TITLE 281, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 5

COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION

RULES AND REGULATIONS CONCERNING THE NEBRASKA OPPORTUNITY GRANT ACT

TITLE 281 - COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION

CHAPTER 5 – RULES AND REGULATIONS CONCERNING THE NEBRASKA OPPORTUNITY GRANT ACT

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CHAPTER 5 – RULES AND REGULATIONS CONCERNING THE NEBRASKA OPPORTUNITY GRANT ACT

001 PURPOSE AND OBJECTIVES

001.01 The purpose of the Nebraska Opportunity Grant is to enhance the educational opportunities of Nebraska resident students by providing direct financial assistance to eligible students, based on financial need, attending eligible postsecondary institutions.

002 STATUTORY AUTHORITY

This rule is adopted pursuant to authority granted to the Coordinating Commission for Postsecondary Education in Neb. Rev. Stat. §§ 85-1901 through 85-1919.

002.01 Chapter 85, Sections 1903 through 1910 relating to definitions of eligible students, eligible postsecondary institutions, and tuition and mandatory fees.

002.02 Chapter 85, Sections 1911 through 1914 relating to the process and procedures for distribution of grants to students based on financial need.

002.03 Chapter 85, Section 1915 relating to criteria for granting an award to an eligible student.

002.04 Chapter 85, Sections 1912, 1914, 1917 and 1919 relating to the Coordinating Commission for Postsecondary Education's responsibilities.

002.05 Chapter 85, Sections 1913, 1916 and 1918 relating to eligible postsecondary educational institutions responsibilities.

003 DEFINITIONS

003.01 Commission shall mean the Coordinating Commission for Postsecondary Education

003.02 Postsecondary Education shall mean the provision of a formal instructional program whose curriculum is designed primarily for students who are beyond the compulsory age for high school. This includes programs whose purpose is academic, vocational, and continuing professional education.

003.03 Eligible Postsecondary Educational Institution shall mean a public or private educational institution located in Nebraska which: (1) is primarily

engaged in the instruction of students; (2) is satisfying the provisions of Nebraska law relating to the approval and licensure of schools, colleges, and universities; (3) is maintaining accreditation by an accrediting organization recognized by the U.S. Department of Education; (4) is offering courses of instruction in regularly scheduled classes to regularly enrolled undergraduate students who reside in Nebraska and who have received high school diplomas or the equivalent; and (5) shall have adopted award refund and repayment policies and must make the policies available for inspection by all who request such information.

003.04 Expected Family Contribution shall mean a measure of how much the student and his or her family can be expected to contribute to the cost of the student's education for the applicable academic year and is calculated according to a formula specified in federal law.

003.05 Yearly Maximum Expected Family Contribution shall mean 110% of the maximum Expected Family Contribution to qualify for a Federal Pell Grant for the applicable award year.

003.064 Eligible Student shall mean an individual who (1) is domiciled in Nebraska as provided in Neb. Rev. State. § 85-502; (2) is enrolled as a full- or part-time undergraduate student in an eligible program at an eligible postsecondary institution; and (3) has applied for federal financial aid through the Free Application for Federal Student Aid for the applicable award year and ~~either is eligible to receive a U.S. Department of Education Federal Pell Grant or has an expected family contribution for the applicable award year of no more than the qualifying yearly maximum EFC.~~has an Expected Family Contribution which is equal to or less than the Yearly Maximum Expected Family Contribution.

003.075 Full-time Equivalency shall mean the total number of credit or clock hours taken by eligible students divided by 24 semester, 36 quarter, or 900 clock hours as appropriate. The ~~determine~~ determination of full-time students shall be based upon the directives in Section 003.086 of these rules and regulations and an award year shall be as defined in Section 003.142.

003.086 Full-time Student shall mean:

(1) For enrollment calculations of full-time equivalent students, an individual who is enrolled in at least 24 semester credit hours, 36 quarter credit hours, or 900 clock hours per award year; or

(2) For tuition and mandatory fee determination, an individual who is enrolled in at least 30 semester credit hours, 45 quarter credit hours, or 900 clock hours per award year.

