coordinating Commission for Postsecondary Education; established.

The Coordinating Commission for Postsecondary Education is hereby established. The commission shall, under the direction of the Legislature, be vested with the authority for the coordination of public institutions in Nebraska as provided in Article VII, section 14, of the Constitution of Nebraska and the Coordinating Commission for Postsecondary Education Act.

Source:

Laws 1991, LB 663, § 6

~ Reissue Revised Statutes of Nebraska 2008

Section 85-1404

Commission; purposes; powers and duties.

The purposes of the Coordinating Commission for Postsecondary Education established by Article VII, section 14, of the Constitution of Nebraska and section 85-1403 shall be to (1) develop an ongoing comprehensive statewide plan for the operation of an educationally and economically sound, vigorous, progressive, and coordinated system of postsecondary education, (2) identify and enact policies to meet the educational, research, and public service needs of the state, and (3) effect the best use of available resources through the elimination of unnecessary duplication of programs and facilities among Nebraska's public institutions.

In carrying out its powers and duties, the commission shall consider the need for diversity of public institutions and the need for addressing regional needs but shall above all reflect a commitment to a perspective in decisionmaking and planning for postsecondary education which will best serve the state as a whole consistent with the role and mission assignment of each public institution.

The commission shall work with the public institutions to encourage and sustain their aspirations consistent with the comprehensive statewide plan and in a manner designed to achieve a vision of statewide postsecondary education. The commission shall not be an advocate for any one public institution but shall strive for a balance and responsiveness among all public institutions.

Source:

Laws 1991, LB 663, § 7

~ Reissue Revised Statutes of Nebraska 2008

Section 85-1405

Commission; membership; terms.

The commission shall consist of eleven members who shall be appointed by the Governor with the approval of a majority of the Legislature. One member shall be chosen from each of the six Supreme Court judicial districts. Five members shall be chosen on a statewide basis. The term of each member shall be six years or until a successor is qualified and takes office, except that of the members initially appointed, two statewide members and the members appointed from districts 1 and 2 shall serve for terms of two years and two statewide members and the members appointed from districts 3 and 4 shall serve for terms of four years. Members shall be residents of the state or district from which appointed, and no member or any member of his or her immediate family shall be employed by or be a member of a governing board or of a governing body of an independent or private university or college.

Source:

Laws 1991, LB 663, § 8

Laws 1994, LB 683, § 16

~ Reissue Revised Statutes of Nebraska 2008

Section 85-1406
Commission; vacancies.

If any vacancy occurs during the term of a member of the commission, the Governor shall make an appointment to fill the vacancy for the remainder of the term. If the appointment is made when the Legislature is in session, the appointment shall be subject to the approval of a majority of the Legislature. If the appointment is made when the Legislature is not in session, the appointee shall serve with all rights and authority of the office until the approval or disapproval of the appointment is considered by the next session of the Legislature following the appointment.

Source:
Laws 1991, LB 663, § 9

~ Reissue Revised Statutes of Nebraska 2008

Section 85-1407
Commission; removal of members by Governor; procedure.

Members may be removed by the Governor for cause but only after delivering to the member a copy of the charges and affording him or her an opportunity to be publicly heard in person, or by counsel, in his or her own defense upon not less than ten days' notice. Such hearing shall be held before the Governor. When a member is removed, the Governor shall file in the office of the Secretary of State a complete statement of all charges made against such member and the findings thereon together with the complete record of the proceedings.

Source:
Laws 1991, LB 663, § 10

~ Reissue Revised Statutes of Nebraska 2008

Section 85-1408
Commission; members; expenses.

Members of the commission shall receive no compensation for the performance of their duties but shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

Source:
Laws 1991, LB 663, § 11

Section 85-1409

Commission; officers; meetings; quorum.

(1) The members of the commission shall annually elect a chairperson and vice-chairperson from among their members.

(2) The commission shall hold regular meetings at times determined by the commission. Special or additional meetings may be held on the call of the chairperson or upon the call of at least three members. A majority of the members shall constitute a quorum at all meetings. Commission action on any item shall require a majority of those present at meetings in which there is a quorum, except that adoption of the comprehensive statewide plan, or any changes or alternatives thereto, required by section 85-1413 and approval or disapproval of a new program or disapproval of an existing program pursuant to section 85-1414 shall require the concurrence of a majority of the members.

Source:

Laws 1991, LB 663, § 12

Laws 1994, LB 683, § 17

Laws 1999, LB 816, § 12

Laws 2006, LB 196, § 3.

Section 85-1410

Commission; duties.

