

**HEARING DRAFT, AUGUST 29, 2022**

TITLE 281, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 6  
COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION  
RULES AND REGULATIONS CONCERNING THE ACCESS COLLEGE EARLY  
SCHOLARSHIP PROGRAM ACT

~~Adopted June 9, 2016~~

TITLE 281 – COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION  
CHAPTER 6 – RULES AND REGULATIONS CONCERNING THE ACCESS COLLEGE EARLY  
SCHOLARSHIP PROGRAM ACT

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001. PURPOSE AND OBJECTIVES. The purpose of the Access College Early Scholarship Program is to provide financial assistance to low-income students for courses to be taken for credit from a qualified postsecondary educational institution while still enrolled in high school.

002. STATUTORY AUTHORITY. This rule is adopted pursuant to authority granted to the Coordinating Commission for Postsecondary Education in Neb. Rev. Stat. §§ 85-1411, 85-1412, and 85-2108.

003. DEFINITIONS.

003.01 Commission means the Coordinating Commission for Postsecondary Education.

003.02 Extreme hardship means any event, including but not limited to fire, illness, accident, or job loss, that has recently resulted in a significant financial difficulty for a student or the student's parent or legal guardian.

003.03 Postsecondary educational institution means a two-year or four-year college or university which is a member institution of an accrediting body recognized by the United States Department of Education.

003.04 Qualified postsecondary educational institution means a postsecondary educational institution located in Nebraska which has agreed, on a form developed and provided by the Commission, to comply with the requirements of the act. The form may be found on the Commission's website.

003.05 Student means a student attending a Nebraska high school with a reasonable expectation that such student will meet the residency requirements of Neb. Rev. Stat. § 85-502 upon graduation from a Nebraska high school.

003.06 Career program or plan of study means a sequence of at least three high school courses that (a) may include dual-credit or college credit courses, (b) are part of a career pathway program of study aligned with (i) the rules and regulations of the State Department of Education, (ii) a professional certification requirement, or (iii) the requirements for a postsecondary certification or diploma, and (c) have at least one local member of business or industry partnering as an official advisor to the program.

004. STUDENT APPLICATION.

004.01 A student who is applying to take one or more courses for credit from a qualified postsecondary educational institution is eligible for the Access College Early Scholarship Program if:

004.01(A) Such student or the student's parent or legal guardian is eligible to receive:

004.01(A)(i) Supplemental Security Income;

004.01(A)(ii) Supplemental Nutrition Assistance Program;

004.01(A)(iii) Free or reduced-price lunches under United States Department of Agriculture child nutrition programs subject to subsection 004.01(D);

004.01(A)(iv) Temporary Assistance for Needy Families; or

004.01(A)(v) Assistance under the ~~F~~ederal Special Supplemental Nutrition Program for Women, Infants, and Children; or

004.01(B) The student or the student's parent or legal guardian has experienced an extreme hardship; or

004.01(C) The student is enrolled in a career program or plan of study and the student's family has an annual household income at or below two hundred percent of the federal poverty level.

004.01(D) A student attending a high school that participates in the U.S. Department of Agriculture's Community Eligibility Provision or other federal program that allows all students to receive free meals shall demonstrate to the school district individual eligibility to participate in the U.S. Department of Agriculture's Free or Reduced-Price Lunch program by:

004.01(D)(i) inclusion on the direct certification list available from the Nebraska Department of Education, or

004.01(D)(ii) submission of the household application for free or reduced-price lunches or a district-specific equivalent application to the school district.

004.02 The student must complete an application developed by the Commission for each term. The Commission shall determine the date when the application process for each term opens. The application may be found on the Commission's website.

004.03 An applicant must submit the completed application to an official designated by the high school. The application must include documentation supporting eligibility under section 004.01.

004.04 The official designated by the high school shall verify the student's eligibility, except under subsection 004.01(B), for the scholarship. The official designated by the high school shall forward the application to the Commission for review within 15 days following receipt of the form from the student.

004.05 The student must submit an application prior to the deadline date established by the Commission for each term.

## 005. COMMISSION RESPONSIBILITIES.

005.01 The Commission shall verify the student's eligibility under the act by reviewing the submitted application to ensure it has been properly completed.

005.02 The Commission shall notify the student and the official designated by the high school of the verification of eligibility and the award amount in writing within thirty days following receipt of enrollment verification from the postsecondary institution. Notification must be given in writing, whether by U.S. mail or e-mail.

005.03 The Commission shall establish priority dates for each term. Priority shall be given to students applying for the scholarship who meet the requirements in subsection 004.01A and 004.01B.

005.04 The Commission shall credit the amount of any returned scholarship awards to the Access College Early Scholarship Program Fund to provide additional scholarships.

