

~~TITLE 281 - COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION
CHAPTER 3 - RULES AND REGULATIONS CONCERNING ACCREDITATION OF A
PRIVATE COLLEGE~~

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~~001 – General Provisions~~

~~These Rules and Regulations provide for the implementation of LB 141 as passed by the 86th Legislature first session and signed by Governor Thone on May 17, 1979. The Act authorizes the Coordinating Commission for Postsecondary Education to provisionally accredit a private college which has not been previously accredited by a regional or professional accrediting association recognized by the Council on Postsecondary Accreditation.~~

~~002 – Statutory Authority~~

~~This rule is adopted pursuant to authority vested in the Coordinating Commission for Postsecondary Education in Chapter 85, Section 1111.~~

~~003 – Application Procedure~~

~~003.01 An approved private college which is not regionally accredited may apply for provisional accreditation by contacting the Executive Director of the Commission, or his designated representative.~~

~~003.02 The Commission staff will assist the applicant in obtaining a mutually acceptable consultant, who has experience as a member of regional accreditation teams, to work with the institution in developing a self-study.~~

~~003.03 The self-study will include an extension of all the elements contained in Rule 2 as to the requirements for a petition for the establishment of a new private institution and the elements normally required for regional or professional accreditation.~~

~~003.04 Upon submission of the self-study to the Commission, the Commission and the applicant will jointly select a three member team which will review the self-study, visit the campus to verify statements in the self-study and recommend to the Commission approval or disapproval of provisional accreditation.~~

~~All expenses for the review are to be borne by the applicant.~~

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004 — Definitions

~~— The Coordinating Commission for Postsecondary Education invests its staff the
— authority to use the following definitions for purposes of implementing this rule
— and these regulations.~~

~~— 004.01 Provisional Accreditation — Provisional accreditation indicates that an
— institution is a candidate for accreditation having achieved initial recognition and
— is progressing toward, but is not assured of, regional or professional
— accreditation.~~

~~— 004.02 Self Study — A self-study is an analysis by an institution of its major
— problems and the projected solutions to these problems. A self-study generally
— contains statements concerning is authorization; history; institutional
— philosophy, goals, and objectives; organization and administration; faculty;
— students; curriculum; library; finances; and facilities.~~

005 — Notification of Decision

~~— All contacts with the Commission (except appeals) will be made through the
— Executive Director. The Executive Director shall notify the applicant by
— telephone within 24 hours of the action by the Commission and by registered
— mail within 5 days after the action by the Commission.~~

006 — Appeals

~~— The proposed institution has the right of appeal should its application be denied
— when the institution can show that its application has been misrepresented by
— Commission staff or others in testimony before the Commission or that the
— Commission has not followed the procedures prescribed by this rule. The
— institution whose application has been denied because of incomplete
— information has the right of reapplication.~~

~~— 006.01 Procedure — An appeal will be made to the Chairman of the Commission.
— The chairman shall appoint a special committee of three Commissioners to
— review the appeal. The committee shall consider the appeal and make
— recommendations to the Commission. The decision of the Commission shall be
— binding.~~

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007 Length of Provisional Accreditation

~~Provisional accreditation, when granted, shall not remain in effect for more than three years but may be renewed for a like period in the manner stated in this rule and these regulations.~~

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

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Definitions	Neb. Rev. Stat. § 85-2102	003
Student Application	Neb. Rev. Stat. §§ 85-2102, 85-2104, and 85-2105	004
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Qualified Postsecondary Educational Institution Responsibilities	Neb. Rev. Stat. §§ 85-2102, 85-2105, and 85-2106	006
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Purpose and Objectives	Neb. Rev. Stat. § 85-2103	001
Qualified Postsecondary Educational Institution Responsibilities	Neb. Rev. Stat. §§ 85-2102, 85-2105, and 85-2106	006
Statutory Authority	Neb. Rev. Stat. §§ 85-1411, 85-1412, and 85-2108	002
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~~Nebraska Administrative Code~~

TITLE 281 – COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION
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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. §§ 85-1411, 85-1412, and 85-2108.

003. DEFINITIONS.

003.01 Commission means the Coordinating Commission for Postsecondary Education.

003.02 Extreme hardship means any event, including but not limited to 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. A copy of this form is included in Appendix A. The form may be found on the Commission's website.

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.

003.06 Career program or plan of study means a sequence of at least three high school courses that (a) may include dual-credit or college credit courses, (b) are part of a career pathway program of study aligned with (i) the rules and regulations of the State Department of Education, (ii) a professional certification requirement, or (iii) the requirements for a postsecondary certification or diploma, and (c) have at least one local member of business or industry partnering as an official advisor to the program.

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:

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

004.01(A)(i) Supplemental Security Income;

004.01(A)(ii) ~~Food stamps~~ Supplemental Nutrition Assistance Program;

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

004.01(A)(iv) ~~Aid to families with dependent children~~; Temporary Assistance for Needy Families; or

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

004.01(B) The student or the student's parent or legal guardian has experienced an extreme hardship; or:-

004.01(C) The student is enrolled in a career program or plan of study and the student's family has an annual household income at or below two hundred percent of the federal poverty level.

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. A copy of this form is included in Appendix B. The student must complete an application developed by the Commission for each term. The Commission shall determine the date when the application process for each term opens. The application may be found on the Commission's website.~~

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-submit the completed ~~and signed~~ application to ~~his or her guidance counselor~~ an official designated by the high school.

004.04 The ~~applicant's guidance counselor~~ official designated by the high school shall verify the student's eligibility for the scholarship. The ~~guidance counselor~~ official designated by the high school shall ~~sign the application and forward it~~ the application to the ~~Commission~~ 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 ~~05~~ 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. The

student must submit an application prior to the deadline date established by the Commission for each term.

