

SHEEO State Authorization Inventory

Nebraska

Please note: For purposes of this survey, the terms “authorize” and “authorization” are used generically to include approve, certify, license, regulate, recognize, empower, or similar actions relative to the operation, provision, or availability of postsecondary education in your state.

1. Agency and Contact Information

- a. Agency Name: **Nebraska’s Coordinating Commission for Postsecondary Education**
- Description:
Nebraska’s Coordinating Commission regulates those who offer postsecondary education in Nebraska, including Nebraska's public institutions, private institutions, and out-of-state institutions offering courses in Nebraska, including those with a physical presence, offering courses by telecommunication.
 - Contact Information:
Kathleen Fimple
Academic Programs Officer
Nebraska’s Coordinating Commission for Postsecondary Education
402-471-0030
kathleen.fimple@nebraska.gov
 - Please state who institutions should contact if they have questions about your agency’s authority, policies, or application process?
Same as above.
- b. Links:
Home page: <http://www.ccpe.state.ne.us/PublicDoc/CCPE/Default.asp>
- c. The following agency also has responsibility for authorization in the state and was requested to complete a survey.
Nebraska Department of Education, Private Postsecondary Career Schools
- d. If the division of responsibility among these agencies is not clear, please explain.
The Nebraska Department of Education oversees private career schools, generally defined as any organization or business enterprise offering instruction for the purpose of training, preparing, or improving the person for an occupation.

2. Types of Educational Providers Authorized

- a. Please indicate the types of institutions that your agency authorizes, using the list below. Please answer “yes” or “no” to each item. Feel free to provide a short explanation of any ambiguity, including any necessary clarification of “in-state,” “out of state,” or other terminology.

- Yes Public, in-state degree granting institutions
- Yes Public, out-of-state degree granting institutions
- Yes Private, in-state, not-for-profit degree granting institutions
- Yes Private, out-of-state, not-for-profit degree granting institutions
- Yes Private, in-state, for-profit degree granting institutions
- Yes Private, out-of-state, for-profit degree granting institutions
- Public, in-state, non-degree granting institutions
- Public, out-of-state, non-degree granting institutions
- Non degree, not-for profit institutions
- Non degree, for-profit institutions
- Yes* Religious institutions
- Tribally-controlled institutions

Clarifying comments:

***If the institution is offering academic credit.**

- b. Is an institution required to obtain approval from more than one agency to be authorized in your state (excluding purely programmatic approvals)? If so, please explain.

Not as of May 2011 when legislation removed any overlap.

- c. Is accreditation required for an institution to be authorized in your state?

Yes.

- If yes, please explain:
By an accrediting body recognized by the US Department of Education.
- If yes, what type of accreditation is required? Please, check all that apply as appropriate.
 - Regional
 - National
 - Programmatic/specialized

Clarifying comments:

**Accrediting body recognized by the US Department of Education.
Programmatic if it is required for a profession.**

- d. Does your agency authorize specific academic programs offered by institutions or only institutions themselves?

Any institution not currently offering in Nebraska would be approved as an institution offering specific programs/courses. Additional approval is required for modifications to original authorization.

- e. Do programs in certain subject areas require the separate approval by another state entity; for example, a professional licensing agency?

Education

<http://www.education.ne.gov/TCERT/>

Nursing

<http://www.hhs.state.ne.us/crl/nursing/rn-lpn/rn-lpn.htm>

Some professions require an individual to graduate from an accredited program in order to practice in the state, but the state does not approve the program.

3. Exemptions

- a. Are certain institutions or programs exempt by law or policy from your state authorization requirements?

Yes.

- If yes, please describe which institutions or programs the exemption applies to and how it works? If available, please provide any pertinent web links.
- If yes, how does the institution or program claim an exemption? For example, is the exemption automatic as long as it meets specified criteria, does the institution or program notify the agency and the exemption is granted, is there an application process, etc.?

In Nebraska, you do not need approval to offer courses or programs that are entirely online with no physical presence in the state. Establishing a physical presence means:

- Offering a course for college credit or a degree program in this state that leads to an associate, baccalaureate, graduate, or professional degree, including:
 - Establishing a physical location in this state where a student may receive synchronous or asynchronous instruction; or
 - 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

- Establishing an administrative office in this state.
Physical presence does not include: An educational experience arranged for an individual student, such as a clinical, practicum, residency, or internship; or any of the following:
 - Course offerings on a military installation solely for military personnel or civilians employed on such installation;
 - Course offerings in the nature of a short course or seminar if instruction for the short course or seminar takes no more than twenty classroom hours; or
 - Courses offered online or through the United States mail or similar delivery service which do not require the physical meeting of a student with instructional staff.

