

TITLE 281, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 7

COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION

RULES AND REGULATIONS FOR THE POSTSECONDARY INSTITUTION ACT

TITLE 281 – COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION  
CHAPTER 7 – RULES AND REGULATIONS FOR THE POSTSECONDARY  
INSTITUTION ACT

001            AUTHORIZATION TO OPERATE

001.01 Any postsecondary institution intending to operate in the State of Nebraska by establishing a physical presence in this state must receive an authorization to operate from the Commission.

001.02 The provisions of this chapter shall not apply to:

001.02A Any institution or organization which offers education or instruction and which is licensed and regulated solely by an agency of the federal government with respect to curriculum and qualifications of instructional staff;

001.02B Any private postsecondary career school as defined in the Private Postsecondary Career School Act;

001.02C Institutions solely offering a short course or seminar if instruction for the short course or seminar takes no more than twenty classroom hours and the institution offers no more than two courses as defined by the commission in a calendar year;

001.02D Institutions offering courses or programs on a military installation solely for military personnel or civilians employed on such installation;

001.02E An educational experience arranged for an individual student, such as a clinical, practicum, residency, or internship;

001.02F Institutions offering courses exclusively online or through the United States mail or similar delivery service which do not require the physical meeting of a student with instructional staff; or

001.02G Institutions offering a course or program that requires students to physically meet in one location for instructional purposes not more than once during the course term.

001.03 The following institutions shall be deemed to have an authorization to operate on a continuing basis:

001.03A All out-of-state public postsecondary institutions with a physical presence that for at least twenty academic years have continuously offered one or more graduate or four-year undergraduate programs in Nebraska in compliance with state and federal law;

001.03B All private postsecondary institutions with a physical presence that for at least twenty academic years, under the same ownership, have continuously offered one or more graduate or four-year undergraduate programs in Nebraska in compliance with state and federal law; and

001.03C All Nebraska public postsecondary institutions.

001.04 An institution with a recurrent authorization to operate may request authorization to operate on a continuing basis upon satisfying the conditions identified in 001.03A or 001.03B. The request shall take the form of a letter to the commission. The commission will review the request, which shall include any further information as required by the commission.

002            STATUTORY AUTHORITY

This rule is adopted pursuant to authority vested in the Coordinating Commission for Postsecondary Education in Neb. Rev. Stat. §§ 85-1411, 85- 2405, and 85-2406.

003            DEFINITIONS

003.01 Authorization to operate means either an authorization to operate on a continuing basis or a recurrent authorization to operate.

003.02 Authorization to operate on a continuing basis means approval by the Commission to operate a postsecondary institution in this state without a renewal requirement.

003.03 Change of ownership means a change in the person, entity or governing body that has an ownership interest in an institution.

003.03A Change in ownership includes, but is not limited to, the following transactions:

- 1) The sale or transfer to, or acquisition by, a new owner of all, or a substantial portion, of the institution's assets;
- 2) Stock transactions including Initial Public Offerings of stock as well as transactions wherein an individual, entity, or group acquires and controls 50 percent or more of the total outstanding shares of stock of the institution, or an individual, entity or group increases or decreases ownership or control of shares to greater or less than 50 percent of the total outstanding shares of the stock of the institution;
- 3) Change in corporate form, including, but not limited to, change from Sole Proprietorship to Partnership or Corporation, Limited Partnership to Corporation, Limited Liability Corporation to a Corporation, Not-for-Profit Corporation controlled by members to one controlled by a Board of Directors;
- 4) Any of the transactions in items 1 through 3 above involving a parent corporation that owns 90 percent or more of the institution and controls the institution, or in any intermediate subsidiary of a parent corporation where that subsidiary has a controlling relationship to the institution and where the transaction may reasonably affect the control of the

institution as determined by the Commission or by the U.S. Department of Education.

003.03B Change in ownership does not include:

- 1) A transfer of ownership or stock that occurs as a result of the retirement or death of an owner or stockholder if transfer is to a member of the owner's family who has been directly and constantly involved in the management of the institution for a minimum of two years preceding the transfer. For purposes of this section, a member of the owner's family is a parent, sibling, spouse, child or grandchild; spouse's parent or sibling; or sibling's or child's spouse.
- 2) The merger or consolidation of an institution with another institution holding a current authorization to operate from the Commission.