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~~ official designated by the high school 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~~ enrollment verification from the postsecondary institution. Notification must be given in writing, whether by U.S. mail or e-mail.

005.03 The Commission shall establish priority dates for each term. Priority shall be given to students applying for the scholarship who meet the requirements in subsection 004.01A and 004.01B.

005.04 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~~
The qualified postsecondary educational institution agrees to provide the following information required by the Commission to carry out the act:-

006.01(A) The course ID;

006.01(B) The course credit hours;

006.01(C) The grade earned for the course; and

006.01(D) The tuition and mandatory fees charged for the course. Should the course be a part of a career program or plan of study, the amount the ACE program will reimburse is the actual charges for tuition and mandatory fees or \$250, whichever is less. Otherwise, the amount the ACE program will reimburse is the actual charges for tuition and mandatory fees or an amount equal to the tuition and fees for the same number of credit hours if the student were taking the course as a full-time, resident, undergraduate student from the University of Nebraska-Lincoln, whichever is less.

006.02 The Ceommission 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.

~~006.02(A) 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.~~

006.02(AB) When a student withdraws from a course during the full refund period and the Ceommission has paid a scholarship award to the qualified postsecondary educational institution, the institution must notify the Commission of the withdrawn course and must refund the scholarship money directly to the Ceommission.

006.02(BG) When a student withdraws from a course after the full refund period and the Ceommission has paid a scholarship award to the qualified postsecondary educational institution, the institution must refund the scholarship money directly to the Ceommission 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.

006.03(A) 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.

006.03(B) When an overpayment occurs due to a payment from any ~~other~~ source other than ~~the student~~those identified in 006.03A, the qualified postsecondary educational institution must first refund the overpayment to the Ceommission, up to the amount paid by the Ceommission 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 ~~E~~xecutive ~~D~~irector of the ~~C~~ommission. 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. Rev. Stat. §§ 85-2101, et seq.~~

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APPENDIX A: SAMPLE INSTITUTIONAL APPLICATION TO PARTICIPATE: Page 2

Institution

Name of Authorizing Official (Printed) _____ Title

Signature _____ Date

E-mail _____ Phone

Contact Person (if different from above) _____ Title

E-mail _____ Phone

Access College Early Application Student Application

(Please type or print legibly in pen. All information required unless indicated otherwise.)

_____/_____/____ Gender*: Male
First _____ Middle _____ Last _____ Birth Date _____ Female
(MM/DD/YYYY)

Home Address/City/Zip _____ GPA (A = 4.0)* _____

High School/City _____ Year in High School (9, 10, 11 or 12) _____

Student/Parent/Guardian E-mail (if available) _____ Attending College/University _____

Race/Ethnicity* (optional; check one box only):

White, non-Hispanic Black, non-Hispanic Hispanic
 Asian/Pacific Islander Native American Two or more races

* For research purposes only. This information will not be used to determine your eligibility for the ACE Scholarship.

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

Supplemental Security Income (SSI) Temporary Assistance for Needy Families (TANF) Food Stamps
 Special Supplemental Nutrition Program (WIC) Free or Reduced Price Lunches Other Extreme Hardship

(Documentation verifying above information required.)

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APPENDIX B: SAMPLE STUDENT SCHOLARSHIP APPLICATION: Page 2

I certify that the above information is accurate and correct. I acknowledge that this scholarship will only apply to tuition and mandatory fees at the college and that the scholarship will pay the tuition and mandatory fee balance after other grants/scholarships are applied as required in the Act. I certify that I intend to graduate from a Nebraska high school and that I intend to maintain Nebraska residency upon graduation. I authorize the attending college/university listed above to release my tuition and fees statement and grades to the Coordinating Commission for Postsecondary Education upon request. 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. I authorize the high school listed above or the federal agency that administers a benefit program listed above to release documentation confirming eligibility for the benefit program checked above. I authorize the attending college/university listed above to release my child's tuition and fees statement and grades to the Coordinating Commission for Postsecondary Education when requested.

Parent/Guardian Signature _____ Date _____

Parent/Guardian Name (please print) _____ Phone number _____

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(s)/guardian(s) do qualify for the federal benefit program or has experienced an extreme hardship as indicated above.

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, e-mail to Ritchie.Morrow@Nebraska.gov, or fax to 402.471.28

TITLE 281, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 9
COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION
RULES AND REGULATIONS CONCERNING CAPITAL CONSTRUCTION

TITLE 281 - COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION
 CHAPTER 9 - RULES & REGULATIONS CONCERNING CAPITAL CONSTRUCTION

