

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 Department of Education
Private Postsecondary Career Schools**
- Description:
The Nebraska Department of Education has licensing and approval authority for the proprietary institutions including for-profit/proprietary vocational-technical schools offering only certificates, diplomas and/or associate degrees.
 - Contact Information:
Carol Grell
Program Director
Nebraska Department of Education
402-471-4825
carol.grell@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:
<http://www.education.ne.gov/PPCS/>
- c. The following agency also has responsibility for authorization in the state and was requested to complete a survey.
Nebraska Coordinating Commission for Postsecondary Education (PPCS).
- d. If the division of responsibility among these agencies is not clear, please explain.

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.

- No Public, in-state degree granting institutions
- No 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
- No Public, in-state, non-degree granting institutions
- No Public, out-of-state, non-degree granting institutions
- Yes Non degree, not-for profit institutions
- Yes Non degree, for-profit institutions
- _____ Religious institutions
- _____ Tribally-controlled institutions

Clarifying comments:

*If school’s highest degree is an associate.

- 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.

Beauty Schools and Nail Schools, Truck Driver Training, Massage Schools, nursing programs, CNA/Med Aid, and Barber Schools must have approval from the Department of Human Services and DMV before we can authorize them to operate in Nebraska.

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

No.

- If yes, please explain:
- If yes, what type of accreditation is required? Please, check all that apply as appropriate.

- _____ Regional
- _____ National
- _____ Programmatic/specialized

Clarifying comments:

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

We authorize institutions themselves and programs whose curriculum has been approved by another state agency.

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

Nursing

Sheila Extrom, RN, PhD.
Nursing Education Consultant
402-471-4917
sheila.extrom@hhss.ne.gov

Massage Therapy

Rita Watson
Dept. of Health & Human Services
402-471-4918
rita.watson@nebraska.gov

CNA, Med Aid

Marletta Stark
Department of Health & Human Services
402-471-4969
marletta.stark@nebraska.gov

Cosmetology

Carol Ann Gray
DHHS
402-471-4920
carolann.gray@nebraska.gov

Real Estate Appraisal

Katherine Policky
Real Property Appraiser Board
402-471-9015
kitty.policky@nebraska.gov

Real Estate Sales

Teresa Hoffman
Real Estate Commission
402-471-2004
teresa.hoffman@nebraska.gov

Barbering
Ron Pella
Barber Examiners Board
402-471- 2051
barbers.board@nebraska.gov

Truck Driving
Sara O'Rourke
Nebraska DMV
402-471-2670
sara.orourke@nebraska.gov

3. Exemptions

- a. Are certain institutions or programs exempt by law or policy from your state authorization requirements?
 - o If yes, please describe which institutions or programs the exemption applies to and how it works? If available, please provide any pertinent web links.

I am copying our rules regarding exemptions below. You can find them at: <http://www.education.ne.gov/PPCS/>

Rule 41

003 Education and Schools Exempted. No entity of whatever kind, alone or in concert with others, shall operate, in the State of Nebraska, a private postsecondary career school which is not exempt unless the school has a currently valid authorization to operate.

003.01 The following education and schools are exempted from the provisions of the Act and this chapter:

003.01A Schools exclusively offering instruction at any or all levels from preschool through the twelfth grade;

003.01B Education sponsored by a bona fide trade, business, professional, or fraternal organization which is offered solely for that organization's membership or offered without charge;

003.01C Education provided by or funded by an employer and offered solely to its employees for the purpose of improving such persons in such employment

003.01D Education which is solely avocational or recreational in nature, as determined by the Department

003.01E Educational programs offered by a charitable institution, organization, or agency as long as such education or training is not advertised or promoted as leading toward occupational objectives;

003.01F Public postsecondary schools established, operated, and governed by this state or its political subdivisions;

003.01G Schools or organizations offering education or instruction which are licensed and regulated by agencies of this state other than the Department as of September 12, 1977, are exempt, except that such schools or organizations shall

not be exempt from the provisions of 92 NAC 42 with respect to agents permits and 92 NAC 44 with respect to the Tuition Recovery Cash Fund.

003.01H Schools or organizations which offer education or instruction and which are licensed and regulated solely by an agency of the federal government with respect to curriculum and qualifications of instructional staff;

003.01I Not-for-profit private colleges, universities, and entities which award baccalaureate or higher degrees, which maintain and operate educational programs for which credit is given, which are in compliance with sections 85-1105 to 85-1111 R.R.S.

003.01L Entities exclusively offering short-term training. (16 hours or less)

- 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.?

To claim an exemption they need to send us a letter requesting an exemption which must fall within the exemption rules as stated above. We then respond with a letter indicating there status – exempt or not exempt.

- 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?

Yes.

- Are all religious institutions exempt (please describe)?

Yes. See 003.01E

We consider religious institutions as being charitable organizations.

- Are religious institutions that award only religious degrees or certificates exempt (please describe)?

Certificates - yes. If the institution is offering a religious 4 year degree or higher, then the institution would be regulated by the Coordinating Commission for Postsecondary Education. For more information contact: Kathleen Fimple

kathleen.fimple@nebraska.gov

- Are certain religious institutions exempt that meet other criteria (please describe)?

See statement above about the Coordinating Commission for Postsecondary Education.

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?

PPCS requires authorization if any part of an online program is offered in the state – that constitutes physical presence for us. Example: internship, clinical, etc.

- b. If not, does your agency determine whether an institution must be authorized based on a physical presence or “operating” standard?

