

Proposed Repeal
of

TITLE 281, NEBRASKA ADMINISTRATIVE CODE,
CHAPTER 6

COORDINATING COMMISSION FOR POSTSECONDARY
EDUCATION

RULES AND REGULATIONS CONCERNING THE
COMMUNITY
SCHOLARSHIP FOUNDATION PROGRAM ACT

And
Proposed Adoption
of

TITLE 281, NEBRASKA ADMINISTRATIVE CODE,
CHAPTER 6

COORDINATING COMMISSION FOR POSTSECONDARY
EDUCATION

RULES AND REGULATIONS CONCERNING THE ACCESS
COLLEGE EARLY SCHOLARSHIP PROGRAM ACT

TITLE 281 — COORDINATING COMMISSION FOR POSTSECONDARY
EDUCATION
CHAPTER 6 — RULES AND REGULATIONS CONCERNING THE COMMUNITY
SCHOLARSHIP FOUNDATION PROGRAM ACT

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~~TITLE 281~~ ~~COORDINATING COMMISSION FOR POSTSECONDARY~~
~~EDUCATION~~
~~CHAPTER 6~~ ~~RULES AND REGULATIONS CONCERNING THE~~
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Definitions	85-2002	003
Purpose and Objective	85-2003	001
Statutory Authority	85-2001 to 85-2010	002
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~~NEBRASKA ADMINISTRATIVE CODE~~

~~TITLE 281 - COORDINATING COMMISSION FOR POSTSECONDARY
EDUCATION
CHAPTER 6 - RULES AND REGULATIONS CONCERNING THE
COMMUNITY SCHOLARSHIP FOUNDATION PROGRAM ACT~~

~~001 - PURPOSE AND OBJECTIVES~~

~~001.01 - The purpose of the program, based on state law, is to provide matching awards as an incentive to Nebraska community scholarship foundations to raise money and award scholarships to residents who wish to pursue postsecondary education. The program objective is to encourage community scholarship foundations to generate local dollars to complement efforts funded by the state.~~

~~002 - STATUTORY AUTHORITY~~

~~This rule is adopted pursuant to authority granted to the Coordinating Commission for Postsecondary Education according to state law in Chapter 85, Sections 2001 through 2010.~~

~~002.01 - Chapter 85, Section 2002 relating to definitions.~~

~~002.02 - Chapter 85, Section 2003 relating to purpose and objectives.~~

~~002.03 - Chapter 85, Sections 2004 through 2008 and Chapter 85, Section 2010 relating to procedures for administration.~~

~~002.04 - Chapter 85, Section 2009 relating to appeal procedures.~~

~~003 - DEFINITIONS~~

~~003.01 - Commission shall mean the Coordinating Commission for Postsecondary Education.~~

~~003.02 — Community Scholarship Foundation shall mean a nonprofit community-based organization holding a certificate of exemption under section 501(c)(3) of the Internal Revenue Code, which organization has been formed in part or in whole for the purpose of providing postsecondary education scholarships for residents of the community in which the organization is formed.~~

~~003.03 — Low-income Student shall mean a student who qualifies for a grant under the Federal Pell Grant program.~~

~~003.04 — Matching Award shall mean a grant of two thousand dollars (\$2,000) to a community scholarship foundation that raises at least two thousand dollars (\$2,000) for awarding scholarships to low-income students through the postsecondary education scholarship program of the community scholarship foundation.~~

~~003.05 — Postsecondary Education Scholarship Program shall mean a program of a community scholarship foundation.~~

~~003.06 — Postsecondary Educational Institution shall mean a two year or four year college or university in Nebraska which is a member institution of an accrediting association.~~

~~003.07 — Resident shall mean a person meeting the residency requirements of section 85-502.~~

~~004 — COMMISSION RESPONSIBILITIES~~

~~004.01 — The Commission shall, each year, distribute applications to Community Scholarship Foundations to apply for the matching grant funds. (See Appendix A)~~

~~004.02 — The Commission shall disburse matching awards to the Community Scholarship Foundations pursuant to the criteria and priorities established in the Act, which are:~~

- ~~(a) Community scholarship foundations which, after May 30, 2003, begin a postsecondary education scholarship program and raise two thousand dollars (\$2,000) to be used for postsecondary education scholarships to low income students;~~
- ~~(b) Community scholarship foundations which had a postsecondary education scholarship program prior to May 30, 2003 but reorganize after such date to meet the eligibility criteria under such section and raise two thousand dollars (\$2,000) for postsecondary education scholarships for low income students;~~
- ~~(c) Community scholarship foundations which had a postsecondary education scholarship program prior to May 30, 2003 which would have met the eligibility criteria under such section and which raise an additional two thousand dollars (\$2,000) for postsecondary education scholarships for low income students after such date.~~