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Statutory Authority	<u>Neb. Rev. Stat. §§ 85-180.14, 85-401, 85-404, 85-408, 85-1401, to 85-14024, 85-1410 to 85-1414, to 85-1416, to 85-1418, 85-1421 to 85-1427, 85-1511, 85-1515, 85-1517, 85-15365 and 85-2233</u>	002
Scope and Related Provisions	<u>Neb. Rev. Stat. §§ 85-180.14, 85-401, 85-404, 85-408, 85-1401, to 85-14024, 85-1410 to 85-1414, to 85-1416, to 85-1418, 85-1421 to 85-1427, 85-1511, 85-1515, 85-1517, and 85-15365</u>	003
Definitions	<u>Neb. Rev. Stat. § 85-1402</u>	004
<u>Facilities Information Base</u>	<u>Neb. Rev. Stat. §§ 85-1412, 85-1417, 85-1421 to 85-1423, and 85-1425 to 85-1427</u>	<u>005</u>
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Capital Construction Projects	<u>Neb. Rev. Stat. §§ 85-180.14, 85-401, 85-1402, 85-1414, 85-1417, 85-1418, 85-1511, 85-1515, 85-1517, 85-1535 and 85-2233</u>	00 <u>67</u>
Constitutional Authority	<u>85-1401 to 85-1416, 85-1418 Neb. Const. art. VII, sec. 14 (1990)</u>	001
Definitions	<u>Neb. Rev. Stat. § 85-1402</u>	004
<u>Facilities Information Base</u>	<u>Neb. Rev. Stat. §§ 85-1412, 85-1417, 85-1421 to 85-1423, and 85-1425 to 85-1427</u>	<u>005</u>
General Considerations	<u>Neb. Rev. Stat. § 85-1418</u>	009
Institutional <u>Comprehensive</u> - <u>Facilities Plan</u> <u>nings</u>	<u>Neb. Rev. Stat. §§ 85-1414</u>	00 <u>56</u>
<u>Revenue Bond Projects</u>	<u>85-404, 85-408, 85-1415</u>	<u>007</u>
Scope and Related Provisions	<u>Neb. Rev. Stat. §§ 85-180.14, 85-401, 85-404, 85-408, 85-1401, to 85-1402, 85-1410 to 85-1414, to 85-1416, to 85-1418, 85-1421 to 85-1427, 85-1511, 85-1515, 85-1517, and 85-1536</u>	003
Statutory Authority	<u>Neb. Rev. Stat. §§ 85-180.14, 85-401, 85-404, 85-408, 85-1401, to 85-1402, 85-1410 to 85-1414, to 85-1416, to 85-1418, 85-1421 to 85-1427, 85-1511, 85-1515, 85-1517, 85-1536 and 85-2233</u>	002

TITLE 281 - COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION
CHAPTER 9 - RULES & REGULATIONS CONCERNING CAPITAL CONSTRUCTION

LAST ISSUE DATE: June 16, 1994 [NOTE: *Italicized words are defined in Section 004. DEFINITIONS.*]

001. CONSTITUTIONAL AUTHORITY. Applicable sections of the Constitution of the State of Nebraska, ~~Edited 1992, include~~ article VII -- ~~Education~~, section 14, relating to the establishment and authority of the Coordinating Commission for Postsecondary Education ~~including~~:

001.01 COMPREHENSIVE STATEWIDE PLAN FOR POSTSECONDARY EDUCATION. Authority to adopt and revise as needed, a Comprehensive Statewide Plan for Postsecondary Education, which shall include plans for facilities which utilize *tax funds designated by the Legislature*.

001.02 CAPITAL CONSTRUCTION PROJECTS. Authority to review, monitor, and approve or disapprove each public postsecondary educational institution's *capital construction projects* which utilizes *tax funds designated by the Legislature* in order to provide compliance and consistency with the Comprehensive Statewide Plan and to prevent *unnecessary duplication*.

001.03 BUDGET REQUEST RECOMMENDATIONS. Authority to review and modify, if needed, to promote compliance and consistency with the Comprehensive Statewide Plan and prevent *unnecessary duplication*, the budget requests of each public postsecondary educational institution's *governing board*.

001.04 ADDITIONAL POWERS. Additional powers and duties provided to the *Commission* by the Legislature, related to postsecondary education, as long as such powers and duties do not invade the governance and management authority of the Board of Regents of the University of Nebraska and the Board of Trustees of the Nebraska State Colleges as provided in the Constitution of Nebraska.

001.05 PROPERTY TAX REVENUE. Nothing providing for statewide coordination shall limit or require the use of property tax revenue by and for community colleges.

002. STATUTORY AUTHORITY. Applicable Nebraska Statutes include:

002.01 ~~Nebraska Revised Statutes (Reissue of 1994) sections 85-401, Neb. Rev. Stat. §§ 85-1401, 85-1402 subsections (1), (2), (3), (5), (7), and (8), 85-1403, 85-1404, 85-1410 subsection (4), 85-1411 subsection (4), 85-1412 subsections (1) and (6), 85-1413 subsections (1) to (6), 85-1414 subsections (1), (9), (10) and (11), 85-1416 subsections (1) and (3), 85-1417, and 85-1418, 85-1421 to 85-1423, and 85-1425 to 85-1427~~ relating to a *statewide facilities information base*, *Commission* review of *institutional comprehensive facilities plans*, proposed *capital construction projects*, and ~~proposed~~ capital *construction* budget requests and recommendations.

~~002.02 Nebraska Revised Statutes (Reissue of 1994) sections Neb. Rev. Stat. §§ 85-1511 subsections (4) and (7), 85-1515, 85-1517 subsection (2), and 85-1535 subsection (3), and 85-2233 subsection (3) relating to coordination by the Commission of the construction, lease, purchase, purchase on contract, operation, equipping, and maintenance of facilities for community colleges.~~

~~002.03 Nebraska Revised Statutes (Reissue of 1994) section 85-180.14, relating to Commission approval of the construction and operation of facilities for the veterinary medicine and surgery program at the University of Nebraska.~~

~~002.04 Nebraska Revised Statutes (Reissue of 1994) sections 85-404, 85-408 and 85-1415, relating to Commission review and recommendation of revenue bond and surplus fund projects for the University of Nebraska and Nebraska State Colleges.~~

003. SCOPE AND RELATED PROVISIONS.

003.01 These rules and regulations relate to:

003.01(A) Providing a state-level uniform information system for all public postsecondary education systems and institutions that will insure the Legislature and other state agencies obtain timely and accurate information concerning facilities;

003.01(B) *Commission review of and comment about public institutional ~~comprehensive~~ facilities plans;*

003.01(BC) *Commission review, monitoring, and approval or disapproval of applicable capital construction projects; and*

~~003.01(C) *Commission review and recommendation of applicable revenue bond projects; and*~~

003.01(D) *Commission review and recommended modification, approval, or disapproval of the University of Nebraska's and Nebraska State Colleges' capital construction budget requests and major deficit appropriation requests, and development of a unified statewide prioritization of these requests.*

003.02 The *Commission* shall coordinate its responsibilities with both the Executive and Legislative branches of State government, and the *governing ~~and/or coordinating~~ board's* of the State's *public institutions*.

