
MINUTES

COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION

March 10, 2016

University of Nebraska at Kearney
Kearney, Nebraska

Public notice of this meeting was given by posting notice on the Commission's website; posting notice on the State of Nebraska's online public meeting calendar; e-mailing news media; and keeping a current copy of the agenda in the Coordinating Commission for Postsecondary Education's office, listing the date, time, and location of the meeting.

Public notice of meeting

NOTICE OF MEETING

NOTICE IS HEREBY GIVEN THAT THE COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION WILL HOLD A MEETING ON MARCH 10, 2016. THE MEETING WILL BEGIN AT 9:00 A.M. AND ADJOURN AT APPROXIMATELY 2:30 P.M.

AN AGENDA IS MAINTAINED IN THE COMMISSION OFFICE, 140 N. 8TH STREET, SUITE 300, LINCOLN, NEBRASKA.

CAROL ZINK, CHAIR

CALL TO ORDER AND INTRODUCTIONS

Meeting called to order at 9:00 a.m.

Chair Carol Zink called the meeting to order at 9:00 a.m. and asked for introductions.

Commissioners Present

Colleen Adam
Dr. John Bernthal
Dr. Deborah Frison
Dr. Ron Hunter

Dwayne Probyn
Dr. Joyce Simmons
W. Scott Wilson
Carol Zink

Commissioners Absent

Mary Lauritzen
Lori Warner

Commission Staff Present

Dr. Michael Baumgartner
Dr. Kathleen Fimple
Jill Heese
Jason Keese

J. Ritchie Morrow
Helen Pope
Gary Timm
Mike Wemhoff

Dr. Charlie Bicak, University of
Nebraska at Kearney

WELCOME

Dr. Charlie Bicak, Senior Vice Chancellor for Academic and Student Affairs from the University of Nebraska at Kearney, welcomed the Commissioners and gave a brief update on UNK students, faculty and staff, and the facilities at the UNK campus. In the fall of 2015 UNK had 6,747 students, with a sophomore retention rate of 80%. Dr. Bicak was pleased to state that student debt upon graduation has decreased in the past few years. There has been a 40% change out in faculty, mainly due to retirements and relocations. This presents an opportunity to hire faculty that are qualified for UNK's collaborations with UNMC in health sciences and UNL in engineering. Dr. Bicak stated that in addition to the Health Science Education Complex that we will tour today, the UNK Wellness Center has been a great contribution on the campus in terms of student life - academically, physically, and socially.

Greg Adams and Catherine Lang,
Accelerate Nebraska

PRESENTATION BY ACCELERATE NEBRASKA

Chair Zink introduced Greg Adams, President, and Catherine Lang, Vice President, of Accelerate Nebraska to give a presentation. Commissioners were given the *Nebraska Statewide Story Prepared for Accelerate Nebraska February 2016*. Mr. Adams is former Speaker of the Nebraska Legislature, and Ms. Lang is former Director of the Nebraska Department of Economic Development and Commissioner of Nebraska Department of Labor. Mr. Adams reported that in July 2014, he and Ms. Lang were approached by Ken Bird, CEO of Avenue Scholars, and Jeff Schmidt, CEO of Mutual of Omaha Banks, to take a close look at the pipeline of education from high school into the job market, and to determine where there is misalignment. If these issues can be found, they can be discussed, developed into policy, and ultimately corrected. The mission of Accelerate Nebraska is to improve educational outcomes and achieve community success in Nebraska.

The *Nebraska Statewide Story* is an overview and validation of the findings of Accelerate Nebraska's study of education in Nebraska. Mr. Adams and Ms. Lang discussed statistical findings of the study from Nebraska's six community college districts, which were utilized as the geographic units of analysis. Statewide key data points and opportunities include aligning expectations for K-12 education outcomes, decreasing the achievement gap for Nebraska's low-income and growing minority populations, increasing persistence and completion rates at the postsecondary level, and increasing the number of high skill, high-wage jobs. Mr. Adams and Ms. Lang answered questions from the Commissioners.

Executive Director Michael Baumgartner thanked Mr. Adams and Ms. Lang for their presentation and stated that the work done with Accelerate Nebraska compliments and supplements what the Commission does in their annual Progress Report and the comprehensive plan.

*Minutes of January 21, 2016,
Commission Meeting approved*

MINUTES OF JANUARY 21, 2016, COMMISSION MEETING

Commissioner Probyn moved that the January 21, 2016, minutes be approved. Commissioner Bernthal seconded the motion. A roll call vote was taken, with all eight Commissioners present voting yes. The motion carried.

*Chair Zink announces
Commissioners Adam and Hunter
reappointment*

CHAIR'S REPORT

Chair Zink congratulated Commissioners Colleen Adam and Ron Hunter, who were both recently reappointed to the Commission by Governor Ricketts.

*Chair Zink states Commissioner
Hunter takes position on Planning
Committee*

With the exit of Commissioner Seacrest, there was a spot to fill on the Planning and Consumer Information committee. Chair Zink reported that Ron Hunter has graciously accepted that position on the committee.

*Chair Zink states Commissioner
Frison will serve as chair of Planning
Committee in Commissioner
Lauritzen's absence.*

Chair Zink thanked Commissioner Frison for agreeing to serve as acting chair of the Planning and Consumer Information committee today in Commissioner Lauritzen's absence.

*Dr. Baumgartner reports on out-of-
area authorizations*

EXECUTIVE DIRECTOR'S REPORT

Dr. Michael Baumgartner, Executive Director, reported that the following out-of-service area applications have been authorized:

1. Offered by Northeast Community College
Interactive two-way video originated from NECC
Delivered to Alma High School in Alma, NE
 - HIST 2020 American History II (3 cr.)
1/12/16-5/13/16
2. Offered by Mid-Plains Community College
Interactive two-way video originated from MPCC
Delivered to High Plains High School in Polk, NE
 - ENGL 1010 Expository Writing I (3 cr.)
1/11/16-5/5/16
3. Offered by Mid-Plains Community College
Interactive two-way video originated from MPCC
Delivered to Arapahoe High School in Arapahoe, NE
 - ENGL 1020 Expository Writing II (3 cr.)
1/11/16-5/5/16
4. Offered by Mid-Plains Community College
Interactive two-way video originated from Broken Bow High School in Broken Bow, NE
Delivered to Ashland-Greenwood High School in Ashland, NE
 - AGRI 1005 Intro to Ag and Natural Resources (3 cr.)
1/11/16-5/20/16

5. Offered by Mid-Plains Community College
Interactive two-way video originated from Broken Bow High School in Broken Bow, NE
Delivered to Minden High School in Minden, NE
 - AGRI 2500 Animal Management (3 cr.)
1/11/16-5/20/16
6. Offered by Chadron State College
Traditional delivery at Learner's Edge, Inc. in Omaha, NE
 - 874: Expanding the Classroom Walls II (3 cr.)
 - 950: Expanding the Classroom Walls IV (3 cr.)
 - 610: Breaking the Barrier of Poverty (3 cr.)
 - 620: Outdoor EdZOOcation (3 cr.)
 - 850: Service Learning-From the Classroom to the Community (3 cr.)
 - 872: Teaching with ARTitude (3 cr.)
 - 875: Leadership and Learning (3 cr.)
May 2016-July 2016

Jason Keese reviews Legislative bills of interest

Dr. Baumgartner introduced Jason Keese, Public Information and Special Projects Coordinator, who gave an update on Legislative bills of interest to the Commission. Mr. Keese provided Commissioners with a copy of the bills he has been tracking, along with a handout on the Legislature's process for bills. Mr. Keese noted the Legislature is on day 41 of the 60 day session. In response to questions on LB 755, Mike Wemhoff, Facilities Officer, came forward to clarify the length of time noted for appropriation of funding to the state colleges and the University of Nebraska.

Mike Wemhoff clarifies time frame of fund appropriation to state colleges and the University of Nebraska

Repeal of Chapter 3 and Amendment of Chapters 6 and 9

Dr. Baumgartner spoke briefly on the timeline for the Repeal of Chapter 3 and Amendment of Chapters 6 and 9. Commissioners were in receipt of a handout with the timeline. The updates to Chapters 3, 6, and 9 are to be completed by June, with a public hearing on all three chapters on May 31, 2016.

