

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 100

FINAL READING

Introduced by Sullivan, 41; Cook, 13; Kolowski, 31.

Read first time January 08, 2015

Committee: Education

- 1 A BILL FOR AN ACT relating to the Community College Aid Act; to amend
- 2 sections 85-1503 and 85-2234, Reissue Revised Statutes of Nebraska;
- 3 to provide for allocation of state aid amounts to tribally
- 4 controlled community colleges; and to repeal the original sections.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 85-1503, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 85-1503 For purposes of sections 85-1501 to 85-1540, unless the
4 context otherwise requires:

5 (1) Community college means an educational institution operating and
6 offering programs pursuant to such sections;

7 (2) Community college area means an area established by section
8 85-1504;

9 (3) Board means the Community College Board of Governors for each
10 community college area;

11 (4) Full-time equivalent student means, in the aggregate, the
12 equivalent of a registered student who in a twelve-month period is
13 enrolled in (a) thirty semester credit hours or forty-five quarter credit
14 hours of classroom, laboratory, clinical, practicum, or independent study
15 course work or cooperative work experience or (b) nine hundred contact
16 hours of classroom or laboratory course work for which credit hours are
17 not offered or awarded. Avocational and recreational community service
18 programs or courses are not included in determining full-time equivalent
19 students or student enrollment. The number of credit and contact hours to
20 be counted by any community college area in which a tribally controlled
21 community college is located shall include credit and contact hours
22 awarded by such tribally controlled community college to students for
23 which such institution received no federal reimbursement pursuant to the
24 federal Tribally Controlled College or University Assistance Act of 1978,
25 25 U.S.C. 1801;

26 (5) Contact hour means an educational activity consisting of sixty
27 minutes minus break time and required time to change classes;

28 (6) Credit hour means the unit used to ascertain the educational
29 value of course work offered by the institution to students enrolling for
30 such course work, earned by such students upon successful completion of
31 such course work, and for which tuition is charged. A credit hour may be

1 offered and earned in any of several instructional delivery systems,
2 including, but not limited to, classroom hours, laboratory hours,
3 clinical hours, practicum hours, cooperative work experience, and
4 independent study. A credit hour shall consist of a minimum of: (a) Ten
5 quarter or fifteen semester classroom contact hours per term of
6 enrollment; (b) twenty quarter or thirty semester academic transfer and
7 academic support laboratory hours per term of enrollment; (c) thirty
8 quarter or forty-five semester vocational laboratory hours per term of
9 enrollment; (d) thirty quarter or forty-five semester clinical or
10 practicum contact hours per term of enrollment; or (e) forty quarter or
11 sixty semester cooperative work experience contact hours per term of
12 enrollment. An institution may include in a credit hour more classroom,
13 laboratory, clinical, practicum, or cooperative work experience hours
14 than the minimum required in this subdivision. The institution shall
15 publish in its catalog, or otherwise make known to the student in writing
16 prior to the student enrolling or paying tuition for any courses, the
17 number of credit or contact hours offered in each such course. Such
18 published credit or contact hour offerings shall be used to determine
19 whether a student is a full-time equivalent student pursuant to
20 subdivision (4) of this section;

21 (7) Classroom hour means a minimum of fifty minutes of formalized
22 instruction on campus or off campus in which a qualified instructor
23 applying any combination of instructional methods such as lecture,
24 directed discussion, demonstration, or the presentation of audiovisual
25 materials is responsible for providing an educational experience to
26 students;

27 (8) Laboratory hour means a minimum of fifty minutes of educational
28 activity on campus or off campus in which students conduct experiments,
29 perfect skills, or practice procedures under the direction of a qualified
30 instructor;