There is currently no requirement or process for notifying the agency when an institution falls under one of the exemption categories. However, a letter is available for institutions with exclusively online offerings that states approval is not required (giving the name and location of the institution).

- b. If an institution or program is exempt from state authorization, are there any other state requirements that an institution would need to fulfill in order to operate in your state (e.g., providing contact information, list of programs, etc.)?
No.
- c. Does your state constitution or do your state laws provide any exemptions for religious institutions?
Only if they are not awarding academic credit (as would be true for any other entity).
 - Are all religious institutions exempt (please describe)?
 - Are religious institutions that award only religious degrees or certificates exempt (please describe)?
 - Are certain religious institutions exempt that meet other criteria (please describe)?

4. Authorization of Distance Education

- a. Does your agency require purely (100%) distance education programs, including online or correspondence study programs that enroll residents of your state, to be authorized without regard to physical presence?
If they are purely online or correspondence courses, they would not trigger physical presence so no authorization would be required (see question 3.)
- b. If not, does your agency determine whether an institution must be authorized based on a physical presence or “operating” standard?

5. Physical Presence Policy – Common “Triggers”

- a. If your agency uses a physical presence standard, how does your agency define physical presence? If available, please provide a link to that policy or a citation to the relevant regulation giving that standard.

Establishing a physical presence means:

- Offering a course for college credit or a degree program in this state that leads to an associate, baccalaureate, graduate, or professional degree, including:
- Establishing a physical location in this state where a student may receive synchronous or asynchronous instruction; or
- 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
- Establishing an administrative office in this state.

Physical presence does not include: An educational experience arranged for an individual student, such as a clinical, practicum, residency, or internship; or any of the following:

- Course offerings on a military installation solely for military personnel or civilians employed on such installation;
- Course offerings in the nature of a short course or seminar if instruction for the short course or seminar takes no more than twenty classroom hours; or
- Courses offered online or through the United States mail or similar delivery service which do not require the physical meeting of a student with instructional staff.

This is based on recent legislation. Currently, the only link available is to the legislative bill:

<http://nebraskalegislature.gov/FloorDocs/Current/PDF/Final/LB637.pdf>

- b. Please specify whether any of the following activities would constitute a physical presence or signify “operating” in your state, assuming that the named activity is the institution’s sole activity in your state. **Please answer “yes” or “no” to each question. In addition you may provide a short explanation of any ambiguity.**
- Permitting a student to complete an internship, externship, field experience, or clinical practicum organized by the institution?
No.
 - Does this apply only to distance education students or more generally?
Generally.
 - Permitting a student to complete an internship, externship, field experience, or clinical practicum found by the student acting independently?
No.
 - Does this apply only to distance education students or more generally?
Generally.
 - Employing full-time faculty in the state to provide instruction via distance education programs to students in the state?
No.
 - What about adjunct faculty?
No.
 - Employing full-time faculty in the state to provide instruction via distance education programs solely to students outside of the state?
No.
 - What about adjunct faculty?
No.
 - Having a contract/agreement between the institution and in-state institutions or in-state entities to provide services for students (i.e. library, gym, computer centers, etc.)?
No.
 - Organized, consistent, on-the-ground recruiting of students in the state by employees or agents of the institution?
No.

- What if the agent is only recruiting students in the state on an occasional basis (i.e. at job fairs)?
No.
 - Advertising in local media sources that are largely viewed by residents of the state?
No.
 - Advertising in national media sources that can be accessed by residents of the state?
No.
 - Having computer servers or other equipment located in the state?
No.
 - Hosting short term, face-to-face, seminars or conferences in the state where students meet in person?
Possibly. Course offerings in the nature of a short course or seminar if instruction for the short course or seminar takes no more than twenty classroom hours are exempt. Longer would trigger physical presence.
 - Employing mentors, tutors, or preceptors in the state to aid students, who are residents of the state, on an individual basis?
No.
 - Requiring a student to take a proctored exam at a location or with an entity in the state prescribed by the institution?
No.
 - Requiring a student to take a proctored exam with an entity in the state chosen by the student but approved by the institution?
No.
 - Other [please explain]
- c. Of the activities or conditions listed above that alone would not constitute a physical presence, are there any that if combined would create a physical presence?
No.

6. Application Process

- a. Please provide a short description of the application process to obtain state authorization. If available, please provide web links to the specific references to

all applicable state laws, regulations, manuals, forms, or other pertinent documents.

New legislation became effective May 4, 2011. Application forms and fees are under development.

