

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 243

Introduced by Bostar, 29; Cavanaugh, J., 9; Day, 49; Hansen, M., 26;
Hunt, 8; McKinney, 11; Morfeld, 46; Pansing Brooks, 28.

Read first time January 11, 2021

Committee: Education

1 A BILL FOR AN ACT relating to education; to amend section 85-1539,
2 Reissue Revised Statutes of Nebraska, and sections 85-1412 and
3 85-2104, Revised Statutes Cumulative Supplement, 2020; to adopt the
4 Access College Early Tech Promise Program Act; to provide duties; to
5 harmonize provisions; and to repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 8 of this act shall be known and may be
2 cited as the Access College Early Tech Promise Program Act.

3 Sec. 2. For purposes of the Access College Early Tech Promise
4 Program Act:

5 (1) Academic year means a twelve-month period of instruction as
6 determined by the eligible institution;

7 (2) Access college early scholarship means a scholarship granted
8 pursuant to the Access College Early Scholarship Program Act;

9 (3) Award means a grant of money by the commission to an eligible
10 student to be used for educational expenses;

11 (4) Career program of study has the same meaning as in section
12 85-2102;

13 (5) Commission means the Coordinating Commission for Postsecondary
14 Education;

15 (6) Committee means the Nebraska Community College Student
16 Performance and Occupational Education Grant Committee;

17 (7) Educational expenses means tuition, fees, room, board, books,
18 supplies, and other educational expenses as determined by the eligible
19 institution;

20 (8) Eligible institution means any Nebraska community college, any
21 tribally controlled community college in Nebraska, or the Nebraska
22 College of Technical Agriculture at Curtis;

23 (9) Eligible occupation means an in-demand occupation designated as
24 an eligible occupation pursuant to section 4 of this act;

25 (10) Eligible program means a program of study that:

26 (a) Is offered by an eligible institution;

27 (b) Is designed to be completed in two academic years or less;

28 (c) Offers a certificate, diploma, or associate degree that directly
29 qualifies the recipient for employment in an eligible occupation; and

30 (d) Is approved to be an eligible program pursuant to section 4 of
31 this act;

1 (11) Eligible student means a full-time student who:

2 (a) Is enrolled in an eligible program at an eligible institution;

3 (b) Received postsecondary education credit while in high school for

4 at least two courses in a single career program of study related to an

5 in-demand occupation;

6 (c)(i) Received an access college early scholarship while in high

7 school; or

8 (ii) Qualified to receive an access college early scholarship while

9 in high school, but the scholarship was not granted due to insufficient

10 funds;

11 (d) Has applied for federal financial aid through the Free

12 Application for Federal Student Aid for the applicable academic year;

13 (e) Has not previously earned an associate degree; and

14 (f) For a student who is applying for an award for a second academic

15 year, has successfully completed the first academic year at an eligible

16 institution and maintained the minimum standards of performance as

17 required by such eligible institution;

18 (12) Full-time student means a student who is enrolled in a minimum

19 of twelve credit hours per semester or nine credit hours per quarter; and

20 (13) In-demand occupation has the same meaning as in section

21 85-2002.

22 Sec. 3. The Access College Early Tech Promise Program is

23 established. Except for duties assigned to the committee as provided in

24 section 4 of this act, the program shall be administered by the

25 commission.

26 Sec. 4. (1) For each biennium, the committee shall establish

27 criteria to determine what constitutes an in-demand occupation that is a

28 high priority for the state for purposes of the Access College Early Tech

29 Promise Program. After establishing such criteria, the committee shall

30 designate each in-demand occupation that meets the criteria as an

31 eligible occupation for such biennium.

1 (2) An eligible institution may apply to the commission for
2 certification of a program of study as an eligible program for a biennium
3 by submitting an application in the form and manner prescribed by the
4 commission. The application shall include, but not be limited to, the
5 name of the eligible institution, the program description and
6 requirements, the certificate, diploma, or associate degree a student may
7 earn from such program, the eligible occupation for which a graduate of
8 the program would be qualified, and any other information necessary to
9 determine eligibility. The commission shall transmit the applications to
10 the committee, and the committee shall review each application and either
11 approve or deny the application. If an application is approved, the
12 program of study shall be designated as an eligible program for the
13 biennium.

14 (3) An eligible student who is granted an award for such student's
15 first academic year in an eligible program shall be eligible for an award
16 to complete such student's second academic year of such program
17 notwithstanding a decision of the committee to remove the eligible
18 program designation for first-year students.

19 Sec. 5. (1) Each student applicant for the Access College Early
20 Tech Promise Program shall complete an application form developed and
21 provided by the commission and shall submit the form for the academic
22 year for which an award is sought to the financial aid office or other
23 official designated by the eligible institution. Such application shall
24 include, but not be limited to, the applicant's name, social security
25 number, and date of birth and any other information necessary to
26 determine eligibility. The financial aid office or other official
27 designated by an eligible institution shall make recommendations
28 regarding the eligibility of each applicant making application to such
29 eligible institution and shall forward each application and
30 recommendation to the commission for review.