31 (9) Clinical hour means a minimum of fifty minutes of educational

1 activity on campus or off campus during which the student is assigned
2 practical experience under constant supervision at a health-related
3 agency, receives individual instruction in the performance of a
4 particular function, and is observed and critiqued in the repeat
5 performance of such function. Adjunct professional personnel, who may or
6 may not be paid by the college, may be used for the directed supervision
7 of students and for the delivery of part of the didactic phase of the
8 experience;

9 (10) Practicum hour means a minimum of fifty minutes of educational
10 activity on campus or off campus during which the student is assigned
11 practical experiences, receives individual instruction in the performance
12 of a particular function, and is observed and critiqued by an instructor
13 in the repeat performance of such function. Adjunct professional
14 personnel, who may or may not be paid by the college, may be used for the
15 directed supervision of the students;

16 (11) Cooperative work experience means an internship or on-the-job
17 training, designed to provide specialized skills and educational
18 experiences, which is coordinated, supervised, observed, and evaluated by
19 qualified college staff or faculty and may be completed on campus or off
20 campus, depending on the nature of the arrangement;

21 (12) Independent study means an arrangement between an instructor
22 and a student in which the instructor is responsible for assigning work
23 activity or skill objectives to the student, personally providing needed
24 instruction, assessing the student's progress, and assigning a final
25 grade. Credit hours shall be assigned according to the practice of
26 assigning credits in similar courses;

27 (13) Full-time equivalent student enrollment total means the total
28 of full-time equivalent students enrolled in a community college in any
29 fiscal year;

30 (14) General academic transfer course means a course offering in a
31 one-year or two-year degree-credit program, at the associate degree level

1 or below, intended by the offering institution for transfer into a
2 baccalaureate program. The completion of the specified courses in a
3 general academic transfer program may include the award of a formal
4 degree;

5 (15) Applied technology or occupational course means a course
6 offering in an instructional program, at the associate degree level or
7 below, intended to prepare individuals for immediate entry into a
8 specific occupation or career. The primary intent of the institutions
9 offering an applied technology or occupational program shall be that such
10 program is for immediate job entry. The completion of the specified
11 courses in an applied technology or occupational program may include the
12 award of a formal degree, diploma, or certificate;

13 (16) Academic support course means a general education academic
14 course offering which may be necessary to support an applied technology
15 or occupational program;

16 (17) Class 1 course means an applied technology or occupational
17 course offering which requires the use of equipment, facilities, or
18 instructional methods easily adaptable for use in a general academic
19 transfer program classroom or laboratory;

20 (18) Class 2 course means an applied technology or occupational
21 course offering which requires the use of specialized equipment,
22 facilities, or instructional methods not easily adaptable for use in a
23 general academic transfer program classroom or laboratory;

24 (19) Reimbursable educational unit means a full-time equivalent
25 student multiplied by (a) for a general academic transfer course or an
26 academic support course, a factor of one, (b) for a Class 1 course, a
27 factor of one and fifty-hundredths, (c) for a Class 2 course, a factor of
28 two, (d) for a tribally controlled community college general academic
29 transfer course or academic support course, a factor of two, (e) for a
30 tribally controlled community college Class 1 course, a factor of three,
31 and (f) for a tribally controlled community college Class 2 course, a

1 factor of four;

2 (20) Reimbursable educational unit total means the total of all
3 reimbursable educational units accumulated in a community college area in
4 any fiscal year;

5 (21) Special instructional term means any term which is less than
6 fifteen weeks for community colleges using semesters or ten weeks for
7 community colleges using quarters;

8 (22) Statewide reimbursable full-time equivalent total means the
9 total of all reimbursable full-time equivalents accumulated statewide for
10 the community college in any fiscal year;

11 (23) Tribally controlled community college means an educational
12 institution operating and offering programs pursuant to the federal
13 Tribally Controlled College or University Assistance Act of 1978, 25
14 U.S.C. 1801; and

15 (24) Tribally controlled community college state aid amount means:

16 (a) For fiscal years 2010-11, 2011-12, and 2012-13, the amount of
17 state aid provided to a tribally controlled community college pursuant to
18 section 90-517; and