Dr. Baumgartner speaks about the Education and Workforce Roundtable meeting

Dr. Baumgartner stated the Education and Workforce Roundtable initiated by the governor met in February. The roundtable includes six steering committee members. Twenty-five members were present at the meeting. They are looking at four areas of interest: early childhood, career pathways, institutional efficiencies, and math transitions. The attention is on transitional areas going forward, as the governor is looking at one or two key areas of focus.

FAFSA Completion Initiative goal

Fifty-one high schools have signed up for the FAFSA Completion Initiative, including all Lincoln public schools and all but one Omaha school. The goal is to get additional high schools to participate.

Community College Gap Assistance Program guidelines

Dr. Baumgartner reported the Community College Gap Assistance Program guidelines have been sent to the administering program committee. The committee consists of representatives from the community colleges, the

Department of Education, the Department of Labor, the Department of Economic Development, and the Coordinating Commission. They have identified 261 eligible programs at the community college campuses designed to help people move into the workforce quickly.

Oral Health Training RFP

The Oral Health Training RFP has been sent to Nebraska's Department of Risk Management of the Department of Administrative Services for review. Once reviewed, the RFP will then go to the University of Nebraska College of Dentistry and Creighton University College of Dentistry.

Statewide Comprehensive Plan

A revision of the first chapter of The Statewide Comprehensive Plan is being sent to the Planning and Consumer Information Committee for their review and input at an additional meeting to be scheduled. The second chapter is currently being worked on as well.

Public Comment on Matters of General Concern

PUBLIC COMMENT ON MATTERS OF GENERAL CONCERN

There was no testimony on Matters of General Concern.

Chair Zink closed the public hearing on Matters of General Concern.

Public Hearing on Academic Programs Committee Items

PUBLIC HEARING ON ACADEMIC PROGRAMS COMMITTEE ITEMS

Dr. David Jackson, University of Nebraska

Dr. David Jackson, Associate Vice President for Academic Affairs, University of Nebraska, noted there are a number of colleagues present to address any questions about the University of Nebraska programs listed on the agenda.

Dr. Ron Rosati and Dr. Glenn Jackson, Nebraska College of Technical Agriculture

Dr. Ron Rosati, Dean, Nebraska College of Technical Agriculture, came forward in support of the Laboratory Animal Care certificate. Dr. Glenn Jackson, Assistant Professor of Veterinary Technology, offered remarks regarding the Laboratory Animal Care program. He stated he and Dr. Rosati were available to answer questions the Commissioners may have on the proposal.

Dr. Kyle Meyer, University of Nebraska Medical Center

Dr. Kyle Meyer, Dean of the College of Allied Health Professions at the University of Nebraska Medical Center, spoke briefly in support of the Master of Medical Nutrition proposal.

Dr. John Derry, Hope International University, and Dr. Mark Krause, Nebraska Christian College

Dr. John Derry, President of Hope International University, and Dr. Mark Krause, Academic Dean at Nebraska Christian College, came forward to provide information on the application of Hope International University to operate in Nebraska at Nebraska Christian College. They offered to answer questions the Commissioners may have regarding the proposed application.

Chair Zink closed the public hearing on Academic Programs Committee Items.

Chair Zink called for break at 10:27 a.m. The meeting reconvened at 10:40 a.m.

*Commissioner Probyn
acknowledged APC committee*

Hope International University

*Commissioner Probyn and Dr.
Fimple presented the proposal*

*Hope International University
authorization to operate in Nebraska
approved*

*Nebraska College of Technical
Agriculture*

*Commissioner Probyn and Dr.
Fimple presented the program*

*Nebraska College of Technical
Agriculture New Instructional
Program – Laboratory Animal Care
(certificate) approved*

*University of Nebraska Medical
Center*

*Commissioner Probyn and Dr.
Fimple presented the program*

*Glenda Woscyna, University of
Nebraska Medical Center*

ACADEMIC PROGRAMS COMMITTEE

Commissioner Probyn, Committee Chair, acknowledged Commissioners and staff who participated in the Academic Programs Committee conference call.

Hope International University – Application for Authorization to Operate in Nebraska

Commissioner Probyn and Dr. Kathleen Fimple, Academic Programs Officer, presented the proposal. Dr. Fimple noted that an added benefit of the merger of the two institutions would be Hope International University offering courses to Nebraska students online that currently are not available to Nebraska Christian students. Dr. Derry and Dr. Krause answered questions from the Commissioners regarding tuition costs, student enrollment projections, and the benefits of the merger for each campus.

Commissioner Probyn, on behalf of the Academic Programs Committee, moved to approve Hope International’s Application for Authorization to Operate in Nebraska, with the stipulation that audited financial statements be submitted on a yearly basis. A roll call vote was taken. All eight Commissioners present voted yes. The motion carried.

Nebraska College of Technical Agriculture – Proposal for a New Instructional Program – Laboratory Animal Care (certificate)

Commissioner Probyn and Dr. Fimple presented the proposal. Dr. Fimple noted that demand for this program is not high, but it is seen as valuable to people who already have this background. Dr. Rosati and Dr. Jackson answered questions from the Commissioners.

Commissioner Probyn, on behalf of the Academic Programs Committee, moved to approve Nebraska College of Technical Agriculture’s Proposal for a New Instructional Program – Laboratory Animal Care (certificate), with a report on enrollments, internship placements, and graduation rates by September 15, 2018. A roll call vote was taken. All eight Commissioners present voted yes. The motion carried.

University of Nebraska Medical Center – Proposal for a New Instructional Program – Master of Medical Nutrition

Commissioner Probyn and Dr. Fimple presented the proposal. Dr. Fimple stated this program is a hands-on professional degree for students wanting to become registered dietitians. She stated that this program will ultimately help serve central and western Nebraska if approval is received to offer it in Kearney.

Glenda Woscyna, Program Director, Medical Nutrition Education Division from UNMC, joined the conversation via conference call. She stated that medical nutrition involves assessing a patient’s nutritional status and determining proper treatment and follow-up. The master’s degree is geared

*Dr. Kyle Meyer, University of
Nebraska Medical Center*

*University of Nebraska Medical
Center New Instructional Program –
Master of Medical Nutrition approved*

*University of Nebraska Medical
Center*

Dr. Fimple presented the program

*Dr. David Jackson, University of
Nebraska*

*University of Nebraska Medical
Center New Organizational Unit –
Fredrick F. Paustian Center for
Inflammatory Bowel Disease
approved*

University of Nebraska at Kearney

*Commissioner Probyn and Dr.
Fimple presented the program*

*University of Nebraska at Kearney
Follow-up Report on Existing
Instructional Programs – French
(BA, BAE) and German (BA, BAE)
approved*

toward those who will be clinical practice clinicians rather than work in academia.

Dr. Meyer spoke briefly on the projected costs of the program and tuition for resident and non-resident students. Using the existing dietary internship program and combining it with the additional content provides the students with the most cost-effective way to get a master's degree.

Commissioner Probyn, on behalf of the Academic Programs Committee, moved to approve the University of Nebraska Medical Center's Proposal for a New Instructional Program – Master of Medical Nutrition. A roll call vote was taken. All eight Commissioners present voted yes. The motion carried.

University of Nebraska Medical Center – Proposal for a New Organizational Unit – Fredrick F. Paustian Center for Inflammatory Bowel Disease

Dr. Fimple presented the proposal. Dr. Michael Sorrell, Distinguished Chair in Internal Medicine at UNMC, joined the meeting via conference call and gave a brief overview of inflammatory bowel disease and the need for the proposed center. Currently they are dealing with 800 patients throughout the state of Nebraska. Patient care involves nutrition, endoscopy, and immunosuppressant therapy. The research and academic aspect of this requires a more formal program. A large grant has been received, which will support everything except the actual clinical care.