003.097 Enrollment shall mean the establishment and maintenance of an individual's status as a student in a postsecondary institution, regardless of the definition used at that institution.

003.10~~08~~ Undergraduate Student shall mean an individual who has not earned a first baccalaureate or professional degree and is enrolled in a postsecondary educational program which leads to, or is creditable toward, a first baccalaureate degree, associate degree, certificate, diploma, or equivalent.

003.11~~09~~ Financial Need shall mean the financial need determined by an eligible postsecondary educational institution for each student in accordance with the federal needs analysis prescribed in Part F ~~or~~ of Title IV of the Higher Education Act of 1965 as amended.

003.12~~0~~ Substantial Financial Need shall mean the need demonstrated by a student who meets the ~~yearly maximum EFC~~Yearly Maximum Expected Family Contribution, as defined in Section 003.05~~18~~.

003.13~~1~~ Award shall mean a grant of money to an eligible student for educational expenses. Awards shall not exceed~~:~~

~~For the 2010-11 award year and each award year thereafter,~~ fifty percent of the tuition and mandatory fees for a full-time, resident, undergraduate student for the last completed award year at the University of Nebraska-Lincoln.

003.14~~2~~ Award Year shall mean that period from July 1st of one year through June 30th of the succeeding year.

003.15~~3~~ Award Period shall mean that period of time, as defined by the institution, for which an award is given (example: semester, quarter, 450 contact hours, etc.)

003.16~~4~~ Tuition and Mandatory Fees shall mean the lesser of the student costs for tuition and mandatory fees for a full-time resident undergraduate student for the last completed award year at the eligible postsecondary educational institution or the student costs for tuition and mandatory fees for a full-time resident undergraduate student for the last completed award year at the University of Nebraska-Lincoln.

003.17~~5~~ Educational Expenses shall mean student costs for tuition, mandatory fees, other education related fees, room and board, books, and other costs related to students' education.

003.18~~6~~ Eligible Program shall mean a program of study that is eligible to be funded with federal Title IV funds, as defined by federal regulations.

003.19~~7~~ Target Level of Funds shall represent the maximum amount of ~~state and federal~~ dollars that may be awarded pursuant to the Act to eligible students enrolled in eligible postsecondary educational institutions.

~~003.18 Yearly Maximum EFC shall mean the expected family contribution amount calculated by applying for federal financial aid through the Free Application for Federal Student Aid that is equal to:~~

~~003.18A For the 2010-11 award year, six thousand dollars; and~~

~~003.18B For the 2011-12 award year and each award year thereafter, the previous year's yearly maximum EFC increased by two and one-half percent.~~

004 COMMISSION RESPONSIBILITIES

004.01 The Commission shall identify a target level of funds to be distributed to students at each eligible postsecondary educational institution. The target is the maximum total amount that may be awarded to eligible students enrolled at eligible postsecondary education institutions, which will be determined as follows:

(1) Determine the number of eligible full-time-equivalent students enrolled at the eligible postsecondary educational institution for the last completed award year;

(2) Multiply the number determined in subdivision (1) of this section by the tuition and mandatory fees as limited pursuant to Section 003.16~~4~~ of this rule;

(3) Divide the product derived pursuant to subdivision (2) of this section for each eligible postsecondary educational institution by the sum of the product~~s~~ derived pursuant to subdivision~~s~~ (2) of this section for all eligible postsecondary educational institutions; and

(4) Multiply the total ~~of state and federal funds~~ dollars appropriated for purposes of distribution pursuant to the act by the ratio derived pursuant to subdivision (3) of this section.

004.02 Prior to June 1 of each award year, the Commission shall receive a recommendation from each eligible postsecondary educational institution listing proposed awards to eligible students, including name, social security number of each eligible student, and amount of proposed award for each eligible student and other information necessary for the Commission to determine compliance with the Act.

004.03 Within thirty days after receiving recommendations pursuant to 004.02 of this rule, the Commission shall review the recommended awards for compliance with the Nebraska Opportunity Grant Act, its rules and regulations, and notify each eligible postsecondary educational institution of the approval or disapproval of recommended awards.