003.04 Commission means the Coordinating Commission for Postsecondary Education.

003.05 Establishing a physical presence means:

003.05A Offering a course for college credit or a degree program in this state that leads to an associate, baccalaureate, graduate, or professional degree, including:

- 1) Establishing a physical location in this state where a student may receive synchronous or asynchronous instruction; or
- 2) Offering a course or program that requires students to physically meet in one location for instructional purposes more than once during the course term; or

003.05B Establishing an administrative office in this state, including:

- 1) Maintaining an administrative office in this state for purposes of enrolling students, providing information to students about the institution, or providing student support services;
- 2) Providing office space to staff, whether instructional or non-instructional staff; or
- 3) Establishing a mailing address in this state.

003.06 Executive director means the executive director of the Commission or his or her designee.

003.07 Level of authorization to operate means the type of instructional offerings or services an institution may provide. The three levels shall be:

003.07A establish an administrative office.

003.07B offer less than a complete program, or

003.07C offer one or more complete programs.

- 1) The Commission shall specify the academic degree level at which the institution is authorized by the Commission to award credentials. These levels shall be less than associate, associate, baccalaureate, master's, and doctorate, and may be limited by the Commission to certain programs or academic disciplines as defined by program title and/or CIP code (Classification of Instructional Programs from the U.S. Department of Education).

003.08 Nebraska public postsecondary institution means any public institution established, operated, and governed by this state or any of its political subdivisions that provides postsecondary education.

003.09 New campus means a facility

003.09A that meets the following criteria:

- 1) Students can complete at least one full program (certificate, diploma, degree) at the location.
- 2) The facility is either owned by an institution or under lease for a period of at least 5 years, and
- 3) The location has its own faculty, administrative head, academic resources, and student services; or

003.09B that is deemed to be a new or branch campus by the institution's accrediting body.

003.10 Out-of-state public postsecondary institution means any public institution with a physical presence in Nebraska that is established, operated, and governed by another state or any of its political subdivisions and that provides postsecondary education.

003.11 Postsecondary institution means any private postsecondary institution, out-of-state public postsecondary institution, or Nebraska public postsecondary institution exempt from the Private Postsecondary Career School Act.

003.12 Private postsecondary institution means any Nebraska or out-of-state nonpublic postsecondary institution with a physical presence in Nebraska, including any for-profit or nonprofit institution, that provides postsecondary education.

003.13 Recurrent authorization to operate means approval by the commission to operate a postsecondary institution in this state, including establishing a new campus or an administrative office, until a renewal of such authorization is required.

003.013A Modification of a recurrent authorization to operate means approval by the Commission of an institution holding a recurrent authorization to operate that seeks to conduct activities outside the scope of its existing authorization, including, but not

limited to, establishing a new campus and offering programs at a different level of authorization.

003.013B Renewal of a recurrent authorization to operate means approval by the Commission of an institution previously authorized to operate at the time such authorization expires.

#### 004      APPLICATION

004.01 Prior to establishing a physical presence in the state, any out-of-state public postsecondary institution or private postsecondary institution shall apply to the Commission for a recurrent authorization to operate in the state.

004.02 After receiving a recurrent authorization to operate in the state, any institution seeking to conduct activities outside the scope of its existing authorization must apply for a modification of the recurrent authorization to operate.

004.03 After receiving a recurrent authorization to operate in the state, all institutions shall apply to the Commission to renew their recurrent authorization to operate on a schedule specified by the Commission, but at least 90 days prior to the expiration of the authorization. If an institution has satisfied the conditions identified in 001.03A or 001.03B, it may request authorization to operate on a continuing basis rather than renewal.

#### 005      APPLICATION PROCEDURE

005.01 Any institution seeking a recurrent authorization to operate, a modification of a recurrent authorization to operate, or a renewal of a recurrent authorization to operate shall complete the application form and pay the application fee. Copies of the application forms are included in appendices A, B, and C. The applicant will provide all information

requested as a part of the application procedure before the application will be reviewed by the Commission.