In carrying out its duties, the commission shall:

(1) Encourage initiatives and collaboration between public institutions, public state and local entities, and private state and local entities to increase the contribution of postsecondary education in advancing Nebraska's economy;

(2) Encourage the governing boards and administrators of public institutions to review instructional practices, curriculum design and content, and related academic considerations to facilitate improvements that enhance the quality of education in the state;

(3) Encourage the interaction of public institutions with elementary and

secondary educational institutions to facilitate joint planning initiatives regarding matters such as prior and subsequent learning practices and content, class or credit agreements for high school students enrolling in college-level programs, and shared instructional assignments; and

(4) Develop only those programs, activities, or functions (a) authorized by Article VII, section 14, of the Constitution of Nebraska or the Coordinating Commission for Postsecondary Education Act or (b) as directed by the Legislature. The commission, at its discretion, may develop programs, activities, or functions requested by the Legislature or the Governor. The commission may not direct any public institution to undertake any action unless authorized by Article VII, section 14, of the Constitution of Nebraska or the Coordinating Commission for Postsecondary Education Act.

Source:

Laws 1991, LB 663, § 13

Laws 1999, LB 816, § 13

~ Reissue Revised Statutes of Nebraska 2008

Section 85-1411

Commission; executive director, employees, consultants; compensation; recruitment expenses; rules and regulations; duties.

To assist it in carrying out its duties, the commission shall:

(1) Employ an executive director and all other employees of the office of the commission and hire consultants as may be necessary and prescribe their duties;

(2) Except as may be provided pursuant to the State Employees Collective Bargaining Act, fix the compensation of the officers and employees of the office and provide benefits for all present or future employees of the commission, including retirement benefits, group life insurance, group hospital-medical insurance, and group long-term disability income insurance;

(3) Pay expenses for the recruitment of administrative and professional personnel for the commission; and

(4) Adopt and promulgate rules and regulations pursuant to the Administrative Procedure Act or as otherwise provided in the Coordinating Commission for Postsecondary Education Act to carry out the Coordinating Commission for Postsecondary Education Act and the powers and duties of the commission, except that for sections 85-1402 and 85-1413 to 85-1416, the provisions in

section 84-908 for approval of the adoption, amendment, or repeal of any rule or regulation by the Governor shall not apply.

Source:

Laws 1991, LB 663, § 14

Cross References:

Administrative Procedure Act, see section 84-920.

State Employees Collective Bargaining Act, see section 81-1369.

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Section 85-1412

Commission; additional powers and duties.

The commission shall have the following additional powers and duties:

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

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

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

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

- (5) Seek a close liaison with the State Board of Education and the State Department of Education in recognition of the need for close coordination of activities between elementary and secondary education and postsecondary education;
- (6) Administer the Integrated Postsecondary Education Data System or other information system or systems to provide the commission with timely, comprehensive, and meaningful information pertinent to the exercise of its duties. The information system shall be designed to provide comparable data on each public institution. The commission shall also administer the uniform information system prescribed in sections 85-1421 to 85-1427 known as the Nebraska Educational Data System. Public institutions shall supply the appropriate data for the information system or systems required by the commission;
- (7) Administer the Access College Early Scholarship Program Act and the Nebraska Scholarship Act;
- (8) Accept and administer loans, grants, and programs from the federal or state government and from other sources, public and private, for carrying out any of its functions, including the administration of privately endowed scholarship programs. Such loans and grants shall not be expended for any other purposes than those for which the loans and grants were provided. The commission shall determine eligibility for such loans, grants, and programs, and such loans and grants shall not be expended unless approved by the Governor;
- (9) Consistent with section 85-1620, approve, in a timely manner, new baccalaureate degree programs to be offered at private postsecondary career schools as defined in section 85-1603. The commission may charge a reasonable fee based on its administrative costs for authorizations pursuant to this subdivision and section 85-1620. The commission shall report such action to the Commissioner of Education;
- (10) Pursuant to sections 85-1101 to 85-1104, authorize out-of-state institutions of higher or postsecondary education to offer courses or degree programs in this state;
- (11) Pursuant to sections 85-1105 to 85-1111, approve or disapprove petitions to establish new private colleges in this state;
- (12) On or before December 1, 2000, and on or before December 1 every two years thereafter, submit to the Legislature and the Governor a report of its objectives and activities and any new private colleges in Nebraska and the implementation of any recommendations of the commission for the preceding two calendar years;

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

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

Source:

Laws 1991, LB 663, § 15;

Laws 1993, LB 93, § 7;

Laws 1994, LB 683, § 18;

Laws 1999, LB 816, § 14;

Laws 2003, LB 7, § 5;

Laws 2003, LB 574, § 26;

Laws 2003, LB 685, § 29;

Laws 2007, LB192, § 1.

Cross References:

Access College Early Scholarship Program Act, see section 85-2101.

Integrated Postsecondary Education Data System, see section 85-1424.

Nebraska Scholarship Act, see section 85-1901.

~ Reissue Revised Statutes of Nebraska 2008

Section 85-1413

Comprehensive statewide plan; establish; requirements; unified statewide facilities plan; develop.