- b. Generally, how long does it take to approve applications (assuming that the agency has received all required information from the institution)? Please provide a typical range if appropriate.
3 to 6 months.
- c. What is the authorization duration?
With the new legislation, usually 5 years.
- d. What does an institution need to do to maintain authorization?
Reapply. If an institution is found to be in violation of the Postsecondary Institution Act, its authorization could be revoked.
- e. What kinds of information or data must an institution report to your agency as a condition for continued authorization? How frequently is this reported or updated? Is this information published or shared publicly?
Rules and procedures are under development.
- f. Can an institution lose its authorized status? If so, how?
If an institution is found to be in violation of the Postsecondary Institution Act, its authorization could be revoked.
- g. Can a multi-institutional system or college corporation apply to your agency for authorization on behalf of all of its component institutions? If so, please describe the process.
In theory, yes. It would have to provide information on individual institutions.
- h. Would multi-institution public systems be treated the same as multi-location for-profit institutions?
Yes.
- i. What distinctive features in your authorization process would be useful for applicants to know (e.g., certain times during the year that you process applications for authorization, sharing of applications or information about proposed programs with institutions or other stakeholders in your state for comment)?
Institutions must be authorized by the Coordinating Commission, which meets at least six times per year, but not on a set schedule.

- j. Is your agency currently planning to amend its application process by the end of 2011?

The new process was approved in May 2011. Rules and procedures are in development. They must be approved by the Coordinating Commission, vetted at a public hearing, and approved by the Attorney General. The Commission will use draft rules and procedures until final approval is received, hopefully sometime in 2012.

- If yes, please provide a brief description of the anticipated change.
- If yes, when does the agency expect the change to be fully implemented?

7. Fees Associated with Authorization

- a. Is there an application fee to initiate the authorization process? If so, what is the fee or fee schedule? Please provide a web link if available.
With new legislation, the application process and corresponding fees will change.
- b. Are there any other costs associated with the state authorization process (e.g. site visits, hiring a reviewer, surety bond, tuition recovery fund, agent licensing, etc.)?
These would be covered by the application fee.
- c. What are the costs, if any, to renew authorization?
All costs associated with authorization are currently under development.
- d. What costs are associated with receiving a waiver or exemption to authorization?
None.

8. Interstate Reciprocity

- a. Do your state regulations explicitly allow or prohibit interstate reciprocal agreements about authorization? If so, please describe.
Not addressed in regulations.
- b. What is the process, if any, to obtain a reciprocal agreement with your state?
- c. Are there any reciprocal agreements currently in place or under consideration? If so, please list those agreements.
- d. If interstate reciprocal agreements are not addressed in your regulations, would your agency consider establishing such agreements? Please elaborate.
Yes.

9. Consumer Protection and Student Complaints

- a. Does your agency have a process for handling complaints about postsecondary institutions or programs?

Yes.

- If yes, please describe the process or provide a web link to the material that describes the complaint process.

See Section 18 under

<http://nebraskalegislature.gov/FloorDocs/Current/PDF/Final/LB637.pdf>

- If yes, does this complaint process extend to institutions not authorized by the agency that may enroll residents of the state (such as explicitly distance education programs with no physical presence or exempt institutions)?

No.

- If available, please provide a web link to the complaint form.
- Who is the contact person for receiving complaints? Please include name, title, address, phone, and email if available.

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- b. If your agency has no formal process for handling complaints related to postsecondary institutions, what state agency would handle a complaint?

We would direct complaints from Nebraska students enrolled in an out-of-state institution to the home state of the institution or to the Nebraska Attorney General's Consumer Protection Division.

10. Enforcement

- a. If your agency finds that an institution or program is operating in your state without authorization, what is the resulting warning or enforcement action?

Cease and desist order.

- b. Can an institution or program appeal a warning or enforcement action? If yes, please describe the process or provide web links to the regulations/policies.

Yes, in accordance with the Administrative Procedure Act.

11. Legislative or Regulatory Changes

- a. Is your agency or state legislature planning to amend its regulations or alter its physical presence policy by the end of 2011?

No (already revised in 2011).

- If yes, please provide a brief description of the anticipated change.
- If yes, when does the agency expect the change to be fully implemented?

- b. Is your agency or state legislature making changes in your state regulations or statutes so that institutions with locations in your state would be considered legally authorized in accordance with the federal institutional eligibility regulations?

Institutions with locations in the state whose home campus is outside the state should already have authorization. The recent legislation identifies existing institutions not previously authorized (primarily long-standing, private, not-for-profit institutions) so that they are able to meet the new federal regulations.

- If yes, please provide a brief description of the anticipated change.
- If yes, when does the agency expect the change to be fully implemented?

- c. Is your agency or state legislature making any other changes in your state regulations or statutes with regard to state authorization?

No.

- If yes, please provide a brief description of the anticipated change.
- If yes, when does the agency expect the change to be fully implemented?

12. Is there anything else about the authorization process in your state that we and others ought to know about?