004.04 If awards are disapproved, the eligible postsecondary institution may resubmit the recommended list of awards to eligible students after modifying the recommendation to address the disapproved awards. The Commission will review the modified list of recommendations in a timely manner.

004.05 Upon approval of awards, the Commission shall distribute funds appropriated to the Nebraska Opportunity Grant Act to each eligible institution, based on the level of approved awards, for direct disbursement to eligible students as determined by the Commission according to the provisions of the Act.

004.06 ~~As a separate requirement for federal reporting purposes, as long as the state participates in the federa LEAP and SLEAP programs, each~~Each eligible institution shall ~~report~~ submit annually to the Commission ~~information required by the U.S. Department of Education~~ a year-end report pertaining to the ~~federal funds~~ dollars distributed to students within the last completed award year. Only those institutions providing this information are eligible for participation in the program. ~~The Commission shall then report this information to the Department of Education.~~

004.07 The Commission shall supervise the issuance of public information concerning the Nebraska Opportunity Grant Act.

004.08 The Commission shall assure through regular audits and reports that institutions, as agents of the Commission, maintain fiscal control and fund accounting procedures as are necessary to assure proper disbursement of funds and compliance with the Act.

005 INSTITUTIONAL RESPONSIBILITIES (as agents of the Commission)

005.01 The eligible postsecondary educational institution shall act as an agent of the Commission to disburse the awards directly to eligible students during the award year.

005.02 As agents of the Commission, the eligible postsecondary educational institutions shall:

005.02A Receive and process applications for awards from enrolled students as determined by the Nebraska Opportunity Grant Act.

005.02B Determine eligibility of students based on criteria established in Commission rules and regulations as set forth in the definitions of the Act.

005.02C Determine awards without regard to race, creed, color, national origin, ancestry, age, sex, or handicap.

005.02D Submit, prior to June 1 of each award year, recommendations as often as necessary to the Commission for awards to eligible students, including the name of each eligible student, social security number of each eligible student, the recommended amount for each

eligible student, and other information necessary for the Commission to determine compliance with the Act.

005.02E After notification of approval of awards to eligible students and distribution of total award amounts approved for eligible students by the Commission, disburse the awards directly to the eligible students during the award year.

005.02F Require all award recipients to certify that the award will be used only for educational expenses.

005.03 Maintenance of all recipient records of awards shall be the responsibility of the eligible postsecondary educational institution.

005.04 Disbursement of awards made by an institution shall cover at least one award period but no more than one award year. This does not prevent an institution from making awards to the same students in successive years.

005.05 To participate in the Act, all eligible postsecondary educational institutions shall complete an annual application and statement of assurance provided by the Commission for such purpose. Postsecondary educational institutions failing to complete these documents, in their entirety within the time period allowed, may be deemed ineligible to participate in the Act for the application award year. (See Appendix A and B)

005.06 An audit trail shall be established by each participating institution. Institutional and student records are subject to normal auditing procedures by the State of Nebraska and the Coordinating Commission for Postsecondary Education pursuant to the requirement that institutions maintain fiscal and fund accounting procedures necessary to assure proper disbursement of funds and compliance with the Act.

005.07 Any award recipient that discontinues attendance before the end of the award year shall remit any award balance allowable to the eligible postsecondary institution pursuant to the institution's withdrawal policy.

005.08 ~~Prior to June 1 of each award year, an institution may make new recommendations to the Commission as needed when funds are returned in accordance with its institutional refund policy. The Commission shall review the submissions pursuant to Section 004.03 of this rule.~~ Award funds not awarded within the award year in which the funds were allocated shall be returned to the Commission by the institution at a time specified by the Commission.

005.09 Eligible institution reporting requirements:

005.09A The eligible postsecondary educational institution shall submit yearly reports as requested by the Commission. The reports shall include, but not be limited to: recipient's name, recipient's Social Security number, amount

disbursed to recipient, each recipient's Expected Family Contribution (EFC) amount, recipient's income level and enrollment status, whether the recipient is a dependent student or independent student, and the institution's unmet need data as defined by the Commission.