005.02 Multiple individual courses not intended as a complete program may be submitted simultaneously.

005.03 A non-refundable application fee for administrative costs shall be submitted with each application. Fees shall be set every two years by the Commission and posted on the Commission Web site. Re-submission of an application following its withdrawal by institutions seeking authorization requires an additional fee.

006

#### MINIMUM STANDARDS FOR AUTHORIZATION TO OPERATE

An institution seeking a recurrent authorization to operate, a modification of a recurrent authorization to operate, or a renewal of a recurrent authorization to operate must demonstrate:

006.01 The financial soundness of the institution and its capability to fulfill its proposed commitments and sustain its operations.

006.02 The quality and adequacy of teaching faculty, library services, and support services.

006.03 The quality of the programs offered, including courses, programs of instruction, degrees, any necessary clinical placements, and the institution's ability to generate and sustain enrollment.

006.04 The specific locations where programs will be offered or planned locations and a demonstration that facilities are adequate at the locations for the programs to be offered.

006.05 Assurances regarding transfer of credits earned in the program to the main campus of such institution and clear and accurate

representations about the transferability of credits to other institutions located in Nebraska and elsewhere.

006.06 Whether such institution and, when appropriate, the program, are fully accredited, or seeking accreditation, by an accrediting body recognized by the U. S. Department of Education.

006.07 The institution's policies and procedures related to students, including, but not limited to, recruiting and admissions practices, loan procedures, and tuition and fee policies.

006.08 The tuition refund policy for an institution that does not participate in federal financial aid programs described in Title IV of the federal Higher Education Act of 1965, 20 U.S.C. 1001 et seq., as such act existed on January 1, 2011.

006.09 Any other standards deemed necessary by the Commission.

007

PUBLIC HEARING – NEW CAMPUS

Upon receipt of a complete application for a recurrent authorization to operate or modification of a recurrent authorization to operate that includes a request to establish a new campus, the Commission shall set a time and a place for a public hearing. The hearing shall be scheduled following a completed review of the application, including any further information submitted by the applicant as required by the Commission and any investigation of the applicant as the Commission may deem necessary or appropriate, and shall be conducted according to the Administrative Procedure Act. A representative of the institution shall be present during the public hearing and provide information as requested.

008

COMMISSION ACTION

008.01 The Commission shall either approve or deny all applications and requests. Such action shall take place during a regularly scheduled Commission meeting. The recurrent authorization to operate shall be for a period of no more than five years. The Commission may set terms or conditions on the authorization.

008.02 A recurrent authorization to operate or an authorization to operate on a continuing basis shall be granted to the owner or governing body of an institution and shall be non-transferrable. Should ownership of an institution change, the new owner shall have 30 days from the date of the transfer of ownership to apply to the Commission for a recurrent authorization to operate. A sample of the authorization form is included in Appendix D.

008.03 All contacts with the Commission will be made through the Executive Director or his/her designee. The Executive Director or his/her designee shall notify the applicant in writing of the action by the Commission.

009

## REPORTING

Each institution holding a recurrent authorization to operate shall provide a report in a form prescribed by the Commission annually from the date of the recurrent authorization. The reports shall include the number of students enrolled and the number of students graduated for each program offered by the institution in Nebraska. The report shall also include other information specified by the Commission in the recurrent authorization to operate.

010

## ACTIVITIES REQUIRING COMMISSION NOTIFICATION

010.001 An institution authorized to operate shall provide notification in writing to the Commission at least 30 days prior to initiating the following activities:

- 1) Changing address or location
- 2) Opening a new instructional site

010.002 An institution holding a recurrent authorization to operate shall provide notification in writing to the Commission at least 30 days prior to initiating these additional activities:

- 1) Offering new programs within the scope of the institution's existing authorization
- 2) Changing the administrative head of the Nebraska campus or location.

011

VIOLATION OF THE POSTSECONDARY INSTITUTION ACT

011.01 Any postsecondary institution with a recurrent authorization to operate which ceases to meet any of the requirements of the Postsecondary Institution Act, any rules or regulations adopted and promulgated under the act, or any terms or conditions specified by the Commission for authorization to operate under the act shall be subject to the hearing process and Commission review pursuant to section 85-2414.