003.03 The provision of a statewide facilities information base, review of proposed *institutional ~~comprehensive~~ facilities plans, capital construction projects, ~~revenue bond projects~~* and capital construction budget requests shall be subject to the rules contained herein; the Comprehensive Statewide Plan; for Postsecondary Education, which includes the Statewide Facilities Plan; the *Commission's* budgetary review process; and such other rules, regulations, and procedures as shall be adopted and promulgated by the *Commission*.

003.04 The footnote section contained herein shall not be construed as a part of the Rules of the *Commission* but is used for illustrative purposes only.

004. DEFINITIONS.

004.01 CAPITAL CONSTRUCTION PROJECT. Shall mean a project which utilizes *tax funds designated by the Legislature* and shall be: Any proposed new *capital structure*; any proposed addition to, *renovation* of, or *remodeling* of a *capital structure*; any proposed acquisition of a *capital structure* by gift, purchase, lease-purchase, or other means of construction or acquisition; or any combination thereof that 1) will be *directly financed* in whole or in part with *tax funds designated by the Legislature* totaling at least the *minimum capital expenditure* for purpose of the eis definition, or 2) is likely, as determined by the institution, to result in an *incremental increase* in appropriation or expenditure of *tax funds designated by the Legislature* of at least the *minimum capital expenditure* for the facility's operations and maintenance costs¹ in any one fiscal year within a period of ten years from the date of substantial completion or acquisition of the project. For purposes of this definition:

004.01(A) DIRECTLY FINANCED. Shall mean funded by: 1) Appropriation of *tax funds designated by the Legislature* for the specific *capital construction project*; 2) property tax levies authorized pursuant to Neb. Rev. Stat. § 85-1517 used to establish a capital improvement and bond sinking funds pursuant to section Neb. Rev. Stat. § 85-1515 of the Nebraska Revised Statutes (Reissue of 1994); or 3) that portion of *tax funds designated by the Legislature* and appropriated by the Legislature for the general operation of the *public institution* and utilized to fund the *capital construction project*.

004.01(B) INCREMENTAL INCREASE. Shall mean an increase in appropriation or expenditure of *tax funds designated by the Legislature* of at least the *minimum capital expenditure* for a facility's operations and maintenance costs, beyond any increase due to inflation, to pay for a *capital structure's* operations and maintenance costs that are a direct result of a *capital construction project*.

004.01(C) MINIMUM CAPITAL EXPENDITURE. Shall mean: 1) for purposes of construction or acquisition pursuant to this definition of *capital construction project*, a base amount adjusted for inflation as required by statute, and 2) for purposes of the facility's operations and maintenance costs pursuant to this definition of *capital construction project*, a base amount adjusted for inflation as required by statute for any one fiscal year. Both-The base amounts for the facility's operations and maintenance costs shall be subject to any inflationary or market adjustments made by the *Commission* pursuant to this definition. The *Commission* shall adjust the base amounts on a biennial basis beginning January 1, 2010-1996. The adjustments shall be based on percentage changes in a construction cost index and any other published index relevant to operations and maintenance-utilities costs, as selected by the *Commission* in cooperation with the *public*

¹ Examples of facility's operations and maintenance costs include: Utilities, custodial service, building maintenance, landscape and grounds maintenance, physical plant administration, security, mail service, communications service, and property insurance.

institutions. The index or indices shall reflect inflationary or market trends for the applicable operation and maintenance or construction costs. Specific dollar amounts can be found in *Commission* procedures implementing these rules and regulations.

004.02 *INDIVIDUAL CAPITAL CONSTRUCTION BUDGET REQUEST PROJECT*. Shall mean, for the purpose of prioritization of budget requests, ~~ing the *Commission's* Statewide Capital Budget Recommendation; every proposed project any capital construction request included in the Board of Regents of the University of Nebraska's and Board of Trustees of the Nebraska State Colleges' biennial budget request, LB 309 Task Force for Building Renewal request by category and classification, or major deficit appropriation included in a governing board's capital budget requests,~~ for which the *Commission* has recommended approval, including any *capital construction project* approved by the *Commission* and included in such requests.

004.03 *CAPITAL STRUCTURE*. Shall mean anything constructed or erected, for occupancy, use or ornamentation, that requires permanent location on, below or above the ground, or an addition to an existing *capital structure* having a permanent location on or below the ground.

004.04 *CHANGE IN SCOPE*. Shall mean a significant change in a *capital construction project*, as specifically defined in *Commission* procedures, to include but not be limited to: 1) A substantial increase in the amount of *tax funds designated by the Legislature* used to construct, acquire or provide facilities' operations and maintenance, 2) a significant change in the use of funds², 3) a considerable change in the allocation of square footage for any *major room-use category(s)*, or 4) a programmatic change involving who and/or ~~for~~ what purpose a *major room-use category(s)* serves.

004.05 *COMMISSION*. Shall mean the Coordinating Commission for Postsecondary Education.