(1) Pursuant to the authority granted in Article VII, section 14, of the Constitution of Nebraska and the Coordinating Commission for Postsecondary Education Act, the commission shall establish and revise as needed a comprehensive statewide plan for postsecondary education which shall include (a) definitions of the role and mission of each public postsecondary educational institution within any general assignments of role and mission as prescribed in sections 85-917 to 85-966 and (b) a plan for facilities which utilize tax funds designated by the Legislature.

(2) Beginning on September 1, 1999, the commission shall work in consultation with the governing boards in revising the existing comprehensive statewide plan to reflect the role and mission of public postsecondary educational institutions and to articulate statewide goals. The process of reviewing and revising the plan shall be completed by January 1, 2001, if practicable.

(3) The planning process of the commission (a) shall be policy-based and ongoing in order to achieve, within the coordination function of the commission

pursuant to section 85-1403, the best possible use of available state resources for high quality and accessible postsecondary educational services and (b) shall take into consideration (i) the needs of the state as described in subsection (4) of this section, (ii) general assignments of role and mission for each public institution in sections 85-917 to 85-966, and (iii) plans for facilities which utilize tax funds designated by the Legislature.

(4) In establishing the plan, the commission shall assess the postsecondary educational needs of the state in the following areas:

- (a) The basic and continuing needs of various age groups;
- (b) Business and industrial needs for a skilled work force;
- (c) Demographic, social, and economic trends;
- (d) The needs of the ethnic populations;
- (e) College attendance, retention, and dropout rates;
- (f) The needs of recent high school graduates and place-bound adults;
- (g) The needs of residents of all geographic regions; and
- (h) Any other areas the commission may designate.

(5) The plan shall provide a structure or process which encourages and facilitates harmonious and cooperative relationships between public and private postsecondary educational institutions and shall recognize the role and relationship of elementary and secondary education and private postsecondary educational institutions in the state to postsecondary education.

(6) The commission shall incorporate into the plan provisions and policies to guide decision-making by the commission pursuant to this section and sections 85-1414 and 85-1415. The provisions and policies shall address issues which include, but are not limited to:

(a) The facilitation of statewide transfer-of-credit guidelines to be considered by institutional governing boards. The statewide transfer-of-credit guidelines shall be designed to facilitate the transfer of students among public institutions. The statewide transfer-of-credit guidelines shall not require nor encourage the standardization of course content and shall not prescribe course content or credit value assigned by any public institution to the courses;

(b) Recommended guidelines for admissions which recognize selective and differentiated admission standards at public institutions and which are consistent

with the role and mission of each public institution. It is the intent of the Legislature that changes in admission standards be implemented in conjunction with the role and mission statements established pursuant to this section and sections 85-917 to 85-966 and the adoption of statewide transfer-of-credit and remedial program policies to assure that access to postsecondary education is not limited;

(c) Recommended enrollment guidelines consistent with the role and mission of each public institution and specific recommendations designed to increase diversity through more effective enrollment and retention at public institutions;

(d) Recommended guidelines for rational and equitable statewide tuition rates and fees for public institutions. The commission shall identify public policy issues relating to tuition and fees of the public postsecondary educational institutions in the state. The recommended guidelines shall take into account the role and mission of each public institution and the need to maximize access to public postsecondary education regardless of a student's financial circumstance;

(e) In conjunction with and consistent with its recommended guidelines on admission standards, recommended guidelines which place the primary emphasis at the community college level for postsecondary education remedial programs and reduce the role of the University of Nebraska in offering remedial programs. The commission shall collaborate with the Commissioner of Education to develop recommendations for secondary schools designed to reduce the need for remedial or developmental programs at the postsecondary level;

(f) In consultation with the governing boards or their designated representatives, designation of geographic and programmatic service areas for each public institution consistent with role and mission assignments. Except as permitted by the commission pursuant to section 85-1414, after July 1, 1992, no public institution shall provide programs at any site outside its assigned geographic and programmatic service area unless permitted under rules and regulations adopted and promulgated by the commission;

(g) After consultation with the governing boards and experts from outside the State of Nebraska, the establishment of a peer group or groups for each public institution for purposes of budget review. In fulfilling this charge, the commission may accept a peer group determined by a governing board in consultation with out-of-state experts;

(h) Effective use of information technologies and telecommunications to aid in the delivery of instruction at the postsecondary level. In cooperation with the Nebraska Educational Telecommunications Commission, other state agencies, and, when appropriate, representatives of elementary and secondary public education, the commission may assist in the development of instructional delivery systems employing information technologies and telecommunications.

