

## BOARD OF TRUSTEES OF THE NEBRASKA STATE COLLEGES

### CHANCELLOR AND COLLEGE INFORMATIONAL ITEMS

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#### *INFORMATION ONLY:*      **Legislative Statute Review**

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System staff have begun reviewing all Nebraska State Statutes that directly reference the Nebraska State College System to identify outdated references and potential areas where statute changes may be warranted to reflect current practices for the Board of Trustees and the three Colleges. The complete set of Statutes can be found in the attachment, but below are two examples of potential revisions being considered.

First, the last sentence in 85-301 outlines the reimbursement benefits for Board members inconsistent with the State Constitution. The goal would be to remove this reference in the Statute.

#### **85-301.**

##### **State colleges; official names; board of trustees; appointment; traveling expenses.**

The existing institutions known as the state colleges located at Chadron, Peru, and Wayne shall hereafter be known and designated at Chadron State College, Peru State College, and Wayne State College respectively. The general government thereof shall be vested, under the direction of the Legislature, in a board of seven members, to be known as the Board of Trustees of the Nebraska State Colleges, six of whom shall be appointed by the Governor, with the advice and consent of the Legislature, two of each for terms of two, four, and six years and two each biennium thereafter for terms of six years, and the Commissioner of Education shall be a member ex officio. The duties and powers of the board shall be prescribed by law, and the members thereof shall receive no compensation for the performance of their duties but may be reimbursed for expenses incurred therein, ~~except that members of the Board of Trustees of the Nebraska State Colleges shall not be entitled to reimbursement for mileage or other traveling expense as part of such expenses except on the basis provided for in sections 81-1174 to 81-1177.~~

Second, 85-305 establishes a meeting schedule for the Board that aligns with the academic calendar for the Colleges. This is inconsistent with existing practice and the following revisions would be proposed for this particular Statute.

#### **85-305.**

##### **Board of trustees; meetings.**

The board shall hold ~~each year a regular meetings at or near the close of each semester,~~ and such special meetings as may be found necessary.

The Chancellor will be prepared to discuss those statutes where revisions may be requested during the 2022 Legislative Session to facilitate a comprehensive clean-up for the System. Potential revisions will be discussed with the Board during the meeting, with a final slate of recommendations coming forward for the September 2021 meeting.

**ATTACHMENTS:**

- Current State Statutes for the Nebraska State Colleges - July 2021 (PDF)

## Existing Nebraska State Statutes for the Nebraska State Colleges

### **85-301.**

#### **State colleges; official names; board of trustees; appointment; traveling expenses.**

The existing institutions known as the state colleges located at Chadron, Peru, and Wayne shall hereafter be known and designated as Chadron State College, Peru State College, and Wayne State College, respectively. The general government thereof shall be vested, under the direction of the Legislature, in a board of seven members, to be known as the Board of Trustees of the Nebraska State Colleges, six of whom shall be appointed by the Governor, with the advice and consent of the Legislature, two each for terms of two, four, and six years and two each biennium thereafter for terms of six years, and the Commissioner of Education shall be a member ex officio. The duties and powers of the board shall be prescribed by law, and the members thereof shall receive no compensation for the performance of their duties but may be reimbursed for expenses incurred therein, except that members of the Board of Trustees of the Nebraska State Colleges shall not be entitled to reimbursement for mileage or other traveling expense as part of such expenses except on the basis provided for in sections [81-1174](#) to [81-1177](#).

### **85-302.**

#### **Board of trustees; officers; body corporate; audit.**

The members of the Board of Trustees of the Nebraska State Colleges shall annually elect a president and vice president from among their own number. The board shall constitute a body corporate to be known as the Board of Trustees of the Nebraska State Colleges, and as such may sue and be sued, and may make and use a common seal and alter the same at its pleasure. The board shall also select a secretary. The State Treasurer shall be treasurer of the board by virtue of his or her office. A complete and comprehensive annual audit shall be made of the books, accounts, funds, records, and affairs of the board and each of the state colleges.

### **85-303.**

#### **Board of trustees; secretary; duties; annual report.**

It shall be the duty of the secretary to keep an exact and detailed account of the doings of the board, and on January 1 of each year he shall transmit to the Governor a report of all expenditures made during the preceding year.

### **85-304.**

#### **Board of trustees; powers, enumerated.**

The board shall have the power:

- (1) To appoint a president and such other persons as may be required for each school;
- (2) To fix their compensation and prescribe their duties;
- (3) To remove all persons appointed, but the affirmative votes of four members of the board shall be necessary to remove a president or an assistant during the time for which such persons were appointed;
- (4) Through an extension division to provide for holding of classes at various localities throughout the state, avoiding unnecessary duplication of courses offered by other educational institutions in such localities;
- (5) To acquire real and personal property and dispose of the same whenever any of the state colleges will be benefited thereby, but no grounds upon which any buildings of any of the state colleges are located shall be disposed of without the consent of the Legislature;
- (6) To pay expenses for recruitment of academic, administrative, professional, and managerial personnel; and
- (7) To provide benefits for all present and future employees, including group life insurance, group hospital-medical insurance, and group long-term disability income insurance; and

(8) Shall have the duty to institute a continuing program of preventive maintenance and a program of deferred maintenance consistent with the provisions of sections [81-173](#) to [81-190](#); and

(9) Shall have the duty to consult with the Nebraska Arts Council and acquire works of art for the original construction of any public building under its supervision consistent with sections [82-317](#) to [82-329](#), [85-106](#) to [85-106.03](#), and [85-304](#) to [85-304.03](#).

**85-304.01.**

**Nebraska State Colleges; new capital construction; appropriation; percentage used for works of art; when.**

After January 1, 1979, at least one percent of any appropriation for the original construction of any public building under the supervision of the Board of Trustees of the Nebraska State Colleges shall be spent for the acquisition of works of art. The works of art may be an integral part of the structure, attached to the structure, detached within or outside of the structure, or may be exhibited by the Board of Trustees of the Nebraska State Colleges in other public facilities.

**85-304.02.**

**Board of Trustees; works of art; duties.**

The Board of Trustees of the Nebraska State Colleges, in consultation with the Nebraska Arts Council, shall determine the amount of money to be made available for the purchases of art for each project under its supervision. The selection of, commissioning of artists for, reviewing of design, execution and placement of, and the acceptance of works of art for each project shall be the responsibility of the Board of Trustees of the Nebraska State Colleges in consultation with the Nebraska Arts Council.

**85-304.03.**

**Board of Trustees; insure compliance with sections; manner.**

The Board of Trustees of the Nebraska State Colleges shall inform the Director of Administrative Services that sections [82-317](#) to [82-329](#), [85-106](#) to [85-106.03](#), and [85-304](#) to [85-304.03](#) have been complied with for projects under its supervision before a warrant may be issued for payment.

**85-305.**

**Board of trustees; meetings.**

The board shall hold each year a regular meeting at or near the close of each semester, and such special meetings as may be found necessary.

**85-306.**

**State colleges; president; duties.**

The president of each school shall be the chief executive officer thereof and shall be responsible to the board for the control and management of the same. All teachers and other subordinates in each state college shall be under the direction of the president thereof, subject to the general regulations of the board.

**85-307.**

**State colleges; president; collection of fees.**

The president of each state college shall receive and collect the fees for matriculation, board, room and such other fees as may be payable at such school, and shall disburse the same under direction of the board and according to law.

**85-308.**

**State colleges; purpose; courses.**

The purpose of the state colleges is the training and instruction of persons, both male and female, in the arts of teaching and managing schools, the principles and practice of the various branches of learning taught in our public schools, and the arts and sciences generally. The Board of Trustees of the Nebraska State Colleges shall have power to prescribe, for the state colleges, such courses of instruction as will best fit such persons for teaching and managing the public schools, and their instruction in the arts and sciences generally as provided in sections [85-194](#), [85-308](#), [85-606.01](#), [85-917](#) to [85-966](#), and [85-1511](#).

**85-308.01.**

**State colleges; degree of bachelor of arts or bachelor of science; confer.**

The board shall have power, on the recommendation of the faculty of the respective college, to confer, upon completion of a four-year course in liberal arts prescribed by such board, a degree of bachelor of arts or bachelor of science.

**85-309.**

**Board of Trustees; memorandum of understanding with State Board of Education; policy to share student data.**

The Board of Trustees of the Nebraska State Colleges shall enter into a memorandum of understanding on or before September 1, 2010, with the State Board of Education to adopt a policy to share student data. At a minimum, the policy shall ensure that the exchange of information is conducted in conformance with the requirements of the federal Family Educational Rights and Privacy Act of 1974, as amended, 20 U.S.C. 1232g, and all federal regulations and applicable guidelines adopted in accordance with such act, as such act, regulations, and guidelines existed on January 1, 2010.

**85-310.**

**State colleges; students; admission.**

The board shall make such rules and regulations for the admission of students to the state colleges as may seem to be best for the interest of the state colleges and not inconsistent with the purpose for which they have been established.

**85-311.**

**State colleges; matriculation fee; institutional cash fund.**

Students, when entering any state teachers college for the first time, shall pay a matriculation fee of five dollars. The money thus received shall be paid into the hands of the State Treasurer, and shall be held and disbursed as an institutional cash fund for the college wherein the students shall matriculate.

**85-312.**

**State colleges; morals of the pupils; faculty; religious test forbidden.**

The board in its regulations, and the president in his supervision and government of the state colleges, shall exercise a watchful guardianship over the morals of the pupils, but no religious or sectarian test shall be applied in the selection of teachers, and none shall be adopted in the state colleges.

**85-314.**

**Board of trustees; rules and regulations.**

The board shall adopt all needful rules and regulations for the careful preservation of the buildings, furniture, apparatus, grounds, timber, shrubbery, and other property belonging to the state college.

**85-315.**

**Board of trustees; utilities service; sale or lease.**

The board of trustees is hereby empowered and authorized to make such contract of sale or lease of the whole or part of any water, light or heat plant now or hereafter constructed at any state college, and the purchase of water, heat and light, with any city, village or corporation at or near which is located any state college, as shall in the judgment of the board be to the best interest of said state college.

**85-316.**

**State colleges; funds; contingencies; disbursements; travel expense.**

All funds appropriated for the use and benefit of the state colleges together with the income arising from the lease and sale of endowment lands belonging to such colleges shall be under the direction and control of the board of trustees, subject to the provisions contained in this section, except that each college may retain in its possession a sum not to exceed fifty thousand dollars out of which to make settlement and equitable adjustments with students entitled thereto, to make payments for day-to-day operations calling for immediate payment, and to provide for contingencies. The State Treasurer shall pay out of the proper funds all warrants for money to be expended under sections [85-301](#) to [85-318](#), such warrants to be drawn by the Director of Administrative Services on certificates by the president of the state college. All requests for payment or reimbursement for mileage or other traveling expense shall be audited and allowed on the basis of the provisions set forth in sections [81-1174](#) to [81-1177](#). No expenditure for traveling expenses to other states shall be authorized by the board for any college employee unless approval for such trip is first granted by the president or his or her designee. The request shall be submitted to the president of such state college or his or her designee and approved in writing by him or her.

**85-317.**

**State colleges; endowment fund; source; investment.**

All the lands remaining unsold of the twenty sections appropriated as an endowment fund for the state colleges and all the endowment fund derived from the sale of such lands are hereby confirmed as such endowment, to be forever used for this purpose. All such money derived from federal grants shall be invested in the manner provided by law for the investment of the permanent school fund of the state, in the same kind of securities and by the same officers charged with that duty pursuant to section [72-202](#) as may from time to time be amended by the Legislature.

**85-318.**

**State colleges; dormitory funds; use.**

All money received for the use of rooms in the dormitories of any of the state colleges, shall be expended by the board in repairs of such dormitory and the furniture of the same, whenever such repairs are needed.

**85-319.**

**Eminent domain; powers of board of trustees; procedure.**

The Board of Trustees of the Nebraska State Colleges is hereby given power and authority to acquire by condemnation lands necessary for state colleges. The procedure to condemn such property shall be exercised in the manner set forth in Chapter 76, article 7.

