

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1077

Introduced by Sullivan, 41; Scheer, 19.

Read first time January 22, 2014

Committee:

A BILL

1 FOR AN ACT relating to education; to amend sections 79-1007.13,
2 85-1904, and 85-2103, Reissue Revised Statutes of
3 Nebraska, and sections 79-1018.01, 85-1918, 85-2104, and
4 85-2106, Revised Statutes Cumulative Supplement, 2012; to
5 adopt the Shared Responsibility for Access and Success
6 Act; to harmonize provisions; and to repeal the original
7 sections.

8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 15 of this act shall be known
2 and may be cited as the Shared Responsibility for Access and Success
3 Act.

4 Sec. 2. Beginning July 1, 2016, the Shared Responsibility
5 for Access and Success Act shall provide funding for postsecondary
6 education students, dual-enrollment course tuition and mandatory
7 fees, college entrance exams administered by school districts,
8 college placement exams and academic remediation programs based on
9 the results of such exams and administered by school districts, and
10 trade certifications for high school students. The act shall be
11 administered jointly by the Coordinating Commission for Postsecondary
12 Education and the State Department of Education.

13 Sec. 3. For purposes of the Shared Responsibility for
14 Access and Success Act:

15 (1) Award means:

16 (a) For the Postsecondary Program, a grant of money by
17 the commission to an eligible postsecondary education student;

18 (b) For the Early College Experience Program, a grant by
19 the commission to a school district for tuition and mandatory fees
20 for eligible students enrolled in dual-enrollment courses;

21 (c) For the Career Ready Program, a grant of money by the
22 department to a school district for the costs for a student to
23 receive a trade certificate related to courses taken in high school;

24 (d) For the College Entrance Program, a grant of money by
25 the department to a school district for the cost of college entrance

1 exams; and

2 (e) For the College Ready Program, a grant of money by
3 the department to a school district for the cost of college placement
4 exams and remediation programs;

5 (2) Award year means the period beginning on July 1
6 through the following June 30;

7 (3) Commission means the Coordinating Commission for
8 Postsecondary Education;

9 (4) Department means the State Department of Education;

10 (5) Dual-enrollment course means a course offered by a
11 high school in cooperation with a postsecondary educational
12 institution for both high school and postsecondary education credit;

13 (6) Eligible postsecondary educational institution means
14 a public or private postsecondary educational institution:

15 (a) Located in Nebraska;

16 (b) Primarily engaged in the instruction of students;

17 (c) Satisfying the provisions of Nebraska law relating to
18 the approval and licensure of schools, colleges, and universities and
19 maintaining accreditation by an accrediting organization recognized
20 by the United States Department of Education;

21 (d) Offering courses of instruction in regularly
22 scheduled classes to regularly enrolled undergraduate students who
23 reside in Nebraska and have received high school diplomas or their
24 equivalent; and

25 (e) Which has adopted, and has available for inspection,

1 award refund and repayment policies;

2 (7) Eligible school district for the Early College
3 Experience Program, a Nebraska school district which offers dual-
4 enrollment courses that comply with the provisions of the Public
5 Elementary and Secondary Student Fee Authorization Act and which
6 limits the cost to students participating in the program to the
7 student responsibility pursuant to the Shared Responsibility for
8 Access and Success Act;

9 (8) Eligible student means:

10 (a) For the Postsecondary Program, an undergraduate
11 student who (i) is enrolled in an eligible postsecondary educational
12 institution in a program which leads to, or is creditable toward, a
13 first baccalaureate degree, associate degree, certificate, diploma,
14 or the equivalent, (ii) has not earned a first baccalaureate or
15 professional degree, (iii) has applied for federal financial aid
16 through the Free Application for Federal Student Aid for the
17 applicable award year, (iv) has applied for a postsecondary award
18 pursuant to the act on or before May 1 preceding the award year, and
19 (v) is a resident student who is domiciled in Nebraska as provided by
20 section 85-502; and

21 (b) For the Early College Experience Program, a high
22 school student who (i) is enrolled in a high school in an eligible
23 school district which complies with the Shared Responsibility for
24 Access and Success Act, (ii) is enrolled in a dual-enrollment course,
25 and (iii) has submitted an application to the high school guidance

1 counselor or other designated school official prior to the deadline
2 established by the commission;

