

## LEGISLATIVE BILL 290

Approved by the Governor February 24, 1984

Introduced by Education Committee, Vickers, 38,  
Chairperson; Cullan, 49; Fowler, 27;  
Wiitala, 31; Goll, 16

AN ACT to amend sections 85-901, 85-907 to 85-911, 85-913, and 85-974, Reissue Revised Statutes of Nebraska, 1943, relating to postsecondary education; to restate intent; to change the powers and duties of the Nebraska Coordinating Commission for Postsecondary Education; to change provisions relating to such commission; to provide for a biennial report; and to repeal the original sections, and also section 85-916, Reissue Revised Statutes of Nebraska, 1943.

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

Section 1. That section 85-901, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-901. (1) The Legislature hereby declares the following to be proper and desirable long-range goals relative to the conduct of postsecondary education in this state:

(a) To provide high quality education and educational opportunities for all residents of Nebraska;

(b) To provide for a statewide perspective and emphasis in ~~decision making~~ ~~decision making~~ and planning for postsecondary education;

(c) To identify and meet, through the coordinated effort of postsecondary institutions, the educational, service, and research needs of this state;

(d) To provide for the increased sharing of expertise and resources of the postsecondary education institutions of this state and to make the most efficient use of such expertise and resources;

(e) To eliminate unneeded duplications and inefficiencies in educational programs and services;

(f) To encourage and enable students to seek the highest level of productive education; and

(g) To maintain cooperation and joint planning among public, independent, and proprietary institutions of postsecondary education.

(2) The Legislature recognizes that long-range goals ~~must include~~ may be accomplished through the achievement of short and intermediate-range goals as a step-by-step means for achievement within some time frame.

~~The legislature determines and declares that the creation of a state coordinating agency would best~~

accomplish the first step in the pursuit of the long-range goals stated. The initial charge of the agency shall be limited to the powers and duties as stated in section 85-910.

Sec. 2. That section 85-907, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-907. (1) The commission shall meet at least once every calendar quarter at a time and place fixed by the commission and shall keep a record of its proceedings which shall be open to the public for inspection. Special meetings may be called by the chairperson chairman or a majority of the members. A majority of the members shall constitute a quorum for any action taken by the commission.

(2) The commission shall adopt rules and regulations reasonable and necessary to carry out the provisions of sections 85-901 to 85-911, 85-974, 85-980 to 85-9,102, and 85-1101 to 85-1111 and shall at all times conduct itself as an independent public entity.

Sec. 3. That section 85-908, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-908. The commission shall have the authority to:

(1) Select, employ, and supervise a professional staff to carry out the provisions of sections 85-901 to 85-911, 85-974, 85-980 to 85-9,102, and 85-1101 to 85-1111 and to secure the necessary office space, facilities, and staff support to accommodate a staff. Such staff may include a director and persons trained or experienced in program review, data analysis, and institutional relations. The commission shall have the option of compensating its staff either through the state pay plan or through the payroll of the University of Nebraska, in which case salaries and benefits shall be commensurate with those of persons with equivalent responsibilities and training at the university;

(2) Appoint the director and set his or her salary and benefits which shall be commensurate with those of persons with equivalent responsibilities and training at the University of Nebraska. The director may establish a retirement benefit for professional staff comparable to his or her retirement benefits;

(3) ~~(2)~~ Request from any department, division, board, bureau, commission, or agency of the state such assistance and data as will enable it to properly carry out its powers and duties; and

(4) ~~(3)~~ Establish advisory committees as may be necessary to assist the commission in the performance of its duties.

Sec. 4. That section 85-909, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-909. The Legislature shall appropriate, from the General Fund, such money as may be necessary to permit the commission to carry out its duties and programs

pursuant to sections 85-901 to 85-911, 85-974, 85-980 to 85-9,102, and 85-1101 to 85-1111 and to promote the purposes of a coordinated postsecondary education system.

Sec. 5. That section 85-910, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-910. The commission shall have and may exercise the following powers and duties:

(1) To exercise exclusive general supervision of the administration and enforcement of this section and all rules and regulations adopted thereunder;

(2) To facilitate communication and coordination for the mutual exchange of ideas and information between educational institutions in such areas as:

(a) The sharing of resources, expertise, and facilities among institutions or agencies; and

(b) The establishing of plans, practices, procedures, and policies on matters which affect more than one institution or agency; ~~7 specifically to address the issue of transferability of credit;~~

(3) ~~To encourage, participate in, and conduct studies, investigations, and research related to the purposes for which the commission was created;~~

~~(3) To advise, consult, and cooperate with other agencies of this state, the federal government, other states, affected institutions or groups, and political subdivisions to further the purposes of this section;~~

(4) ~~To utilize data from the Higher Education General Information Survey and postsecondary education information system authorized by sections 85-968 to 85-979 to analyze and project statewide and institutional sector trends in enrollment, degrees for academic programs, faculty and staff, finances, and facilities on a uniform basis and a regular schedule;~~