**85-320.**

**State colleges; retirement plan; establishment; terms; investment of funds.**

The Board of Trustees of the Nebraska State Colleges shall have power, in its discretion, to provide retirement benefits for present and future employees of the board, subject to the following: (1) The cost of such retirement benefits shall be funded in accordance with sound actuarial principles with the necessary contributions for both past service and future service being treated in the budgets in the same way as any other operating expense, (2) the state contribution under such retirement plan shall be (a) the amount established by the board before any agreement for reduction of salary or wage earnings, and (b) pursuant to an agreement for reduction of salary or wage earnings, the amount of the reduction of salary or wage earnings, (3) each employee's contribution shall be the amount established by the board and shall not be required to exceed the state's contribution under subdivision (2)(a) of this section, except that in lieu of making such contribution, each such employee may enter into an agreement for reduction of salary or wages for the purchase by the board of annuity contracts for such employee, under the provisions of the Internal Revenue Code, but the amount of the reduction of salary or wages allowable under this subdivision may not include credit for service prior to January 1, 1973, (4) continued contributions to the system shall be made until the date of retirement as provided in section [85-606](#), and (5) the retirement benefits of any employee for service prior to the effective date of any retirement plan established under the provisions of this section shall be those provided under the retirement plan then in force which benefits shall not be abridged. The investment for such a retirement plan shall be made by the state investment officer, but the state investment officer shall not change the type of investment for such retirement plan without the approval of the Board of Trustees of the Nebraska State Colleges.

**85-322.**

**State College Buildings Renovation and Land Acquisition Fund; created; authorized uses.**

(1) There is hereby created a State College Buildings Renovation and Land Acquisition Fund. All money accruing to this fund is hereby appropriated to the Board of Trustees of the Nebraska State Colleges and shall be used exclusively for those projects of repair, remodeling, and renovation of buildings belonging to the state colleges and for those land acquisition projects of the state colleges pursuant to this section as long as no such repair, remodeling, or renovation project specified in subsection (2) of this section provides for construction of an addition to any building, unless required by any federal law or law of this state relating to building safety or relating to building access for handicapped persons. No expenditure may be made from such fund without prior approval by a resolution of the Board of Trustees of the Nebraska State Colleges.

(2) The Board of Trustees of the Nebraska State Colleges is authorized to make expenditures from the State College Buildings Renovation and Land Acquisition Fund for the following projects and associated expenses: (a) Repair, remodel, and renovate the east wing of the West Center Main Building at Kearney State College, one million one hundred three thousand one hundred four dollars; (b) repair, remodel, and renovate the Fine Arts Building at Chadron State College, nine hundred ninety thousand dollars; (c) acquire certain real property for public use by Kearney State College, three hundred seventy thousand dollars; and (d) administrative and financing costs associated with any contract which the board of trustees may enter into pursuant to this section to implement any of the projects listed in subdivisions (a) through (c) of this subsection, not to exceed eighteen thousand dollars.

(3) In addition to those building repair, remodeling, or renovation projects and land acquisition projects specifically listed in this section, the Board of Trustees of the Nebraska State Colleges is further authorized to



make expenditures from the State College Buildings Renovation and Land Acquisition Fund, which shall include any investment income received from the investment of such fund, for other building repair, remodeling, or renovation project or land acquisition project which shall be specifically approved by the Legislature.

**85-323.**

**Building renovation and land acquisition projects; board of trustees; powers.**

(1) In order to accomplish any projects authorized by section [85-322](#), the Board of Trustees of the Nebraska State Colleges may enter into contracts with any person, firm, or corporation providing for the implementation of any such project of the state colleges and providing for the long-term payment of the cost of such project from the State College Buildings Renovation and Land Acquisition Fund. In no case shall any such contract for the projects specified in subsection (2) of section [85-322](#) run for a period longer than ten years or exceed two million four hundred eighty-one thousand one hundred four dollars. The board of trustees shall not pledge the credit of the State of Nebraska for the payment of any sum owing on account of such contract, except that there may be pledged for the payment of any such contract any appropriations specifically made by the Legislature for such purpose. No contract shall be entered into pursuant to this section without prior approval by a resolution of the board of trustees.

(2) The Board of Trustees of the Nebraska State Colleges may also convey or lease and lease back all or any part of the projects authorized by section [85-322](#) and the land on which such projects are situated to such person, firm, or corporation as the board of trustees may contract with pursuant to this section to facilitate the long-term payment of the costs of such projects. Any such conveyance or lease shall provide that when the cost of such projects has been paid, together with interest and other costs thereon, such projects and the land on which such projects are located shall become the property of the board of trustees.

**85-324.**

**State College Facilities Improvement Fund; created; authorized uses.**

There is hereby created the State College Facilities Improvement Fund. All money accruing to the fund is hereby appropriated to the Board of Trustees of the Nebraska State Colleges and shall be used exclusively for those construction projects of the state colleges authorized pursuant to this section. No expenditure may be made from such fund without prior approval by a resolution of the board of trustees.

The board of trustees may make expenditures from the State College Facilities Improvement Fund for the following projects: (1) Renovation of the T.J. Majors Education Building at Peru State College, two million twenty-five thousand dollars; and (2) renovation of, and construction of an addition to, Cushing Coliseum at Kearney State College, eight million five hundred and ninety-eight thousand ninety-eight dollars. The board of trustees may make additional expenditures for the project listed in subdivision (2) of this section in an amount not to exceed two million two hundred and ninety-five thousand dollars from private sources and non-state-aided institutional sources. The cost for each project listed in this section shall be exclusive of sums previously expended for planning and any administrative costs and financing costs associated with any contract which the board of trustees may enter into pursuant to this section and section [85-325](#) to implement any of the projects listed in this section.

The board of trustees may make expenditures for the purposes stated in this section from investment income balances in the State College Facilities Improvement Fund. The board of trustees may make expenditures from such fund in amounts which, in combination with interest accrued on any construction funds and reserve funds created as part of a long-term contract entered into by the board of trustees pursuant to section [85-325](#), are sufficient to satisfy the financial obligations incurred in such contracts entered into by the board of trustees. Any balance existing in the State College Facilities Improvement Fund, any reserve funds, or any other funds created as part of a long-term contract entered into by the board of trustees pursuant to section [85-325](#) shall be



transferred to the General Fund either on June 15, 1998, or when all financial obligations incurred in the contracts entered into by the board of trustees pursuant to section [85-325](#) are discharged, whichever occurs first.

**85-325.**

**Construction projects; board of trustees; powers.**

In order to accomplish any projects authorized by section [85-324](#), the Board of Trustees of the Nebraska State Colleges may enter into contracts with any person, firm, or corporation providing for the implementation of any such project of the state colleges and providing for the long-term payment of the cost of such project from the State College Facilities Improvement Fund. In no case shall any such contract run for a period longer than eleven years or exceed twelve million six hundred twenty-three thousand ninety-eight dollars exclusive of administrative costs, credit enhancement costs, financing costs, capitalized interest, and reserves dedicated to secure payment of contracts. The board of trustees shall not pledge the credit of the State of Nebraska for the payment of any sum owing on account of such contract, except that there may be pledged for the payment of any such contract any appropriations specifically made by the Legislature for such purpose. No contract shall be entered into pursuant to this section without prior approval by a resolution of the board of trustees. The board of trustees may also convey or lease and lease back all or any part of the projects authorized by section [85-324](#) and the land on which such projects are situated to such person, firm, or corporation as the board of trustees may contract with pursuant to this section to facilitate the long-term payment of the cost of such projects. Any such conveyance or lease shall provide that when the cost of such projects has been paid, together with interest and other costs thereon, such projects and the land on which such projects are located shall become the property of the board of trustees.

**85-326.**

**State College Facility Fund; created; authorized uses.**

There is hereby created a State College Facility Fund. All money accruing to the fund is hereby appropriated to the Board of Trustees of the Nebraska State Colleges and shall be used exclusively for the construction project authorized in this section. No expenditures may be made from such fund without prior approval by a resolution of the Board of Trustees.

The Board of Trustees is authorized to make expenditures from the State College Facility Fund for the following project and associated expenses: Construction of a classroom and laboratory facility to house the Division of Business at Wayne State College, three million nine hundred twenty-five thousand five hundred twenty dollars. The cost limitation set forth in this section shall be exclusive of sums previously expended from other sources for planning and administrative costs, financing costs, and other costs associated with any contract which the Board of Trustees may enter into pursuant to this section and section [85-327](#) to implement the project listed in this section. The Board of Trustees shall record and report, on the Nebraska State Accounting System, expenditure of amounts from the State College Facility Fund and expenditure of proceeds arising from any contract entered into pursuant to this section and section [85-327](#) in such manner and format as prescribed by the Department of Administrative Services.

The Board of Trustees is authorized to make expenditures for the purposes stated in this section from investment income balances in the State College Facility Fund. Any balance existing in the State College Facility Fund or in any reserve funds created as part of a long-term contract entered into by the Board of Trustees pursuant to section [85-327](#) shall be transferred to the General Fund either on July 15, 1997, or when all financial obligations incurred in the contracts entered into by the Board of Trustees pursuant to section [85-327](#) are discharged, whichever occurs first. Any balance existing in any reserve funds created as part of a long-term contract entered into by the Board of Trustees pursuant to section [85-327](#) in excess of such level as may be required by such contract shall be annually transferred to the General Fund on July 15.

**85-327.**

**Wayne State College construction project; board of trustees; powers.**

In order to accomplish the project authorized by section [85-326](#), the Board of Trustees of the Nebraska State Colleges may enter into contracts with any person, firm, or corporation providing for the long-term payment of the cost of such project from the State College Facility Fund. In no case shall any such contract extend for a period beyond July 15, 1997, or obligate payments beyond those which may be satisfied with funds available pursuant to sections [77-2602](#) and [85-326](#). The Board of Trustees shall not pledge the credit of the State of Nebraska for the payment of any sum owing on account of such contract, except that there may be pledged for the payment of any such contract any appropriations specifically made by the Legislature for such purpose. No contract shall be entered into pursuant to this section without prior approval by a resolution of the Board of Trustees. The Board of Trustees may also convey or lease and lease back all or any part of the project authorized by section [85-326](#) and the land on which such project is situated to such person, firm, or corporation as the Board of Trustees may contract with pursuant to this section to facilitate the long-term payment of the cost of such project. Any such conveyance or lease shall provide that when the cost of such project has been paid, together with interest and other costs thereon, such project and the land on which such project is located shall become the property of the Board of Trustees.

**85-328.**

**State College Facility Fee Fund; created; use; investment.**

The State College Facility Fee Fund is created. Revenue credited to the fund shall include amounts generated through assessment of a facilities fee under authority of the Board of Trustees of the Nebraska State Colleges. Amounts accumulated in the fund are authorized to be expended for the purpose of paying the cost of capital improvement projects approved by the board of trustees for any facilities on campuses or lands owned or controlled by the board, except that no such amounts shall be expended for capital improvement projects relating to facilities from which revenue is derived and pledged for the retirement of revenue bonds issued under the provisions of sections [85-403](#) to [85-411](#). All money accruing to the fund is appropriated to the board of trustees and shall be used for capital improvement projects authorized by the board. No expenditure may be made from the fund without prior approval by a resolution of the board of trustees. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. All revenue, fund balances, and expenditures shall be recorded in the Nebraska State Accounting System.

**85-329.**

**State Colleges Sport Facilities Cash Fund; created; use; investment.**

The State Colleges Sport Facilities Cash Fund is created. The fund shall be administered by the Board of Trustees of the Nebraska State Colleges. The fund shall include transfers from the Civic and Community Center Financing Fund, revenue received from gifts, grants, bequests, donations, other similar donation arrangements, or other contributions from public or private sources, and such other revenue as may accrue to the State Colleges Sport Facilities Cash Fund. Expenditures from the fund are authorized to support renovation and construction of or improvements to facilities for intercollegiate athletics and student fitness, recreation, and sport activities at the Nebraska state colleges. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

**85-401.**

**Board of Regents; Board of Trustees; campus buildings and facilities; lease-purchase agreements authorized; conditions.**

Subject to subsection (10) of section [85-1414](#), the Board of Regents of the University of Nebraska and the Board of Trustees of the Nebraska State Colleges are authorized to lease to any person, firm, or corporation such portions of the campus of the respective institutions under their control as may be necessary to be used as sites for the construction of fireproof buildings for dormitories and for boarding, housing, and student activity purposes, for athletic structures, and for parking or as sites for the establishment of parking facilities, and they may acquire lands adjacent to the campus of any such institution by donation or purchase with any funds they may have available for that purpose to be leased as sites for such buildings and facilities. Subject to subsection (10) of section [85-1414](#), the Board of Regents of the University of Nebraska and the Board of Trustees of the Nebraska State Colleges may also lease from any person, firm, or corporation an athletic structure or structures constructed on a site or sites owned by the State of Nebraska when the person, firm, or corporation has the permission of the Legislature to construct on such site or sites.