Dr. David Jackson commented that the next step in obtaining the center is formal approval from the Commission.

Commissioner Probyn, on behalf of the Academic Programs Committee, moved to approve the University of Nebraska Medical Center's Proposal for a New Organizational Unit – Fredrick F. Paustian Center for Inflammatory Bowel Disease. A roll call vote was taken. All eight Commissioners present voted yes. The motion carried.

University of Nebraska at Kearney – Follow-up Report on an Existing Instructional Program – French (BA, BAE), and German (BA, BAE)

Commissioner Probyn and Dr. Fimple presented the report. Dr. Darin Snider, Associate Dean, College of Fine Arts and Humanities and Associate Professor of German, pointed out that part of the effort of consolidating the degrees into one modern language program is following national trends, and at UNK it assists in streamlining language courses, which ultimately benefits students. The new format allows students to readily take a second language and ultimately have more opportunities in the workplace.

Commissioner Probyn, on behalf of the Academic Programs Committee, moved to approve the University of Nebraska at Kearney's Follow-up Report on Existing Instructional Programs – French (BA, BAE), and German (BA, BAE). A roll call vote was taken. All eight Commissioners present voted yes. The motion carried.

Commissioner Probyn and Dr. Fimple presented the Repeal of Title 281, Chapter 3 – Rules and Regulations Concerning Accreditation of a Private College

Repeal of Title 281, Chapter 3 – Rules and Regulations Concerning Accreditation of a Private College approved

Existing Program Review

Repeal of Title 281, Chapter 3 - Rules and Regulations Concerning Accreditation of a Private College

Commissioner Probyn and Dr. Fimple presented the proposal. Dr. Fimple gave background information on the rule and stated the repeal removes that rule, which no longer has a statutory basis.

Commissioner Probyn, on behalf of the Academic Programs Committee, moved to approve the Repeal of Title 281, Chapter 3 - Rules and Regulations Concerning Accreditation of a Private College. A roll call vote was taken. All eight Commissioners present voted yes. The motion carried.

Existing Program Review

Commissioner Probyn presented the Existing Program Review approved by the Executive Director.

University of Nebraska at Kearney

Sports Administration (BS)
Recreation, Park & Tourism Management (BS)
Athletic Training (BS)
Exercise Science (BS)
Physical Education (BAE, BS, MAE)

University of Nebraska-Lincoln

Food Science and Technology (BS, MS, PhD)
Food Technology for Companion Animals (BS)
Food Safety and Defense (graduate certificate)

University of Nebraska at Omaha

Health, Physical Education & Recreation (MA, MS)
Athletic Training (BSAT, MA)
Exercise Science (PhD)
Physical Education (BSED)
Public Health (BSPH)
Recreation and Leisure Studies (BSED, BGS)

Chadron State College

Sport and Recreation Management (BA)
Health and Physical Education (BSE)

Peru State College

PK-12 Health and Physical Education (BA/BS)
Sport and Exercise Science (BA/BS)

Wayne State College

Sport Management (BA, BS)
Exercise Science (BA, BS)
Applied Human & Sport Physiology (BA, BS)
Health and Physical Education (BA, BS)
Physical Education-Exercise (MSE)

*Dr. Fimple report on SARA
Institutional Applications Approved
by the Executive Director and Other
Institutional Activity*

Metropolitan Community College
Emergency Management (AAS)

**SARA Institutional Applications Approved by the Executive Director
and Other Institutional Activity**

Dr. Fimple reported that Grace University is pending National Council of SARA approval, and Midland University and Union College have already been approved for participation.

**Annual Reports from Institutions Holding Recurrent Authorizations to
Operate in Nebraska**

Dr. Fimple noted that Wright Career College was approved to teach-out their bachelor degree programs.

**Report on Reasonable and Moderate Extensions, and Other
Institutional Activities Relating to Existing Programs**

*Reasonable and Moderate
Extensions*

A. Reasonable and Moderate Extensions

1. UNL - Department of Supply Chain Management and Analytics
2. UNL - Space Law (executive certificate)
3. UNL - Cyber and Cyber Security Law (executive certificate)
4. UNL - Cyber and Telecommunications Law (executive certificate)
5. NECC - Drafting (certificate and diploma)

*Separation of Existing Department
into Two*

B. Separation of Existing Department into Two

1. UNK - Department of Sociology, Geography, and Earth Science
into
*Department of Geography
Department of Sociology*

*Public Hearing on Budget,
Construction, and Financial Aid
Committee Items*

**PUBLIC HEARING ON BUDGET, CONSTRUCTION, AND FINANCIAL
AID COMMITTEE ITEMS**

There was no testimony on Budget, Construction, and Financial Aid Committee Items.

**Chair Zink closed the public hearing on Budget, Construction, and
Financial Aid Committee Items.**

*Commissioner Simmons
acknowledges BCF committee
members*

BUDGET, CONSTRUCTION, AND FINANCIAL AID COMMITTEE

Commissioner Simmons, Committee Chair, recognized the Commissioners and staff that attended the committee conference call.

*J. Ritchie Morrow presented the Title
281, Chapter 6 – Rules and
Regulations Concerning the Access
College Early Scholarship Program
Act*

**Title 281, Chapter 6 – Rules and Regulations Concerning the Access
College Early Scholarship Program Act**

J. Ritchie Morrow, Financial Aid Officer, presented the Chapter 6 Rules and Regulations, commenting that whenever a statute is changed for a program

Title 281, Chapter 6 – Rules and Regulations Concerning the Access College Early Scholarship Program Act continued

the Commission administers, the Commission is required to change the rules and regulations to make sure they align with the statute. The Access College Early Scholarship Program rules have to be changed due to revisions contained in LB 332 (2013) and LB 525 (2015). Application forms will be revised separately from the rules as those forms can be updated without going through the rule making process. Mr. Morrow noted that with the Commission's approval the changes will be taken to a public hearing.

Title 281, Chapter 6 – Rules and Regulations Concerning the Access College Early Scholarship Program Act approved

Commissioner Simmons, on behalf of the Budget, Construction, and Financial Aid Committee, moved to approve the Title 281, Chapter 6 – Rules and Regulations Concerning the Access College Early Scholarship Program Act. A roll call vote was taken. All eight Commissioners present voted yes. The motion carried.

Chair Zink called for lunch break at 12:04 pm. The Commission meeting resumed at 1:05 p.m.

Mike Wemhoff presented the Prioritization Process for Capital Construction Budget Requests

Prioritization Process for Capital Construction Budget Requests

Mr. Wemhoff presented the prioritization process for the capital construction budget requests, noting this process is used by the Commission in developing its capital construction budget recommendations and priorities each biennium. Mr. Wemhoff summarized each of the proposed revisions, which included streamlining the document title and minor grammatical and technical corrections, and a revision to Criterion No. 5: Quality of Facility. The University and State Colleges received a draft of the proposed prioritization process in January. Mr. Wemhoff stated that no comments or suggestions for revisions were received from the institutions.

Prioritization Process for Capital Construction Budget Requests approved

Commissioner Simmons, on behalf of the Budget, Construction, and Financial Aid Committee, moved to approve the Prioritization Process for Capital Construction Budget Requests. A roll call vote was taken. All eight Commissioners present voted yes. The motion carried.

Public Hearing on Planning and Consumer Information Committee Items

PUBLIC HEARING ON PLANNING AND CONSUMER INFORMATION COMMITTEE ITEMS

There was no testimony on Planning and Consumer Information Committee Items.

Chair Zink closed the public hearing on the Planning and Consumer Information Committee Items.

Acting Chair Frison discusses the 2016 Nebraska Higher Education Progress Report

PLANNING AND CONSUMER INFORMATION COMMITTEE

Acting Committee Chair Frison stated the 2016 Nebraska Higher Education Progress Report is an annual report designed to provide the Nebraska Legislature with statistics to monitor and evaluate progress toward achieving specific goals for Nebraska's postsecondary education system. Dr. Frison thanked Jill Heese, Research Coordinator, along with staff members who assisted her in compiling the information in this report.