The commission, with the involvement of faculties, public institutions and private postsecondary educational institutions, and the information technology and telecommunications community, shall establish policies to ensure that the objectives of quality and efficiency are met in the delivery of information technology and telecommunications-aided instruction;

(i) Workforce development. The commission shall explore methods to improve the competitive quality of the work force and shall encourage enhanced communications and partnerships between public institutions and business and industry;

(j) Public service activities. The public institutions shall develop and provide to the commission a comprehensive inventory of public service programs and activities of public institutions; and

(k) Financial aid strategy. The commission shall develop a state strategy for state-supported student financial aid programs with the goal of assuring access to and choice in postsecondary education in Nebraska for Nebraska residents within the limits of available state resources.

(7) The commission shall develop a unified statewide facilities plan in consultation with the governing boards or their designated representatives and update the plan periodically.

(8) Prior to March 15 of the year following the year of adoption of the revised comprehensive statewide plan for postsecondary education required by subsection (2) of this section and prior to March 15 of the year following a year in which any revision is made to the comprehensive statewide plan, the Education Committee of the Legislature shall review the comprehensive statewide plan and revisions thereto at a public hearing and report its findings to the Legislature.

Source:

Laws 1991, LB 663, § 16

Laws 1993, LB 239, § 20

Laws 1994, LB 683, § 19

Laws 1999, LB 816, § 15

Laws 2003, LB 7, § 6

~ Reissue Revised Statutes of Nebraska 2008

Section 85-1414

Programs; capital construction projects; review; commission, public institutions, and governing boards; duties.

(1) Pursuant to the authority granted in Article VII, section 14, of the Constitution of Nebraska and the Coordinating Commission for Postsecondary Education Act, the commission shall establish an ongoing process to review, monitor, and approve or disapprove the new and existing programs of public institutions and proposed capital construction projects which utilize tax funds designated by the Legislature in order to provide compliance and consistency with the comprehensive statewide plan and to prevent unnecessary duplication. When complying with requests for information during the review, monitoring, and approval process, public institutions may comply pursuant to section 85-1417.

(2)(a) Governing boards shall submit to the commission all proposals for any new program after the governing board has approved the program and prior to implementation of the program. Except for programs submitted for conditional approval by the commission pursuant to subdivision (b) of this subsection, the commission shall have ninety days from the date the program was submitted to take action to approve or disapprove a program or it shall stand approved. The commission shall establish a waiver process for specific, short-term job training programs and short-term public service programs as defined by the commission. New programs submitted for review may be approved or disapproved in whole or in part and with or without recommended modifications based on criteria established pursuant to subsection (7) of this section.

(b) After approval of the program by the governing board, the governing board may submit a proposal for a program which is not authorized by the role and mission provisions of sections 85-917 to 85-966 to the commission for conditional approval. Within one hundred twenty days from its receipt of the proposal, the commission shall report to the Legislature its recommendation in support for or opposition to the amendments to the role and mission statutes that would be necessary for the commission to approve the program and for the institution to offer the program. The time period for submission of the report may be extended for up to an additional ninety days by resolution of the commission which shall show good cause why the extent of review required for this particular proposal necessitates an extension of time to complete the review. Such extension shall be filed with the chairperson of the Education Committee of the Legislature prior to the expiration of the initial one hundred twenty days. The report shall contain supporting rationale for the commission's position, such additional comments as the commission deems appropriate and, in the event the commission supports the amendments to the role and mission statutes, the commission's specific recommendation as to the form of such amendments. If the report indicates support for the necessary amendments to the role and mission statutes, the report shall also constitute the commission's conditional approval of the program, unless the report specifically indicates disapproval of the program. If the

necessary amendments to the role and mission statutes supported by the commission in its report to the Legislature are subsequently enacted by the Legislature, the program shall stand approved. Nothing in this section for conditional approval shall be construed to affect the commission's future consideration of such proposal or approval or disapproval of any programs affected by the proposal.

(3) Following approval of a new program, such program shall be added to the schedule of existing programs to be reviewed by the commission. Following consultation with the governing board, new programs approved by the commission may also be required to meet, within a reasonable time as stipulated by the commission, minimum performance standards established by the commission pursuant to its rules and regulations. If a program fails to meet minimum performance standards, the commission shall review the program and may continue or withdraw its approval for the program.

(4) Existing programs shall be reviewed by the commission pursuant to a program review process established by the commission in consultation with the governing boards or their designated representatives which, to the extent possible while still allowing for timely review by the commission, shall coincide with institutional review and accreditation cycles. In reviewing existing programs, the commission may make use of nonconfidential information and conclusions provided by accreditation processes supplied to the commission by the institutions. All programs in existence prior to January 1, 1992, shall be considered approved until the approval is confirmed or withdrawn by the commission pursuant to the program review process conducted by the commission.

(5) Existing programs which do not meet criteria established by the commission pursuant to subsection (7) of this section shall be targeted for indepth review by the public institutions and their governing boards. In performing such indepth review, institutions may make use of information and conclusions provided by accreditation and other established and ongoing academic review processes rather than providing for a separate review process. Programs continued by the governing boards shall be further monitored by the governing board which shall report the status and process of the monitoring to the commission. If the commission determines that a program does not merit continuation, it shall hold a public hearing, following thirty days' notice to the public institution, to consider if the program should be continued. Following the hearing, the commission shall take action to approve or disapprove continuance of the program.