3 (9) Living expense allowance means the average room and
4 board charges for a full-time resident undergraduate student pursuing
5 a baccalaureate degree at a public postsecondary educational
6 institution in Nebraska for the preceding award year calculated
7 pursuant to procedures established by the commission;

8 (10) Student responsibility means a contribution to the
9 costs from the student which can be met through wages, student loans,
10 scholarships, institutional aid, or other means equal to:

11 (a) For the Postsecondary Program, the minimum wage
12 multiplied by twenty hours per week for fifty weeks;

13 (b) For the Early College Experience Program, ten percent
14 of the tuition and mandatory fees; and

15 (c) For the Career Ready Program, ten percent of the
16 costs for a student to receive a trade certificate related to courses
17 taken in high school; and

18 (11) Tuition and mandatory fees means:

19 (a) For the Postsecondary Program, the lesser of (i) the
20 tuition and mandatory fees for a full-time resident undergraduate
21 student for the last completed award year at the eligible
22 postsecondary educational institution or (ii) the average tuition and
23 mandatory fees for a full-time resident undergraduate student for the
24 last completed award year. The average tuition and mandatory fees for
25 a full-time resident undergraduate student for the last complete

1 award year shall be calculated separately for postsecondary
2 educational institutions that offer baccalaureate degree programs and
3 postsecondary educational institutions that do not offer
4 baccalaureate degree programs and shall be calculated for each of the
5 two categories of institutions by totaling the products of the
6 eligible students at each institution in the category for the last
7 complete award year times the tuition and mandatory fees for a full-
8 time resident undergraduate student at such institution and dividing
9 the sum by the number of eligible students included in the
10 calculation. For the 2016-17 award year, the eligible students and
11 eligible institutions for the 2015-16 award year pursuant to the
12 Nebraska Opportunity Grant Act are deemed to be the eligible students
13 and eligible institutions for the purposes of calculations pursuant
14 to this subsection; and

15 (b) For the Early College Experience Program,
16 postsecondary education costs as defined in section 79-2,126.

17 Sec. 4. (1) The Postsecondary Program is created. The
18 program shall provide funding for eligible students to support the
19 payment of tuition, mandatory fees, and expenses.

20 (2) On or before June 1 of each year, eligible
21 postsecondary educational institutions shall submit applications for
22 awards for the next award year to the commission after determining
23 the eligibility of each applicant based on criteria set forth in the
24 act. Eligible postsecondary educational institutions shall also
25 provide information necessary to administer the act as determined by

1 the commission. On or before July 1 of each year, the commission
2 shall review applications for the next award year and determine award
3 amounts and notify each eligible postsecondary educational
4 institution of the approval or disapproval and amount of awards.

5 (3) An award may be granted to an eligible student for
6 attendance at an eligible postsecondary educational institution if
7 the eligible student is accepted for enrollment as follows:

8 (a) In the case of an eligible student beginning his or
9 her first year in attendance at an eligible postsecondary educational
10 institution, such eligible student has satisfied requirements for
11 admission and has enrolled or indicated an intent to enroll in an
12 eligible postsecondary educational institution; or

13 (b) In the case of an eligible student enrolled in an
14 eligible postsecondary educational institution following the
15 successful completion of the student's first year in attendance, such
16 eligible student continues to meet the requirements of the Shared
17 Responsibility for Access and Success Act and has maintained the
18 minimum standards of performance as required by the eligible
19 postsecondary educational institution in which the eligible student
20 is enrolled.

21 (4) The commission shall calculate awards for each
22 eligible student as follows:

23 (a) The supported expenses for each eligible student
24 shall equal ninety-five percent of the sum of the living expense
25 allowance plus the tuition and mandatory fees for such eligible

1 student;

2 (b) The foundation contribution for each eligible student
3 shall equal the sum of federal Pell Grants awarded plus the expected
4 family contribution for the award year pursuant to the Free
5 Application for Federal Student Aid plus the student contribution;

6 (c) The goal funding for each eligible student shall
7 equal the supported expenses for such student minus the foundation
8 responsibility for such student; and

9 (d) The award for each eligible student shall equal the
10 goal funding for each student multiplied by an adjustment percentage
11 equal to the lesser of one hundred percent or the ratio of the sum of
12 all unadjusted awards divided by the appropriation for awards
13 pursuant to the Postsecondary Program for such award year.

14 (5) The commission shall distribute to each eligible
15 postsecondary educational institution the total award amounts
16 approved for eligible students at such institution which shall
17 disburse the awards directly to eligible students during the award
18 year.