~~004.03 When the number of eligible applicants applying exceeds the funds available to make matching awards to all eligible applicants, the Commission shall give preference to Community Scholarship Foundations which:~~

- ~~a) Solicit broad based community support in their fundraising activities and are representative of the community in their structure;~~
- ~~b) Conduct fundraising activities with volunteers and not with paid employees or paid independent contractors; and~~
- ~~c) Have as their primary focus the awarding of scholarships to residents attending Nebraska postsecondary educational institutions.~~

~~004.04~~ The Commission shall receive and review each year from the Community Scholarship Foundations a report on scholarships awarded using the foundation's resources and the matching award.

~~004.04A~~ The Report shall consist of, but not be limited to, information including:

- ~~a)~~ Names and addresses of scholarship recipients;
- ~~b)~~ Scholarship amounts;
- ~~c)~~ Number of scholarships awarded to low income students;
- ~~d)~~ Number of scholarships awarded to students who are not low income students; and
- ~~e)~~ The postsecondary educational institutions the scholarship recipients plan to attend.

~~004.04B~~ A Community Scholarship Foundation will be ineligible for future grants until such time as the required report is submitted and reviewed by the Commission.

~~004.05~~ The Commission shall maintain fiscal control and fund accounting procedures as are necessary to assure proper disbursement of funds and to assure that eligible Community Scholarship Foundations have complied with the Act.

~~005~~ COMMUNITY SCHOLARSHIP FOUNDATION RESPONSIBILITIES

~~005.01~~ To be eligible to apply for a matching award, a Community Scholarship Foundation shall:

~~005.01A~~ Establish a postsecondary education scholarship program and, after May 30, 2003, raise at least two thousand dollars (\$2,000) for awarding scholarships to low-

~~income students through such program;~~

~~005.01B Obtain and maintain a certificate of exemption under section 501(c)(3) of the Internal Revenue Code;~~

~~005.01C Award postsecondary education scholarships without regard to age, sex, marital status, race, creed, color, religion, national origin, or the presence of any mental, sensory, or physical handicap.~~

~~005.02 Submit to the Commission an application for the matching award on a form developed and provided by the Commission each year by the date specified on the application. (See Appendix A)~~

~~005.03 The eligible Community Scholarship Foundation shall:~~

~~005.03A Receive and process applications for awards from enrolled students.~~

~~005.03B Determine eligibility of students based on criteria established in Commission rules as set forth in the Act.~~

~~005.03C Determine awards without regard to age, sex, marital status, race, creed, color, religion, national origin, or the presence of any mental, sensory, or physical handicap.~~

~~005.04 A Community Scholarship Foundation shall submit a report on scholarships awarded using the foundation's resources and the matching award.~~

~~005.04A On a form provided by the Commission, the report information shall include, but need not be limited to:~~

- ~~a) Names and addresses of scholarship recipients;~~
- ~~b) Scholarship amounts;~~
- ~~c) Number of scholarships awarded to low-income students;~~
- ~~d) Number of scholarships awarded to students who are not low income students; and~~
- ~~e) The postsecondary educational institutions the scholarship recipients plan to attend.~~

~~005.04B Failure to submit the report by the required date, as determined yearly by the Commission, shall result in the Community Scholarship Foundation being ineligible to receive matching funds under the Act until such time as the required report is submitted.~~

~~005.05 Maintenance of all records of awards shall be the responsibility of the eligible Community Scholarship Foundation and the postsecondary educational institution.~~

~~005.06 Disbursement of awards made by a Community Scholarship Foundation shall cover at least one award period but no more than one award year.~~

~~005.07 The Community Scholarship Foundation shall confirm by the receipt of a copy of page 1 of the student's Student Aid Report that the student is an eligible Federal Pell Grant recipient and shall confirm that the student remains a Federal Pell Grant recipient throughout the award year.~~

~~006 STUDENT ELIGIBILITY~~

~~In order to be eligible to receive an award from this program:~~

- ~~006.01~~ — A student shall be eligible to receive a Federal Pell Grant from the United States Department of Education.
- ~~006.02~~ — A student shall be an undergraduate attending a two-year or four-year college or university in Nebraska which is a member institution of an accrediting association.
- ~~006.03~~ — A student shall be a resident who is domiciled in Nebraska as provided by section 85-502.
- ~~006.04~~ — A student shall have submitted an application to their respective Community Scholarship Foundation based on that Foundation's policies including, but not limited to, providing a copy of Page 1 of the Student Aid Report.