011.02 Any person claiming damage or loss as a result of any act or practice by a postsecondary institution which is a violation of the Postsecondary Institution Act, of the rules and regulations adopted and promulgated under the act, or of standards established pursuant to section 85-2406 may file a complaint with the Commission against such institution pursuant to section 85-2418.

012

RIGHT TO APPEAL

Any person aggrieved or adversely affected by any final Commission action may appeal such action. The appeal shall be in accordance with the Administrative Procedure Act.

APPENDIX A

STATE OF NEBRASKA  
COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION

**APPLICATION for a RECURRENT AUTHORIZATION to OPERATE a  
POSTSECONDARY INSTITUTION in NEBRASKA**

**For Institutions Applying to Offer One or More Courses or Programs**

**Procedures for Submitting the Application**

1. Send the application form and all supporting materials to:

Executive Director  
Coordinating Commission for Postsecondary Education  
P.O. Box 95005  
Lincoln, NE 68509-5005

OR

Submit the application via email to Kathleen Fimple at:  
[Kathleen.fimple@nebraska.gov](mailto:Kathleen.fimple@nebraska.gov), with the fee sent by U.S. mail.

2. A non-refundable application fee for the Commission's administrative costs shall be submitted with each application. Make checks payable to "Coordinating Commission for Postsecondary Education".
3. All sections shall be clearly marked for easy location by the reviewer.
4. The Commission may request additional information deemed necessary for an appropriate determination of compliance with the evaluation criteria.

STATE OF NEBRASKA  
COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION

**APPLICATION for a RECURRENT AUTHORIZATION to OPERATE a  
POSTSECONDARY INSTITUTION in NEBRASKA**

**For Institutions Applying to Offer One or More Courses or Programs**

**Date:** \_\_\_\_\_

**Name of Institution:** \_\_\_\_\_

**Street Address:** \_\_\_\_\_

**City/State/Zip Code:** \_\_\_\_\_

**Name of Owner of Institution:** \_\_\_\_\_

**Owner's Mailing Address (if  
different from above):** \_\_\_\_\_

**Name of Contact person:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Telephone Number:** \_\_\_\_\_

**Fax Number:** \_\_\_\_\_

**E-mail Address:** \_\_\_\_\_

**Web Site for Institution:** \_\_\_\_\_

**Proposed location in  
Nebraska:** \_\_\_\_\_

**Will this be a new campus  
(owned by the institution or  
under long-term lease)**     yes     no

**Proposed offerings:**     Course/s only (list courses below)     Program/s  
(please provide a copy of the  
institutional catalog)

**Course/s:** \_\_\_\_\_  
(if not offering a program)

Programs to be offered and  
Awards to be conferred:

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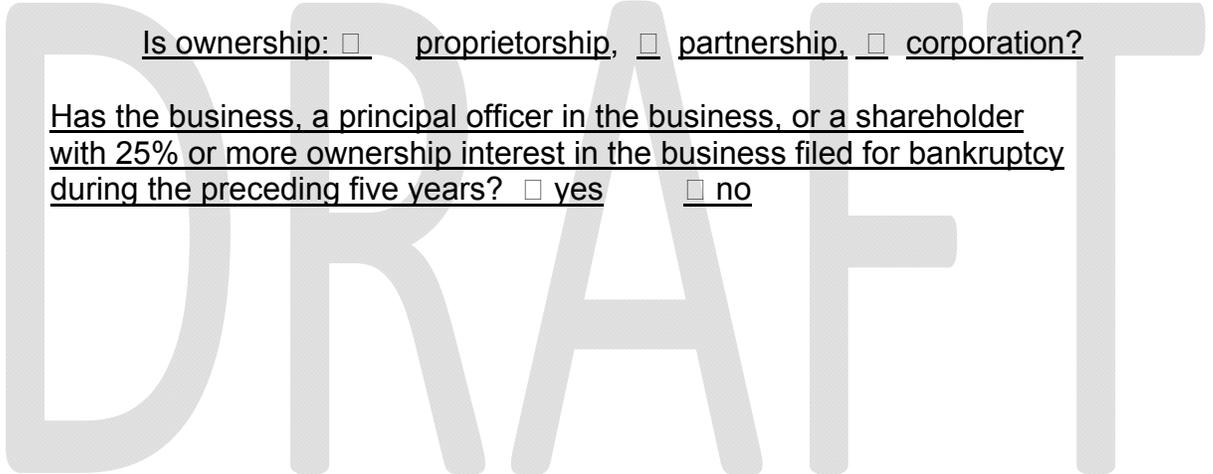
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Legal Status of the Institution:

- a.  Nonprofit (please provide documents of incorporation, and if available §501(c)(3) status documentation, that provide business name and address; names, titles, and business addresses of all principals in the business)
- b.  For-profit (please provide documents of incorporation or other legal documents that provide business name and address; names, titles, and business addresses of all principals in the business)

Is ownership:  proprietorship,  partnership,  corporation?