The State of Nebraska shall incur no liability by reason of the exercise of the authority granted in this section to the Board of Regents of the University of Nebraska and the Board of Trustees of the Nebraska State Colleges other than is hereinafter specifically set forth. The buildings and facilities so erected or established shall be used solely for dormitories and for boarding, housing, and student activity purposes, for athletic structures, and for parking, as the case may be.

Subject to subsection (10) of section [85-1414](#), the Board of Regents of the University of Nebraska and the Board of Trustees of the Nebraska State Colleges are hereby authorized to contract with the owners of the buildings and facilities so erected or established on the leased grounds or state sites to pay as rental or otherwise for the use of the buildings and facilities a sum sufficient to pay, on the amortization plan, the principal and interest thereon of the cost of construction or establishment of the buildings and facilities, such contracts to run not over forty years. The rate of interest allowed on the cost of construction or establishment shall be fixed by the Board of Regents of the University of Nebraska or Board of Trustees of the Nebraska State Colleges, payable annually or semiannually as may be determined by the Board of Regents of the University of Nebraska or the Board of Trustees of the Nebraska State Colleges. The contract shall provide that when the cost of construction or establishment has been paid, together with interest thereon, the buildings and facilities so constructed or established shall become the property of the State of Nebraska.

**85-402.**

**Campus buildings and facilities; pledge of income and appropriations authorized; limitations.**

The Board of Regents of the University of Nebraska and the Board of Trustees of the Nebraska State Colleges are hereby authorized:

- (1) To expend on the amortization plan any part of the rentals on any and all rooms, dormitories, dining rooms, and housing or student activity facility buildings or parking buildings or facilities constructed or established pursuant to section [85-401](#) and any part of the revenue of any athletic structure so constructed or established;
- (2) In the case of the construction of buildings for dormitories and for boarding and housing purposes, to expend any part of the net rentals received from other buildings, theretofore constructed on the same campus for dormitories and for boarding and housing purposes, connected with the respective institutions under their control;
- (3) In the case of the construction or establishment of buildings or facilities for parking, to expend any part of the net revenue received from other parking buildings and facilities, including parking registration fees, theretofore constructed or established on the same campus, connected with respective institutions under their control, in the payment of the construction or establishment charges and interest thereon; and

(4) To pledge on behalf of the respective institutions the net income from the rentals for the payment of such construction or establishment charges and interest.

In no case shall the contracts run for a longer period than forty years, and in no case is the Board of Regents of the University of Nebraska or the Board of Trustees of the Nebraska State Colleges authorized to pledge the credit of the State of Nebraska for the payment of any sum or sums over and above the net income derived from the use of the building or buildings or facility or facilities, except that there may be pledged for the payment of such contracts any appropriations specifically made for such purposes by the Legislature.

**85-403.**

**Campus buildings and facilities; construction, purchase, or repair; revenue bonds; authorized; not obligation of state or governing board; investment of proceeds.**

Supplemental to any existing law on the subject, the Board of Regents of the University of Nebraska and the Board of Trustees of the Nebraska State Colleges, respectively, may construct, purchase, or otherwise acquire, remodel, repair, furnish, and equip dormitories, residence halls, single-dwelling or multiple-dwelling units, or other facilities for the housing and boarding of students, single or married, faculties, or other employees of the institutions under their control, buildings and structures for athletic purposes, for student and faculty unions or centers, and for the medical care and physical development and other activities of the students of the institutions, and buildings or other facilities for parking on real estate then owned or controlled by either of such boards or on real estate purchased, leased, or otherwise acquired for such purposes and pay the cost thereof, including such real estate, by issuing revenue bonds payable solely out of their revenue other than funds derived from taxation, except that any building or facility for parking shall be located on or adjacent to campuses controlled by such boards.

Bonds issued under the provisions of sections [85-403](#) to [85-411](#) are not an obligation of the State of Nebraska, and no tax shall ever be levied to raise funds for the payment thereof or interest thereon. The bonds shall not constitute a debt of the board issuing the same and shall be paid solely out of money derived from their revenue and earnings as provided in sections [85-403](#) to [85-411](#). If any proceeds from such bonds are available for investment, such investment shall be by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

**85-403.01.**

**Legislative findings.**

The Legislature hereby finds and determines: It has been the experience of both the Board of Regents of the University of Nebraska and the Board of Trustees of the Nebraska State Colleges that the lack of facilities of the types authorized by section [85-403](#), to be constructed, purchased, or otherwise acquired, remodeled, repaired, furnished and equipped by such boards, has deterred many individuals from attending the institutions under the control of the boards or added increased burdens upon many individuals in attending such institutions. With the continuation of the trend of more high school graduates enrolling and remaining in the institutions under the control of the boards and the normal population growth of the state, the lack of such facilities may continue to deter many individuals from attending such institutions or may add additional burdens upon those who do attend. The powers granted to both boards under sections [85-401](#) to [85-411](#), and the exercise by the boards of such powers, are for educational purposes, being not only directly related to the carrying out by the boards of their functions in supplying higher education but in fact necessary to the carrying out of such functions to the greatest possible benefit of the people of the state. In connection with certain grants or contributions to the Board of Regents of the University of Nebraska, that board heretofore has been created a public corporation for educational purposes. It is necessary, advisable and desirable that its status as a public corporation organized for educational purposes specifically include the exercise by it of the powers granted to it under sections [85-](#)

401 to 85-411 and that the Board of Trustees of the Nebraska State Colleges also be created a public corporation organized for educational purposes for the exercise of the powers granted to it under such sections.

**85-404.**

**Dormitories; housing facilities; parking facilities; other facilities; revenue bonds; issuance; approval by Legislature.**

Either of the boards referred to in section 85-403 is hereby specifically authorized and empowered, by resolution or agreement, to pledge all or any part of the revenue and fees derived from the operation of the dormitories, residence halls, single-dwelling or multiple-dwelling units, buildings, and facilities for parking and other facilities for housing, boarding, athletic purposes, medical care, and physical development and other activities of students, faculties, or employees of such institutions referred to in section 85-403, or any of them, erected or acquired, or previously erected or acquired by such board, and contract as to the care, insurance, management, and operation of such buildings and facilities and the charges to be made and the rights of the holders of the revenue bonds. When the board contracts that the operation of any building or facility or part thereof shall be performed other than by the board itself, the board shall at all times maintain supervision thereof and control over the fees and charges imposed for the use thereof.

When such board proposes to pledge all or any part of the revenue and fees from buildings and facilities other than the building or facility to be constructed, the plans for such building or facility to be constructed, including financing plans, shall be reviewed and approved or disapproved by the Legislature or, if the Legislature is not in session, the Executive Board of the Legislative Council.

**85-405.**

**Campus buildings and facilities; revenue bonds; registration; place of payment.**

All revenue bonds issued under the provisions of sections 85-403 to 85-411, shall be registered in the office of the Director of Administrative Services of the State of Nebraska. The revenue bonds may be payable at the office of the State Treasurer of Nebraska or such bank or trust company, either within or without the State of Nebraska, or such other place as may be determined by the board.

**85-406.**

**Campus buildings and facilities; revenue bonds; proceeds; use.**

The proceeds of bonds provided for in sections 85-403 to 85-411, shall be used solely for the purpose for which they are issued and the expense of issuance of the revenue bonds in connection therewith.

**85-407.**

**Campus buildings and facilities; refunding bonds; authorized.**

For the purpose of refunding any revenue bonds which may have been issued under the provisions of sections 85-403 to 85-411 and then outstanding, or for the purpose of refunding any indebtedness on the parking buildings and facilities of such institutions or on dormitories or other facilities for the housing, boarding, and activities of students, faculties, and employees of the institutions under the control of the boards issued under the provisions of Chapter 85, article 4, the boards are authorized to issue revenue refunding bonds in the same manner as herein provided for the issuance of revenue bonds.

**85-408.**

**Dormitories; housing facilities; other facilities; rates, fees, or charges; pledge for payment of bonds; surplus; approval by Legislature.**

The boards are authorized and directed to establish and maintain such schedule of rates, fees, or charges for the use of the facilities afforded by the buildings constructed or acquired under sections [85-401](#) to [85-411](#) and other facilities controlled by such board, the revenue of which in whole or in part is pledged to the holder of the bonds, which shall be in an amount at least sufficient on the amortization plan to pay the operating and maintenance charges thereof and the principal and interest representing the indebtedness against the income and revenue therefrom and may be sufficient in amount to provide for such bond reserve, replacement, and surplus funds as the boards in their discretion shall determine. The amounts in such funds shall be expended for such purposes in connection with the facilities as the boards shall determine, and any amount in any surplus or replacement fund and any amounts received through the sale, condemnation, or destruction of any facilities may be used to construct, repair, or replace any of the types of facilities described in section [85-403](#). Any amounts in such funds are specifically appropriated to the purposes of such funds and shall at all times be subject to the orders of the boards accordingly.

Before any single expenditure in excess of five hundred thousand dollars is made from any such surplus or replacement fund, the board concerned shall first submit such proposed expenditure to and secure the approval or disapproval of the Legislature or, if the Legislature is not in session, of the Executive Board of the Legislative Council.

**85-409.**

**Campus buildings and facilities; utilities; board furnish.**

The respective boards, referred to in section [85-403](#), in their discretion may furnish heat, light, power, and other similar utilities to any building or structure, or for any activities covered by the provisions of sections [85-403](#) to [85-411](#), without charging the same against the revenue derived therefrom.

**85-410.**

**Campus buildings and facilities; revenue bonds; issuance; public purpose; exempt from taxation.**

In exercising the powers granted it under sections [85-401](#) to [85-411](#), and in issuing revenue bonds as provided in sections [85-403](#) to [85-411](#), the board exercising such powers or issuing the bonds shall constitute and be and is hereby created as a public corporation organized for educational purposes and is declared to be a governmental subdivision and instrumentality of the State of Nebraska, and all bonds issued under the authority of sections [85-403](#) to [85-411](#), together with interest thereon, shall be wholly exempt from taxation.

**85-411.**

**Campus buildings and facilities; board; powers.**

The boards are hereby authorized and empowered to do any and all things necessary and convenient to carry out the purposes and intent of sections [85-403](#) to [85-411](#).

**85-419.**

**Renewal, renovation, replacement, or repair projects; financing; legislative findings.**

(1) The Legislature finds and determines that protecting investments in buildings through the completion of renewal, renovation, replacement, or repair projects is of critical importance to the State of Nebraska. The Legislature further recognizes that arresting the continued deterioration of buildings and limiting the effects of inflation on the costs of such renewal, renovation, replacement, or repair of such facilities at the earliest possible



time is necessary for protecting such investment in the buildings of the State of Nebraska. The state, the University of Nebraska, and the Nebraska state colleges have a shared goal of protecting the assets of the state and maintaining them at a level which will attract and retain students and serve Nebraskans effectively. In order to further this critical goal, it is necessary, desirable, and advisable that the Legislature extend the University of Nebraska Facilities Program, the State College Facilities Program, and the other capital appropriations referenced in sections [85-419](#) to [85-425](#) and provide the University of Nebraska and the Nebraska state colleges the necessary authority to efficiently pursue prevailing financing strategies and achieve cost savings by authorizing the Board of Regents of the University of Nebraska and the Board of Trustees of the Nebraska State Colleges to enter into long-term financing contracts to finance the facilities referenced in sections [85-419](#) to [85-425](#). In order to accomplish these goals, it is necessary, desirable, and advisable that the Legislature confirm and extend such programs to provide funds for such purposes to the University of Nebraska and the Nebraska state colleges over a period of years.

(2) The Legislature recognizes the commitment of the Board of Regents of the University of Nebraska to provide matching funds (a) up to eleven million dollars per year for the period beginning with the fiscal year commencing July 1, 2009, and continuing through the fiscal year ending June 30, 2030, (b) up to two million five hundred thousand dollars per year for the period beginning with the fiscal year commencing July 1, 2021, and continuing through the fiscal year ending June 30, 2030, and (c) up to thirteen million five hundred thousand dollars per year for the period beginning with the fiscal year commencing July 1, 2030, and continuing through the fiscal year ending June 30, 2062, to supplement amounts appropriated from the General Fund pursuant to section [85-421](#) to be applied for the purposes described in section [85-421](#).