005.09B The eligible postsecondary educational institution shall comply with the Commission's request for reports to verify award amount-s and eligibility of individual student recipients. ~~The eligible instituions shall also comply with request for reports necessary to complete federal reporting requirements.~~ Any eligible postsecondary educational institution not providing the requested reports as outlined by the Commission within the time period allowed shall be deemed in non-compliance with the Nebraska Opportunity ~~"~~Grant Act and may be ineligible to participate in the Act and receive grant funding for eligible students.

005.10 Aid may not be awarded or disbursed from this Act if that aid, when combined with all other resources, would exceed the student's financial need or is not in compliance with federal award guidelines.

006 STUDENT RESPONSIBILITIES

006.01 A student shall apply for federal financial aid through the Free Application for Federal Student Aid for the applicable award year.

006.02 A student shall ~~be eligible to receive a Federal Pell Grant from the United States Department of Education or~~ have an Expected Family Contribution of no more than the yearly maximum ~~EFC~~ Expected Family Contribution for the current award year.

006.03 The student shall complete a financial aid application at the eligible postsecondary education institution to be eligible to be considered for an award.

006.04 A student shall be an undergraduate and a resident who is domiciled in Nebraska as provided by Neb. Rev. State § 85-502.

006.05 A student receiving an award under the Nebraska Opportunity Grant Act shall certify that the award will be used for educational expenses only.

006.06 The student shall maintain satisfactory academic progress as defined by the institution.

006.07 If the student award recipient discontinues attendance before the end of an award period the student shall remit to the institution any award balances in accordance with the institution's withdrawal or refund policy addressing that issue.

007 STUDENT APPEAL PROCESS

007.01 Students who are adversely affected by the actions of the Commission or an eligible postsecondary educational institution in the distribution of funds or granting of awards may appeal the decision.

007.01A Students shall first make an appeal directly through the eligible postsecondary educational institution's financial aid appeal procedure.

007.01B Students who desire further consideration of an institutional decision may appeal, in writing, to the Coordinating Commission for Postsecondary Education within 21 calendar days of the institutional decision. The decision of the Commission shall be binding.

Appendix A: Sample Application for Institutions Participating in the Nebraska Opportunity Grant Program: Page 1 of 2

Nebraska Opportunity Grant Application
XXXX-XX Academic Year

Institution _____

Please read the instructions carefully. Complete and return via mail to J. Ritchie Morrow, Coordinating Commission for Postsecondary Education, P.O. Box 95005, Lincoln, NE 68509-5005, via fax at 402.471.2886, or via e-mail at Ritchie.Morrow@nebraska.gov by **[Date].** Please make sure that the application **and** the Statement of Assurance are signed and dated.

_____A. Is the teaching calendar at your institution based on semester credit hours (SCH), quarter credit hours (QCH), or clock hours (CH)?

_____B. **Number of eligible students** - for the award year July 1, YYYY to June 30, YYYY, the total number of Nebraska resident students who have not earned a bachelor's degree and whose EFC was equal to or less than [the yearly maximum EFC for the current award year].

_____1. Of those students listed in "B" above, the total number of enrolled credit/clock hours.

C. **Tuition and mandatory fees**

_____ For institutions that charge by the semester or quarter hour, provide the resident, full-time tuition and mandatory fees for your institution's YYYY-YY academic year.

– Full-time is defined as 30 semester credit hours or 45 quarter credit hours.

--For independent colleges and universities and private career colleges the resident distinction does not apply.

For institutions that charge by the program, in the space below provide the name of the program, the cost for the program, and the length of the program for July 1, YYYY, through June 30, YYYY, (e.g., cosmetology, $10,000, 14 months; computer technology, $25,000, 18 months). **If the institution offers more than one program, you must provide the weighted average program cost and the weighted average program length of all programs.**

Appendix A: Sample Application for Institutions Participating in the Nebraska Opportunity Grant Program: Page 2 of 2

I assure the information contained in this document is, to the best of my knowledge, an accurate portrayal of the records maintained by the institution I represent. I understand that all institutional information obtained to complete this application will be maintained for review during an on-site audit. I have included the signed Statement of Assurance. **I understand that any intentional misrepresentation of the facts will void this institution's participation in the Nebraska Opportunity Grant Act.**

_____

Name of Authorized Institutional Representative (Printed or Typed)

_____ _____

Signature of Authorized Institutional Representative Date

Statement of Assurance

YYYY-YY Nebraska Opportunity Grant

I assure the below-named institution will work with the Coordinating Commission for Postsecondary Education (CCPE) in identifying students who are eligible for the Nebraska Opportunity Grant (NOG) and will act as the Commission's agent to disburse such grant funds directly to the eligible student, pursuant to the Nebraska Opportunity Grant Act (Neb. Rev. Stat. § 85-1901 to 85-1920).