~~007~~ — APPEAL PROCESS

- ~~007.01~~ — Eligible Community Scholarship Foundation Appeals
- ~~007.01A~~ — A Community Scholarship Foundation has the right to appeal any adverse decision by requesting such review in writing within twenty days of the adverse decision, addressed to the executive director of the Commission.
- ~~007.01B~~ — Appeals concerning adverse decisions are considered contested cases. The process for contested cases is identified in the Commission's Rules and Regulations, Chapter 12.

Nebraska Administrative Code

TITLE 281 – COORDINATING COMMISSION FOR POSTSECONDARY
EDUCATION
CHAPTER 6 – RULES AND REGULATIONS CONCERNING THE ACCESS COLLEGE
EARLY SCHOLARSHIP PROGRAM ACT

001 PURPOSE AND OBJECTIVES

The purpose of the Access College Early Scholarship Program is to provide financial assistance to low-income students for courses to be taken for credit from a qualified postsecondary educational institution while still enrolled in high school.

002 STATUTORY AUTHORITY

This rule is adopted pursuant to authority granted to the Coordinating Commission for Postsecondary Education in Neb. Rev. Stat. § 85-1412 and Neb. Laws 2007, LB 192 § 9.

003 DEFINITIONS

003.01 **Commission** means the Coordinating Commission for Postsecondary Education.

003.02 **Extreme hardship** means any event, including fire, illness, accident, or job loss, that has recently resulted in a significant financial difficulty for a student or the student's parent or legal guardian.

003.03 **Postsecondary educational institution** means a two-year or four-year college or university which is a member institution of an accrediting body recognized by the United States Department of Education.

003.04 **Qualified postsecondary educational institution** means a postsecondary educational institution located in Nebraska which has agreed, on a form developed and provided by the commission, to comply with the requirements of the act.

003.05 **Student** means a student attending a Nebraska high school with a reasonable expectation that such student will meet the residency requirements of Neb. Rev. Stat. § 85-502 upon graduation from a Nebraska high school.

004 STUDENT APPLICATION

004.01 A student who is applying to take one or more courses for credit from a qualified postsecondary educational institution is eligible for the Access College Early Scholarship Program if:

004.01A Such student or the student's parent or legal guardian is eligible to receive:

(1) Supplemental Security Income;

(2) Food stamps;

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

(4) Aid to families with dependent children; or

(5) Assistance under the Federal Special Supplemental Nutrition Program for Women, Infants, and Children; or

004.01B The student or the student's parent or legal guardian has experienced an extreme hardship.

004.02 An applicant must complete a form developed by the commission. The student and his or her parent or guardian must sign the form.

004.03 An applicant must attach documentation to the application that verifies enrollment in the course and the cost of the course.

004.03 An applicant must forward the completed and signed application to his or her guidance counselor.

004.04 The applicant's guidance counselor shall verify the student's eligibility for the scholarship. The guidance counselor shall sign the application and forward it to the commission for review within 15 days following receipt of the form from the student.

004.05 If a guidance counselor is not available, the student must forward the application to his or her principal. The principal or his or her designee must fulfill the requirements of subsection 004.04.

004.06 The commission must receive an application before the last day of the course or, if the course is an independent study course, before the student completes the course.

005 COMMISSION RESPONSIBILITIES

005.01 The commission shall verify the student's eligibility under the act by reviewing the submitted application to ensure it has been properly completed and signed.

005.02 The commission shall notify the student and the student's guidance counselor of the verification of eligibility and the estimated award amount in writing within thirty days following receipt of the form from the student's guidance counselor. Notification must be given in writing, whether by U.S. mail or e-mail.

005.03 The commission shall credit the amount of any returned scholarship awards to the Access College Early Scholarship Program Fund to provide additional scholarships.

