

LEGISLATIVE BILL 92

Approved by the Governor April 21, 2021

Introduced by Clements, 2; Geist, 25; Hansen, B., 16; Lowe, 37; Murman, 38.

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-607, Reissue Revised Statutes of Nebraska, and section 85-502, Revised Statutes Cumulative Supplement, 2020; to change residency and admission provisions with regard to students who are educated in a school that elects not to meet accreditation or approval requirements; to prohibit discrimination as prescribed; and to repeal the original sections.
Be it enacted by the people of the State of Nebraska,

Section 1. Section 85-502, Revised Statutes Cumulative Supplement, 2020, is amended to read:

85-502 Rules and regulations established by the governing board of each state postsecondary educational institution shall require as a minimum that a person is not deemed to have established a residence in this state, for purposes of sections 85-501 to 85-504, unless:

(1) Such person is of legal age or is an emancipated minor and has established a home in Nebraska where he or she is habitually present for a minimum period of one hundred eighty days, with the bona fide intention of making this state his or her permanent residence, supported by documentary proof;

(2) The parents, parent, or guardian having custody of a minor registering in the educational institution have established a home in Nebraska where such parents, parent, or guardian are or is habitually present with the bona fide intention to make this state their, his, or her permanent residence, supported by documentary proof. If a student has matriculated in any state postsecondary educational institution while his or her parents, parent, or guardian had an established home in this state, and the parents, parent, or guardian ceases to reside in the state, such student shall not thereby lose his or her resident status if such student has the bona fide intention to make this state his or her permanent residence, supported by documentary proof;

(3) Such student is of legal age and is a dependent for federal income tax purposes of a parent or former guardian who has established a home in Nebraska where he or she is habitually present with the bona fide intention of making this state his or her permanent residence, supported by documentary proof;

(4) Such student is a nonresident of this state prior to marriage and marries a person who has established a home in Nebraska where he or she is habitually present with the bona fide intention of making this state his or her permanent residence, supported by documentary proof;

(5) Except as provided in subdivision (9) of this section, such student, if an alien, has applied to or has a petition pending with the United States Immigration and Naturalization Service to attain lawful status under federal immigration law and has established a home in Nebraska for a period of at least one hundred eighty days where he or she is habitually present with the bona fide intention to make this state his or her permanent residence, supported by documentary proof;

(6) Such student is a staff member or a dependent of a staff member of the University of Nebraska, one of the Nebraska state colleges, or one of the community college areas who joins the staff immediately prior to the beginning of a term from an out-of-state location;

(7)(a) Such student is on active duty with the armed services of the United States and has been assigned a permanent duty station in Nebraska; or

(b) Such student is a spouse or legal dependent of a person who was on active duty with the armed services of the United States assigned to a permanent duty station in Nebraska at the time such student was accepted for admission to the state postsecondary educational institution and such student remains continually enrolled at such state postsecondary educational institution;

(8) Such student is currently serving in the Nebraska National Guard; or

(9)(a) Such student resided with his or her parent, guardian, or conservator while attending a public, ~~or private, denominational, or parochial~~ high school in this state or a school in this state which elects pursuant to section 79-1601 not to meet accreditation or approval requirements and:

(i) Graduated from a public, ~~or private, denominational, or parochial~~ high school in this state, completed the program of instruction offered by a school in this state which elects pursuant to section 79-1601 not to meet accreditation or approval requirements, or received a the equivalent of a high school diploma of high school equivalency issued pursuant to section 79-730 in this state;

(ii) Resided in this state for at least three years before the date the student graduated from the high school, completed the program of instruction, or received the equivalent of a high school diploma of high school equivalency;

(iii) Registered as an entering student in a state postsecondary educational institution not earlier than the 2006 fall semester; and

(iv) Provided to the state postsecondary educational institution an

affidavit stating that he or she will file an application to become a permanent resident at the earliest opportunity he or she is eligible to do so.

(b) If the parent, guardian, or conservator with whom the student resided ceases to reside in the state, such student shall not lose his or her resident status under this subdivision if the student has the bona fide intention to make this state his or her permanent residence, supported by documentary proof.

Sec. 2. Section 85-607, Reissue Revised Statutes of Nebraska, is amended to read:

85-607 No publicly funded college or university in this state shall prohibit the admission of any student, or discriminate against any student with regard to determinations of residency status or scholarship eligibility, on the basis that such student was educated in a any school which elects to meet the requirements of subsections (2) through (6) of section 79-1601 if the student is qualified for admission as shown by testing results.

Sec. 3. Original section 85-607, Reissue Revised Statutes of Nebraska, and section 85-502, Revised Statutes Cumulative Supplement, 2020, are repealed.