(6) Existing programs disapproved for continuance by the commission shall be terminated by a public institution when all students in the program on the date of the decision of the commission to disapprove continuance of the program have had a reasonable opportunity, as determined by the governing board of the public institution, to complete the program. Existing public service programs

disapproved for continuance by the commission shall be terminated at the end of the fiscal year in which the decision to disapprove is made.

(7) The commission shall establish criteria for the review, monitoring, and approval or disapproval of programs. The governing boards of the public institutions shall be responsible for assuring the quality and effectiveness of programs offered by their institutions. The commission's criteria shall be designed to (a) meet educational needs and (b) assure efficiency and avoid unnecessary duplication. Criteria shall include:

- (i) Centrality to the role and mission of the public institution;
- (ii) Consistency with the comprehensive statewide plan;
- (iii) Evidence of need and demand; and
- (iv) Adequacy of resources to support proposed new programs.

The criteria shall not infringe on the prerogative of the governing boards to make decisions on the quality of staff and the design of curriculum.

(8) The commission shall develop specific criteria for review, monitoring, and approval or disapproval of participation by any public institution in proposed or existing education centers in addition to the criteria specified in this section. Participation by a public institution in an education center shall also be approved by the governing board of such public institution. The commission shall develop policies and procedures for conducting and approving off-campus programming in an education center.

(9) Each public institution shall submit its most recent institutional facilities plan to the commission subject to commission guidelines for the format and content of such plans. The commission shall (a) review each institutional facilities plan to ensure (i) consistency with the comprehensive statewide plan, statewide facilities plan, and institutional role and mission assignments and (ii) identification of unnecessary duplication of facilities and (b) make a written report of its review to the governing board of the public institution within ninety days after receipt of the institutional facilities plan. The commission may, in accordance with the coordination function of the commission pursuant to section 85-1403, recommend modifications to the institutional facilities plans and may require submission of periodic updates of the institutional facilities plans.

(10) Governing boards shall submit all proposed capital construction projects which utilize tax funds designated by the Legislature to the commission for review and approval or disapproval. The commission shall, in accordance with the coordination function of the commission pursuant to section 85-1403, review, monitor, and approve or disapprove each such capital construction project to

provide compliance and consistency with the statewide facilities plan and the comprehensive statewide plan and to prevent unnecessary duplication of capital facilities. The commission may disapprove a project only on the basis of a finding by the commission that the project (a) does not comply or is inconsistent with one or more provisions of the statewide facilities plan or other relevant provisions of the comprehensive statewide plan or (b) will result in unnecessary duplication of capital facilities.

(11) In fulfilling its program and project approval activities prescribed in this section, the commission shall, in accordance with the coordination function of the commission pursuant to section 85-1403, recognize educational activities among all segments of postsecondary education and take into account the educational programs, facilities, and other resources of both public and independent and private postsecondary educational institutions.

(12) Any program which is authorized by action of the Legislature or a governing board and which is not in existence prior to January 1, 1992, shall not become operative unless and until such program has been approved by the commission pursuant to this section.

Source:

Laws 1991, LB 663, § 17

Laws 1994, LB 683, § 20

Laws 1999, LB 816, § 16

Laws 2003, LB 7, § 7

Laws 2006, LB 196, § 4.

~ Reissue Revised Statutes of Nebraska 2008

Section 85-1415

Capital construction projects proposed by Board of Regents of the University of Nebraska, Board of Trustees of the Nebraska State Colleges, and certain nonprofit corporations; review; commission; duties; approval by Legislature.

(1) Consistent with the authority granted to the Legislature pursuant to Article XIII, section 1, of the Constitution of Nebraska, the commission shall review all capital construction projects proposed by the Board of Regents of the University of Nebraska and the Board of Trustees of the Nebraska State Colleges pursuant to sections 85-404 and 85-408 and by any nonprofit corporation created by the Board of Regents of the University of Nebraska or the Board of Trustees of the Nebraska State Colleges when (a) state general funds, (b) funds received by the University of Nebraska or any state college for the purposes of reimbursing overhead costs and expenses in connection with any federal or other grant or

contract, (c) tuition, or (d) the state's operating investment pool investment income constitute all or any part of the funds used for the repayment of all or any part of the bonds of such nonprofit corporation. Such boards shall submit all such projects, including applicable financing plans, to the commission for review.

(2) Within sixty days from the date of submission of a proposed project, the commission shall take action by recommending that the Legislature or the Executive Board of the Legislative Council either approve or disapprove the project. Following such action by the commission, each such proposed project together with the commission's recommendation of approval or disapproval shall be submitted by the board concerned to the Legislature or to the Executive Board of the Legislative Council. The Legislature or, if the Legislature is not in session, the Executive Board of the Legislative Council shall thereafter take action to approve or disapprove the proposed project.

