NEBRASKA'S
COORDINATING COMMISSION
FOR POSTSECONDARY EDUCATION

P.O. Box 95005 • Lincoln, NE 68509-5005
140 N. 8th St. • Suite 300 • Lincoln, NE 68508
Phone: 402-471-2847 • ccpe.nebraska.gov
Mike Baumgartner, Ph.D., Executive Director

FILED
NOV 17 2017
SECRETARY OF STATE

TO: John A. Gale, Nebraska Secretary of State

FROM: Dr. Michael Baumgartner, Executive Director

SUBJECT: Notice of Proposed Rule Amendment and Rule Creation

DATE: November 17, 2017

The Coordinating Commission for Postsecondary Education will hold consecutive public hearings on Thursday, January 4, 2017, commencing at 9:00 a.m. CST in Suite 300 of the Apothecary Building, 140 N. 8th Street in Lincoln, Nebraska.

These hearings will be held on the amendment to Title 281, Nebraska Administrative Code, Chapter 7 – Rules and Regulations for the Postsecondary Institution Act; and the addition to Title 281, Nebraska Administrative Code, Chapter 8 – Guaranty Recovery Cash Fund.

Copies of the notice of public hearing, fiscal impact statements, information provided to Governor Pete Ricketts pursuant to Neb. Rev. Stat. § 84-907.09, the proposed amended rule, and proposed rule creation are attached and personally delivered to you today, November 17, 2017.

Please direct any questions concerning this notice or hearing to:

Gary Timm
Coordinating Commission for Postsecondary Education
140 N. 8th Street, Suite 300
Lincoln, NE 68508
(402) 471-0020
Gary.Timm@nebraska.gov

Commissioners

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Omaha

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0002062391-01	Liner Semi Display	AdBooker		

Ad Size	Color
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NOTICE OF PUBLIC HEARING
COORDINATING COMMISSION
FOR POSTSECONDARY EDUCATION
STATE OF NEBRASKA

The Coordinating Commission for Postsecondary Education will hold consecutive public hearings on Thursday, January 4, 2018, commencing at 9:00 a.m. CST in Suite 300 of the Apothecary Building, 140 N. 8th Street in Lincoln, Nebraska.

These hearings will be held on the amendment to Title 281, Nebraska Administrative Code, Chapter 7 – Rules and Regulations for the Postsecondary Institution Act; and the addition to Title 281, Nebraska Administrative Code, of Chapter 8 – Guaranty Recovery Cash Fund.

The purpose of the proposed amendments to Chapter 7 (281 NAC 7) is to update Chapter 7 pursuant to Legislative Bill 512 (2017), which amended or added definitions found in Neb. Rev. Stat. §85-2403.

The purpose of the proposed addition of Chapter 8 (281 NAC 8) is to implement a provision of Legislative Bill 512 (2017), which created the Guaranty Recovery Cash Fund. The fund receives assessments from for-profit postsecondary institutions to be used to reimburse students attending those institutions if operations were to cease at a point other than the end of an academic term.

For information on these hearings, contact the Coordinating Commission for Postsecondary Education at 140 N. 8th St, Suite 300, Lincoln, Nebraska 68508 or by phone at (402) 471-2847. Draft copies of the chapter proposed to be amended and the draft copy of the chapter proposed to be added can be obtained from the Coordinating Commission at the above address or by viewing the Commission website at ccpe.nebraska.gov, as well as from the Office of the Secretary of State, State Capitol, 1445 K St., Suite 2300, Lincoln, NE 68508, (402) 471-2554.

Members of the public are invited to attend and present oral or written testimony at the public hearing. Written comments in advance of the public hearing are also solicited and may be sent to the Commission at the above address. If received by December 21, 2017, such advance comments will be made part of the hearing record at the time of the hearing. Individuals with disabilities may request auxiliary aids or other services necessary for participating by contacting the Commission at the address or phone number listed above no later than December 21, 2017.

A copy of the fiscal impact statement for each rule can be obtained at the Commission's address or website listed above.

Dated at Lincoln, Nebraska this 28th day of November, 2017.

Coordinating Commission for Postsecondary Education
Dr. Michael Baumgartner
Executive Director

Product	Placement	First Date	Last Date	Insertions	Subtotal
OWH	Public Notices	11/28/2017	11/28/2017	1	644.40

The Omaha World-Herald Ad Order Confirmation

Ad Order Number
0002062391

Sales Rep.
mmiller4

Order Taker
ageras

Customer
STATE OF NEBRASKA

Customer Account
13429

Customer Address
C/O ELLIE - CREDIT DEPARTMEN
OMAHA NE 68102 USA

Customer Phone
4024714135

PO Number
5606

Customer EMail
patty.steiner@nebraska.gov

Special Pricing

Tear Sheets	Proofs	Affidavits	Blind Box	Materials
0	0	0		

Invoice Text

Ad Order Notes

Net Amount	Total Amount	Payment Method	Payment Amount	Amount Due
$644.40	$644.40	INVOICE	$0.00	$644.40

FISCAL IMPACT STATEMENT

AGENCY:	Coordinating Commission for Postsecondary Education	**Prepared By:**	Gary Timm
Title:	281	**Date prepared:**	October 31, 2017
Chapter:	7	**Phone:**	(402) 471-0020
Name:	Rules and Regulations for the Postsecondary Institution Act	**State Status:**	(X) Draft ( ) Final

Type of Fiscal Impact:

	State Agency	Political Subdivision	Regulated Public
No Fiscal Impact	X	X	X
Increase costs			
Decrease costs			

Description of Impact:

State Agency: No fiscal impact on any state agency.