Has the business, a principal officer in the business, or a shareholder with 25% or more ownership interest in the business filed for bankruptcy during the preceding five years?  yes  no



**Please provide the following information in a narrative format. Include copies of pertinent documents where appropriate.**

**Each numbered, italicized item is a standard identified in state statute. Statutes charge the institution to “demonstrate that it can be maintained and operated in accordance with such standards.” (Neb. Rev. Stat. §85-2406) Each bulleted item should be addressed. Additional information under each numbered item may be included as appropriate to the application.**

**Institutions applying to offer courses only (not a complete degree program) need only respond to starred (\*) items.**

1. *The financial soundness of the institution and its capability to fulfill its proposed commitments and sustain its operations*
  - The most recent audited financial statements and a copy of the management letter\*
  - Tuition and fees for the most recent academic year or term\*
  - Proposed annual budget identifying all sources of income and all categories of educational and general expenditures for the programs in Nebraska
  - Explanation of how the interests of students will be protected if the institution were to discontinue its offerings in Nebraska
  - Student loan default rate and financial responsibility composite score from the U.S. Department of Education (if applicable)
2. *The quality and adequacy of teaching faculty, library services, and support services*
  - Number of faculty teaching in the program/s (course/s\*)
  - Qualifications of each faculty member (vitae, resume, or other biographical information) \*
  - Library and learning resources\*
  - Written agreements with local libraries regarding shared resources
  - Agreements with online libraries or data sources
  - Support services for students such as academic or career advising\*
3. *The quality of the programs offered, including courses, programs of instruction, degrees, any necessary clinical placements, and the institution’s ability to generate and sustain enrollment*
  - Curriculum description/s including a list of required and optional courses
  - Course descriptions\*
  - Any licensure or certification requirements for the field/s and the way in which the institution will meet them
  - Instructional equipment, especially that required for specific programs\*
  - Assurance that the institution will be able to secure clinical placements for students in programs that require them

- Estimated enrollments and the basis for the estimate\*
  - Comparison of the program (or course/s\*) with that offered on the main campus or other campuses of the institution (if applicable)
  - Relationship between the hours of instruction and the credits awarded\*
4. The specific locations where programs will be offered or planned locations and a demonstration that facilities are adequate at the locations for the programs to be offered
- Description of the facility (include a floor plan if this is a new campus)\*
  - Copies of leases or facility use agreements\*
5. Assurances regarding transfer of credits earned in the program to the main campus of such institution [if applicable] and clear and accurate representations about the transferability of credits to other institutions located in Nebraska and elsewhere
- Any articulation agreements with Nebraska postsecondary institutions\*
  - Any other affiliations with Nebraska postsecondary institutions regarding the transfer of credits, joint use of faculty or facilities, or other supportive relationships\*
6. Whether such institution and, when appropriate, the programs, are fully accredited, or seeking accreditation, by an accrediting body recognized by the U. S. Department of Education
- Name of the body that accredits the institution\*
  - Status of institutional accreditation, including the date of the most recent accreditation and any required reports or actions\*
  - List of all programmatic accreditations related to the proposed program or courses\*
  - Status of all programmatic accreditations, including the date of the most recent accreditation and any required reports or actions\*
7. The institution's policies and procedures related to students, including, but not limited to, recruiting and admissions practices
- Admission requirements for the institution and programs (if different)\*
  - Anticipated methods of recruiting students in Nebraska\*
  - Loan procedures
8. The tuition refund policy for an institution that does not participate in federal financial aid programs described in Title IV of the federal Higher Education Act of 1965 as such act existed on January 1, 2011
- Copy of the Title IV Program Participation Agreement with the US Department of Education (for institutions participating in federal financial aid programs) or a copy of the tuition refund policy if not participating in Title IV\*