31 (2) The commission shall review each application and verify or deny

1 the eligibility of each applicant under the Access College Early Tech
2 Promise Program Act. The commission shall notify the applicant and the
3 financial aid office or other official designated by an eligible
4 institution of the verification or denial of eligibility and the award
5 amount, if any, for such academic year in writing within thirty days
6 following receipt of the application and recommendation from a financial
7 aid office or other designated official of an eligible institution.

8 (3) An award for an academic year shall not exceed the sum of
9 tuition and fees plus one thousand five hundred dollars for educational
10 expenses minus any Federal Pell Grant awarded to the eligible student for
11 such academic year. No award for an academic year shall be less than one
12 thousand five hundred dollars. No eligible student shall be granted
13 awards for more than two academic years pursuant to this section. The
14 commission shall forward such amount directly to the eligible institution
15 as payment of the tuition and mandatory fees remaining after any Federal
16 Pell Grant for such eligible student and for distribution to such
17 eligible student for educational expenses. Except as otherwise provided
18 in this subsection, the commission may distribute awards pro rata on a
19 term-by-term basis.

20 Sec. 6. Within twenty days following notice of an adverse decision,
21 an affected student may submit a request in writing to the executive
22 director of the commission for a review of such adverse decision. The
23 commission shall conduct any such review pursuant to the Administrative
24 Procedure Act.

25 Sec. 7. The commission shall prepare an annual report on awards
26 granted pursuant to the Access College Early Tech Promise Program Act and
27 shall submit the report electronically to the Clerk of the Legislature.
28 The report shall include, but not be limited to, the number and amount of
29 awards, successful completion by award recipients, and workforce outcomes
30 aggregated by eligible institution and by eligible program. Each eligible
31 institution shall cooperate with the commission and the Department of

1 Labor to report workforce outcomes one year, three years, and five years
2 after award recipients complete their eligible programs.

3 Sec. 8. The commission may adopt and promulgate rules and
4 regulations to carry out the Access College Early Tech Promise Program
5 Act.

6 Sec. 9. Section 85-1412, Revised Statutes Cumulative Supplement,
7 2020, is amended to read:

8 85-1412 The commission shall have the following additional powers
9 and duties:

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

18 (2) Recommend to the Legislature and the Governor legislation it
19 deems necessary or appropriate to improve postsecondary education in
20 Nebraska and any other legislation it deems appropriate to change the
21 role and mission provisions in sections 85-917 to 85-966.01. The
22 recommendations submitted to the Legislature shall be submitted
23 electronically;

24 (3) Establish any advisory committees as may be necessary to
25 undertake the coordination function of the commission pursuant to section
26 85-1403 or to solicit input from affected parties such as students,
27 faculty, governing boards, administrators of the public institutions,
28 administrators of the private nonprofit institutions of postsecondary
29 education and proprietary institutions in the state, and community and
30 business leaders regarding the coordination function of the commission;

31 (4) Participate in or designate an employee or employees to

1 participate in any committee which may be created to prepare a
2 coordinated plan for the delivery of educational programs and services in
3 Nebraska through the telecommunications system;

4 (5) Seek a close liaison with the State Board of Education and the
5 State Department of Education in recognition of the need for close
6 coordination of activities between elementary and secondary education and
7 postsecondary education;

8 (6) Administer the Integrated Postsecondary Education Data System or
9 other information system or systems to provide the commission with
10 timely, comprehensive, and meaningful information pertinent to the
11 exercise of its duties. The information system shall be designed to
12 provide comparable data on each public institution. The commission shall
13 also administer the uniform information system prescribed in sections
14 85-1421 to 85-1427 known as the Nebraska Educational Data System. Public
15 institutions shall supply the appropriate data for the information system
16 or systems required by the commission;

17 (7) Administer (a) the Access College Early Scholarship Program Act,
18 (b) the Community College Aid Act, (c) the Nebraska Community College
19 Student Performance and Occupational Education Grant Fund under the
20 direction of the Nebraska Community College Student Performance and
21 Occupational Education Grant Committee, (d) the Nebraska Opportunity
22 Grant Act, (e) the Postsecondary Institution Act, and (f) the community
23 college gap assistance program and the Community College Gap Assistance
24 Program Fund, and (g) the Access College Early Tech Promise Program Act;

25 (8) Accept and administer loans, grants, and programs from the
26 federal or state government and from other sources, public and private,
27 for carrying out any of its functions, including the administration of
28 privately endowed scholarship programs. Such loans and grants shall not
29 be expended for any other purposes than those for which the loans and
30 grants were provided. The commission shall determine eligibility for such
31 loans, grants, and programs, and such loans and grants shall not be