Yes.

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.

Physical presence means that the student is actively participating in a brick and mortar structure owned by an institution (not home at the computer) to do part of the program.

- 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?

Yes for PPCS.

- Does this apply only to distance education students or more generally?

No. Any student participating in these kinds of activities (distance education or not) and being evaluated and graded by an instructor onsite is considered to have physical presence instruction and needs authorization to operate.

- Permitting a student to complete an internship, externship, field experience, or clinical practicum found by the student acting independently?

Because this activity would need to be approved by the online school – and if the student is being graded by the person at the physical location – the activity/school would need approval to operate in Nebraska.

- Does this apply only to distance education students or more generally?
No.
- Employing full-time faculty in the state to provide instruction via distance education programs to students in the state?
No. If all instruction and communication with students is online or through the mail, no authorization would be required because there is no institutional brick and mortar location.
 - 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 authorization required.
 - What about adjunct faculty?
No authorization required.
- 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?
Institution would be required to apply for Agents Permits and a Certificate of Approval to Recruit.
 - 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?
Yes – Certificate of Approval to Recruit is required and Agent Permit/s.
- 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?

- Hosting short term, face-to-face, seminars or conferences in the state where students meet in person?
Not if all seminars or conferences are less than 16 hours in length.
 - Employing mentors, tutors, or preceptors in the state to aid students, who are residents of the state, on an individual basis?
No - if this mentoring/tutoring is all done via email, phone, or through the mail.
 - 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?

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.
Information regarding application for Authorization from PPCS to Operate in Nebraska can be found at: <http://www.education.ne.gov>
Rules and Regulations - Rule 41 - Code section 006 - Statutory authority 85-1612
- 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.
A typical time frame would be 8 weeks or less if everything is in proper order.
- c. What is the authorization duration?
All institutions must renew annually.
- d. What does an institution need to do to maintain authorization?
The institution must return all information, materials and fees required for the annual renewal.

- 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?
The institution must submit a renewal application, information (tuition rates, # of clock hours or credit hours), a current/ revised catalog, annual financial reports, confirmation of active school and agent bonds, applications for agent renewal (renew every 3rd year), renewal fees, school safety statement, background statement that school official has not been convicted of a felony, copy of enrollment agreement, copy of refund policy, copy of advertising, and applications of new instructors. Reports are due annually and the information is not shared publicly.
- f. Can an institution lose its authorized status? If so, how?
Yes, if they operate without authorization (do not renew their authorization to operate) or are not fiscally sound. This requires action by the State Attorney General.
- 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.
Yes – the component in Nebraska would be the location of the school and would need to have administrative capability here.
- h. Would multi-institution public systems be treated the same as multi-location for-profit institutions?
No. We do not authorize/regulate any public institutions.
- 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)?
- j. Is your agency currently planning to amend its application process by the end of 2011?
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?

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.
Yes. <http://www.education.ne.gov/PPCS/>
Please see full detail at: <http://www.education.ne.gov/PPCS/PPCS-Fees.html>
- 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.)?
PPCS requires a surety bond for the school and for agents, schools pay into the Tuition Recovery Cast Fund (TRCF) for the first 5 years in operation, and agents must have an agent permit (renews every 3 years) in Nebraska to recruit students
Please see full detail at: <http://www.education.ne.gov/PPCS/PPCS-Fees.html>
- c. What are the costs, if any, to renew authorization?
Cost to renew include: a renewal fee, program fee/program, and agent renewal fee of all agent permits that expires in that year.
Please see full detail at: <http://www.education.ne.gov/PPCS/PPCS-Fees.html>
- 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.
If a school is authorized in another state it must also be authorized in Nebraska if they have a physical presence in the state. If a school authorized in another state wants to recruit students to their school in their state via a physical person or direct advertisement, they must be licensed in Nebraska. Even if they are authorized on their state, they must also be authorized in Nebraska.
- b. What is the process, if any, to obtain a reciprocal agreement with your state?
If an out-of-state school just wants to recruit Nebraska students, and they are authorized in their own state, we only require them to secure agent permits for the persons recruiting.
- c. Are there any reciprocal agreements currently in place or under consideration? If so, please list those agreements.
No.
- d. If interstate reciprocal agreements are not addressed in your regulations, would your agency consider establishing such agreements? Please elaborate.
Not sure – would need to contact our legal department.

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.

<http://www.education.ne.gov/PPCS/PDF%20Folders/PDF%20Documents/PPCS%20Forms/Complaint-form.pdf>

A complaint policy, form, and directions are available on the website list above. A student needs to read the directions, fill out the form and send it to the Nebraska Department of Education, Investigations Office.

- 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)?

- If available, please provide a web link to the complaint form.

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

- Who is the contact person for receiving complaints? Please include name, title, address, phone, and email if available.

Investigations Officer: Jeff Schneider
Nebraska Department of Education
301 Centennial Mall South
Lincoln, NE 68509-4987
402-471-0731
jeff.schneider@nebraska.gov

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

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?

We contact them and request they apply for authorization to operate. If they continue to operate without authorization and we can document that, they would be required by our law to \$1000 / day of operation without authorization.

- 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. They can appeal to the Board of Education and appear at a hearing.

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.

- 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?

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?

- 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.
But, we did change our regulation/rules/statutes this last year to make the application process easier to understand. Previously our regulations were very intertwined with the Coordinating Commission for Postsecondary Education.
- 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?