APPENDIX B

STATE OF NEBRASKA  
COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION

**APPLICATION for MODIFICATION of a RECURRENT AUTHORIZATION to  
OPERATE  
(new course, program, degree, etc.)**

**Procedures for Submitting the Application**

1. Send the application form and all supporting materials to:

Executive Director  
Coordinating Commission for Postsecondary Education  
P.O. Box 95005  
Lincoln, NE 68509-5005

OR

Submit the application via email to Kathleen Fimple at:  
[Kathleen.fimple@nebraska.gov](mailto:Kathleen.fimple@nebraska.gov), with the fee sent by U.S. mail.

2. A non-refundable application fee for the Commission's administrative costs shall be submitted with each application. Make checks payable to "Coordinating Commission for Postsecondary Education".
3. All sections shall be clearly marked for easy location by the reviewer.
4. The Commission may request additional information deemed necessary for an appropriate determination of compliance with the evaluation criteria.

STATE OF NEBRASKA  
COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION

**APPLICATION for MODIFICATION of a RECURRENT AUTHORIZATION to**  
**OPERATE**  
**(new course, program, degree, etc.)**

**Date:** \_\_\_\_\_

**Name of Institution:** \_\_\_\_\_

**Street Address:** \_\_\_\_\_

**City/State/Zip Code:** \_\_\_\_\_

**Name of Contact Person:** \_\_\_\_\_

**Web site for institution's location in Nebraska:** \_\_\_\_\_

**Name of Contact Person:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Telephone Number:** \_\_\_\_\_

**Fax Number:** \_\_\_\_\_

**E-mail Address:** \_\_\_\_\_

**Proposed Modification (name of degree, program, new campus, etc.):**

**Location in which the courses/program will be offered:**

**Estimated enrollment:**

**Tuition to be charged:**

**Fees, including those specific to the program:**

**Each numbered, italicized item below is a standard identified in state statute. Statutes charge the institution to “demonstrate that it can be maintained and operated in accordance with such standards.” (Neb. Rev. Stat. §85-2406) Each bulleted item should be addressed. Additional information under each numbered item may be included as appropriate to the application.**

1. The financial soundness of the institution and its capability to fulfill its proposed commitments and sustain its operations
  - The most recent audited financial statements and a copy of the management letter
2. The quality and adequacy of teaching faculty, library services, and support services
  - Number of faculty teaching in the program/s
  - Qualifications of each faculty member (vitae, resume, or other biographical information)
  - Any new library and learning resources needed
3. The quality of the programs offered, including courses, programs of instruction, degrees, any necessary clinical placements, and the institution’s ability to generate and sustain enrollment
  - Curriculum description/s including a list of required and optional courses
  - Course descriptions
  - Any licensure or certification requirements for the field/s and the way in which the institution will meet them
  - Any new instructional equipment required for the program/degree
  - Assurance that the institution will be able to secure clinical placements for students if the program/degree requires them
  - Estimated enrollments and the basis for the estimate
  - Comparison of the program with that offered on the main campus or other campuses of the institution (if applicable)
  - Relationship between the hours of instruction and the credits awarded
4. The specific locations where programs will be offered or planned locations and a demonstration that facilities are adequate at the locations for the programs to be offered
  - Description of the facility if new or evidence that the existing facility is adequate
5. Assurances regarding transfer of credits earned in the program to the main campus of such institution [if applicable] and clear and accurate representations about the transferability of credits to other institutions located in Nebraska and elsewhere
  - Any articulation agreements with Nebraska postsecondary institutions
  - Any other affiliations with Nebraska postsecondary institutions regarding the transfer of credits, joint use of faculty or facilities, or other supportive relationships

6. Whether such institution and, when appropriate, the programs, are fully accredited, or seeking accreditation, by an accrediting body recognized by the U. S. Department of Education
- Any programmatic accreditations for the new program/degree
  - Status of programmatic accreditation/s
7. The institution's policies and procedures related to students, including, but not limited to, recruiting and admissions practices
- Admission requirements for the program/degree
  - Anticipated methods of recruiting students in Nebraska

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