19 (6) If an award recipient discontinues attendance before
20 the end of the award year, the award recipient shall remit any award
21 balance allowable to the eligible postsecondary educational
22 institution in accordance with such institution's withdrawal policy.
23 The institution shall remit such award balance to the commission in
24 accordance with such institution's refund policy.

25 Sec. 5. (1) The Early College Experience Program is

1 created. The program shall provide funding to school districts to
2 support the payment of tuition and fees to eligible postsecondary
3 educational institutions for dual-enrollment courses and to promote
4 negotiations with qualified postsecondary educational institutions on
5 reducing tuition and fees for dual-enrollment courses offered by the
6 school district.

7 (2) On or before the deadlines established by the
8 commission twice each fiscal year, school districts may apply for
9 awards by completing and submitting applications on a form developed
10 and provided by the commission. Such application shall include, but
11 not be limited to, the name of each eligible student and such
12 student's high school, date of birth, grade point average, grade
13 level, eligible postsecondary educational institution, tuition and
14 mandatory fees, and other information necessary to verify
15 eligibility.

16 (3) The commission shall review the application and
17 notify the school district of the estimated award amount in writing
18 within thirty days following the deadline. The commission shall
19 calculate awards for each eligible school district as follows:

20 (a) The goal funding for each school district shall equal
21 fifty percent of the mandatory tuition and fees submitted by such
22 school district; and

23 (b) The award for each eligible school district shall
24 equal the goal funding multiplied by an adjustment percentage equal
25 to the lesser of one hundred percent or the ratio of the sum of the

1 goal funding for all eligible school districts divided by the
2 appropriation for awards pursuant to the Early College Experience
3 Program for such award year.

4 (4) The commission shall forward such amount directly to
5 the school district for payment of eligible students' tuition and
6 mandatory fees.

7 (5) The commission may limit the number of qualifying
8 courses for an individual student.

9 (6) Each school district receiving an award pursuant to
10 this section shall report either the student's grade for the course
11 or the student's failure to complete the course for each eligible
12 student to the commission within thirty days after the end of the
13 course or within one hundred eighty days after receipt of a payment
14 pursuant to the Shared Responsibility for Access and Success Act if
15 the course does not have a specified ending date. The commission
16 shall keep the identity of qualified students confidential, except as
17 necessary to comply with the requirements of the Shared
18 Responsibility for Access and Success Act.

19 Sec. 6. The College Entrance Program is created. The
20 program shall provide funding to school districts to support expenses
21 related to college entrance exams offered to all grade eleven
22 students in the district. Funding appropriated by the Legislature for
23 this program shall be distributed proportionally to all school
24 districts applying by the deadline set by the department based on the
25 number of grade eleven students in the school district up to fifty

1 percent of the cost of such exams. No student responsibility may be
2 required to assist with financing this program.

3 Sec. 7. The College Ready Program is created. The program
4 shall provide funding to school districts to support expenses related
5 to college placement exams and remediation programs if (1) a college
6 placement exam is offered to all students in the district in either
7 their freshman year or sophomore year of high school and (2) a
8 remediation plan approved by the State Board of Education to
9 remediate individual student academic deficiencies recognized
10 pursuant to the results of the exam before graduating from high
11 school to avoid needing remediation at a postsecondary educational
12 institution has been approved by the State Board of Education.
13 Funding appropriated by the Legislature for this program shall be
14 distributed proportionally to all school districts applying by the
15 deadline set by the department based on the number of participating
16 students in the school district, up to fifty percent of the estimated
17 costs and shall be used for both the examination and the remediation
18 program. No student responsibility may be required to assist with
19 financing this program.

20 Sec. 8. The Career Ready Program is created. The program
21 shall provide funding to school districts to support expenses related
22 to trade certifications for students. Funding appropriated by the
23 Legislature for the program shall be distributed proportionally to
24 all school districts applying by the deadline set by the department,
25 based on the costs submitted up to fifty percent of such costs.

1 Sec. 9. Each eligible postsecondary educational
2 institution shall file an annual report with the commission. The
3 report shall document that students receiving postsecondary awards
4 under programs created by the Shared Responsibility for Access and
5 Success Act have met the eligibility standards and requirements
6 established in the act and rules and regulations. The report shall
7 include an accounting of all state-funded or federally funded student
8 financial aid awarded by the eligible postsecondary educational
9 institution or to eligible students at the postsecondary educational
10 institution in the previous fiscal year. The report may include other
11 data the eligible postsecondary educational institution deems
12 relevant to the financial support of students.