*Jill Heese presented the 2016
Nebraska Higher Education
Progress Report*

2016 Nebraska Higher Education Progress Report

Ms. Heese gave a PowerPoint presentation on the 2016 Nebraska Higher Education Progress Report. Ms. Heese reported on the progress of three key priorities the Commission is required to evaluate in the report: increase the number of students who enter postsecondary education in Nebraska; increase the percentage of students who persist and successfully complete a degree; and reduce, eliminate, and reverse the net out-migration of Nebraskans with high levels of educational attainment. She noted there is work to be done in order for more Nebraskans to enroll in college and complete degrees. Ms. Heese discussed efforts that need to be increased and supported for added success at the high school, postsecondary, and state government level. The full report is available on the Commission website at ccpe.nebraska.gov.

*2016 Nebraska Higher Education
Progress Report approved*

Commissioner Frison, on behalf of the Planning and Consumer Information Committee, moved to approve the 2016 Nebraska Higher Education Progress Report. A roll call vote was taken. All eight Commissioners present voted yes. The motion carried.

*Next Commission meeting is April
28, 2016*

FUTURE MEETINGS

The next Commission meeting will be Thursday, April 28, 2016, at Bellevue University, Bellevue, Nebraska.

Chair Zink comments

COMMISSIONER COMMENTS

Chair Zink reminded Commissioners that following the meeting there will be a tour of UNK's new Health Science Education Complex, along with a walk-through of the Otto Olsen building that is targeted to be demolished and replaced as part of the University's 2016 Capital Plan.

Meeting adjourned at 2:27 p.m.

ADJOURNMENT

Chair Zink adjourned the meeting at 2:27 p.m.

Third Quarter Report as of March 31, 2016

	2015-2016 Appropriations	2015-16 Current Expenditures	Balance Remaining	% of Budget Expended Time Elapsed 75.34%
PERSONAL SERVICES				
Permanent Salaries	\$873,086	\$635,733	\$237,353	72.8%
Temporary Salaries				
Overtime				
Subtotal	\$873,086	\$635,733	\$237,353	72.8%
PSL	\$873,086			
Benefits	\$249,483	\$176,368	\$73,115	70.7%
Subtotal	\$1,122,569	\$812,101	\$310,468	72.3%
OPERATING EXPENSES				
Postage	\$3,149	\$1,085	\$2,064	34.5%
Communication	\$15,270	\$9,992	\$5,278	65.4%
Freight	\$200	\$0	\$200	0.0%
Data Processing	\$22,553	\$8,112	\$14,441	36.0%
Publication & Printing	\$18,679	\$6,570	\$12,109	35.2%
Awards Expense	\$600	\$371	\$229	61.8%
Dues & Subscriptions	\$6,000	\$1,715	\$4,285	28.6%
MHEC Dues	\$115,000	\$115,000	\$0	100.0%
Conference Registration Fees	\$10,000	\$1,580	\$8,420	15.8%
Electricity	\$5,243	\$1,967	\$3,276	37.5%
Rent Expense	\$49,788	\$35,174	\$14,614	70.6%
Repair & Maintenance	\$5,624	\$4,711	\$913	83.8%
Office Supplies	\$3,590	\$1,606	\$1,984	44.7%
Non-Capitalized Equipment	\$2,000	\$0	\$2,000	0.0%
Food Expenses	\$5,000	\$2,255	\$2,745	45.1%
Education Supplies	\$1,000	\$310	\$690	31.0%
Account & Auditing Services	\$4,113	\$4,068	\$45	98.9%
Purchasing Assessment	\$224	\$224	\$0	100.0%
HRMS Assessment	\$729	\$729	\$0	100.0%
Other Cont. Svcs & Travel Exp.	\$7,676	\$1,000	\$6,676	13.0%
Other	\$1,132	\$686	\$446	60.6%
Subtotal	\$277,570	\$197,155	\$80,415	71.0%
STAFF TRAVEL				
Board & Lodging	\$8,052	\$4,014	\$4,038	49.9%
Commercial Transportation	\$6,000	\$634	\$5,366	10.6%
State-Owned Transportation	\$4,834	\$1,932	\$2,902	40.0%
Mileage	\$3,000	\$1,074	\$1,926	35.8%
Other	\$600	\$201	\$399	33.5%
Subtotal	\$22,486	\$7,855	\$14,631	34.9%
COMMISSIONER TRAVEL				
Board & Lodging	\$3,000	\$2,413	\$587	80.4%
Commercial Transportation	\$0	\$0	\$0	0.00%
Mileage	\$12,000	\$5,484	\$6,516	45.7%
Other	\$200	\$104	\$96	52.0%
Subtotal	\$15,200	\$8,001	\$7,199	52.6%
TOTAL EXPENDITURES	\$1,437,825	\$1,025,112	\$412,713	71.3%
General Fund	\$1,396,802	\$1,021,436	\$375,366	
Cash Fund	\$35,000	\$3,676	\$31,324	
Federal Fund	\$6,023	\$0	\$6,023	
Remaining Balance	\$1,437,825	\$1,025,112	\$412,713	

Third Quarter Report as of March 31, 2016

Oral Health Training

	<i>2015-2016 Appropriations</i>	<i>2015-16 Current Expenditures</i>	<i>Balance Remaining</i>	<i>% of Budget Expended Time Elapsed 75.34%</i>
PERSONAL SERVICES				
Permanent Salaries	\$10,000	\$5,426	\$4,574	54.3%
Subtotal	\$10,000	\$5,426	\$4,574	54.3%
PSL	\$12,500			
Benefits	\$4,133	\$1,802	\$2,331	43.6%
Subtotal	\$14,133	\$7,228	\$6,905	51.1%
OPERATING EXPENSES				
Dues & Subscriptions	\$100	\$98	\$2	98.0%
Conference Registration Fees	\$200	\$195	\$5	97.5%
Other Cont. Srvs & Travel Exp.	\$8,000,000	\$0	\$8,000,000	0.0%
Other	\$2,442	\$0	\$2,442	0.0%
Subtotal	\$8,002,742	\$293	\$8,002,449	0.0%
TOTAL EXPENDITURES	\$8,016,875	\$7,521	\$8,009,354	0.1%
Cash Fund	\$8,016,875	\$7,521	\$8,009,354	
Remaining Balance	\$8,016,875	\$7,521	\$8,009,354	

Nebraska Opportunity Grant Program (NOG)

	<i>2015-2016 Appropriations</i>	<i>2015-16 Current Expenditures</i>	<i>Balance Remaining</i>	<i>% of Budget Expended Time Elapsed 75.34%</i>
GOVERNMENT AID				
Other Government Aid	\$16,868,156	\$12,947,967	\$3,920,189	76.8%
TOTAL EXPENDITURES	\$16,868,156	\$12,947,967	\$3,920,189	76.8%
General Fund	\$6,868,156	\$5,141,727	\$1,726,429	
Cash Fund	\$10,000,000	\$7,806,240	\$2,193,760	
Remaining Balance	\$16,868,156	\$12,947,967	\$3,920,189	

Access College Early Scholarship (ACE)

	<i>2015-2016 Appropriations</i>	<i>2015-16 Current Expenditures</i>	<i>Balance Remaining</i>	<i>% of Budget Expended Time Elapsed 75.34%</i>
GOVERNMENT AID				
Other Government Aid	\$796,798	\$458,430	\$338,368	57.5%
TOTAL EXPENDITURES	\$796,798	\$458,430	\$338,368	57.5%
General Fund	\$736,798	\$408,351	\$328,447	
Federal Fund	\$60,000	\$50,330	\$9,670	
Remaining Balance	\$796,798	\$458,681	\$338,117	