(3) The Legislature recognizes the commitment of the Board of Trustees of the Nebraska State Colleges to provide matching funds up to one million four hundred forty thousand dollars per year for the period beginning with the fiscal year commencing July 1, 2006, and continuing through the fiscal year ending June 30, 2040, to supplement amounts appropriated from the General Fund pursuant to section [85-424](#) to be applied for the purposes described in section [85-424](#).

(4) The Legislature further acknowledges and reaffirms the directive made by Laws 2019, LB297, section 38, which sets forth the intent of the Legislature to continue the appropriations set forth in Laws 2017, LB330, section 35, in the amount of eight hundred twenty thousand dollars per year through 2050; in Laws 2017, LB330, section 36, in the amount of two million one hundred sixty-five thousand nine hundred twenty-eight dollars per year through 2050; and in Laws 2017, LB330, section 37, in the amount of one million four hundred seventy-seven thousand dollars per year through 2050.

(5) The Legislature further acknowledges and affirms the directive made by Laws 2019, LB297, section 37, which sets forth the intent of the Legislature to continue the appropriations set forth in Laws 2013, LB198, section 37, in the amount of two million two hundred sixteen thousand dollars per year through 2035.

(6) Sections [85-419](#) to [85-425](#) do not modify, reduce, or eliminate any provision of subsection (10) of section [85-1414](#) requiring the approval of the Coordinating Commission for Postsecondary Education for any renewal, renovation, replacement, or repair project authorized by section [85-421](#) or [85-424](#) and undertaken by the Board of Regents of the University of Nebraska or the Board of Trustees of the Nebraska State Colleges.

#### **85-423.**

##### **State College Facilities Program; created; use of appropriations.**

The State College Facilities Program is created. All funds appropriated to the program by the Legislature shall be used exclusively for the projects listed in section [85-424](#) or for renewal, renovation, replacement, or repair projects authorized pursuant to section [85-424](#).



85-424.

**State College Facilities Program; appropriations; legislative intent; projects enumerated; accounting; reports; long-term capital plan.**

(1) The Legislature shall appropriate from the General Fund (a) an amount not less than one million one hundred twenty-five thousand dollars to the State College Facilities Program for each fiscal year for the period commencing July 1, 2006, and continuing through the fiscal year ending June 30, 2040, and (b) an amount not less than two million two hundred sixteen thousand dollars in each fiscal year for the appropriations referred to in subsection (5) of section [85-419](#), which shall be continued through the fiscal year ending June 30, 2040, to the State College Facilities Program to be used by the Board of Trustees of the Nebraska State Colleges to accomplish projects as provided in this section. Through the allotment process established in section [81-1113](#) the Department of Administrative Services shall make appropriated funds available. Undisbursed appropriations balances existing in the State College Facilities Program at the end of each fiscal year until June 30, 2041, shall be and are hereby reappropriated.

(2) The Legislature finds and determines that the projects funded through the State College Facilities Program are of critical importance to the State of Nebraska. It is the intent of the Legislature that the appropriations to the program shall not be reduced until all contracts and securities relating to the construction and financing of the projects or portions of the projects funded from such funds or accounts of such funds are completed or paid but in no case shall such appropriations extend beyond the fiscal year ending June 30, 2040.

(3) Subject to the receipt of project approval from the Coordinating Commission for Postsecondary Education as required by subsection (10) of section [85-1414](#) for each of the following state college projects, the Board of Trustees of the Nebraska State Colleges is authorized to make expenditures from the State College Facilities Program for the following state college projects: (a) Deferred maintenance, repair, and renovation of Chadron State College Academic/Administration Building; (b) design and placement of a new Peru State College emergency power generator; (c) replacement of existing Peru State College Al Wheeler Activity Center bleachers; (d) addition to and deferred maintenance, repair, and renovation of Peru State College Al Wheeler Activity Center; (e) addition to and deferred maintenance, repair, and renovation of Wayne State College Campus Services Building; (f) deferred maintenance, repair, and renovation of Wayne State College Rice Auditorium; (g) deferred maintenance, repair, and renovation of Wayne State College Memorial Stadium; (h) replacement of or deferred maintenance, repair, and renovation of Chadron State College stadium; (i) addition to and deferred maintenance, repair, and renovation of Peru State College Theatre/Event Center; (j) construction of a facility to replace Wayne State College Benthack Hall applied technology programmatic space; (k) systemwide miscellaneous fire and life safety, energy conservation, deferred repair, federal Americans with Disabilities Act of 1990, and asbestos removal projects; (l) construction of the Math Science Facility at Chadron State College; and (m) any renewal, renovation, replacement, or repair of existing state college facilities.

(4) Expenditures of matching funds provided for the projects listed in this section by the Board of Trustees of the Nebraska State Colleges as provided for in section [85-419](#) shall be accounted for in the Nebraska State Accounting System through the State College Facilities Program or according to some other reporting process mutually agreed upon by the state colleges and the Department of Administrative Services.

(5) The Board of Trustees of the Nebraska State Colleges shall record and report, on the Nebraska State Accounting System, expenditure of amounts from the State College Facilities Program and expenditure of proceeds arising from any contract entered into pursuant to this section and section [85-425](#) in such manner and format as prescribed by the Department of Administrative Services or according to some other reporting process mutually agreed upon by the state colleges and the Department of Administrative Services.

(6) At least once every two fiscal years beginning with fiscal year 2023-24 for the biennial period from fiscal years 2023-25, the Board of Trustees of the Nebraska State Colleges shall report to the Legislature (a) the projects expected to be constructed or newly financed in the next biennium from the State College Facilities Program and (b) the projects that were constructed or newly financed in the previous biennium from the State College Facilities Program. In addition, at least once every ten fiscal years beginning with fiscal year 2022-23, the Board of Trustees shall provide to the Legislature a copy of its current long-term capital plan for projects to be constructed or newly financed from the State College Facilities Program.

**85-425.**

**Board of Trustees of the Nebraska State Colleges; contracts authorized; limitations; powers.**

(1) In order to accomplish any projects authorized by section [85-424](#), the Board of Trustees of the Nebraska State Colleges may enter into contracts with any person, firm, or corporation providing for the implementation of any such project of the Nebraska state colleges and providing for the long-term payment of the cost of such project from the State College Facilities Program. In no case shall any such contract extend for a period beyond December 31, 2041, nor shall any such contract exceed the repayment capabilities implicit in the funding streams authorized in sections [85-419](#) and [85-424](#).

(2) The Board of Trustees of the Nebraska State Colleges shall not pledge the credit of the State of Nebraska for the payment of any sum owing on account of such contract, except that there may be pledged for the payment of any such contract any appropriation specifically made by the Legislature for such purpose, together with such funds of the Board of Trustees as the board determines. No contract shall be entered into pursuant to this section without prior approval by the Board of Trustees. The Board of Trustees may also convey, lease, or lease back all or any part of the projects authorized by section [85-424](#) and the land on which such projects are situated to such person, firm, or corporation as the Board of Trustees may contract with pursuant to this section to facilitate the long-term payment of the cost of such projects. Any such conveyance or lease shall provide that when the cost of such projects has been paid, together with interest and other costs thereon, such projects and the land on which such projects are located shall become the property of the Board of Trustees.

(3) The Board of Trustees of the Nebraska State Colleges is authorized to make expenditures for the purposes stated in this section and section [85-424](#) from investment income balances in any fund created under the authority provided for in any contract or contracts authorized by this section. Any balance existing in the State College Facilities Program, whether from appropriations or the designated amounts identified in section [85-419](#), in excess of amounts required to meet debt service and any interest thereon for any related financing contract, shall be distributed proportionally between the Board of Trustees and the Department of Administrative Services as to the total amount contributed to the program by the Board of Trustees pursuant to section [85-419](#) and by the state, beginning in the fiscal year commencing July 1, 2006, through and including the fiscal year ending June 30, 2040, on December 31, 2041, or when all financial obligations incurred in the contracts entered into by the Board of Trustees pursuant to this section are discharged, whichever occurs first.

**85-426.**

**Capital construction projects; nonprofit corporation; approval by Legislature; when.**

All capital construction projects, including applicable financing plans, proposed by any nonprofit corporation created by the Board of Regents of the University of Nebraska or the Board of Trustees of the Nebraska State Colleges shall be submitted to the Legislature for review and approval or disapproval by the Legislature, or if the Legislature is not in session, the Executive Board of the Legislative Council, when (1) state general funds, (2) funds received by the University of Nebraska or any state college for the purposes of reimbursing overhead costs and expenses in connection with any federal or other grant or contract, (3) tuition, or (4) the state's operating investment pool investment income constitutes all or any part of the funds used for the repayment of all or any part of the bonds of such nonprofit corporation. This section does not apply to any construction project or financing plan comprising part of the University of Nebraska Facilities Program or the State College Facilities Program to the extent that subsection (6) of section [85-421](#) and subsection (6) of section [85-424](#) have been complied with by the respective boards referenced in such sections.

**85-501.**

**State educational institutions; nonresident fees.**

All state educational institutions shall charge nonresident fees to be paid by nonresidents of Nebraska who shall matriculate at any such institution, and the governing board of each institution may fix and collect such fees.

Subject to the minimum standards provided by section [85-502](#), resident status shall be determined at the time of each registration according to rules and regulations which the governing board of each institution shall establish.

**85-502.**

**State postsecondary educational institution; residence requirements.**

Rules and regulations established by the governing board of each state postsecondary educational institution shall require as a minimum that a person is not deemed to have established a residence in this state, for purposes of sections [85-501](#) to [85-504](#), unless:

- (1) Such person is of legal age or is an emancipated minor and has established a home in Nebraska where he or she is habitually present for a minimum period of one hundred eighty days, with the bona fide intention of making this state his or her permanent residence, supported by documentary proof;
- (2) The parents, parent, or guardian having custody of a minor registering in the educational institution have established a home in Nebraska where such parents, parent, or guardian are or is habitually present with the bona fide intention to make this state their, his, or her permanent residence, supported by documentary proof. If a student has matriculated in any state postsecondary educational institution while his or her parents, parent, or guardian had an established home in this state, and the parents, parent, or guardian ceases to reside in the state, such student shall not thereby lose his or her resident status if such student has the bona fide intention to make this state his or her permanent residence, supported by documentary proof;
- (3) Such student is of legal age and is a dependent for federal income tax purposes of a parent or former guardian who has established a home in Nebraska where he or she is habitually present with the bona fide intention of making this state his or her permanent residence, supported by documentary proof;
- (4) Such student is a nonresident of this state prior to marriage and marries a person who has established a home in Nebraska where he or she is habitually present with the bona fide intention of making this state his or her permanent residence, supported by documentary proof;
- (5) Except as provided in subdivision (9) of this section, such student, if an alien, has applied to or has a petition pending with the United States Immigration and Naturalization Service to attain lawful status under federal immigration law and has established a home in Nebraska for a period of at least one hundred eighty days where he or she is habitually present with the bona fide intention to make this state his or her permanent residence, supported by documentary proof;
- (6) Such student is a staff member or a dependent of a staff member of the University of Nebraska, one of the Nebraska state colleges, or one of the community college areas who joins the staff immediately prior to the beginning of a term from an out-of-state location;
- (7)(a) Such student is on active duty with the armed services of the United States and has been assigned a permanent duty station in Nebraska; or  
(b) Such student is a spouse or legal dependent of a person who was on active duty with the armed services of the United States assigned to a permanent duty station in Nebraska at the time such student was accepted for admission to the state postsecondary educational institution and such student remains continually enrolled at such state postsecondary educational institution;
- (8) Such student is currently serving in the Nebraska National Guard;
- (9)(a) Such student resided with his or her parent, guardian, or conservator while attending a public, private, denominational, or parochial high school in this state or a school in this state which elects pursuant to section [79-1601](#) not to meet accreditation or approval requirements and:
  - (i) Graduated from a public, private, denominational, or parochial high school in this state, completed the program of instruction offered by a school in this state which elects pursuant to section [79-1601](#) not to meet accreditation or approval requirements, or received a diploma of high school equivalency issued pursuant to section [79-730](#);
  - (ii) Resided in this state for at least three years before the date the student graduated from the high school, completed the program of instruction, or received the diploma of high school equivalency;
  - (iii) Registered as an entering student in a state postsecondary educational institution not earlier than the 2006 fall semester; and

- (iv) Provided to the state postsecondary educational institution an affidavit stating that he or she will file an application to become a permanent resident at the earliest opportunity he or she is eligible to do so.
- (b) If the parent, guardian, or conservator with whom the student resided ceases to reside in the state, such student shall not lose his or her resident status under this subdivision if the student has the bona fide intention to make this state his or her permanent residence, supported by documentary proof; or
- (10) Such student is qualified for a national service educational award or summer of service educational award from the National Service Trust pursuant to 42 U.S.C. 12602, as such section existed on January 1, 2021.