~~004.06 *COORDINATING BOARD*. Shall mean the Nebraska Community College Association.~~

~~004.067 *GOVERNING BOARD*. Shall mean the Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, or the board of governors for each community college area, ~~or a representative designated by any of these boards.~~~~

004.078 *INSTITUTIONAL COMPREHENSIVE FACILITIES PLAN*. Shall mean a plan that identifies a *public institution's* existing facilities, the condition and utilization of those facilities, outlines the institution's short-term, mid-term, and long-range program needs, and identifies proposed facilities solutions to meet those program needs.

~~004.09 *MAJOR CAPITAL DEFICIT APPROPRIATION REQUEST*. Shall mean any individual capital project in excess of the minimum capital expenditure and included in a governing board's capital deficit appropriation request.~~

² Example: Reallocating a majority of funds previously allotted for movable equipment to construction.

~~004.0810 MAJOR ROOM-USE CATEGORIES.~~ Shall mean the major room uses outlined in Chapter 2 of the most recently published U.S. Department of Education, National Center for Education Statistics, Postsecondary Education Facilities Inventory and Classification Manual (FICM), 1992.³

~~004.11 NEED STATEMENT.~~ Shall mean a document that provides a preliminary description of a proposed *capital construction project* or *revenue bond project*. The *need statement* is an optional document that may be submitted to the *Commission*. The *Commission* will provide a preliminary evaluation of a project with the review criteria established in these rules and regulations. The content to be provided in a *need statement* shall be in such format as provided by the *Commission*.⁴

~~004.0912 PROGRAM STATEMENT.~~ Shall mean a document that describes and supports the development of a proposed *capital construction project* or *revenue bond project*. ~~A *program statement* provides more detailed information than a *need statement*.~~ The content to be provided in a *program statement* shall be in such format as provided by the *Commission*.⁴

~~004.13 PROJECT STATEMENT.~~ Shall mean an abbreviated *program statement* used to support the development of a proposed *capital construction project* or *revenue bond project* of lesser scale or certain type as specifically defined in *Commission* procedures. The content to be provided in a *project statement* shall be in such format as provided by the *Commission*.⁴

004.104 PUBLIC INSTITUTION. Shall mean any of the following: University of Nebraska-Lincoln, University of Nebraska Medical Center, University of Nebraska at Omaha, University of Nebraska at Kearney, Nebraska College of Technical Agriculture, Chadron State College, Peru State College, Wayne State College, Central Community College, Metropolitan Community College, Mid-Plains Community College, Northeast Community College, Southeast Community College, Western Nebraska Community College, including any other campus administered as a separate unit by a *governing board*, or any other public postsecondary educational institution ~~which that~~ may be established by the Legislature ~~after January 1, 1992.~~

004.115 REMODELING OR RENOVATION. Shall mean work associated with an existing *capital structure*, which may include, but shall not be limited to, modifying or upgrading a *capital structure's* building systems. Such work may include upgrading mechanical or electrical systems, or modifying interiors through changes in room layouts or relocation of openings. This work shall not increase the size of the building footprint or building envelope. Replacement of existing wall, floor or ceiling treatments due to age or damage, or other similar

³ These categories include: Classrooms, laboratories, offices, study facilities, special-use facilities, general-use facilities, support facilities, health-care facilities, residential facilities, and unclassified facilities.

⁴ ~~The Need, Program and Project Statement~~ Outlines provided by the *Commission* shall coordinate with existing State formats and *public institutional* requirements for use of such documents by design professionals.

work, shall not be considered *remodeling* or *renovation*. Separate deferred maintenance projects, fire and life safety projects, Americans with Disabilities Act projects, or energy conservation projects, as defined by the LB 309 Task Force for Building Renewal, shall not constitute *remodeling* or *renovation*.

~~004.16 REVENUE BOND PROJECT. Shall mean all proposed projects, to be financed by revenue bond issues or surplus or replacement funds, approved by the Board of Regents of the University of Nebraska or the Board of Trustees of the Nebraska State Colleges, pursuant to sections 85-404 and 85-408, Nebraska Revised Statutes (Reissue of 1994). This includes any single expenditure of surplus or replacement funds in excess of two hundred fifty thousand dollars (\$250,000) per purchase order or contract.~~

004.127 TAX FUNDS DESIGNATED BY THE LEGISLATURE. Shall mean all State tax revenue and all property tax revenue.

004.138 UNNECESSARY DUPLICATION. Shall mean any *capital structure*, or portion of a *capital structure*, that does not substantially increase access and/or serve valid needs considering the existence of other available and suitable facilities.⁵

005. STATEWIDE FACILITIES INFORMATION BASE.

005.01 APPLICABILITY. All *public institutional* facilities that involve coordination by the *Commission*, Legislature, or other state agency, shall provide state-level uniform facilities information.

005.02 The *Commission* shall maintain uniform data elements and definitions for development of a statewide facilities information base in consultation with *governing boards*, or their designated representative.

005.03 The *Commission* shall identify statewide facilities information to be collected on an annual or periodic basis, regarding each *public institution's* facilities inventory and utilization information.

005.04 *Public Institutions* may comply with requests for facilities information pursuant to Neb. Rev. Stat. § 85-1417, as applicable.

0056. INSTITUTIONAL ~~COMPREHENSIVE~~ FACILITIES PLANNINGS.

0056.01 APPLICABILITY. All *institutional ~~comprehensive~~ facilities plans*, or amendments to such plans, approved or accepted by a *governing board* ~~after January 1, 1992~~, shall require *Commission* review and comment in accordance with these rules and regulations.

⁵ Examples of *unnecessary duplication* include, but shall not be limited to, unnecessarily duplicative facilities within an institution, sector, state, or region.