006 Qualified Postsecondary Educational Institution Responsibilities

- 006.01 When reporting a student's grade or failure to complete a course, the qualified postsecondary educational institution must provide the identity of the student.
- 006.02 The commission may withhold payment of the scholarship award amount from a qualified postsecondary educational institution until the period passes when a student may receive a full refund for withdrawing from a course.
- 006.02A When a student withdraws from a course during the full refund period and the commission has paid a scholarship award to the qualified postsecondary educational institution, the institution must notify the commission of the withdrawn course.
- 006.02B When a student withdraws from a course during the full refund period and the commission has paid a scholarship award to the qualified postsecondary educational institution, the institution must refund the scholarship money directly to the commission.
- 006.02C When a student withdraws from a course after the full refund period and the commission has paid a scholarship award to the qualified postsecondary educational institution, the institution must refund the scholarship money directly to the commission pursuant to the institution's refund policy.
- 006.03 A qualified postsecondary educational institution must provide a refund when an overpayment occurs for a course for which a scholarship was awarded.
- 006.03A When an overpayment exists and the student and/or the student's parent/guardian made a payment on the account, the student and/or the student's parent/guardian must be refunded first, up to the amount paid by such person.
- 006.03B When an overpayment occurs due to a payment from any other source other than the student, the qualified postsecondary educational institution must first refund the overpayment to the commission, up to the amount paid by the commission pursuant to the Access College Early Scholarship Program Act.
- 007 Appeal Process
- 007.01 A student or the student's parent or legal guardian may request in writing a review of any adverse decision by requesting such review within 20 days following notice of the adverse decision, addressed to the executive director of the commission. The review shall be pursuant to the Administrative Procedure Act.

Access College Early Scholarship Program Act Institutional Application to Participate

I agree that the college/university listed below intends to participate in the Access College Early (ACE) Scholarship Program Act and to comply with the following conditions:

- The Coordinating Commission for Postsecondary Education (CCPE) may withhold payment for the class until after the institution's 100% drop/add period to ensure the student remains enrolled in class;
- The student receiving an ACE scholarship will not be assessed any late fees after notification is received from the CCPE that the student will receive funding through the Act;
- The institution will report either the student's grade for the course or the student's failure to complete the course to the CCPE within thirty days after the end of the course or within one hundred eighty days after receipt of a payment if the course for which the scholarship was awarded does not have a specified ending date (a copy of the student's authorization for this release will be forwarded to the school);
- The scholarship funds will be returned to the CCPE according to the institution's refund policy should the student withdraw from the class;
- The institution will comply with all requirements of the ACE Act, pursuant to Neb. Laws 2007, LB 192.

Institution

Name of Authorizing Official (Printed)

Title

Signature

Date

E-mail

Phone

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APPENDIX A: SAMPLE INSTITUTIONAL APPLICATION TO PARTICIPATE: Page 2

Contact Person (if different from above)

Title

E-mail

Phone

Access College Early Application

Student Name	Social Security Number
Home Address	City and Zip Code
High School	City
Student/Parent/Guardian E-mail (if available)	Attending College/University

I certify that I am qualified for funding under the Access College Early Act based on myself or my parent/guardian qualifying for at least one of the following federal benefit programs or an extreme hardship:

<input type="checkbox"/> Supplemental Security Income (SSI)	<input type="checkbox"/> Food Stamps
<input type="checkbox"/> Free or Reduced Price Lunches	<input type="checkbox"/> Special Supplemental Nutrition Program (WIC)
<input type="checkbox"/> Temporary Assistance for Needy Families (TANF)	<input type="checkbox"/> Other Extreme Hardship

(Please provide documentation verifying the above information.)

I certify that the above information is accurate and correct. I have attached verification of my enrollment and a copy of the tuition and fees statement from the college/university named above. I acknowledge that this scholarship will only apply to tuition and mandatory fees at the college, that the scholarship will pay the tuition and mandatory fee balance after other discounts are applied as required in the Act, that I intend to graduate from a Nebraska high school, that I intend to maintain Nebraska residency upon graduation, and that I authorize the Coordinating Commission for Postsecondary Education to receive and for the institution to release my tuition and/or fees statement and grades from the college/university named above. This authorization is good for one year from the date of this form.

Student Signature Date

I, the parent/guardian of the above named student, verify that the above information is correct and that I authorize the Coordinating Commission for Postsecondary Education to receive and for the institution to release my child's tuition and fees statement and grades from the college/university named above.

Parent/Guardian Signature Date

I, a counselor at the high school named above, verify, to the best of my knowledge, that the above named student or the student's parent/guardian does qualify for the federal benefit program or has experienced an extreme hardship as described above.

Counselor Signature Date

E-mail Address
Please return this form via mail to J. Ritchie Morrow, Financial Aid Coordinator, CCPE, PO Box 95005, Lincoln, NE 68509-5005, or fax to 402.471.2886.

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APPENDIX B: SAMPLE STUDENT SCHOLARSHIP APPLICATION: Page 2

CCPE Use Only

Approved/Denied _____

Counselor/Student Notified _____

College/University Notified _____

Course completed _____

Final Grade Received from College/University _____