**85-502.01.**

**Public college or university; veteran; spouse or dependent of veteran; eligible recipient under federal law; person entitled to rehabilitation under federal law; resident student; requirements.**

- (1) A person who enrolls in a public college or university in this state and who is (a) a veteran as defined in Title 38 of the United States Code and was discharged or released from a period of not fewer than ninety days of service in the active military, naval, or air service, (b) a spouse or dependent of such a veteran, (c) an eligible recipient entitled to educational assistance as provided in 38 U.S.C. 3319 while the transferor is on active duty in the uniformed services or as provided in 38 U.S.C. 3311(b)(9), as such sections existed on January 1, 2019, or (d) entitled to rehabilitation pursuant to 38 U.S.C. 3102(a), as such section existed on January 1, 2019, shall be considered a resident student notwithstanding the provisions of section [85-502](#) if the person is registered to vote in Nebraska and demonstrates objective evidence of intent to be a resident of Nebraska, except that a person who is under eighteen years of age is not required to register to vote in Nebraska.
- (2) For purposes of this section, objective evidence of intent to be a resident of Nebraska includes a Nebraska driver's license, a Nebraska state identification card, a Nebraska motor vehicle registration, or documentation that the individual is registered to vote in Nebraska.

**85-503.**

**State educational institutions; tuition.**

All state institutions are empowered to fix tuition and other fees to be paid by students residing in Nebraska.

**85-504.**

**State educational institutions; fees; waiver.**

Rules may be made by each institution for waiving or refunding fees to students maintaining high scholarship, or to those who, maintaining satisfactory scholarship, are in need of financial assistance.

**85-505.**

**Nebraska National Guard; member; tuition; credit; limitation.**

Any member of the Nebraska National Guard who enrolls in any state-supported university, college, or community college or any independent, not-for-profit, accredited college or university in this state shall be entitled to a credit of one hundred percent of the resident tuition charges of such school for a diploma, certificate, associate degree, or baccalaureate degree program or fifty percent of the resident tuition charges of such school for a graduate or professional degree program, except that any member who attends an independent, not-for-profit, accredited college or university in this state shall receive a credit in an amount no higher than such member would receive if attending the University of Nebraska-Lincoln. Such entitlement shall be for a period of ten years from the date of the member's initial membership so long as the member maintains satisfactory performance with the guard and pursues a course of study in such institution in a manner which satisfies the normal requirements of the institution. If a member is unable to complete the course of study within the ten-year period due to deployment on federal or state active-duty status for not less than one hundred twenty days, the Adjutant General may extend the entitlement period for such member for a period equal to the period of such

person's active-duty status, not to exceed a maximum of five years. During the extended entitlement period, the member shall be subject to all remaining conditions and limitations of the tuition assistance program prescribed in sections [85-505](#) to [85-508](#). The number of individuals granted tuition credit shall not exceed the number specified in section [85-505.01](#) during any fiscal year, and the amount of tuition credits granted shall not exceed nine hundred thousand dollars during any fiscal year. When determining to whom such tuition credit shall be awarded, priority shall be given to those individuals who have previously received tuition credits while a National Guard member, and the Nebraska National Guard shall apply those program qualifications and limitations consistent with efficient and effective program management as determined by the Adjutant General.

**85-505.01.**

**Nebraska National Guard; tuition assistance program; limitations; conditions.**

- (1) The tuition assistance program prescribed in sections [85-505](#) to [85-508](#) shall not be available to:
  - (a) More than one thousand two hundred members during any fiscal year; and
  - (b) Any member who has not exhausted any available federal tuition assistance benefits.
- (2) The tuition assistance program prescribed in sections [85-505](#) to [85-508](#) shall be available to members of the Nebraska National Guard for a period of ten years, as provided in section [85-505](#), from the date of initial membership.
- (3) Only credit-bearing courses which meet program requirements shall be approved for tuition assistance under sections [85-505](#) to [85-508](#). Members shall not receive tuition assistance for any noncredit courses.
- (4) If a member of the Nebraska National Guard voluntarily withdraws from a course for which tuition assistance is being received, the member shall be liable for all costs relating to such withdrawal, including, but not limited to, all of the costs billed by the educational institution to the Nebraska National Guard. Reimbursement shall be in accordance with section [72-1601](#).
- (5) Any member of the Nebraska National Guard who receives tuition assistance shall agree in writing to serve in the Nebraska National Guard for three years after the completion of the courses for which tuition assistance was given. Any member who receives tuition assistance may be asked to reimburse the State of Nebraska if any such member leaves the Nebraska National Guard during such three-year period. Reimbursement shall be in accordance with section [72-1601](#).
- (6) The Military Department shall retain the responsibility and authority to establish any limitations and controls it deems necessary to ensure maximum fiscal efficiency and productivity of the tuition assistance program prescribed in sections [85-505](#) to [85-508](#).

**85-506.**

**Nebraska National Guard; member; certificate as to guard performance; tuition credit.**

It shall be the responsibility of the individual member of the Nebraska National Guard to obtain a certificate from such member's commanding officer attesting as to the satisfactory guard performance of such member and to present the same to the educational institution in order to obtain tuition credit. Such certification shall be accomplished at the time of enrollment for each semester or academic term for which tuition credit is requested. Such certification shall include a signed agreement by the individual to serve in the National Guard for a minimum of three years from the date of certification.

**85-507.**

**Nebraska National Guard; spouse and children of deceased member; tuition; credit; conditions.**

The spouse and children of any member of the Nebraska National Guard who dies while serving in the active service of the state shall be entitled to a credit of one hundred percent of the tuition charges in any state-supported university, college, or community college or any independent, not-for-profit, accredited college or university in this state, except that any spouse or child who attends an independent, not-for-profit, accredited college or university in this state shall receive a credit in an amount no higher than that spouse or child would



receive if attending the University of Nebraska-Lincoln. Such tuition credit shall be for any undergraduate course of education not exceeding four years, except that no credit shall be granted to the spouse after the tenth anniversary of the member's death and no credit shall be granted to a child after such child's twenty-fifth birthday. All persons eligible for tuition credit under this section shall obtain a certificate of eligibility from the Adjutant General of the Nebraska National Guard and present such certificate to the educational institution.

**85-508.**

**Nebraska National Guard; tuition; credits; educational institution; reimbursement.**

Upon receipt of a certificate described in section [85-506](#), the educational institution shall endorse on the certificate the dollar amount of the tuition credit granted pursuant to such section and return such certificate to the Nebraska National Guard office issuing the certificate. The educational institution shall compile a record of the total dollar amount of the tuition credits granted for the academic term. At the completion of the academic term, the institution shall submit the total amount of such credits together with a request for reimbursement of such amount to the National Guard. Upon receipt of the request, the National Guard shall reimburse the institution.

**85-601.**

**Interference with operation; faculty, administrative staff, student; dismissal or expulsion.**

It shall be grounds for the dismissal of any member of the faculty or administrative staff employed by, or the expulsion of any student attending, any public institution of higher education in this state to use or assist others in any way in the use of force or to counsel, recommend, or urge the use of force or the threat of force or the seizure of property under the control of such institution, or by any act or action not sanctioned by law to prevent the faculty, administrative officers, employees or students in such institution from engaging in their normal duties in connection with the operation of the institution or pursuing their studies at such institution.

**85-602.**

**Faculty, administrative staff, student; dismissal or expulsion; procedure.**

No person shall be dismissed or expelled under the provisions of section [85-601](#) until he has been accorded a public hearing under rules and regulations for the administration of sections [85-601](#) to [85-605](#) established by the governing body of the institution. Notice of such hearing and a formal written statement of the charges against him shall be served by either registered or certified mail, sent to his current address as shown on the records of the institution, at least twenty days before the date set for hearing. He shall be entitled to file a written response to such charges, to be present in person and by counsel at the hearing, and to testify and produce other witnesses on his behalf.

**85-603.**

**Faculty, administrative staff, student; dismissal or expulsion; order; contents; service.**

Dismissal or expulsion of any person under the provisions of section [85-601](#) shall be by written order, which shall contain findings of fact upon which dismissal or expulsion is based, and shall be signed by an authorized agent of the governing body. The order shall be entered within thirty days after the hearing, shall state its effective date, and shall be served by either registered or certified mail, return receipt requested, sent to his current address as shown on the records of the institution.

**85-604.**

**Governing body; rules and regulations; adopt.**

The governing body of each public institution of higher education in this state shall adopt rules and regulations for the administration of the provisions of sections [85-601](#) to [85-605](#).

**85-605.**

**Terms, defined.**

For purposes of sections [85-601](#) to [85-605](#), (1) dismissal shall not include the failure to renew a probationary appointment of any faculty member or administrative staff member and (2) public institution of higher education shall include the University of Nebraska, the state colleges, and the community colleges.

**85-606.**

**University of Nebraska, state colleges, community colleges; permissive retirement; compulsory retirement; exceptions; retirement contributions; faculty member; revocation of tenure; rights.**

(1) Employees of the state colleges, community colleges, and the University of Nebraska may retire upon reaching the age of sixty-five. Any law enforcement personnel reaching the age of seventy shall retire, except that, with the annual approval of the governing board of the institution and the employee, such employee may continue his or her employment beyond the attainment of age seventy.

(2) Any employee continuing to work after age sixty-five shall continue to make contributions to the appropriate retirement system until the date of retirement.

(3) No faculty member of the University of Nebraska, the Nebraska State Colleges, or the community colleges shall have his or her tenure status revoked without due process.

**85-606.01.**

**University of Nebraska; state colleges; community colleges; retirement annuity contracts; purchase.**

The Board of Trustees of the Nebraska State Colleges, any community college area board, and the Board of Regents of the University of Nebraska shall have the authority to purchase retirement annuity contracts for any or all of their employees at the direction of the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act and may enter into contracts with their employees providing for the purchase of such retirement annuity contracts under the provisions of the Internal Revenue Code. Such employment contracts may provide that the amounts contributed by the employer for such annuity contracts shall be the result of an agreement of the employee to take a reduction in salary or to forego an increase in salary, but only to the extent such amounts are earned by the employee after the agreement becomes effective. Such an agreement must be legally binding and irrevocable with respect to amounts earned while the agreement is in effect. The right of an employee to such an annuity contract is nonforfeitable, except for failure to pay future premiums. Such an annuity contract is nontransferable.

**85-607.**

**Denial of admission of or discrimination against certain qualified student; prohibited.**

No publicly funded college or university in this state shall prohibit the admission of any student, or discriminate against any student with regard to determinations of residency status or scholarship eligibility, on the basis that such student was educated in a school which elects to meet the requirements of subsections (2) through (6) of section [79-1601](#) if the student is qualified for admission as shown by testing results.