Source:

Laws 1991, LB 663, § 18

Laws 1992, LB 976, § 1

Laws 1994, LB 683, § 21

Laws 2004, LB 1071, § 1

~ Revised Statutes Cumulative Supplement 2006

Section 85-1416

Budget and state aid requests; review; commission; duties.

(1) Pursuant to the authority granted in Article VII, section 14, of the Constitution of Nebraska and the Coordinating Commission for Postsecondary Education Act, the commission shall, in accordance with the coordination function of the commission pursuant to section 85-1403, review and modify, if needed to promote compliance and consistency with the comprehensive statewide plan and prevent unnecessary duplication, the budget requests of the governing boards.

(2)(a) At least thirty days prior to submitting to the Governor their biennial budget requests pursuant to section 81-1113 and any major deficit appropriation requests pursuant to instructions of the Department of Administrative Services, the Board of Regents of the University of Nebraska and the Board of Trustees of the Nebraska State Colleges shall each submit to the commission an outline of its proposed operating budget. The outline of its proposed operating budget or outline of proposed state aid request shall include those information summaries provided to the institution's governing board describing the respective institution's budget for the next fiscal year or biennium. The outline shall contain projections of funds necessary for (i) the retention of current programs and services at current funding levels, (ii) any inflationary costs necessary to maintain current programs and services at the current programmatic or service levels, and (iii)

proposed new and expanded programs and services. In addition to the outline, the commission may request an institution to provide to the commission any other supporting information to assist the commission in its budget review process. An institution may comply with such requests pursuant to section 85-1417.

(b) On September 15 of each biennial budget request year, the boards of governors of the community colleges or their designated representatives shall submit to the commission outlines of their proposed state aid requests pursuant to the Community College Foundation and Equalization Aid Act.

(c) The commission shall analyze institutional budget priorities in light of the comprehensive statewide plan, role and mission assignments, and the goal of prevention of unnecessary duplication. The commission shall submit to the Governor and Legislature by October 15 of each year recommendations for approval or modification of the budget requests together with a rationale for its recommendations. The analysis and recommendations by the commission shall focus on budget requests for new and expanded programs and services and major statewide funding issues or initiatives as identified in the comprehensive statewide plan. If an institution does not comply with the commission's request pursuant to subdivision (a) of this subsection for additional budget information, the commission may so note the refusal and its specific information request in its report of budget recommendations. The commission shall also provide to the Governor and the Appropriations Committee of the Legislature on or before October 1 of each even-numbered year a report identifying public policy issues relating to student tuition and fees, including the appropriate relative differentials of tuition and fee levels between the sectors of public postsecondary education in the state consistent with the comprehensive statewide plan.

(3) At least thirty days prior to submitting to the Governor their biennial budget requests pursuant to section 81-1113 and any major deficit appropriation requests pursuant to instructions of the Department of Administrative Services, the Board of Regents of the University of Nebraska and the Board of Trustees of the Nebraska State Colleges shall each submit to the commission information the commission deems necessary regarding each board's capital construction budget requests. The commission shall review the capital construction budget request information and may recommend to the Governor and the Legislature modification, approval, or disapproval of such requests consistent with the statewide facilities plan and any project approval determined pursuant to subsection (10) of section 85-1414 and to section 85-1415. The commission shall develop from a statewide perspective a unified prioritization of individual capital construction budget requests for which it has recommended approval and submit such prioritization to the Governor and the Legislature for their consideration. In establishing its prioritized list, the commission may consider and respond to the priority order established by the Board of Regents or the Board of Trustees in their respective capital construction budget requests.

(4) Nothing in this section shall be construed to affect other constitutional, statutory, or administrative requirements for the submission of budget or state aid requests by the governing boards to the Governor and the Legislature.

Source:

Laws 1991, LB 663, § 19;
Laws 1993, LB 239, § 21;
Laws 1994, LB 683, § 22;
Laws 1999, LB 816, § 17;
Laws 2002, Second Spec. Sess., LB 12, § 5;
Laws 2006, LB 962, § 5;
Laws 2007, LB342, § 38.

Cross References:

Community College Foundation and Equalization Act, see section 85-2201.

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Section 85-1417

Reports to commission; form.

Each public institution may file with the commission a copy of any report filed with any other state agency. The filing shall be either in an electronic format compatible with the commission's computer system or a paper copy. A public institution may respond to any requests for information from the commission by providing the commission with the exact location of the information within a report that has previously been filed with the commission.

Source:

Laws 1999, LB 816, § 18

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Section 85-1418

Program or capital construction project; state funds; restrictions on use; district court of Lancaster County; jurisdiction; appeals; procedure.

