

*INFORMATION ONLY:*     **Statute Change Recommendations**

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System Office staff have reviewed the Nebraska State Statutes that directly reference the Nebraska State Colleges to identify outdated references and potential areas where statute changes may be warranted to reflect current practices for the Board of Trustees and the three Colleges.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 statutes can be found in the attachment and brief rationales for potential changes are referenced in yellow.

The Chancellor will be prepared to discuss the proposed statutes where revisions may be requested during the 2022 Legislative Session to facilitate a comprehensive clean up for the System.

**ATTACHMENTS:**

- July (2021) Proposed Statute Changes - Draft 1 (PDF)

## NSCS Proposed Statute Changes

### 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.~~

Request to strike this language so that reimbursement language is consistent with the Constitution.

### 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.

Request removal of reference to report which does not appear to be submitted.

### 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.

Request to amend this language since the meeting schedule isn't built on the semester structure.

### 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-faculty~~ and other ~~subordinates-employees~~ in each state college shall be under the direction of the president thereof, subject to the general regulations of the board.

Request to update language to reference faculty and employees.

**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.

Request removal in an effort to clean up the tuition and fee structure.

**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.

NSCS to remove reference to gender which is outdated.

**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.

Board has the authority to confer degrees and a specific recommendation does not come forward from the faculty prior to graduation.

**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.

Reference to "State Teachers Colleges" to be updated, and eliminate repetitive reference to matriculation fee. Potentially remove this entire statute as the transfer to State Treasurer of these funds does not appear to be occurring.

**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.~~

Outdated reference that no longer is necessary considering current teacher education standards and CAEP Accreditation.

### **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.

Request to eliminate or at least update. Proposed deletion of **85-601 through 85-604** since NSCS has its own hearing procedures for students and employees, both union and non-union that doesn't align with these statutes.

### **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.

Request to eliminate or at least update. Proposed deletion of **85-601 through 85-604** since NSCS has its own hearing procedures for students and employees, both union and non-union that doesn't align with these statutes.

### **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.

Request to eliminate or at least update. Proposed deletion of **85-601 through 85-604** since NSCS has its own hearing procedures for students and employees, both union and non-union that doesn't align with these statutes.

**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.

Request to eliminate or at least update. Proposed deletion of **85-601 through 85-604** since NSCS has its own hearing procedures for students and employees, both union and non-union that doesn't align with these statutes.

**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 Coordinating Commission for Postsecondary Education pursuant to sections 85-1413 and 85-1414. 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.

While the priority establishes graduate programs in education and other areas, the authority currently resides with the the CCPE to authorize programs, not legislature, unless they are talking about the statutes themselves. If so, then we need consistent language for all three colleges.

**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.~~

Recommend removal of this statute. This language is not accurate. We do not offer business courses in consultation with NU, and there is no joint advisory committee focused on coordinated program development/delivery for the MBA.

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](#).

Potential for additional revisions emerging from a system workgroup.

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. Subject to approval by the Board of Trustees of the Nebraska State Colleges, Peru 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. ~~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.~~

This section is where PSC's authorization differs from CSC and WSC. I propose we work to establish consistent authorization for PSC. In addition, reference to the CCPE's role in program approval needs to be included, similar to language in CSC and WSC statutes.

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](#).

Potential for additional revisions emerging from a system workgroup.

## Possible New Statutes to Authorize the Creation of an Insurance Trust

The draft language below is patterned after the enabling statutes for the University's insurance trust program and may need to be modified. If the Board elects to pursue the establishment of an insurance trust, enabling legislation would be needed.

Risk-loss trusts authorized; requirements.

The Board of Trustees of the Nebraska State Colleges may establish, maintain, and administer one or more risk-loss trusts for the purpose of paying losses and expenses incurred by the Colleges from (1) general and professional liability, including, but not limited to, judgments, awards, and settlements of claims and suits arising under state or federal law including but not limited to the State Contract Claims Act, the State Miscellaneous Claims Act, and the State Tort Claims Act, (2) damage, destruction, or loss of real or personal property, and (3) errors and omissions liability. Any such risk-loss trust shall contain provisions relating to defense and settlement of claims and suits covered by the trust. No risk-loss trust established pursuant to this section shall be a member of the Nebraska Property and Liability Insurance Guaranty Association.

Risk-loss trust; applicability of provisions; Attorney General; State Claims Board; duties.

Whenever any claim or suit against the Nebraska State Colleges or any of its officers, agents, or employees is covered by a risk-loss trust established pursuant to section \*\*\*\*, the provisions of such trust on defense and settlement of claims and suits covered by the trust shall be applicable notwithstanding any inconsistent provisions of the State Tort Claims Act. The Attorney General and State Claims Board shall cooperate with the Colleges in administering the defense and settlement provisions of any such trust.