**85-608.**

**Report; contents; hearing.**

(1) On or before September 15, 2021, and September 15 of each odd-numbered year thereafter, each public postsecondary institution shall electronically submit a report regarding sexual harassment and Title IX compliance to the Clerk of the Legislature and the Education Committee of the Legislature. The report shall include:

(a) Results of any campus climate survey related to sexual harassment;



- (b) Information related to the training provided to Title IX coordinators, investigators, and decisionmakers regarding sexual harassment;
  - (c) Any policies, initiatives, or grievance procedures the postsecondary institution has adopted to address sexual harassment;
  - (d) Information on where the postsecondary institution's students and employees may receive immediate emergency assistance to address instances of sexual harassment;
  - (e) Information on how the postsecondary institution's students and employees may report concerns of sexual harassment to the postsecondary institution;
  - (f) Information on resources, programs, and support available to the postsecondary institution's students and employees to address concerns of sexual harassment;
  - (g) Information on any of the postsecondary institution's student or employee-led organizations engaged in supporting victims of sexual harassment; and
  - (h) Any agreement between the postsecondary institution and a local law enforcement agency or the county attorney related to addressing instances of sexual harassment.
- (2) The report shall not include any personally identifiable information, information that is subject to a privilege arising under state or federal law, or records that may be withheld from disclosure under section [84-712.05](#).
- (3) On or before December 15, 2021, and on or before December 15 of each odd-numbered year thereafter, the Education Committee of the Legislature shall hold a public hearing to review all reports submitted under this section.
- (4) For purposes of this section:
- (a) Postsecondary institution has the same meaning as in section [85-2403](#);
  - (b) Sexual harassment means conduct that satisfies one or more of the following:
    - (i) An employee conditioning the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct;
    - (ii) Unwelcome conduct on the basis of sex determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the education program or activity;
    - (iii) Sexual assault as defined in 20 U.S.C. 1092(f)(6)(A)(v);
    - (iv) Dating violence as defined in 34 U.S.C. 12291(a)(10);
    - (v) Domestic violence as defined in 34 U.S.C. 12291(a)(8); or
    - (vi) Stalking as defined in 34 U.S.C. 12291(a)(30); and
  - (c) Title IX means Title IX of the Education Amendments of 1972, Public Law [92-318](#), 20 U.S.C. 1681 to 1688, and its accompanying regulations and guidance documents, as amended.

#### **85-609.**

##### **Student identification cards; requirements.**

Beginning with the 2022-23 academic year, each public postsecondary institution authorized to operate in this state shall require that the telephone number for a national suicide prevention hotline, a local suicide prevention hotline, or a crisis text line is printed on each new student identification card issued to a student enrolled in such public postsecondary institution. Nothing in this section shall be construed to require the issuance of student identification cards to students in any postsecondary institution.

#### **85-901.**

##### **Eye protective devices; required; when; term, defined; Commissioner of Education; duties.**

- (1) Every student and teacher in colleges, universities, or other postsecondary educational institutions shall wear appropriate industrial-quality eye protective devices at all times while participating in or observing the following courses of instruction:
- (a) Vocational, technical, industrial arts, chemical, or chemical-physical, involving exposure to:
    - (i) Hot molten metals or other molten materials;
    - (ii) Milling, sawing, turning, shaping, cutting, grinding, or stamping of any solid materials;

- (iii) Heat treatment, tempering, or kiln firing of any metal or other materials;
- (iv) Gas or electric arc welding or other forms of welding processes;
- (v) Repair or servicing of any vehicle; or
- (vi) Caustic or explosive materials; and

(b) Chemical, physical, or combined chemical-physical laboratories involving caustic or explosive materials, hot liquids or solids, injurious radiations, or other hazards not enumerated.

Such devices may be furnished by the postsecondary educational institution for all students and teachers, purchased and sold at cost to students and teachers, or made available for a moderate rental fee and shall be furnished for all visitors to shops and laboratories of such institutions.

(2) For purposes of this section, unless the context otherwise requires, industrial-quality eye protective devices means devices which meet the standard of the American National Standard Practice for Occupational and Educational Eye and Face Protection, Z 87.1(1979) as approved by the American National Standards Institute, Inc.

(3) The Commissioner of Education shall prepare and circulate to each public and private postsecondary educational institution in this state instructions and recommendations for implementing the eye safety provisions of this section.

#### **85-902.**

##### **Information on meningococcal disease; requirements.**

(1) Beginning with school year 2003-04, each postsecondary educational institution shall provide to each newly enrolled student who will reside in oncampus housing and the student's parent or guardian: (a) Detailed information on the risks associated with the potentially fatal meningococcal disease; (b) the availability and effectiveness of a vaccine against the disease; (c) a recommendation that each student receive the meningococcal vaccination; and (d) information on the availability of an indigent patient fund to assist qualified persons with the cost of the vaccine.

(2) Each postsecondary educational institution shall request a confirmation signed by the student, parent, or guardian that the information provided has been received and reviewed.

#### **85-903.**

##### **Information on early voting; requirements.**

In addition to the requirements of 20 U.S.C. 1094(a)(23), the University of Nebraska, each state college, and each community college shall provide information furnished by the Secretary of State on early voting prior to each statewide primary and general election to each student enrolled in a degree or certificate program and physically in attendance at the institution. The information shall include instructions on early voting and an application to request a ballot for early voting. The institution may provide the information electronically.

#### **85-904.**

##### **American Sign Language course; credits; how used.**

Any postsecondary educational institution may offer an elective course in American Sign Language. Any credits earned in a course in American Sign Language at a postsecondary educational institution may be used for world language credits if recognized as such by the postsecondary educational institution.

#### **85-917.**

##### **Legislative intent.**

The Legislature hereby declares that it is the intent and purpose of sections [85-194](#), [85-308](#), [85-606.01](#), [85-917](#) to [85-966](#), and [85-1511](#) to provide statements of role and mission for the state's systems and institutions of postsecondary education which will:

- (1) Provide for a coordinated state system of postsecondary education;

- (2) Provide for the maintenance and development of quality postsecondary educational programs and services for all citizens in all regions of the state;
- (3) Insure student and community access to comprehensive educational programs;
- (4) Limit unnecessary program and facility duplication through a coordinated planning and review process;
- (5) Encourage statewide long-term academic and fiscal planning for postsecondary education in the state;
- (6) Establish a legislative review process to insure that (a) role and mission statements are updated as necessary and (b) postsecondary institutions are complying with role and mission assignments and are serving a valuable purpose to the state within their current role and mission assignments; and
- (7) Provide a mechanism for (a) implementing an extensive change in the scope, role, and mission of a campus, (b) closing a campus, (c) merging campuses, and (d) changing a campus to serve a completely different public purpose.

**85-918.**

**Definitions; where found.**

For purposes of sections [85-917](#) to [85-966](#), unless the context otherwise requires, the definitions found in sections [85-919](#) to [85-932.01](#) shall be used.

**85-919.**

**Instructional activities, defined.**

Instructional activities shall mean those degree-credit and non-degree-credit courses and programs delivered to complete specific degree and nondegree learner objectives.

**85-920.**

**Research activities, defined.**

Research activities shall mean those activities intended to create new knowledge or provide for the application of existing or newly created knowledge. Research activities may be carried out in conjunction with a system or area's instructional program or as a separately identifiable activity.

**85-921.**

**Public service activities, defined.**

Public service activities shall mean those programs established to make available to the public the particular resources of a system, area, or institution for the purpose of responding to a statewide, regional, or community need. Within this category may be included the following activities: (1) Direct patient care; (2) health care supportive services; (3) community services; (4) cooperative agricultural extension; (5) public broadcasting services; (6) cultural, recreational, and personal development activities; (7) economic development activities; and (8) continuing education for occupations and professions. Adult, basic, and continuing education programs or services shall not be included in the subcategory of community services.

**85-922.**

**Program responsibility, defined.**

Program responsibility shall mean a system, area, or institution having designated statewide or regional administrative, planning, and academic responsibility for a general or specific program area.

**85-923.**

**Cooperative program delivery, defined.**

Cooperative program delivery shall mean the provision for two or more systems, areas, or institutions to participate in the planning or delivery of a program or service in a specific or general area; with one system, area, or institution having administrative and academic responsibility for the program.

**85-924.**

**Regional program responsibility, defined.**

Regional program responsibility shall mean an identifiable geographic area for service delivery by a system, area, or institution. The intrastate or interstate area or region serves as the base for justifying existing and proposed new or expanded program responsibilities.

**85-926.**

**General academic transfer programs, defined.**

General academic transfer programs shall mean those one-year or two-year degree-credit programs, at the associate degree level or below including liberal arts and sciences degrees or courses, intended by the offering institution for transfer into a baccalaureate program. Programs in this category may include the award of a formal degree upon completion of the program.

**85-927.**

**Applied technology and occupational education, defined.**

Applied technology and occupational education shall mean those instructional programs at the associate degree level or below including associate of applied science degrees, diplomas, certificates, and course work intended to prepare individuals for immediate entry into a specific occupation or career, to upgrade skills, or to acquire new skills. Programs in this category may include the award of a formal degree, diploma, or certificate upon completion of the program.

**85-928.**

**Baccalaureate general academic, defined.**

Baccalaureate general academic shall mean those degree programs intended by an institution to prepare an individual to function in a variety of different career areas or to prepare such individual for further academic study. Programs at this level shall allow an individual to acquire a general education at the baccalaureate level in arts, sciences, and humanities.

**85-929.**

**Baccalaureate occupational, defined.**

Baccalaureate occupational shall mean those degree programs intended by an institution to prepare an individual for a specific occupation or career. Such programs include but are not limited to: (1) Agriculture and natural resources; (2) communications; (3) business and management; (4) computer and information sciences; (5) home economics; (6) fine and applied arts; and (7) specific areas in the social sciences.

**85-931.**

**Graduate degree programs, defined.**

Graduate degree programs shall mean those programs for which the following degrees are awarded:

- (1) First professional degree being the first earned degree in the following fields: (a) Dentistry; (b) medicine, general; (c) optometry; (d) osteopathic medicine; (e) pharmacy; (f) podiatry; (g) veterinary medicine; (h) chiropractic; (i) law, general; (j) theology, general; and (k) architecture, general;
- (2) Master's degree being the earned degree carrying the title Master. The master's degree is the first advanced graduate degree conferred in professional programs and general academic and occupational programs. Master's degree professional programs include but are not limited to: (a) Engineering; (b) education; (c) allied health professions; (d) nursing; (e) architecture, specialties; (f) community and regional planning; (g) dentistry; (h) medicine, specialties; (i) optometry; (j) osteopathic medicine; (k) pharmacy; (l) podiatry; (m) social work; (n) veterinary medicine; (o) chiropractic; (p) law, specialties; and (q) theology, specialties. Master's degree programs in general academic and occupational areas include but are not limited to: (a) Mathematics; (b) languages; (c) biological and physical sciences; (d) letters; (e) fine arts; (f) social sciences; (g) agriculture and natural resources; (h) communications; (i) business and management; (j) computer and information sciences; (k) home economics; and (l) fine and applied arts; and
- (3) Doctoral degree being an earned academic degree conveying the title of Doctor. Doctoral degrees include but are not limited to: Doctor of Philosophy; Doctor of Education; and Doctor of Arts.

**85-932.**

**Continuing education for occupations and professions, defined.**

Continuing education for occupations and professions shall mean training or education that is not a part of a terminal degree or certificate program, but is related to an individual's existing or proposed area of occupation or profession.

**85-932.01.**

**Foundations education, defined.**

Foundations education shall mean education which includes remedial and developmental programs, adult basic education, general education development, English as a second language, compensatory education, and refresher courses.

**85-933.**

**Expenditures in conflict with role and mission assignments; prohibited.**

No funds generated or received from a General Fund appropriation, state aid assistance program, or receipts from a tax levy authorized by statute shall be expended in support of programs or activities which are in conflict with the role and mission assignments applicable to the University of Nebraska, state colleges, or community colleges under sections [85-194](#), [85-308](#), [85-606.01](#), [85-917](#) to [85-966](#), and [85-1511](#).

**85-934.**

**Nondegree recreational and avocational courses; self-supporting; exception.**

All direct costs of nondegree recreational and avocational courses shall, on the average, be self-supporting through student tuition and fee charges or designated grants or contracts by July 1, 1979. This section shall not apply to the Cooperative Extension Service of the University of Nebraska.

**85-949.**

**State college system; role and mission assignments; board of trustees; adopt policies.**

The role and mission assignments enumerated in sections [85-950](#) to [85-958](#) shall apply to the state college system and its institutions. Such assignments shall prohibit, limit, or restrict only those programs or services provided for under such sections. The Board of Trustees of the Nebraska State Colleges shall adopt and promulgate policies

and procedures necessary to assure compliance with sections [85-194](#), [85-308](#), [85-606.01](#), [85-917](#) to [85-966](#), and [85-1511](#).

**85-950.**

**State colleges; public service and continuing education activities; regional responsibility; exception.**

The state colleges shall have regional responsibility for public service and continuing education activities, except in areas where such colleges have the ability to provide a particular service on a statewide basis.