Political Subdivisions: No fiscal impact on any political subdivisions.

Regulated Public: No fiscal impact on the regulated public.

Neb. Rev. Stat. § 84-907.09: Information provided to the Governor

a) **Description of the proposed rule:**
The Commission has proposed the amendment of Title 281, Chapter 7, Rules and Regulations for the Postsecondary Institution Act. Legislative Bill 512 (2017) created the Guaranty Recovery Cash Fund that made minor changes to definitions found in the Postsecondary Institution Act, creating the need to update Chapter 7.

b) **Who the proposed rule amendment will impact:**
This proposed rule amendment is not expected to impact any person or entity.

c) **Necessity of the proposed rule and the authorizing legislative bill:**
Legislative Bill 512 (2017) provides the necessity for the Commission to amend Rule 7. The Commission has authority pursuant to Neb. Rev. Stat. § 85-1411 to adopt and promulgate rules and regulations to carry out the Postsecondary Institution Act.

d) **Whether the proposed rule is consistent with legislative intent:**
The proposed amendment of Rule 7 is consistent with the legislative intent.

e) **Whether the proposed rule is a result of a state or federal mandate, and whether the rule creates an unfunded mandate on local government:**
The proposed rule amendment is not the result of a state or federal mandate and does not create an unfunded mandate on local government.

f) **Fiscal impact on state agencies, political subdivisions, and regulated persons:**
The proposed amendment is not expected to have any fiscal impact on state agencies, political subdivisions, and regulated persons.

g) **Whether the Commission will solicit public comment on the proposed amendment before the public hearing:**
The Commission will solicit public comment on the proposed amendment prior to the public hearing.

h) **Whether the Commission has utilized the negotiated rulemaking process:**
The Commission did not use the negotiated rule making process in drafting this amendment.

FISCAL IMPACT STATEMENT

AGENCY:	Coordinating Commission for Postsecondary Education	**Prepared By:**	Gary Timm
Title:	281	**Date prepared:**	October 31, 2017
Chapter:	8	**Phone:**	(402) 471-0020
Name:	Guaranty Recovery Cash Fund	**State Status:**	(X) Draft ( ) Final

Type of Fiscal Impact:

	State Agency	Political Subdivision	Regulated Public
No Fiscal Impact	X	X	
Increase costs			X
Decrease costs			

Description of Impact:

State Agency: No fiscal impact on any state agency.

Political Subdivisions: No fiscal impact on any political subdivisions.

Regulated Public: Statute imposes an annual one-tenth of one percent assessment on the gross tuition revenue of for-profit postsecondary institutions. Currently there are four postsecondary education institutions that would fall under this rule. Total annual assessments collected estimated to be $24,000.

Neb. Rev. Stat. § 84-907.09: Information provided to the Governor

a) **Description of the proposed rule:**
The Commission has proposed the creation of Title 281, Chapter 8, Guaranty Recovery Cash Fund. In 2017, the Nebraska legislature created the Guaranty Recovery Cash Fund to receive assessments from for-profit postsecondary institutions to provide reimburse of tuition and fees to students attending those institutions if operations were to cease at a point other than the end of an academic term.

b) **Who the proposed rule amendment will impact:**
This proposed rule will affect for-profit postsecondary institutions in Nebraska. There are four such institutions authorized by the Commission currently operating in Nebraska.

c) **Necessity of the proposed rule and the authorizing legislative bill:**
Legislative Bill 512 (2017) provides the necessity for the Commission to create Rule 8. The Commission has authority and is required pursuant to Neb. Rev. Stat. §§ 85-1411 and 85-2405[12] to adopt and promulgate rules and regulations to carry out the responsibilities of the Guaranty Recovery Cash Fund.

d) **Whether the proposed rule is consistent with legislative intent:**
The proposed amendment of Rule 8 is consistent with the legislative intent.

e) **Whether the proposed rule is a result of a state or federal mandate, and whether the rule creates an unfunded mandate on local government:**
The proposed rule is not the result of a state or federal mandate and does not create an unfunded mandate on local government.

f) **Fiscal impact on state agencies, political subdivisions, and regulated persons:**
The proposed rule will not have any fiscal impact on state agencies or political subdivisions. Regulated persons, specifically for-profit postsecondary institutions, are annually assessed one tenth of one percent on their gross tuition revenues.

g) **Whether the Commission will solicit public comment on the proposed amendment before the public hearing:**
The Commission will solicit public comment on the proposed amendment prior to the public hearing.

h) **Whether the Commission has utilized the negotiated rulemaking process:**
The Commission did not use the negotiated rule making process in drafting this amendment.