13 Sec. 10. The commission and the department shall jointly
14 supervise the issuance of public information concerning awards under
15 the Shared Responsibility for Access and Success Act. The commission
16 shall provide a method for students and their families to estimate
17 potential awards pursuant to the Postsecondary Program and the Early
18 College Experience Program through the commission's web site and
19 shall assist high schools, eligible postsecondary educational
20 institutions, and other interested entities with providing similar
21 access to such method for estimating potential postsecondary awards
22 through their web sites.

23 Sec. 11. Each school district receiving awards pursuant
24 to the Shared Responsibility for Access and Success Act shall file an
25 annual report with the commission and the department. The report

1 shall document that students receiving awards under the act have met
2 the eligibility standards and requirements established in the act and
3 rules and regulations.

4 Sec. 12. The commission and the department shall jointly
5 prepare an annual report on the Shared Responsibility for Access and
6 Success Act and shall submit the report electronically to the Clerk
7 of the Legislature. The report shall include, but not be limited to,
8 the number and amount of awards, the postsecondary educational
9 institutions attended by eligible students, and information regarding
10 the success of students for which awards were received.

11 Sec. 13. Any party affected by an adverse decision under
12 the Shared Responsibility for Access and Success Act may request a
13 review of such adverse decision in writing within twenty days
14 following notice of the adverse decision. The review shall be
15 pursuant to the Administrative Procedure Act.

16 Sec. 14. The Shared Responsibility for Access and Success
17 Act does not grant any authority to the commission to (1) control or
18 influence the policies of any eligible postsecondary educational
19 institution because such institution accepts students who receive
20 awards or (2) require any eligible postsecondary educational
21 institution to enroll any student receiving an award or, once
22 admitted, to continue in such institution the enrollment of any
23 student receiving an award.

24 Sec. 15. The commission and the department may adopt and
25 promulgate rules and regulations necessary to carry out the Shared

1 Responsibility for Access and Success Act, including rules and
2 regulations for maintenance of fiscal controls and fund accounting
3 procedures as may be necessary to assure proper disbursement of funds
4 and to assure that eligible students and eligible postsecondary
5 educational institutions have complied with the act. Any such rules
6 and regulations shall be developed in cooperation with
7 representatives of eligible postsecondary educational institutions
8 and eligible high schools and shall be designed, to the extent
9 consistent with requirements of the act, to minimize the
10 administrative burden on the eligible postsecondary educational
11 institutions, eligible high schools, and the commission.

12 Sec. 16. Section 79-1007.13, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 79-1007.13 The department shall calculate a special
15 receipts allowance for each district equal to the amount of Shared
16 Responsibility for Access and Success Act receipts, special
17 education, state ward, and accelerated or differentiated curriculum
18 program receipts included in local system formula resources under
19 subdivisions (7), (8), (16), and (17) of section 79-1018.01
20 attributable to the school district.

21 Sec. 17. Section 79-1018.01, Revised Statutes Cumulative
22 Supplement, 2012, is amended to read:

23 79-1018.01 Except as otherwise provided in this section,
24 local system formula resources include other actual receipts
25 available for the funding of general fund operating expenditures as

1 determined by the department for the second school fiscal year
2 immediately preceding the school fiscal year in which aid is to be
3 paid. Other actual receipts include:

4 (1) Public power district sales tax revenue;

5 (2) Fines and license fees;

6 (3) Tuition receipts from individuals, other districts,
7 or any other source except receipts derived from adult education,
8 receipts derived from summer school tuition, receipts derived from
9 early childhood education tuition, tuition receipts from converted
10 contracts beginning with the calculation of state aid to be
11 distributed in school fiscal year 2011-12, and receipts from
12 educational entities as defined in section 79-1201.01 for providing
13 distance education courses through the Educational Service Unit
14 Coordinating Council to such educational entities;

15 (4) Transportation receipts;

16 (5) Interest on investments;

17 (6) Other miscellaneous noncategorical local receipts,
18 not including receipts from private foundations, individuals,
19 associations, or charitable organizations;

20 (7) Special education receipts;

21 (8) Special education receipts and non-special education
22 receipts from the state for wards of the court and wards of the
23 state;