**85-951.**

**State colleges; priorities.**

The state colleges, collectively and individually, shall have as their first instructional priority the provision of baccalaureate general academic, baccalaureate occupational, and baccalaureate professional degree programs in education. The colleges' second instructional priority shall be master's programs in education and other areas authorized by the Legislature. Such colleges' third priority shall be the continuation and development of applied research and public service activities. The colleges' fourth priority shall be the awarding of the specialist degree in education.

**85-952.**

**State colleges; programs permitted; limitations.**

The state colleges may continue to deliver academic transfer and preprofessional associate degree programs for which a degree may be awarded if approved by the Board of Trustees of the Nebraska State Colleges and the Coordinating Commission for Postsecondary Education pursuant to sections [85-1413](#) and [85-1414](#) upon demonstration of compelling need and unique capacity of the state colleges to offer such programs. The state colleges shall not independently award the associate degree, diploma, or certificate for applied technology education programs.

**85-953.**

**State colleges; research activities permitted.**

The state colleges may continue to pursue and develop applied research programs related to their instructional and regional responsibilities. Research activities of the state colleges shall be directly related to the enhancement of the instructional programs and to the professional development of the faculty.

**85-954.**

**State colleges; master's degree programs in education; graduate business courses; joint advisory committee; established.**

The colleges are encouraged to develop master's level curriculum in educational technology and to explore innovative new areas for master's level instruction in the field of education. The state colleges may deliver, in consultation with the University of Nebraska, graduate courses in business to meet regional needs.

The state colleges and the University of Nebraska shall establish a joint advisory committee to ensure coordinated program development and delivery in offering the master's degree in business administration.

**85-956.**

**Chadron State College; programs authorized.**

Chadron State College may maintain its existing baccalaureate general academic, baccalaureate occupational, and baccalaureate professional degree programs and shall limit new baccalaureate degree programs to the needs of its unique service area generally defined as the state's western region. Subject to approval by the Board of Trustees of the Nebraska State Colleges, Chadron State College may independently award the master's degree in business administration. Subject to approval by the Board of Trustees of the Nebraska State Colleges, Chadron State College may offer other master's degree programs upon demonstration of a compelling need in disciplines in which it has a demonstrated capacity as authorized and approved by the Coordinating Commission for Postsecondary Education pursuant to sections [85-1413](#) and [85-1414](#).

**85-957.**

**Peru State College; programs authorized.**

Peru State College may maintain its existing baccalaureate general academic, baccalaureate occupational, and baccalaureate professional degree programs and shall limit new baccalaureate degree programs to the needs of its unique service area generally defined as the state's southeast region. Peru's cooperative master's degree program in education with the university may be maintained. Subject to approval by the Board of Trustees of the Nebraska State Colleges, Peru State College may offer a Master of Science degree in organizational management with a focus in entrepreneurial and economic development.

**85-958.**

**Wayne State College; programs authorized.**

Wayne State College may maintain its existing baccalaureate general academic, baccalaureate occupational, and baccalaureate professional degree programs and shall limit new baccalaureate degree programs to the needs of its unique service area generally defined as the state's northeast region. Subject to approval by the Board of Trustees of the Nebraska State Colleges, Wayne State College may independently award the master's degree in business administration. Subject to approval by the Board of Trustees of the Nebraska State Colleges, Wayne State College may offer other master's degree programs upon demonstration of a compelling need in disciplines in which it has a demonstrated capacity as authorized and approved by the Coordinating Commission for Postsecondary Education pursuant to sections [85-1413](#) and [85-1414](#).

**85-966.01.**

**Role and mission; legislative change; conditions.**

After January 1, 1995, the Legislature shall not change the role and mission provisions in this section and sections [85-917](#) to [85-966](#) unless and until a proposal for such change has first been reviewed by the Coordinating Commission for Postsecondary Education and its recommendations on such proposal have been given to the Legislature pursuant to subdivision (2) of section [85-1412](#), section [85-1414](#), or otherwise.

**85-9,110.**

**Public postsecondary educational institution; athletic grant-in-aid; prohibited acts.**

No public postsecondary educational institution in the State of Nebraska shall, prior to graduation, reduce, cancel, or refuse to renew an athletic grant-in-aid to a student during his or her period of eligibility to compete in intercollegiate athletics solely because of an injury which prevents the student from participating in athletics.



**85-9,133.**

**Legislative findings.**

The Legislature hereby finds and declares that:

- (1) Various federal and state student financial aid programs were created by federal and state law to aid financially needy students, not colleges and universities, and are not intended to discriminate on the basis of participation by a student in an intercollegiate athletic program or sport;
- (2) Eligibility to receive aid under such programs is based on demonstrated need, and no student meeting such criteria should be deprived of such aid by a college or university solely on the basis of participation by such student in an intercollegiate athletic program or sport;
- (3) No college or university, solely on the basis of participation in an intercollegiate athletic program or sport or as a condition to such participation, should compel a student to forego any financial aid to which he or she is entitled;
- (4) No person should be denied or compelled to relinquish any benefit created by federal or state law as a condition to participation in an activity that is an integral part of the operation, occupation, or business of a college or university as an educational institution; and
- (5) The Legislature has the obligation to enact laws that prohibit unjust discrimination of every variety and form and to provide redress for victims of such discrimination.

**85-9,134.**

**Colleges and universities; prohibited acts.**

No college or university shall adopt, promulgate, or enforce any rule or regulation that requires a student to forego, relinquish, waive, or surrender any financial aid made available to financially needy students by federal or state law, solely on the basis of or as a condition to participation by such student in an intercollegiate athletic program or sport. This section is not violated if the rule or regulation pertaining to such financial aid applies equally and in the same manner to every student eligible to receive such financial aid irrespective of participation in an intercollegiate athletic program or sport.

**85-9,135.**

**Student; right to amount withheld.**

Any amounts withheld or obtained from a student by a college or university in violation of sections [85-9,133](#) to [85-9,139](#) shall be turned over to such student in accordance with section [85-9,136](#).

**85-9,136.**

**Attorney General; duties.**

The Attorney General shall investigate and render a finding when a complaint alleging a violation of sections [85-9,133](#) to [85-9,139](#) is brought by any person. Any college or university found by the Attorney General to have violated or to be in violation of sections [85-9,133](#) to [85-9,139](#) shall cease such violation immediately and permanently upon being directed by the Attorney General to do so. The Attorney General shall issue such directive in writing within three days of making a finding that a violation has occurred or is occurring. The directive shall include notification that any amount withheld or obtained from any student in violation of sections [85-9,133](#) to [85-9,139](#) shall be made available to such student for use in accord with the terms of the particular aid program not more than ten days after issuance of the directive. The Attorney General shall take whatever action is necessary to enforce the directive. The duty of the Attorney General under this section is not discretionary but mandatory.

**85-9,137.**

**College or university; violation; liability.**

A college or university which subjects or causes to be subjected any student to a rule or regulation adopted, promulgated, or enforced in violation of section [85-9,134](#) shall be liable to the aggrieved party in an action at law, a suit in equity, or any other proper proceeding for redress. In addition to any other relief granted, an aggrieved party shall be awarded costs and reasonable attorney's fees.

**85-9,138.**

**Remedies; cumulative.**

The remedies provided in sections [85-9,133](#) to [85-9,139](#) shall be cumulative and in addition to any other remedies provided by law.

**85-9,139.**

**Sections; prospective application.**

The provisions of sections [85-9,133](#) to [85-9,139](#) shall have prospective application only and shall apply to any violation occurring after June 1, 1992.

**85-9,139.01.**

**Federal State Postsecondary Review Program; professional program, defined.**

For purposes of the State Postsecondary Review Program, 20 U.S.C. 1099a, and all regulations and state review standards adopted and promulgated pursuant thereto, professional program shall have the same meaning as first professional degrees as such term is defined in section [85-937](#).

**85-9,139.02.**

**Participants under federal loan programs; default cost fee; reimbursement; procedure; administrative fee.**

(1)(a) Each postsecondary educational institution in the State of Nebraska that participates in the Federal Family Education Loan Program or the Federal Direct Student Loan Program, under Title IV of the federal Higher Education Act of 1965, as amended, shall reimburse the state for its proportionate share of any default cost fee charged to the state by the United States Secretary of Education under the federal act.

(b) Each postsecondary educational institution which (i) is currently in operation, (ii) participated in the Federal Family Education Loan Program or the Federal Direct Student Loan Program, and (iii) for the relevant time period had a cohort default rate equal to or in excess of the percentage which directly triggered the relevant default cost fee charged to the state shall be required to remit an excess default rate fee in addition to its proportionate share of the relevant default cost fee charged to the state. Such excess default rate fee shall be two hundred percent of the institution's proportionate share of the relevant default cost fee.

(c) The balance of the relevant default cost fee charged to the state and not assessed pursuant to subdivision (b) of this subsection shall be assessed to postsecondary educational institutions which are currently in operation and which participated in the Federal Family Education Loan Program or the Federal Direct Student Loan Program for the relevant time period, excluding those institutions subject to assessment pursuant to such subdivision.

(d) Any postsecondary educational institution subject to assessment pursuant to subdivision (c) of this subsection shall not be assessed an amount exceeding the respective institution's proportionate share of the relevant default cost fee charged to the state. Such proportionate share means an amount which, in proportion to the total of the relevant default cost fee charged to the state by the United States Secretary of Education, is equal to the proportion of Federal Family Education Loan Program and Federal Direct Student Loan Program loan default dollar volume attributable to the respective institution to the total of Federal Family Education Loan Program and Federal Direct Student Loan Program loan default dollar volume for all institutions which participated in the

Federal Family Education Loan Program and the Federal Direct Student Loan Program for the relevant time period.

(2) The Coordinating Commission for Postsecondary Education shall adopt and promulgate rules and regulations establishing a fee structure for determining the amount of the reimbursement for each institution as provided in subsection (1) of this section.

(3) Any institution with a valid authorization to operate pursuant to the Private Postsecondary Career School Act which has a cohort default rate which triggers state liability pursuant to section 428(n) of the federal Higher Education Act of 1965, as amended, has violated the Private Postsecondary Career School Act. A hearing to determine whether the institution should have its authorization to operate or its agent's permit revoked shall be held in accordance with section [85-1634](#).

(4) Unless prohibited by federal law, the commission may charge and collect an administrative fee, not to exceed ten percent of the proportionate share of the relevant default cost fee, from any Nebraska postsecondary educational institution to cover the administrative expenses incurred by the commission in carrying out this section.

(5) Notwithstanding any other provision of law to the contrary, the rules and regulations may provide that a postsecondary educational institution may be exempt from the fees or the commission may adjust the fees of an institution if the institution demonstrates that exceptional mitigating circumstances contributed to its high cohort default rate.

#### **85-9,139.03.**

##### **Student Loan Default Fee Revolving Fund; created; use; investment.**

(1) The Student Loan Default Fee Revolving Fund is created. The fund shall be under the direction of the Coordinating Commission for Postsecondary Education. The commission shall remit all revenue received from fees charged under section [85-9,139.02](#) to the State Treasurer for credit to the fund. Expenditures may be made from the fund, after appropriation by the Legislature, for payments to the federal government for relevant default cost fees charged to the State of Nebraska by the United States Secretary of Education or to reimburse the General Fund for any such payments which have been made to the federal government.

(2) If not inconsistent with federal law, up to ten percent of the revenue remitted to the fund may be appropriated and used to defray the administrative expenses of the activities undertaken pursuant to section [85-9,139.02](#).

(3) Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

#### **85-9,166.**

##### **Act, how cited.**

Sections [85-9,166](#) to [85-9,176](#) shall be known and may be cited as the Nebraska Equal Opportunity in Postsecondary Education Act.

#### **85-9,167.**

##### **Terms, defined.**

For purposes of the Nebraska Equal Opportunity in Postsecondary Education Act:

(1) Educational institution means the University of Nebraska, the state colleges, and the community colleges; and

(2) Governing board means the Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, and the community college boards of governors.