19 (b) For fiscal year 2013-14 and each fiscal year thereafter, the
20 quotient of the amount of state aid to be distributed pursuant to
21 ~~subdivisions (1) and (3) of section 85-2234 the Community College Aid~~
22 ~~Act, excluding any amounts received from the Nebraska Community College~~
23 ~~Student Performance and Occupational Education Grant Fund,~~ for such
24 fiscal year to a community college area in which a tribally controlled
25 community college is located divided by the reimbursable educational unit
26 total for such community college area for the fiscal year immediately
27 preceding the fiscal year for which aid is being calculated, with such
28 quotient then multiplied by the reimbursable educational units derived
29 from credit and contact hours awarded by a tribally controlled community
30 college to students for which such institution received no federal
31 reimbursement pursuant to the federal Tribally Controlled College or

1 University Assistance Act of 1978, 25 U.S.C. 1801, for the fiscal year
2 immediately preceding the fiscal year for which aid is being calculated.

3 Sec. 2. Section 85-2234, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 85-2234 Aid appropriated pursuant to the Community College Aid Act
6 for fiscal year 2013-14 and each fiscal year thereafter shall be
7 allocated among community college areas and tribally controlled community
8 colleges as follows:

9 (1) The initial \$87,870,147 appropriated pursuant to the act shall
10 be allocated to community college areas based on the proportionate share
11 of aid received by each community college area for fiscal year 2012-13.
12 If the amount appropriated for such fiscal year exceeds \$87,870,147, the
13 excess amount shall be allocated as provided in subdivisions (2) and (3)
14 of this section. If the amount appropriated for such fiscal year is less
15 than or equal to \$87,870,147, the amount appropriated shall be allocated
16 to community college areas based on the proportionate share of aid
17 received by each community college area for fiscal year 2012-13;

18 (2) Of any amount remaining after the allocation of aid pursuant to
19 subdivision (1) of this section, the next amount, up to but not to exceed
20 \$500,000, shall be allocated as state aid pursuant to section 85-1539;
21 and

22 (3) Any amount remaining after the allocations provided for in
23 subdivisions (1) and (2) of this section shall be allocated among the
24 community college areas on the following basis:

25 (a) Twenty-five percent of such amount shall be divided equally
26 based on the number of community college areas designated pursuant to
27 section 85-1504;

28 (b) Forty-five percent of such amount shall be divided based on each
29 community college area's proportionate share of three-year average full-
30 time equivalent student enrollment. A community college area's
31 proportionate share of three-year average full-time equivalent student

1 enrollment shall equal the sum of a community college area's full-time
2 equivalent student enrollment total for the three fiscal years
3 immediately preceding the fiscal year for which aid is being calculated
4 divided by three, with such quotient divided by the quotient resulting
5 from the sum of the full-time equivalent student enrollment total of all
6 community college areas for the three fiscal years immediately preceding
7 the fiscal year for which aid is being calculated divided by three;~~and~~

8 (c) Thirty percent of such amount shall be divided based on each
9 community college area's proportionate share of three-year average
10 reimbursable educational units. A community college area's proportionate
11 share of three-year average reimbursable educational units shall equal
12 the sum of a community college area's reimbursable educational unit total
13 for the three fiscal years immediately preceding the fiscal year for
14 which aid is being calculated divided by three, with such quotient
15 divided by the quotient resulting from the sum of the reimbursable
16 educational unit total of all community college areas for the three
17 fiscal years immediately preceding the fiscal year for which aid is being
18 calculated divided by three; and -

19 (d) Tribally controlled community college state aid amounts shall be
20 allocated pursuant to subdivision (24)(b) of section 85-1503 and
21 subdivision (16) of section 85-1511.

22 Sec. 3. Original sections 85-1503 and 85-2234, Reissue Revised
23 Statutes of Nebraska, are repealed.