FAFSA COMPLETION INITIATIVE & EARLY FAFSA

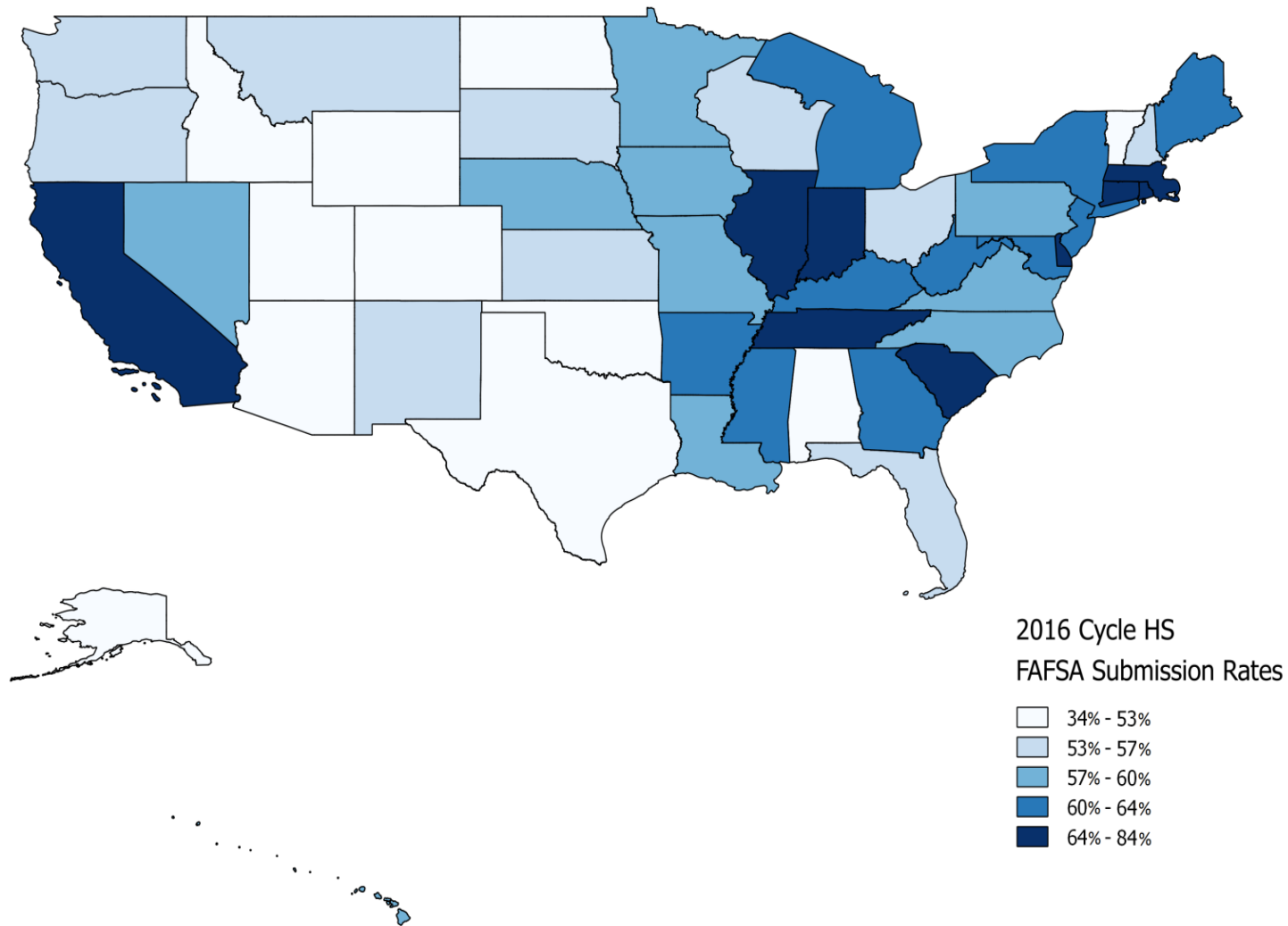
J. Ritchie Morrow - Financial Aid Officer
April 28, 2016

FAFSA COMPLETION

- Initiated by US Department of Education
 - Partner with State Grant Agencies
- To provide staff who provide college advisement with FAFSA completion information to increase the number of FAFSA filers
- To increase the number of students who complete the FAFSA, thus increasing the likelihood they enroll in college
 - Research suggests that 90% of students who complete a FAFSA enroll in college within 12 months of filing it



HIGH SCHOOL FAFSA SUBMISSIONS



FAFSA COMPLETION

- State grant agencies partner with
 - Public, private, parochial or denominational high schools
 - Non-profit organization
 - 501(c)(3)
 - Commitment to promoting college access
 - Primarily work with economically disadvantaged
 - Does not charge for services
 - Not been formally accused of committing fraud or violating law involving Federal, state or local government funds
 - Continues to meet criteria



FAFSA COMPLETION

- Demo



2015-2016 Detail. Use this page to view and download student data

Welcome to the FAFSA Application Detail


Paging: Page Size:


The filter options below use "Begins with" logic. Type a whole or partial value and tab/click out of the textbox. Data will refresh automatically.

District Name: School Name:

First Name: Last Name: FAFSA Status:

Page 1 of 1

 [Export to Excel](#)

 [Export to CSV](#)

District Name	School Name	First Name	Last Name	State ID	DOB	Completed FAFSA	FAFSA Detail
BANCROFT-ROSALIE COMM SCHOOLS	BANCROFT-ROSALIE JR/SR HIGH SCHOOL			7316710721		Complete	Complete FAFSA Application
BANCROFT-ROSALIE COMM SCHOOLS	BANCROFT-ROSALIE JR/SR HIGH SCHOOL			7743497461		Complete	Complete FAFSA Application
BANCROFT-ROSALIE COMM SCHOOLS	BANCROFT-ROSALIE JR/SR HIGH SCHOOL			4177134392		Complete	Complete FAFSA Application
BANCROFT-ROSALIE COMM SCHOOLS	BANCROFT-ROSALIE JR/SR HIGH SCHOOL			8512028866		Complete	Complete FAFSA Application
BANCROFT-ROSALIE COMM SCHOOLS	BANCROFT-ROSALIE JR/SR HIGH SCHOOL			6951910499		No Parent Signature	Missing parent signature on FAFSA or SAR (Reject Code 15)
BANCROFT-ROSALIE COMM SCHOOLS	BANCROFT-ROSALIE JR/SR HIGH SCHOOL			2251647201		Complete	Complete FAFSA Application
BANCROFT-ROSALIE COMM SCHOOLS	BANCROFT-ROSALIE JR/SR HIGH SCHOOL			3237720992		Complete	Complete FAFSA Application
BANCROFT-ROSALIE COMM SCHOOLS	BANCROFT-ROSALIE JR/SR HIGH SCHOOL			9786516729		Complete	Complete FAFSA Application



EARLY FAFSA

- Announced by President Obama on Sept. 14, 2015
 - Allows student to file FAFSA earlier



**When a Student Is
Attending College
(School Year)**

**When a Student Can
Submit a FAFSA**

**Which Year's
Income Information
Is Required**

July 1, 2016–June 30,
2017

January 1, 2016–June 30,
2017

2015

July 1, 2017–June 30,
2018

October 1, 2016–June 30,
2018

2015

July 1, 2018–June 30,
2019

October 1, 2017–June 30,
2019

2016



EARLY FAFSA

- Why?
 - Align with college application timeline
 - *Apply2College* day
 - Increase use of Data Retrieval Tool (DRT)
 - Income information directly from IRS
 - Reduce income verification issues



FAFSA COMPLETION & EARLY FAFSA

- Questions





NEW INSTRUCTIONAL PROGRAM PROPOSAL

Institution: Metropolitan Community College (MCC)
Program: Fashion Design
Award: Associate of Applied Science (AAS)
Institution's Existing Degree(s) in Same or Similar Discipline: Interior Design, AAS; Graphic Design , AAS
Proposal Received by Commission: April 4, 2016
Proposed Start Date: Fall 2016

Description

The proposed program is designed to provide students with the fashion design principles, entrepreneurial skills, and practical knowledge required to enter the fashion industry. It would require 97.5 to 102 quarter credit hours (65 to 68 semester credit hours), consisting of 27 credit hours of general education courses; 57 credit hours of courses in fashion, arts, and interior design; and 13.5 to 18 elective credit hours. The curriculum includes three fashion apprenticeships (making up 12 of the 57 design credit hours) at the Omaha Design Center. MCC is partnering with the founders of Omaha Fashion Week* who are also owners of the Omaha Design Center.