(1) No state warrant shall be issued by the Department of Administrative Services or used by any public institution for the purpose of funding any program or capital construction project which has not been approved or which has been disapproved by the commission pursuant to the Coordinating Commission for

Postsecondary Education Act. If state funding for any such program or project cannot be or is not divided into warrants separate from other programs or projects, the department shall reduce a warrant to the public institution which includes funding for the program or project by the amount of tax funds designated by the Legislature which are budgeted in that fiscal year by the public institution for use for the program or project.

(2) The department may reduce the amount of state aid distributed to a community college area pursuant to the Community College Foundation and Equalization Aid Act by the amount of funds used by the area to provide a program or capital construction project which has not been approved or which has been disapproved by the commission.

(3) The district court of Lancaster County shall have jurisdiction to enforce an order or decision of the commission entered pursuant to the Coordinating Commission for Postsecondary Education Act and to enforce this section.

(4) Any person or public institution aggrieved by a final order of the commission entered pursuant to section 85-1413, 85-1414, 85-1415, or 85-1416 shall be entitled to judicial review of the order. Proceedings for review shall be instituted by filing a petition in the district court of Lancaster County within thirty days after public notice of the final decision by the commission is given. The filing of the petition or the service of summons upon the commission shall not stay enforcement of such order. The review shall be conducted by the court without a jury on the record of the commission. The court shall have jurisdiction to enjoin enforcement of any order of the commission which is (a) in violation of constitutional provisions, (b) in excess of the constitutional or statutory authority of the commission, (c) made upon unlawful procedure, or (d) affected by other error of law.

(5) A party may secure a review of any final judgment of the district court by appeal to the Court of Appeals. Such appeal shall be taken in the manner provided by law for appeals in civil cases and shall be heard de novo on the record.

Source:

Laws 1991, LB 663, § 21;
Laws 1992, LB 360, § 40;
Laws 1993, LB 239, § 22;
Laws 2007, LB342, § 39.

Cross References:

Community College Foundation and Equalization Act, see section 85-2201.

Section 85-1419***Coordinating Commission for Postsecondary Education Cash Fund; created; use; investment.***

There is hereby created the Coordinating Commission for Postsecondary Education Cash Fund. The fund shall contain money received from application fees from out-of-state institutions of higher and postsecondary education seeking authorization to offer courses and programs in the State of Nebraska and from private colleges seeking provisional accreditation and money received by the commission for services rendered incident to the administration of its statutory or contractual functions. The fund shall be expended for the administrative costs of reviewing applications, publishing and duplicating reports, coordinating studies, conducting conferences, and other related activities as may be authorized by the Legislature or by contract. All such money received by the commission shall be remitted to the State Treasurer for credit to the fund. A report on the receipts and expenditures from the fund shall be included as a part of the operating budget request submitted to the Legislature and the Governor. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Source:

Laws 1991, LB 663, § 22

Laws 1994, LB 683, § 23

Laws 1994, LB 1066, § 138

Cross References:

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

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Section 85-1420***Coordinating Commission for Postsecondary Education Trust Fund; created; use; investment.***

There is hereby created the Coordinating Commission for Postsecondary Education Trust Fund. The fund shall serve as a revolving fund to receive grants from foundations, institutions, or individuals for specific studies which are a part of the powers and duties of the commission or for the administration of privately endowed scholarship programs for students attending Nebraska institutions. The grant money shall be used only for purposes specified in the grant. A report of the findings of any studies done pursuant to the grants shall be included as a part

of the operating budget request submitted to the Legislature and the Governor. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Source:

Laws 1991, LB 663, § 23
Laws 1994, LB 683, § 24
Laws 1994, LB 1066, § 139
Laws 1999, LB 816, § 19

Cross References:

Nebraska Capital Expansion Act, see section 72-1269.
Nebraska State Funds Investment Act, see section 72-1260.

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Section 85-1421

Legislative intent.

The Legislature hereby declares that it is the intent and purpose of sections 85-1421 to 85-1427 to provide for a state-level uniform information system for all public postsecondary education systems and institutions which will:

- (1) Provide for a coordinated state-level information base regarding the activities of the public postsecondary education systems and institutions;
- (2) Insure that the Legislature and other state and federal agencies obtain timely and accurate information concerning the programs, personnel, students, finances, and facilities of the state's postsecondary education systems and institutions;
- (3) Maintain procedures for the uniform definition and reporting of information;
- (4) Avoid unnecessary, duplicative, and conflicting information requests by state-level agencies through the uniform definition and collection of data elements, identification of data necessary for annual reporting to the state, and development of uniform and comparable data classification systems;
- (5) Provide information users and suppliers an opportunity to cooperatively maintain a uniform information system; and
- (6) Maintain an information base to support state-level planning, budgeting, and performance evaluation activities for postsecondary education.

Source:

Laws 1978, LB 897, § 1;
R.S.1943, (1987), § 85-968;
Laws 1994, LB 683, § 25.