I assure the CCPE may review the financial aid recipients' files, including but not limited to those files associated with enrollment and financial aid for the award year specified.

I assure compliance with the rules and regulations regarding the NOG.

I assure all recipients of the NOG will:

1. have applied for financial assistance;
2. be undergraduate students that have not earned a bachelor's, graduate or professional degree;
3. not have an EFC in excess of the yearly maximum;
4. be Nebraska residents;
5. meet all requirements listed in the rules and regulations governing the program;
6. be awarded a grant that does not exceed 50% of the University of Nebraska-Lincoln's; previous year's tuition and mandatory fees charged a Nebraska resident undergraduate student;
7. be selected for awards without regard to race, creed, color, national origin, ancestry, age, sex, or handicap.

I further assure the information provided on the NOG application is accurate. The CCPE staff can verify these numbers during an on-site audit. Failure to report accurate numbers will result in a review of the institution's participation in the state grant program. Intentional misrepresentation will result in the institution's suspension from the program.

I understand I am required to provide the CCPE a copy of my institution's fiscal year audit. If my institution is required to complete an A-133 audit, I understand it is the institution's responsibility to provide a copy of the A-133 audit to the CCPE. All audit information must be provided to the CCPE within 30 days of completion of the audit or within 9 months of the close of the award year, whichever is earlier. Failure to submit the audit, and when required the A-133 audit, can result in suspension of state grant funding. I further understand that the fiscal year audit and the A-133 audit files may be examined by the CCPE during its regular financial aid audit.

_____

Name (Please print or type) Institution

_____

Signature Date

Statement of Assurance

YYYY-YY Nebraska Opportunity Grant

I assure that the below-named institution will work with the Coordinating Commission for Postsecondary Education (CCPE) in identifying students who are eligible for the Nebraska Opportunity Grant (NOG) and will act as the Commission's agent to disburse such grant funds directly to the eligible student, pursuant to the Nebraska Opportunity Grant Act (LB956 2010).

I assure that the CCPE may review the financial aid recipients' files, including but not limited to those files associated with enrollment and financial aid for the award year specified.

I assure compliance with the rules and regulations regarding the NOG. The rules and regulations include the Leveraging Educational Assistance Partnership (LEAP) and the Special Leveraging Educational Assistance Partnership (SLEAP) Programs, which are components of the NOG. [The CFDA identifiers for the LEAP and SLEAP Programs are 84.069A and 84.069B, respectively, provided by the US Department of Education.]

I assure that all recipients of the NOG will be undergraduate students that have not earned a bachelor's degree; that all recipients will have applied for financial assistance; that all students will not have an EFC in excess of the yearly maximum; that all recipients will be Nebraska residents; that grants will not exceed 50% of UNL's tuition and mandatory fees; and that students benefiting from the program will meet all requirements listed in the rules and regulations governing the program.

I further assure that the information provided on the NOG application is accurate. The CCPE staff can verify these numbers during an on-site audit. Failure to report accurate numbers will result in a review of the institution's participation in the state grant program. Intentional misrepresentation will result in the institution's suspension from the program.

I understand I am required to provide the CCPE a copy of my institution's fiscal year audit. If this institution expends $300,000 or more in federal award funds, I understand it is the institution's responsibility to provide a copy of the A-133 audit to the CCPE. All audit information must be provided to the CCPE within 30 days of completion of the audit or within 9 months of the close of the award year, whichever is earlier. Failure to submit the audit, and when required the A-133 audit, can result in suspension of state grant funding. I further understand that the fiscal year audit and the A-133 audit files may be examined by the CCPE during its regular financial aid audit.

Name (Please print or type) _____ Institution _____

Signature _____ Date _____