0056.02 REVIEW CRITERIA. ~~Used by T~~ the Commission shall use the following criteria in the review of ~~a public institution's comprehensive institutional~~ facilities plans ~~shall include the following:~~

0056.02(A) COMPLIANCE AND CONSISTENCY WITH THE COMPREHENSIVE STATEWIDE PLAN. ~~Proposed institutional comprehensive facilities plans~~ shall be reviewed for ~~compliance and consistency~~ with the Comprehensive Statewide Plan ~~as applicable. Areas of compliance and consistency shall, to~~ include, but not be limited to, ~~consistency compatibility of the institutional comprehensive facilities plan~~ with an institution's role and mission assignments.

0056.02(B) COMPLIANCE AND CONSISTENCY WITH THE STATEWIDE FACILITIES PLAN. ~~Proposed institutional comprehensive facilities plans~~ shall be reviewed for ~~compliance and consistency~~ with the Statewide Facilities Plan as applicable. ~~Areas addressed shall include, but not be limited to, consistency of the institutional comprehensive facilities plan with institutional programmatic planning efforts.~~

0056.02(C) ASSESS DUPLICATION OF FACILITIES. ~~Institutional comprehensive facilities plans~~ shall be reviewed for possible *unnecessary duplication* of facilities.

0056.03 COMMISSION REVIEW.

0056.03(A) Governing boards, or a representative designated by the board, shall inform the Commission, in writing, of all ~~institutional comprehensive facilities plans~~, or amendments to such plans, to be submitted to the *governing board* for action.

0056.03(B) Prior to submitting an ~~institutional comprehensive facilities plan~~, or amendments to such plan, for Commission review and comment, the plan or amendment shall first receive written approval or acceptance by the *governing board*. Evidence of *governing board* approval or acceptance shall accompany the plan to the Commission and shall include all material submitted to the *governing board* ~~for approval~~.

0056.03(C) The Commission ~~shall~~ may establish guidelines for the format and content of ~~an each public institutional's comprehensive facilities plan~~.

0056.03(D) The Commission shall provide a written report of its review to the *governing board* within ninety days after receipt of ~~the an approved or accepted institutional comprehensive facilities plan~~. The Commission's report shall comment on the ~~institutional comprehensive facilities plan's compliance and consistency~~ with the review criteria in these rules and regulations. The Commission may recommend modification to an ~~the public institutional's comprehensive facilities plan~~ based on its review.

0056.03(E) The Commission may require periodic updates of ~~public institutional's comprehensive facilities plans~~ as necessary.

0056.03(F) In fulfilling its review of and comments on ~~about public institutional comprehensive facilities plans~~, the Commission shall recognize educational activities

among all segments of postsecondary education and take into account the educational programs, facilities, and other resources of public and private postsecondary educational institutions.

0067. CAPITAL CONSTRUCTION PROJECTS.

0067.01 APPLICABILITY. The following *capital construction projects* proposed by *public institutions* shall require *Commission* review, approval or disapproval, and monitoring for compliance with the approved project, in accordance with these rules and regulations:

0067.01(A) Any proposed new *capital structure*; any proposed addition to, *renovation* of, or *remodeling* of a *capital structure*; any proposed acquisition of a *capital structure* by gift, purchase, lease-purchase, or other means of construction or acquisition; or any combination thereof that will be *directly financed* in whole or part with *tax funds designated by the Legislature* totaling at least the *minimum capital expenditure*.

0067.01(B) Any proposed new *capital structure*; any proposed addition to, *renovation* of, or *remodeling* of a *capital structure*; any proposed acquisition of a *capital structure* by gift, purchase, lease-purchase, or other means of construction or acquisition; or any combination thereof that is likely, as determined by the institution, to result in an *incremental increase* in appropriation or expenditure of *tax funds designated by the Legislature* of at least the *minimum capital expenditure* for the facility's operations and maintenance costs in any one fiscal year within a period of ten years from the date of substantial completion or acquisition of the project.

0067.02 REVIEW CRITERIA. ~~Used by T~~ the Commission shall use the following criteria in the review of proposed *capital construction projects* ~~shall include the following:~~

0067.02(A) COMPLIANCE AND CONSISTENCY WITH THE COMPREHENSIVE STATEWIDE PLAN. Proposed projects shall show compliance and consistency with the Comprehensive Statewide Plan as applicable to a specific project. ~~Areas of compliance and consistency shall include, but not be limited to, the compatibility of a project with an institution's role and mission assignment.~~

0067.02(B) COMPLIANCE AND CONSISTENCY WITH THE STATEWIDE FACILITIES PLAN. Proposed projects shall demonstrate compliance and consistency with the Statewide Facilities Plan. ~~Areas addressed shall include, but not be limited to, compliance and consistency with the institutional comprehensive facilities plan as reviewed by the Commission.~~

0067.02(C) ASSESS DUPLICATION OF FACILITIES. ~~An i~~ nstitutions presents ~~submitting~~ a proposed project for *Commission* review shall illustrate that the project is will not result in an *unnecessary duplication* of capital facilities.

0067.03 COMMISSION REVIEW.

0067.03(A) *Governing boards, or a representative designated by the board,* shall inform the *Commission*, in writing, of all *capital construction projects* to be submitted to the *governing board* for action.