## 006. QUALIFIED POSTSECONDARY EDUCATIONAL INSTITUTION RESPONSIBILITIES.

006.01 The qualified postsecondary educational institution agrees to provide the following information required by the Commission to carry out the act:

006.01(A) The course ID;

006.01(B) The course credit hours;

006.01(C) The grade earned for the course; and

006.01(D) The tuition and mandatory fees charged for the course. Should the course be a part of a career program or plan of study, the amount the ACE program will reimburse is the actual charges for tuition and mandatory fees or \$250, whichever is less. Otherwise, the amount the ACE program will reimburse is the actual charges for tuition and mandatory fees or an amount equal to the tuition and fees for the same number of credit hours if the student were taking the course as a full-time, resident, undergraduate student from the University of Nebraska-Lincoln, whichever is less.

006.02 The Commission may withhold payment of the scholarship award amount from a qualified postsecondary educational institution until the period passes when a student may receive a full refund for withdrawing from a course.

006.02(A) When a student withdraws from a course during the full refund period and the Commission has paid a scholarship award to the qualified postsecondary educational institution, the institution must notify the Commission of the withdrawn course and may either refund the scholarship money to the Commission or reduce the requested amount in the next distribution, ~~must refund the scholarship money directly to the Commission.~~

006.02(B) When a student withdraws from a course after the full refund period and the Commission has paid a scholarship award to the qualified postsecondary educational institution, the institution may either refund the scholarship money to the Commission or

~~reduce the requested amount in the next distribution must refund the scholarship money directly to the Commission~~ pursuant to the institution's refund policy.

006.03 A qualified postsecondary educational institution must provide a refund when an overpayment occurs for a course for which a scholarship was awarded.

006.03(A) When an overpayment exists and the student and/or the student's parent/guardian made a payment on the account, the student and/or the student's parent/guardian must be refunded first, up to the amount paid by such person.

006.03(B) When an overpayment occurs due to a payment from any source other than those identified in 006.03A, the qualified postsecondary educational institution must first refund the overpayment to the Commission, up to the amount paid by the Commission pursuant to the Access College Early Scholarship Program Act.

## 007. APPEAL PROCESS.

007.01 A student or the student's parent or legal guardian may request in writing a review of any adverse decision by requesting such review within 20 days following notice of the adverse decision, addressed to the Executive Director of the Commission. The review shall be pursuant to the Administrative Procedure Act.



## FISCAL IMPACT STATEMENT

**AGENCY:** Coordinating Commission for  
Postsecondary Education  
**Title:** 281  
**Chapter:** 6  
**Name:** Access College Early Scholarship  
Program Act

**Prepared By:** Gary Timm  
**Date prepared:** July 26, 2022  
**Phone:** (402) 471-0020  
**State Status:** ( X ) Draft  
( ) Final

### Type of Fiscal Impact:

	<u>State Agency</u>	<u>Political Subdivision</u>	<u>Regulated Public</u>
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.

**NOTICE OF PUBLIC HEARING  
COORDINATING COMMISSION  
FOR POSTSECONDARY EDUCATION  
STATE OF NEBRASKA**

The Coordinating Commission for Postsecondary Education will hold consecutive public hearings on Monday, August 29, 2022, commencing at 9:00 a.m. CDT in the conference room of its office at 140 N. 8<sup>th</sup> St., Suite 300, in Lincoln, Nebraska.

These hearings will be held on the amendments to Title 281, Nebraska Administrative Code, Chapter 6 – Rules and Regulations Concerning the Access College Early Scholarship Program Act; and Title 281, Nebraska Administrative Code, Chapter 12 – Rules of Practice.

The purposes of the proposed amendments to Chapter 6 (281 NAC 6) are to update Rule 6 to implement a method to certify student eligibility for the Access College Early scholarship for students attending a high school participating in the U.S. Department of Agriculture’s Community Eligibility Program for free school lunches and to make other technical changes.

The purpose of the proposed amendments to Chapter 12 (281 NAC 12) is to repeal rules of procedure specific to the Coordinating Commission for Postsecondary Education adopted in 1992 and replace them with model rules of practice promulgated by the Attorney General pursuant to Neb. Rev. Stat. § 84-909.01.

For information on these hearings, contact the Coordinating Commission for Postsecondary Education at 140 N. 8<sup>th</sup> St, Suite 300, Lincoln, Nebraska 68508 or by phone at (402) 471-2847. Draft copies of the chapters proposed to be amended can be obtained from the Coordinating Commission at the above address or by viewing the Commission website at [ccpe.nebraska.gov](http://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 August 26, 2022, 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 August 26, 2022.

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 27<sup>th</sup> day of July, 2022.

Coordinating Commission for Postsecondary Education

Dr. Michael Baumgartner  
Executive Director