1 expended unless approved by the Governor;

2 (9) On or before December 1 of each even-numbered year, submit to
3 the Legislature and the Governor a report of its objectives and
4 activities and any new private colleges in Nebraska and the
5 implementation of any recommendations of the commission for the preceding
6 two calendar years. The report submitted to the Legislature shall be
7 submitted electronically;

8 (10) Provide staff support for interstate compacts on postsecondary
9 education; and

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

12 Sec. 10. Section 85-1539, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 85-1539 (1) There is hereby created the Nebraska Community College
15 Student Performance and Occupational Education Grant Committee. The
16 committee shall consist of (a) a representative of the Coordinating
17 Commission for Postsecondary Education who shall serve as chairperson of
18 the committee, (b) a representative of the Department of Economic
19 Development, (c) a representative of the Department of Labor, (d) a
20 representative of the State Department of Education, (e) a representative
21 affiliated with one of the two community college areas with the two
22 smallest full-time equivalent student enrollment totals for the most
23 recent fiscal year, (f) a representative affiliated with one of the two
24 community college areas with the two largest full-time equivalent student
25 enrollment totals for the most recent fiscal year, and (g) a
26 representative affiliated with one of the two community college areas not
27 included in the categories provided in subdivisions (1)(e) and (f) of
28 this section. Each member shall be appointed by the agency or community
29 college areas being represented. The representatives appointed pursuant
30 to subdivisions (1)(e) through (g) of this section shall serve terms of
31 two years and shall be succeeded by a representative affiliated with the

1 community college areas not represented for the preceding term.

2 (2) The committee shall develop guidelines for and annually
3 determine the allocation of aid or grants to the community colleges for
4 (a) applied technology and occupational faculty training, instructional
5 equipment upgrades, employee assessment, preemployment training,
6 employment training, and dislocated worker programs benefiting the State
7 of Nebraska or (b) programs or activities to enhance (i) student
8 performance in the areas of degree, certificate, or diploma completion,
9 retention, or foundations education as defined in section 85-932.01 or
10 (ii) the collection, reporting, analysis, and utilization of student
11 data. The total amount allocated for a fiscal year shall not exceed the
12 amounts appropriated from the Nebraska Community College Student
13 Performance and Occupational Education Grant Fund and such other funds as
14 may be appropriated by the Legislature for purposes of this section for
15 such fiscal year. The commission shall certify the allocation determined
16 by the committee on or before September 10 of the fiscal year for which
17 such allocation is being certified and shall report such allocation to
18 the Department of Administrative Services. The commission shall
19 distribute the allocated funds to the selected community college board or
20 boards in a single payment between the fifth and twentieth day of October
21 of each year.

22 (3) Applications for aid or grants pursuant to subsection (2) of
23 this section may be submitted by a community college area independently
24 or in collaboration with other community college areas.

25 (4) The committee shall review programs submitted pursuant to the
26 Access College Early Tech Promise Program Act and approve or deny each
27 program for eligibility on a biennial basis.

28 Sec. 11. Section 85-2104, Revised Statutes Cumulative Supplement,
29 2020, is amended to read:

30 85-2104 Applications for the Access College Early Scholarship
31 Program shall be prioritized for students qualifying pursuant to

1 subdivision (1) or (2) of this section, and applications for students
2 qualifying only pursuant to subdivision (3) of this section shall only be
3 considered if funds are available after fulfilling the applications for
4 students qualifying pursuant to subdivision (1) or (2) of this section.
5 Priority dates shall be determined by the commission on a term basis. A
6 student who is applying to take one or more courses for credit from a
7 qualified postsecondary educational institution is eligible for the
8 Access College Early Scholarship Program if:

9 (1) Such student or the student's parent or legal guardian is
10 eligible to receive:

11 (a) Supplemental Security Income;
12 (b) Supplemental Nutrition Assistance Program benefits;
13 (c) Free or reduced-price lunches under United States Department of
14 Agriculture child nutrition programs;
15 (d) Aid to families with dependent children; or
16 (e) Assistance under the Special Supplemental Nutrition Program for
17 Women, Infants, and Children;

18 (2) The student or the student's parent or legal guardian has
19 experienced an extreme hardship; or

20 (3) Such student is requesting assistance pursuant to the program to
21 cover the cost of tuition and fees for a course that is part of a career
22 program plan of study, up to two hundred fifty dollars per term, and the
23 student's family has an annual household income at or below two hundred
24 percent of the federal poverty level.

25 Sec. 12. Original section 85-1539, Reissue Revised Statutes of
26 Nebraska, and sections 85-1412 and 85-2104, Revised Statutes Cumulative
27 Supplement, 2020, are repealed.