007.03(B) *A public institution shall make a determination whether a project will result in an incremental increase in appropriation or expenditure of tax funds designated by the Legislature of at least the minimum capital expenditure for the facility's operations and maintenance costs in any one fiscal year within a period of ten years from the date of substantial completion or acquisition of the project, and include such determination in a program statement submitted to the governing board for action. The determination for a facility's operations and maintenance costs is final upon approval of the program statement by the governing board.*

0067.03(BC) Prior to submitting a *capital construction project* for *Commission* action, that project shall first receive written approval of a *program statement* by the *governing board*. ~~For capital construction projects of certain scale and/or type, the Commission may accept submittal of a project statement in lieu of a program statement.~~ Evidence of *governing board* approval shall accompany the project to the *Commission* and shall include all material submitted to the *governing board* for approval of the *capital construction project*. ~~Governing boards may choose, at their discretion, to submit a need statement to the Commission for comment prior to submittal of a program statement.~~

0067.03(GD) Action by the *Commission* regarding approval or disapproval of a *capital construction project* shall consist of one of the following:

0067.03(GD)(i) Approval of the project as the basis for further development; or

0067.03(GD)(ii) Disapproval of the project based on lack of compliance or inconsistency of the project with one or more review criteria in these rules and regulations, with reasons explicitly stated.

0067.03(DE) *Capital construction projects* previously disapproved by the *Commission* may be resubmitted by a *governing board* with changes that address the *Commission's* reasons for the original disapproval. The *Commission* shall then review and approve or disapprove the resubmitted project proposal.

0067.03(EF) A *change in scope* to any *capital construction project* previously approved by the *Commission* shall require resubmittal of the project to the *Commission* for review, approval or disapproval, and monitoring for compliance with the approved project. This rule applies for all subsequent phases of a project through construction.

0067.03(FG) ~~Any capital construction project authorized prior to January 1, 1992, by action of the Legislature (including receipt of appropriations) or action of a governing board (previously approved need or program statements), shall be deemed approved by the Commission unless there is a change in scope to the project. The Commission may~~

establish documentation necessary to monitor capital construction projects. When complying with requests for information during the review, monitoring, and approval process, public institutions may comply pursuant to Neb. Rev. Stat. § 85-1417.

0067.03(GH) Unless a *capital construction project* has been reviewed and approved by the *Commission*, no *tax funds designated by the Legislature* shall be expended for an *incremental increase* in a ~~*capital construction project*~~*facility's* operations and utilities costs, of more than the *minimum capital expenditure*.

0067.03(HI) No state warrant shall be used by any public institution for the purpose of funding any capital construction project which has not been approved or which has been disapproved by the Commission.

007.03(J) Beginning July 1, 2013, the Commission shall reduce the amount of distribution of community college aid funds used by a community college area to construct or acquire a capital construction project which has not been approved or has been disapproved by the Commission.

007.03(K) In fulfilling its review authority for *capital construction projects*, the *Commission* shall recognize educational activities among all segments of postsecondary education and take into account the educational programs, facilities, and other resources of public and private postsecondary educational institutions.

007. REVENUE BOND PROJECTS:

~~007.01 APPLICABILITY. The following *revenue bond projects* proposed by *public institutions* shall require *Commission* review and recommendation, in accordance with these rules and regulations:~~

~~007.01(A) All proposed *revenue bond projects*, to be financed by revenue bond issues or surplus or replacement funds, approved by the Board of Regents of the University of Nebraska or the Board of Trustees of the Nebraska State Colleges, pursuant to sections 85-404 and 85-408, Nebraska Revised Statutes (Reissue of 1994). This includes any single expenditure of surplus or replacement funds in excess of two hundred fifty thousand dollars (\$250,000) per purchase order or contract.~~

~~007.02 REVIEW CRITERIA. Used by the *Commission* in the review of proposed *revenue bond projects* shall include the following:~~

~~007.02(A) COMPLIANCE AND CONSISTENCY WITH THE COMPREHENSIVE STATEWIDE PLAN. Proposed projects shall show compliance and consistency with the Comprehensive Statewide Plan as applicable to a specific project. Areas of compliance and consistency shall include, but not be limited to, the compatibility of a project with an institution's role and mission assignment.~~

~~007.02(B) COMPLIANCE AND CONSISTENCY WITH THE STATEWIDE FACILITIES PLAN. Proposed projects shall demonstrate compliance and consistency with the~~

~~Statewide Facilities Plan. Areas addressed shall include, but not be limited to, compliance and consistency with the *institutional comprehensive facilities plan* as reviewed by the *Commission*.~~

~~007.02(C) ASSESS DUPLICATION OF FACILITIES. Institutions presenting a proposed project for *Commission* review shall illustrate that the project is not an *unnecessary duplication* of capital facilities.~~

~~007.02(D) SUFFICIENT INFORMATION TO REVIEW THE PROPOSAL. Institutions presenting a proposed project for *Commission* review shall provide sufficient information for the *Commission* to review and make a recommendation.~~

~~007.03 COMMISSION REVIEW.~~

~~007.03(A) *Governing boards* shall inform the *Commission*, in writing, of all *revenue bond projects* to be submitted to the *governing board* for action.~~

~~007.03(B) Prior to submitting a *revenue bond project* for *Commission* action, that project shall first receive written approval of a *program statement* by the *governing board*. For *revenue bond projects* of certain scale and/or type, the *Commission* may accept submittal of a *project statement* in lieu of a *program statement*. Evidence of *governing board* approval shall accompany the project to the *Commission* and shall include all material submitted to the *governing board* for approval of the *revenue bond project*, including a finance plan as applicable per statute. *Governing boards* may choose, at their discretion, to submit a *need statement* to the *Commission* for comment prior to submittal of a *program statement*.~~

~~007.03(C) Action by the *Commission* regarding a recommendation to the Legislature or the Executive Board of the Legislative Council for a *revenue bond project* shall consist of one of the following:~~