**85-9,168.**

**Legislative findings; discriminatory practices enumerated.**

The Legislature finds and declares that it is an unfair or discriminatory practice for any educational institution to discriminate on the basis of sex in any program or activity. Such discriminatory practices include, but are not limited to, the following practices:

- (1) Exclusion of a person or persons from participation in, denial of the benefits of, or subjection to discrimination in any academic, extracurricular, research, occupational training, or other program or activity, except athletic programs;
- (2) Denial of comparable opportunity in intramural and interscholastic athletic programs;
- (3) Discrimination among persons in employment and the conditions of such employment; and
- (4) The application of any rule which discriminates on the basis of (a) the pregnancy of any person, (b) the marital status of any person, or (c) the condition of being a parent. Rules requiring certification of a physician's diagnosis and such physician's recommendation as to what activities a pregnant person may participate in are permissible. For purposes of this section marital status shall include the condition of being single, married, widowed, or divorced.

**85-9,169.**

**Rules and regulations; governing boards; duties.**

The governing boards of educational institutions shall adopt and promulgate rules and regulations needed to carry out the Nebraska Equal Opportunity in Postsecondary Education Act. Governing boards of educational institutions, with the advice of staff, shall formulate activities and programs needed to carry out the act.

**85-9,170.**

**Violation; complaint; filing; disposition; procedure; governing board; duties.**

- (1) Any person aggrieved by a violation of the Nebraska Equal Opportunity in Postsecondary Education Act or any rule, regulation, or procedure adopted pursuant to the act may file a complaint with the governing board of the educational institution committing such violation. Such complaint shall be made in writing, under oath, within one hundred eighty days after such alleged violation, and shall set forth the claimant's address and the facts of such alleged violation with sufficient particularity as to permit the governing board to understand and investigate the conduct complained of.
- (2) The governing board may take such action as may be necessary to correct such violation, including, but not limited to, (a) terminating the discriminatory practice or policy complained of and (b) awarding to the aggrieved person or persons such compensatory money damages as the particular facts and circumstances may warrant.
- (3) The governing board shall dispose of the complaint and shall notify the claimant of its finding. All dispositions of such complaints shall be in writing and signed by the chief officer of the governing board, and a true copy of such disposition shall be mailed by certified mail, return receipt requested, to the claimant at the address set forth on the complaint or at such other address as may be filed by the claimant with the governing board. The claimant shall notify the governing board of any change of address, and the governing board has no duty to attempt to locate any claimant who has failed to advise such board of a change of address.

**85-9,171.**

**Disposition of complaint; claimant; acceptance.**

If the claimant under section [85-9,170](#) elects to accept the written disposition of the complaint made by the governing board under such section, he or she shall notify such board in writing of his or her acceptance within sixty days after receipt of such disposition, at which time such disposition shall be deemed final and conclusive. A failure to notify the board of such acceptance within the time period provided in this section shall be deemed a rejection of such disposition.

**85-9,172.**

**Disposition of complaint; claimant; rejection; court action authorized.**

If the claimant under section [85-9,170](#) elects not to accept the written disposition of such complaint made by the governing board under such section, he or she may, within one hundred eighty days after receipt of such disposition, file an original action in the district court of the judicial district where such educational institution is located, for equitable relief and compensatory money damages. If such action includes a claim for money damages, such claimant shall be entitled to a trial by jury as to such claim for damages, unless he or she expressly waives in writing such trial by jury.

**85-9,173.**

**Complaint; failure of governing board to act; claimant's remedies.**

If the governing board fails to dispose of any written complaint filed pursuant to the Nebraska Equal Opportunity in Postsecondary Education Act within one hundred eighty days after the date of filing, such complaint may be withdrawn by the claimant and he or she may then proceed to file an original action in the district court of the judicial district where such educational institution is located pursuant to section [85-9,172](#). Such action must be filed within two years of the date of the filing of such complaint.

**85-9,174.**

**Violation; complaint; prerequisite to other remedy.**

No original action asserting a violation of the Nebraska Equal Opportunity in Postsecondary Education Act may be filed in any district court unless a complaint asserting such violation is first filed with the governing board of the educational institution committing such discriminatory act or practice and disposed of or withdrawn as provided in the act.

**85-9,175.**

**Nebraska Fair Employment Practice Act; complaint; applicability.**

The Nebraska Equal Opportunity in Postsecondary Education Act does not prohibit a person asserting a claim for discrimination in employment or the conditions thereof from filing a complaint pursuant to the Nebraska Fair Employment Practice Act. Filing a complaint pursuant to the Nebraska Fair Employment Practice Act constitutes a waiver of any right to seek relief pursuant to the Nebraska Equal Opportunity in Postsecondary Education Act, and filing a complaint pursuant to the Nebraska Equal Opportunity in Postsecondary Education Act constitutes a waiver of any right to seek relief pursuant to the Nebraska Fair Employment Practice Act.

**85-9,176.**

**Act; how construed.**

The Nebraska Equal Opportunity in Postsecondary Education Act does not prohibit any educational institution from maintaining separate toilet facilities, locker rooms, or living facilities for the different sexes.

**85-9,177.**

**Act, how cited.**

Sections [85-9,177](#) to [85-9,182](#) shall be known and may be cited as the Student Diversity Scholarship Program Act.

**85-9,178.**

**Legislative findings and intent.**

(1) The Legislature finds that the State of Nebraska has a compelling interest to provide access to the University of Nebraska, the state colleges, and the community colleges for students from diverse backgrounds who often find that the financial requirements of postsecondary education are a major obstacle. The Legislature further finds that the State of Nebraska has a compelling interest in attaining greater diversity in the makeup of the student bodies at the University of Nebraska, the state colleges, and the community colleges because of the educational benefits that a diverse educational environment will produce for all students attending the University of Nebraska, the state colleges, and the community colleges.

(2) It is the intent of the Legislature:

(a) To appropriate funds to support a student diversity scholarship program for the purpose of developing more diverse student bodies at the state's public postsecondary educational institutions;

(b) That the student diversity scholarship program be designed and implemented so as to achieve a greater diversity in student populations in fulfillment of the compelling interest found by the Legislature pursuant to subsection (1) of this section; and

(c) That all funds appropriated by the Legislature for student diversity scholarships at the University of Nebraska, the state colleges, and the community colleges shall be used in coordination with private donations for such scholarships and in consultation with the major donors thereof and in coordination with federal grant funds available to students at the University of Nebraska, the state colleges, and the community colleges so as to maximize the level of benefits and accomplish the purposes of the Student Diversity Scholarship Program Act.

**85-9,179.**

**Endowed scholarship funds; use; purpose.**

(1) All funds appropriated by the Legislature for the Student Diversity Scholarship Program Act shall be used to support endowed scholarship funds which shall be held, managed, and invested as authorized by section [72-1246](#) with only the income therefrom expended for scholarships.

(2) The purpose of such endowed scholarship funds is to provide total or partial undergraduate scholarships for tuition, fees, board and room, and books at all campuses of the University of Nebraska, the state colleges, and the community colleges to full-time undergraduate students who fulfill the criteria for award of a student diversity scholarship and who cannot afford such educational expenses due to lack of financial resources available to them.

**85-9,180.**

**Appropriations; use.**

(1) Funds appropriated for fiscal year 2000-01 and each fiscal year thereafter before fiscal year 2007-08 for the Minority Scholarship Program Act as it existed immediately prior to July 1, 2007, shall be used for the benefit of students pursuant to the Minority Scholarship Program Act at the University of Nebraska, the state colleges, and the community colleges.

(2) Funds appropriated for fiscal year 2007-08 and each fiscal year thereafter for the Student Diversity Scholarship Program Act shall be used for the benefit of students pursuant to the Student Diversity Scholarship Program Act at the University of Nebraska, the state colleges, and the community colleges.

**85-9,181.**

**Funds; use; administration; manner.**

(1) Funds appropriated for the Student Diversity Scholarship Program Act for the benefit of students at the University of Nebraska and students attending any community colleges who are enrolled in an associate degree program with the intention of transferring to the University of Nebraska shall be used, administered, and invested



in such manner as the Board of Regents of the University of Nebraska, in consultation with the board of governors of each participating community college, shall determine.

(2) Funds appropriated for the Student Diversity Scholarship Program Act for the benefit of students at the state colleges and students attending any community colleges who are enrolled in an associate degree program with the intention of transferring to a state college shall be used, administered, and invested in such manner as the Board of Trustees of the Nebraska State Colleges, in consultation with the board of governors of each participating community college, shall determine.

**85-9,182.**

**Awards; committee; determination.**

Criteria for the award of scholarships under the Student Diversity Scholarship Program Act shall be determined in accordance with state and federal law by a committee selected by the Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, and the community college boards of governors. The committee shall include members from diverse groups and private donors to the endowed scholarship funds. Awards shall be consistent with the intent stated in the act and with the constitutions and laws of the United States and the State of Nebraska.

**85-1201.**

**Act, how cited.**

Sections 85-1201 to 85-1210 shall be known and may be cited as the Nebraska Collegiate Athletic Association Procedures Act.

**85-1202.**

**Legislative findings.**

The Legislature hereby finds and declares that:

- (1) The National Collegiate Athletic Association is a national unincorporated association consisting of public and private colleges and universities and is a private monopolist that controls intercollegiate athletics throughout the United States;
- (2) The National Collegiate Athletic Association adopts rules governing member institutions' admissions, academic eligibility, and financial aid standards for collegiate athletes;
- (3) A member must agree contractually to administer its athletic program in accordance with National Collegiate Athletic Association legislation;
- (4) National Collegiate Athletic Association rules provide that association enforcement procedures are an essential part of the intercollegiate athletic program of each member institution;
- (5) The National Collegiate Athletic Association exercises great power over member institutions by virtue of its monopolistic control of intercollegiate athletics and its power to prevent a nonconforming institution from competing in intercollegiate athletic events or contests;
- (6) Substantial monetary loss, serious disruption of athletic programs, and significant damage to reputation may result from the imposition of penalties on a college or university by the National Collegiate Athletic Association for what the association determines to be a violation of its rules; and
- (7) Because of such potentially serious and far reaching consequences, all proceedings which may result in the imposition of any penalty by the National Collegiate Athletic Association should be subject to the requirements of due process of law.

**85-1203.**

**Due process required; when.**

Every stage and facet of all proceedings of a collegiate athletic association, college, or university that may result in the imposition of a penalty for violation of such association's rule or legislation shall comply with due process of law as guaranteed by the Constitution of Nebraska and the laws of Nebraska.

**85-1204.**

**Imposition of penalty for violation of rule; requirements.**

No collegiate athletic association shall impose a penalty on any college or university for violation of such association's rule or legislation in violation of the due process requirements of the Nebraska Collegiate Athletic Association Procedures Act.

**85-1205.**

**Imposition of penalty for failure to take disciplinary action; requirements.**

No collegiate athletic association shall impose a penalty on any college or university for failure to take disciplinary action against an employee or student for violation of such association's rule or legislation in violation of the due process requirements of the Nebraska Collegiate Athletic Association Procedures Act.

**85-1206.**

**Violation; proceedings authorized; prohibited acts.**

A collegiate athletic association that violates the Nebraska Collegiate Athletic Association Procedures Act shall be liable to the aggrieved college or university in an action at law, suit in equity, or other proper proceeding for redress. No penalty shall be threatened against or imposed upon an aggrieved college or university for seeking redress pursuant to this section.

**85-1207.**

**Violation; liability; computation of amount.**

In addition to costs and a reasonable attorney's fee, a collegiate athletic association that violates the Nebraska Collegiate Athletic Association Procedures Act shall be liable to the aggrieved college or university for an amount equal to one hundred percent of the monetary loss per year or portion of a year suffered during the period that any monetary loss occurs due to a penalty imposed in violation of the act. For purposes of calculating monetary loss, one hundred percent of the yearly loss shall be equal to the gross amount realized by the affected athletic program during the immediately preceding calendar year.

**85-1208.**

**Employee or student; proceedings authorized; prohibited acts.**

A collegiate athletic association, college, or university which subjects, or causes to be subjected, any employee or student to a penalty in violation of the Nebraska Collegiate Athletic Association Procedures Act shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. No penalty shall be threatened against or imposed upon an aggrieved party for seeking redress pursuant to this section. In addition to any other relief granted, an aggrieved employee or student shall be awarded costs and a reasonable attorney's fee.

**85-1209.**

**Penalty imposed; judicial review.**

Any penalty imposed by any collegiate athletic association, college, or university shall be subject to judicial review in the district court.

**85-1210.**

**Act; remedies cumulative.**

The remedies provided in the Nebraska Collegiate Athletic Association Procedures Act are cumulative and in addition to any other remedies provided by law.

**85-1300s related to MHEC**

**85-1400s create the CCPE**