In addition to the apprenticeships at the Omaha Design Center, five new courses would be needed. All other courses are in place as part of existing programs, such as fundamentals of textiles and color theory courses in interior design. The program would be offered on the Elkhorn Valley campus, although some courses would be available at other locations.

Consistent with Institutional Role and Mission? ☒ YES ☐ NO

Consistent with Statewide Comprehensive Plan? ☒ YES ☐ NO

**Omaha Fashion Week (OFW) is a talent incubator that seamlessly connects designers, stylists, photographers, artists, and models. The goal is to nurture the youngest of fashion designers by providing mentoring, educational opportunities, and a professional platform to showcase their work. Each year the work of 55 designers is showcased on the OFW Runway. Designers are selected on a merit basis and pay no fees to participate. 2016 was the ninth year for OFW.*

The Omaha Design Center is located in North Downtown. The 30,000 square-foot event space is flexible and includes a blank-slate event space, an art gallery and reception area, designer showroom, full catering kitchen, and patio. Following renovations in 2016 it will be the permanent home for Omaha Fashion Week.

REVIEW CRITERIA

A. Need for the Program

High-----Low				
		√		

MCC cites economic modeling data that indicates an expected 2.9 percent increase in job opportunities for fashion design and fashion design-related jobs between 2013 and 2015 in Metro's four-county service area. The median wage reported was over \$20 per hour (\$41,600).

This program is in direct response to Omaha Fashion Week promoters who have noted that many young designers who enter pieces in OFW lack the formal design training that an associate degree would provide.

The proposal also noted that there are many large retailers located in or near Nebraska who seek employees to fill sales and management positions, to serve as e-commerce professionals, and to fill other behind-the-scenes roles beyond direct fashion design. These companies include The Buckle, Cabela's, and Gordman's in Nebraska as well as Von Maur, Target, and BonTon in near-by states.

Lastly, MCC cites a paper published by the American Planning Association that supports the role of a thriving arts and culture community as an economic catalyst, creating jobs in a variety of sectors.

There is little hard data on the need for the program other than a 2.9% projected increase. However, MCC created the program in response to and in conjunction with the founders of Omaha Fashion Week—people who should be most in touch with the industry and its needs in the Omaha area.

B. Demand for the Program

High-----Low				
	√			

MCC surveyed student services personnel such as academic advisors and career counselors to determine if prospective students inquired about a fashion design program. Of the 24 staff responding, two-thirds stated that they had new or returning students ask about fashion design.

Metro reports that Omaha Public Schools (OPS) offers fashion design courses and that Omaha South High Magnet School offers a Fashion Design program of study. An estimated 1,000 students are enrolled in the courses. MCC would work with OPS to formalize the existing program into a dual credit career academy.

According to MCC, Omaha Fashion Week is the fifth largest fashion event in the nation. The OFW, according to its website, supports more independent designers than any other event in the Midwest, all potential students.

The proposal included a 2015 article written for the U.S. House Joint Economic Committee titled *The Economic Impact of the Fashion Industry*. The article touts the industry as a bright spot in the U.S. creative economy, having moved from apparel manufacturing to jobs requiring more education and training such as design, marketing, and research and development.

Based on these sources, MCC expects to enroll 50 students in the program each year. This may be optimistic, but there are no other associate degree programs in Nebraska and none at Iowa Western Community College in Council Bluffs, giving Metro a large pool from which to recruit students, especially for dual credit courses.

C. Avoidance of Unnecessary Duplication

High-----Low				
√				

There are no AAS degrees in fashion design currently offered in Nebraska by either a public or private entity. Iowa Western Community College has an associate degree program in Marketing: Fashion, but its focus is entirely on the *business* of fashion (selling, merchandising, marketing, advertising, etc.) UNL has a baccalaureate degree in Textiles and Fashion Design and Iowa State University offers a degree in Apparel Merchandising, Design and Production. MCC sees these two institutions as possible articulation partners and has begun conversations with UNL. Many of the MHEC states have institutions offering fashion design programs, but there are very few at the community college level.

D. Resources: Faculty/Staff

High-----Low				
	√			

MCC reports that fashion design would share faculty and staff resources with the interior design and art and design programs. Those faculty members would teach foundations courses such as drawing, 2D design, and fundamentals of textiles. In addition, MCC recently hired one adjunct faculty member for interior design who also has a degree in fashion. The budget includes course development stipends for years one and two and the equivalent of one FTE faculty. No new faculty would be hired.

E. Resources: Physical Facilities/Equipment

High-----Low				
√				

The program would be housed on the Elkhorn Valley campus where the interior design and art programs are located. The programs would share classrooms, the interior design lab/studio space, and art studio space. The visual arts lab has iMac computers and software that would be available to fashion design students. They would also be able to use the photography equipment and dark room and a color photo lab.

A wearable technology course would be held at the Fort Omaha campus in the soon-to-be-completed Center for Advanced and Emerging Technologies. The Fort Omaha campus also houses the Fab Lab that has all of the equipment needed to fabricate clothing such as sewing machines and fabric printers.

\$38,000 is included in the budget for additional computer hardware and software in year one, a software upgrade in year three, and hardware upgrade in year five.

F. Resources: Library/Information Access

High-----Low				
		√		

The proposal described the college's internet access and computer network. There is \$5,900 in the budget for library and information resources.

G. Budget

PROJECTED COSTS AND ANTICIPATED REVENUES FOR THE FIRST FIVE YEARS
As reported by MCC

PROJECTED COSTS		ANTICIPATED REVENUES	
Faculty and Staff	\$364,000	Reallocated Funds ³	\$235,680
General Operating ¹	\$22,960	New State Funds	
Equipment	\$38,000	New Local Funds	
Library/Information	\$5,900		
Other ²	\$2,500	Tuition and Fees ⁴	\$559,800
Five-Year TOTAL	\$433,360	Five-Year TOTAL	\$795,480

¹Includes course development stipends in years 1 and 2 and office/classroom supplies

²Guest speaker fees, program promotion, and special events

³Estimated instructor allocations that may be transferred from other academic areas

⁴Based on 50 students enrolling in nine credit hours per quarter for four quarters. Year one tuition is \$56 per credit hour with a \$5 per credit hour facilities fee. A \$2 per credit hour increase is built into year three.

Committee Recommendation: **Approve**

First Program Review Date: **Due June 30, 2018.**

Omaha South High Magnet School

Information Technology & Visual and Performing Arts

4519 South 24th Street
Omaha, NE 68107

402.557.3600
402.557.3639 FAX



April 4, 2016

I am writing this letter in support of Metro Community College to begin a program for an Associate's Degree in Fashion Design. I have been a Fashion Design teacher in the Omaha Public Schools for 23 years and am so glad that MCC is finally considering this offering for students. This opportunity is one that is long overdue at the community college level in Nebraska as the only other program in the state is at the University of Nebraska Lincoln.

Beginning in the 2016-2017 school year, students at Omaha South High School will begin a Program of Study in Fashion Design. What this means is that students enrolled in the Program of Study will have the opportunity to take four years of classes that include Fashion Design and Clothing Constructions. After talking to the businesses in the Omaha area, it was discussed that students in this area needed to have more sewing skills so including this in the program of study also helps local businesses that are looking for employees. It is our hope that this Program of Study will become a Fashion Design Academy during the 2017-2018 school year and in order to have an Academy we must be able to offer a dual enrollment class with a community college in the area or a university in the area. This fall we contacted every public college in the area about working with them to offer a dual enrollment class at the high school level, and we were turned down by all. When I was told about the program that is being considered at MCC, I was thrilled! This program would be a perfect transition from high school to college for my students in the Fashion Design Academy. It is my hope that we can work with MCC and offer a dual enrollment class that would benefit my students at Omaha South High School. Another perfect transition would be for the students at MCC to complete the Associate's Degree in Fashion Design and then move those credits to UNL to complete their Bachelor's Degree in Apparel Design. Offering this program is a win-win for Omaha South, Metro Community College and the University of Nebraska-Lincoln.