~~007.03(C)(i) Recommendation for approval of the project as the basis for further development; or~~

~~007.03(C)(ii) Recommendation for disapproval of the project based on inconsistency of the project with one or more review criteria in these rules and regulations, with reasons explicitly stated.~~

~~007.03(D) In fulfilling its review authority for *revenue bond projects*, the *Commission* shall recognize educational activities among all segments of postsecondary education and take into account the educational programs, facilities, and other resources of public and private postsecondary educational institutions.~~

008 CAPITAL CONSTRUCTION BUDGET REQUESTS AND RECOMMENDATIONS.

008.01 APPLICABILITY. ~~The Commission will review; recommend modification, approval, or disapproval; and prioritize the following individual capital construction budget requests:~~

~~008.01(A) The following capital projects shall be included in the Commission's review, and recommendation for modification, approval or disapproval, of capital budget requests. Such projects shall be included in the Commission's Statewide Capital Budget Recommendation in accordance with these rules and regulations:~~ All proposed *capital construction projects* approved by the *Commission* and included in the Board of Regents of the University of Nebraska's ~~and or~~ Board of Trustees of the Nebraska State Colleges' ~~Biennial Capital Construction Budget Requests~~ or major ~~capital~~ deficit appropriation requests; and

~~008.01(B) The following capital projects shall be prioritized by the Commission for inclusion in the Commission's Statewide Capital Budget Recommendation in accordance with these rules and regulations:~~ All other individual capital construction budget requests projects included in the Board of Regents of the University of Nebraska's ~~and or~~ Board of Trustees of the Nebraska State Colleges' ~~Biennial Capital Construction Budget Request_s~~, LB-309 Task Force for Building Renewal Requests and or any capital deficit appropriation requests.

008.02 REVIEW CRITERIA. ~~used by t~~The *Commission* shall use the following criteria in the review of ~~proposed Capital Construction biennial B~~udget ~~R~~requests and major ~~capital~~ deficit appropriation requests ~~shall include the following:~~

008.02(A) COMPLIANCE AND CONSISTENCY WITH THE STATEWIDE FACILITIES PLAN. ~~Governing board's Biennial c~~Capital ~~C~~onstruction ~~B~~udget ~~R~~requests and major ~~capital~~ deficit appropriation requests shall demonstrate ~~compliance and~~ consistency with the Statewide Facilities Plan. ~~Areas of review shall include, but not be limited to, compliance with the institutional comprehensive facilities plan as reviewed by the Commission.~~

008.02(B) CONSISTENCY WITH PREVIOUS CAPITAL CONSTRUCTION PROJECT APPROVALS OR DISAPPROVALS. The *Commission* shall only recommend to the Governor and Legislature those *capital construction projects* approved by the *Commission* ~~prior to the statutory deadline for submittal of the governing board's Capital Construction Budget Requests or major capital deficit appropriation requests.~~ The *Commission* shall not recommend *capital construction projects* ~~which that~~ it has previously disapproved unless such projects are resubmitted and approved by the *Commission*.

008.03 COMMISSION REVIEW, RECOMMENDATION AND PRIORITIZATION.

008.03(A) The Board of Regents of the University of Nebraska and Board of Trustees of the Nebraska State Colleges, or a representative designated by the board, shall each submit to the *Commission* information the *Commission* deems necessary to review the

governing board's capital ~~construction~~ budget requests ~~or major deficit appropriation request~~. ~~Governing boards~~ may comply with requests for information pursuant to Neb. Rev. Stat. § 85-1417, as applicable.

008.03(B) The *Commission* shall review the Board of Regents of the University of Nebraska's and Board of Trustees of the Nebraska State Colleges' each ~~governing board's~~ ~~C~~capital ~~C~~construction ~~B~~budget ~~R~~request and major ~~capital~~ deficit appropriation request as approved by the board, and ~~shall~~ may recommend modification, approval, or disapproval of such ~~R~~requests to the Governor and Legislature.

008.03(C) The *Commission* shall develop from a statewide perspective a ~~Statewide Capital Budget Recommendation~~ for submittal to the Governor and Legislature. The ~~Statewide Capital Budget Recommendation~~ shall include a unified statewide prioritization of ~~individual capital construction budget requests~~ for which it has recommended approval and submit such prioritization to the Governor and Legislature for their consideration. the following ~~capital project~~ proposals:

008.03(C)(i) Each ~~capital construction project~~ previously reviewed and approved by the *Commission* and included in a ~~governing board's~~ Capital Construction Budget Request and each ~~major capital deficit appropriation request~~ reviewed by the *Commission*;

008.03(C)(ii) All other ~~capital projects~~ included in a ~~governing board's~~ Capital Construction Budget Request including any other capital deficit appropriation request; and

008.03(C)(iii) The LB 309 Task Force for Building Renewal Request by category (fire & life safety, deferred maintenance, energy conservation, and Americans with Disability Act projects) and Classification (I, II and III).

008.03(D) The *Commission* may consider and respond to the priority order established by the Board of Regents or Board of Trustees in their respective capital construction budget requests.

008.03(E) *Governing boards* shall not submit a request for *tax funds designated by the Legislature* to provide an *incremental increase* in a facility's a ~~capital construction project's~~ operations and maintenance costs, of more than the *minimum capital expenditure*, for any capital construction project that has been excluded from *Commission* review.

009. GENERAL CONSIDERATIONS.

009.01 The *Commission* shall provide procedures to implement these rules and regulations.

009.02 The *Commission* shall be the determining body to approve or disapprove *capital construction project* proposals. Parties wishing to appeal decisions of the *Commission* shall proceed as provided by law.