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Section 85-1422

Terms, defined.

For purposes of sections 85-1421 to 85-1427:

(1) Commission shall mean the Coordinating Commission for Postsecondary Education; and

(2) Information system shall mean the uniform information system established by such sections and known as the Nebraska Educational Data System.

Source:

Laws 1978, LB 897, § 2;
Laws 1991, LB 663, § 106;
Laws 1992, LB 988, § 18;
R.S.Supp., 1992, § 85-969;
Laws 1994, LB 683, § 26.

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Section 85-1423

Commission; postsecondary education information system; duties.

The commission shall maintain a comprehensive state-level public postsecondary education information system. After consulting with the governing boards or their designated representatives, the commission shall:

(1) Identify the state-level information to be reported on an annual or periodic basis regarding each postsecondary system's and institution's programs, personnel, finances, students, and facilities utilization and inventory;

(2) Identify the data elements for which information will be collected and reported to the state;

(3) Identify the information classification formats to be used by the postsecondary systems and institutions in presenting program, financial, student, facility, personnel, and audit information;

(4) Identify the data-collection, reporting, and auditing procedures for the information system; and

(5) Identify a procedure for updating the information system to meet changing conditions.

Source:

Laws 1978, LB 897, § 3;
R.S.1943, (1987), § 85-970;
Laws 1994, LB 683, § 27;
Laws 1999, LB 816, § 20.

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Section 85-1424

Commission; verification and reporting duties.

The commission shall:

(1) Review and verify all information submitted by public postsecondary systems and institutions as part of the Integrated Postsecondary Education Data System and make such corrections in the submitted information as are necessary; and

(2) Prepare and disseminate an annual report of the information submitted by each public postsecondary system and institution and those private postsecondary educational institutions willing to cooperate as part of the Integrated Postsecondary Education Data System.

Source:

Laws 1978, LB 897, § 7;
Laws 1984, LB 290, § 8;
Laws 1988, LB 927, § 3;
Laws 1991, LB 663, § 109;
R.S.Supp.,1992, § 85-974;
Laws 1994, LB 683, § 28.

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Section 85-1425
Commission; solicit advice.

The commission shall provide ongoing means for information suppliers and users to advise the commission in carrying out sections 85-1421 to 85-1427.

Source:
Laws 1978, LB 897, § 8;
Laws 1985, LB 421, § 5;
Laws 1991, LB 663, § 110;
R.S.Supp., 1992, § 85-975;
Laws 1994, LB 683, § 29.

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Section 85-1426
Postsecondary education system and institution; report.

Each public postsecondary education system and institution shall report information as required by the commission pursuant to sections 85-1421 to 85-1427.

Source:
Laws 1978, LB 897, § 9;
Laws 1991, LB 663, § 111;
R.S.Supp., 1992, § 85-976;
Laws 1994, LB 683, § 30.

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Section 85-1427
Commission; administrative duties.

In order to carry out its responsibilities under sections 85-1421 to 85-1427, the commission shall:

- (1) Periodically meet and confer with officials of the state and its political subdivisions having responsibility for postsecondary education services;
- (2) Consult with and utilize the services of any office, department, or agency of the state; and

(3) Employ such personnel as may be necessary to assist it in the performance of its duties.

Source:

Laws 1978, LB 897, § 12;
Laws 1991, LB 663, § 114;
R.S.Supp., 1992, § 85-979;
Laws 1994, LB 683, § 31.

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Section 85-1428

Economic expansion and diversification; postsecondary education priorities; legislative findings.

The Legislature finds that:

(1) Expansion and diversification of Nebraska's economy is necessary in order to sustain essential public services sponsored or aided by the state;

(2) Increasing the number of Nebraskans with high levels of educational attainment is essential to support economic expansion and diversification;

(3) In order to increase the number of Nebraskans with high levels of educational attainment, the state's postsecondary education system shall include, but not be limited to, the following key priorities that were identified by the LR 174 Task Force of 2003:

(a) Increasing the number of students who enter postsecondary education in Nebraska;

(b) Increasing the percentage of students who enroll and successfully complete a degree; and

(c) Reducing, eliminating, and then reversing the net out-migration of Nebraskans with high levels of educational attainment; and

(4) Unprecedented collaboration and cooperation between and among educational institutions and sectors will be necessary to develop community, regional, and statewide strategies to achieve progress toward these priorities and to assist the state in serving Nebraska students and allowing them to reach their academic caliber.

Source:

Laws 2006, LB 962, § 7.

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Section 85-1429

Commission; report on higher education priorities.

On or before March 15 of each year, the Coordinating Commission for Postsecondary Education shall provide a report that evaluates progress toward attainment of the priorities listed in subdivision (3) of section 85-1428. The Education Committee of the Legislature shall review the report at a public hearing and report its findings to the Legislature.

Source:

Laws 2006, LB 962, § 8.

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