Please consider the proposal for an Associate's Degree in Fashion Design to be offered from MCC. Thank you.

Julie Ermel
Fashion Design Teacher
Omaha South High Magnet School

2014-2015 EXISTING PROGRAM REVIEW

(Item in bold is under Commission Threshold)

COMMUNITY COLLEGE PROGRAMS APPROVED by the EXECUTIVE DIRECTOR for Continuation									
Institution	Program	5 yr Average (2009-2014)							
		SCH	SCH/ FTE	Associate		Diploma	Certificate	Total Awards	Justification if under threshold
CCC	Automotive Technology	1,811	493	AAS	9.0	5.4	39.8	54.2	
CCC	Auto Body Technology	754	328	AAS	5.0	16.4	52.2	73.6	
SCC	Automotive Technology	3,934	375	AAS	45.2			45.2	
SCC	Auto Collision Repair Technology	1,438	429	AAS	24.6			24.6	
SCC	Ford Automotive Student Service Ed	657	544	AAS	6.8			6.8	Demand Need
SCC	GM Automotive Service Educational Program	823	411	AAS	10.8*			10.8	
SCC	MOPAR College Automotive Program	307	307	AAS	4.0*			4.0	Demand Need
MPCC	Automotive Technology	710	359	AAS	5.2	3.8	14.6	23.6	
MPCC	Auto Body Technology	766	330	AAS	3.2	7.0	1.8	12.0	
NECC	Automotive Technology	1,901	409	AAS	21.0			21.0	
NECC	Auto Body Repair Technology	1,076	399	AAS	13.8	0.2		14.0	
MCC	Diesel Service Technology	2,584	425	AAS	5.4		0.2	5.6	R & M Demand
MCC	Automotive Technology	2,967	462	AAS	12.8		0.4	13.2	Cert. New
MCC	Auto Collision Technology	1,398	330	AAS	7.4			7.4	R & M Demand
WNCC	Automotive Technology	937	399	AOS	3.8	2.2	2.2 PSA 17.6**	25.8	
WNCC	Auto Body Technology	543	282	AOS	1.8	0.6	0.6 PSA 19.8**	22.8	

*Cohort model - students graduate every other year

**Professional Skills Award (6-12 credit hours)

COMMUNITY COLLEGE PROGRAMS APPROVED by the EXECUTIVE DIRECTOR for Continuation

Institution	Program	5 yr Average (2009-2014)							
		SCH	SCH/ FTE	Associate		Diploma	Certificate	Total Awards	Justification if under threshold
CCC	Advanced Manufacturing & Design	1,001	284	AAS	9.6	15.4	41.2	66.2	
MCC	Electronics Technology	3,050	532	AAS	11.6		4.0	15.6	
NECC	Electromechanical Technology	1,138	380	AAS	18.0			18.0	
NECC	Diversified Manufacturing Technology					0.0	0.0	0.0	New
SCC	Precision Machining and Automation Technology	2,714	388	AAS	27.8	1.0		28.8	
SCC	Diversified Manufacturing Technology			AAS	0.0	0.0	0.0	0.0	New
SCC	Electronic Systems Technology	3,050	365	AAS	27.6			27.6	
SCC	Electrical & Electromechanical Technology	4,064	612	AAS	44.6	2.6		47.2	
CCC	Welding	2,836	423	AAS	16.8	18.6	84.8	120.2	
MCC	Welding Technology	3,294	662	AAS	8.4		4.4	12.8	
MPCC	Welding Technology	708	205	AAS	4.2	5.0		9.2	R & M Demand
NECC	Welding	954	260			19.2		19.2	Need
SCC	Welding Technology	4,764	604	AAS	37.8	5.6	3.0	46.4	
WNCC	Welding Technology	560	332			2.2	3.8	6.0	R & M Demand

Commission Thresholds

Number of Degrees/Awards in this Program
(the mean of the prior 5 years)

Less Than Two Years and Associate	10
Baccalaureate and First Professional	7
Masters Degree	5
Specialist	4
Doctoral Degree	3

All credit hours produced at the baccalaureate levels and all credit hours at the associate level or below except those described below. 300

Student Credit Hour Production by Department
Per Full-Time Equivalent Faculty
(the mean of the prior 5 years)

All credit hours produced at the associate level and below in programs which utilize contact hours that are converted to credit hours for purposes of determining full-time equivalency pursuant to Neb. Rev. Stat. § 85-1503 (2008) 275

Justification Key

R & M:	Program is critical to the role and mission of the institution
Gen Ed:	Program contains courses supporting general education or other programs
Interdisciplinary:	Interdisciplinary program (providing the program meets the requirements set in the existing policy for interdisciplinary programs)
Demand:	Student or employer demand, or demand for intellectual property is high and external funding would be jeopardized by discontinuing the program
Access:	Program provides unique access to an underserved population or geographical area
Need:	Program meets a unique need in the region, state, or nation
New:	Program is newly approved within the last five years
Other:	Detailed explanation provided

**Nebraska Institutions Approved for Participation in SARA
(State Authorization Reciprocity Agreements)
as of April 18, 2016**

Grace University – Omaha

- Incorporated under the laws of Nebraska as a non-profit corporation on September 13, 1943.
- Accredited by the Higher Learning Commission of the North Central Association of Colleges and Schools since 1994; current accreditation to be reaffirmed in 2018-19.
- U.S. Department of Education composite financial score for 2012-13: 2.0*
- Enrollment: 432 full time equivalent students
- Approved by CCPE Executive Director on December 17, 2015
- Approval by the National Council of SARA pending

York College – York

- Incorporated under the laws of Nebraska as a non-profit corporation on November 16, 1921.
- Accredited by the Higher Learning Commission of the North Central Association of Colleges and Schools since 1970; current accreditation to be reaffirmed in 2023-24.
- U.S. Department of Education composite financial score for 2012-13: 2.6*
- Enrollment: 360 full time equivalent students
- Approved by CCPE Executive Director on March 7, 2016
- Approved by the National Council of SARA on April 18, 2016

*The scale is based on financial soundness, operating funds, and debt. The range is 1.0 to 3.0; the higher the score, the better the institution's financial status. An acceptable rating falls between 1.5 and 3.0.

Previously approved institutions (22: 13 public, 9 private)

Renewed by CCPE**

Bellevue University – Bellevue	7-7-15
Bryan College of Health Sciences – Lincoln	8-10-15
Central Community College – Grand Island, Columbus, Hastings	7-16-15
Chadron State College – Chadron	due 4-28-16
Clarkson College – Omaha	1-25-16
College of Saint Mary – Omaha	10-21-15
Concordia University, Nebraska – Seward	2-3-16
Creighton University – Omaha	7-20-15
Metropolitan Community College – Omaha	7-31-15
Mid-Plains Community College – North Platte and McCook	9-10-15
Midland University	new
Nebraska Methodist College – Omaha	7-16-15
Northeast Community College – Norfolk	7-20-15
Peru State College – Peru	7-31-15
Southeast Community College – Lincoln, Beatrice, Milford	due 8-26-16
Union College	new
University of Nebraska at Kearney	10-13-15
University of Nebraska – Lincoln	10-13-15
University of Nebraska Medical Center	10-13-15
University of Nebraska at Omaha	10-13-15
Wayne State College – Wayne	7-29-15
Western Nebraska Community College – Scottsbluff	due 7-11-16

**Annual renewal is required by NC-SARA and must take place within 90 days prior to the expiration date.

Annual Report for Institutions Holding a Recurrent Authorization to Operate in Nebraska

Reports Received February - April 8, 2016

Recurrent authorization to operate means approval by the Commission to operate a postsecondary institution in Nebraska until a renewal of the authorization is required. Under legislation passed in 2011, institutions were required to seek a recurrent authorization by December 31, 2011. The documents were reviewed by the Commission during the last part of 2011 and the first few months of 2012. Most authorizations were approved for a five-year period with an annual reporting requirement. The following table is a summary of the annual reports submitted February - April, 2016. No action is required.