(5) ~~(4) To 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, which loans and grants shall not be expended for any other than the purposes for which provided, and to determine institutional eligibility for such loans, grants, and programs when such determination is to be made by the administering state agency, which loans and grants shall not be expended unless approved and appropriated by the Legislature;~~

~~(5) To encourage, participate in, and conduct studies, investigations, and research related to the purposes for which the commission was created;~~

(6) ~~Effective January 1, 1977, to undertake the task of running the Enrollment Projection Model developed by the Higher Education Facilities Commission. Duties shall include the collection of the input data, operation of the model, and a report of the findings;~~

~~(7) To make recommendations (a) to the~~

postsecondary education institutions of this state concerning methods which may benefit the services they provide to include the short-range goal of identifying these areas of responsibility pertaining to the private and proprietary institutions as services they should provide and not to be duplicated by public institutions; (b) to the Governor and the Legislature concerning legislation which may be beneficial to the postsecondary education services in this state and which would effect the purpose of sections 85-901 to 85-911;

(6) (8) To establish close liaison with the State Board of Education and the State Department of Education; ~~in~~

(a) In recognition of the need for close coordination of activities between elementary-secondary education and postsecondary education; and ~~and~~ The coordination effort shall include the following short-range goals;

(a) The ultimate removal of remedial courses at the postsecondary education level; and

(b) The clear identification of adult and continuing education responsibilities between the elementary-secondary education level and postsecondary education level to prevent duplication of effort; and

(9) To establish close liaison with the State Board of Education in

(b) In connection with the board's responsibilities for granting permits for the operation of correspondence schools, ~~privately-owned~~ privately owned business or trade schools, or other educational institutions under Chapter 79, article 28, whenever any correspondence school, business school, or vocational school offers any course which is intended to lead to the granting of an associate degree, or courses which qualify for college credit, and to make such recommendations with reference to the granting of permits to such institutions as may be appropriate in the individual circumstances; and

(7) To advise, consult, and cooperate with other agencies of this state, the federal government, other states, affected institutions or groups, and political subdivisions to further the purposes of this section.

Sec. 6. That section 85-911, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-911. The commission shall prepare a biennial ~~an annual~~ report and submit it to the Governor and the Clerk of the Legislature on or before December 31 of each even-numbered year, commencing on December 31, 1976. Such report shall include, but not be limited to, a synopsis of the activities of the commission and its related staff, the names of all personnel employed by or under the supervision of the commission and their responsibilities, the amount of funds received by the commission, the amount of funds

expended in carrying out its duties, under sections 85-901 to 85-911, and such other information as may be necessary to inform the Governor, Legislature, and interested public of the activities of the commission. Each member of the Legislature shall receive a copy of such biennial report, by making a request for it to the chairperson of the commission.

Sec. 7. That section 85-913, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-913. (1) In addition to any other powers and duties imposed upon the Nebraska Coordinating Commission for Postsecondary Education under sections 85-901 to 85-911, 85-974, 85-980 to 85-9,102, and 85-1101 to 85-1111, the commission shall develop plans studies to:

(a) Develop proposals providing for the transferability of program credits among systems of postsecondary education;

(b) Determine the extent of student attrition in the three postsecondary systems and recommend approaches for the reduction of attrition rates; and

(c) Develop proposals for an integrated delivery system for the provision of adult and continuing education services.

(2) A report of each proposal resulting from studies conducted pursuant to subsection (1) of this section shall be filed with the committee not later than January 1, 1978:

(a) Insure improved curriculum articulation among the public postsecondary education institutions in Nebraska, specifically to enable any student of a public postsecondary education institution in Nebraska to obtain immediate information on the transferability of any course offered by such institution to any other public postsecondary education institution in Nebraska;

(b) Incorporate facilities utilization and inventory information into the postsecondary education information system provided by sections 85-968 to 85-979;

(c) Implement the goals and recommendations for adult and continuing education services previously identified by the commission; and

(d) Eliminate remedial courses at the postsecondary education level.

(2) The commission is directed to submit plans and to propose legislation to implement such plans pursuant to subsection (1) of this section to the Governor and the Legislature for consideration.

Sec. 8. That section 85-974, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-974. The commission shall:

(1) Review and verify all information submitted by public postsecondary systems and institutions as part of the Higher Education General Information Survey and make such corrections in the submitted information as are



necessary;

(2) Prepare and disseminate an annual report of the information submitted by each public postsecondary system and institution and those private institutions willing to cooperate as part of the Higher Education General Information Survey; and

(3) Assist the Legislature in developing and maintaining its postsecondary education information system, specifically to provide information on facilities utilization and an inventory of facilities.

(3) Collect, verify, and audit all information submitted by public postsecondary systems and institutions as part of the information system under sections 85-970 and 85-971; and

(4) Prepare an annual report by July 1 of each year of the information submitted as a part of the information system under procedures established by the committee.

Sec. 9. That original sections 85-901, 85-907 to 85-911, 85-913, and 85-974, Reissue Revised Statutes of Nebraska, 1943, and also section 85-916, Reissue Revised Statutes of Nebraska, 1943, are repealed.