24 (9) All receipts from the temporary school fund. Receipts
25 from the temporary school fund shall only include (a) receipts

1 pursuant to section 79-1035, to the extent that such receipts for the
2 calculation of aid for school fiscal year 2018-19 and each school
3 fiscal year thereafter are not returned to the temporary school fund
4 pursuant to section 79-309.01, and (b) the receipt of funds pursuant
5 to section 79-1036 for property leased for a public purpose as set
6 forth in subdivision (1)(a) of section 77-202;

7 (10) Motor vehicle tax receipts received;

8 (11) Pro rata motor vehicle license fee receipts;

9 (12) Other miscellaneous state receipts excluding revenue
10 from the textbook loan program authorized by section 79-734;

11 (13) Impact aid entitlements for the school fiscal year
12 which have actually been received by the district to the extent
13 allowed by federal law;

14 (14) All other noncategorical federal receipts;

15 (15) All receipts pursuant to the enrollment option
16 program under sections 79-232 to 79-246;

17 (16) Receipts under the federal Medicare Catastrophic
18 Coverage Act of 1988, as such act existed on May 8, 2001, as
19 authorized pursuant to sections 43-2510 and 43-2511 but only to the
20 extent of the amount the local system would have otherwise received
21 pursuant to the Special Education Act;

22 (17) Receipts for accelerated or differentiated
23 curriculum programs pursuant to sections 79-1106 to 79-1108.03; ~~and~~

24 (18) Revenue received from the nameplate capacity tax
25 distributed pursuant to section 77-6204; and -

1 (19) Receipts received pursuant to the Shared
2 Responsibility for Access and Success Act.

3 Sec. 18. Section 85-1904, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 85-1904 Award year means the period beginning on July 1
6 through the following June 30 prior to July 1, 2016.

7 Sec. 19. Section 85-1918, Revised Statutes Cumulative
8 Supplement, 2012, is amended to read:

9 85-1918 Each eligible postsecondary educational
10 institution shall file ~~an annual~~ a report annually through December
11 31, 2016, with the commission. The report shall document that
12 students receiving awards under the Nebraska Opportunity Grant Act
13 have met the eligibility standards and requirements established in
14 the act and rules and regulations. The report shall include an
15 accounting of all state-funded or federally funded student financial
16 aid awarded by the eligible postsecondary educational institution in
17 the previous fiscal year. The report may include other data,
18 including the unmet need as defined by the commission for all
19 Federal-Pell-Grant-eligible students at each eligible postsecondary
20 educational institution.

21 Sec. 20. Section 85-2103, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 85-2103 The Access College Early Scholarship Program is
24 established. The purpose of the program is to provide financial
25 assistance through June 30, 2016, to low-income students for courses

1 to be taken for credit from a qualified postsecondary educational
2 institution while still enrolled in high school. The program shall be
3 administered by the commission.

4 Sec. 21. Section 85-2104, Revised Statutes Cumulative
5 Supplement, 2012, is amended to read:

6 85-2104 A student who is applying to take one or more
7 courses ending on or before June 30, 2016, for credit from a
8 qualified postsecondary educational institution is eligible for the
9 Access College Early Scholarship Program if:

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

12 (a) Supplemental Security Income;

13 (b) Supplemental Nutrition Assistance Program benefits;

14 (c) Free or reduced-price lunches under United States
15 Department of Agriculture child nutrition programs;

16 (d) Aid to families with dependent children; or

17 (e) Assistance under the Special Supplemental Nutrition
18 Program for Women, Infants, and Children; or

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

21 Sec. 22. Section 85-2106, Revised Statutes Cumulative
22 Supplement, 2012, is amended to read:

23 85-2106 The commission shall prepare ~~an annual~~ a report
24 annually through December 31, 2016, on scholarships awarded pursuant
25 to the Access College Early Scholarship Program Act and shall submit

1 the report electronically to the Clerk of the Legislature. The report
2 shall include, but not be limited to, the number and amount of
3 scholarships awarded, the postsecondary educational institutions
4 attended by scholarship recipients, and information regarding the
5 success of scholarship recipients in the courses for which the
6 scholarships were awarded.

7 Sec. 23. Original sections 79-1007.13, 85-1904, and
8 85-2103, Reissue Revised Statutes of Nebraska, and sections
9 79-1018.01, 85-1918, 85-2104, and 85-2106, Revised Statutes
10 Cumulative Supplement, 2012, are repealed.