Institution	Program name	Degree/ Award	# Currently Enrolled*	# Graduated/ Completed**	Total Campus Enrollment*	Recent Accreditation Activity
Embry-Riddle Aeronautical University (Original approval prior to 1992)	Aviation Maintenance	AS	2	0	87	
	Aeronautics	AS	0	2		
	Aviation Business Admin	BS	1	0		
	Aviation Maintenance	BS	11	0		
	Engineering Technology	BS	2	0		
	Aeronautics	BS	37	6		
	Technical Management - Engineering Science	BS	1	0		
	Technical Management - Management Information Systems	BS	1	0		
	Technical Management - Occupational Safety & Health	BS	3	0		
	Technical Management - Project Management	BS	2	1		
	Technical Management	BS	4	0		
	Business Administration in Aviation	Master	2	0		
	Aeronautics	MS	18	3		
	Logistics and Supply Chain Management	MS	1	0		
	Unmanned Systems	MS	2	0		
ITT Technical Institute (Original approval 5/13/2003)	Accounting	AAS	0+	0+		
	Business Management	AAS	21	4		
	Criminology and Forensic Technology	AAS	0	21		
	Drafting and Design Technology	AAS	27	18		
	Electrical Engineering Technology	AAS	60	20		

Institution	Program name	Degree/ Award	# Currently Enrolled*	# Graduated/ Completed**	Total Campus Enrollment*	Recent Accreditation Activity
ITT Technical Institute (continued)	Graphic Communications and Design	AAS	0	11	234	
	Industrial Engineering Tech	AAS	0+	0+		
	Medical Assisting & Admin	AAS	0+	0+		
	Network Systems Admin	AAS	70	38		
	Nursing	AAS	40	21		
	Software Development	AAS	0+	0+		
	Construction Management	BS	0++	0++		
	Electrical Engineering and Communications Technology	BS	6	0		
	Information Systems and Cybersecurity	BS	5	7		
	Information Systems Security	BS	N/A	N/A		
	Project Management and Administration-Project Mgmt & Admin option, construction option, and information technology option	BS	5	1		
	Software Development	BS	0+	0+		

+ Program has not yet started

++ Program had enrollment at some point in the reporting period, but no longer has an active census

Morningside College (Original approval 12/6/2007)	None	N/A	0	0	0	
National American University (Original approval 1/20/2011)	Accounting	BS	0	0	241	Accreditation reaffirmed by HLC through 2024-25; Branch campuses approved in South Dakota, Minnesota, and Kansas.
	Business Administration (no emphasis)	BS	7	0		
	Business Administration (with following emphasis)					
	• Accounting	BS	5	0		
	• Financial Management	BS	1	0		
	• Human Resource Management	BS	2	0		
	• Information Systems	BS	0	0		
	• International Business	BS	1	0		
	• Management	BS	1	0		
	• Marketing	BS	6	0		
	Criminal Justice	BS	5	1		
	Health Care Management	BS	14	0		

Institution	Program name	Degree/ Award	# Currently Enrolled*	# Graduated/ Completed**	Total Campus Enrollment*	Recent Accreditation Activity
National American University (continued)	Information Technology (no emphasis)	BS	4	0		
	Information Technology (with following emphasis)					
	• Internet Systems Development	BS	0	0		
	• Management Information Systems	BS	3	0		
	• Network Administration/ Microsoft	BS	0	0		
	• Network Management/ Microsoft	BS	1	0		
	Management	BS	25	1		
	Nursing - Online RN to BSN	BS	1	0		
	Accounting	AAS	2	0		
	Applied Information Technology	AAS	0	0		
	Business Administration	AAS	48	0		
	Criminal Justice	AAS	24	2		
	Health & Beauty Management	AAS	1	0		
	Health Information Technology	AAS	0	0		
	Information Technology	AAS	6	0		
	Management	AAS	8	0		
	Medical Assisting	AAS	47	0		
	Pharmacy Technician	AAS	10	0		
	Small Business Management	AAS	0	0		
	Healthcare Coding	Diploma	12	0		
	Special	N/A	7	0		
Omaha School of Massage and Healthcare of Herzing University (Original approval 1/22/2009)	Therapeutic Massage	Diploma	61	48	94	
	Therapeutic Massage	AS	4	13		
	Personal Fitness Training	Diploma	7	3		
	Personal Fitness Training	AS	2	2		
	Healthcare Management	BS	10	2		
	Insurance Billing and Coding	Diploma	2	2		
	Insurance Billing and Coding	AS	2	2		
	Health Info Management	BS	2	0		
	Information Technology	BS	1	0		
	Legal Studies	BS	1	0		
	Business Management	AS	1	0		
	Homeland Security and Public Safety	BS	1	0		

Institution	Program name	Degree/ Award	# Currently Enrolled*	# Graduated/ Completed**	Total Campus Enrollment*	Recent Accreditation Activity
Omaha School of Massage and Healthcare of Herzing University (continued)	Chiropractic Technician	Diploma	0	4		
	Chiropractic Technician	AS	0	2		
Saint Gregory the Great Seminary (Original approval 8/21/1998)	Philosophy	BA	47	9	54	Accreditation reaffirmed by HLC through 2025-26.
	Philosophy	Pre- Theology Certificate	7	3		
Sioux Falls Seminary (Original approval 7/21/2011)	Master of Divinity	MDiv	16~	0#	16~	
	Doctor of Ministry		0	0		

*on date of report

**for most recent year

~Two Omaha students are taking a leave of absence for the spring 2016 semester, leaving 14 students actively participating in classes

#An Omaha student, who began in the MDiv program transferred into the Master of Arts in Christian Leadership program in Sioux Falls and graduated on May 16, 2015.

HLC - Higher Learning Commission

INFORMATION ITEMS

A. Reasonable and Moderate Extensions

1. WNCC - Aviation Maintenance (AOS, certificate)
2. WNCC - Social Science emphasis (AA)

B. Programs being made inactive

1. WNCC - Business Technology - Accounting option
2. WNCC - Business Technology - Marketing Specialist option
3. WNCC - Business Technology - Management Specialist option
4. WNCC - Business Technology - Accounting Assistant certificate
5. WNCC - Business Technology - Management Assistant certificate
6. WNCC - Business Technology - Marketing Assistant certificate
7. WNCC - Business Technology degree
8. WNCC - Business Technology diploma
9. WNCC - Information Technology degree
10. WNCC - Information Technology diploma
11. WNCC - General Business certificate
12. WNCC - Information Processing certificate
13. WNCC - Early Childhood Education certificate
14. WNCC - Early Childhood Education diploma
15. WNCC - Criminal Justices Studies certificate
16. WNCC - Law Enforcement certificate

C. Division Renaming

1. UNMC - Division of Clinical Laboratory Science to
Division of Medical Laboratory Science

Coordinating Commission for Postsecondary Education
Capital Construction Project Evaluation Form

Committee Draft
April 18, 2016

Institution/Campus: Southeast Community College / Lincoln Campus
Project Name: Food Service/Hospitality program renovation
Date of Governing Board Approval: January 19, 2016
Date Complete Proposal Received: January 21, 2016
Date of Commission Evaluation: April 28, 2016

Southeast Community College – Lincoln Main Campus
Fall Quarter Enrollment by Campus*

	Fall 2012	Fall 2013	Fall 2014	Fall 2015
On-campus HC	6,477.0	5,743.0	5,063.0	5,134.0
Off-campus HC	22.0	49.0	21.0	134.0
Online HC	2,902.0	2,826.0	3,305.0	3,151.0
Campus FTE	5,061.3	4,678.2	4,564.6	4,380.5

* Source: 2014 & 2015 Supplemental enrollment by campus form. Includes full-time, part-time and non-credit headcount (HC) enrollment. Full-time equivalent (FTE) enrollment based on 15 quarter credit hours and 300 contact hours per quarter for non-credit courses.

Project Description: Southeast Community College is proposing to renovate 10,902 gross square feet (gsf) of the Lincoln Campus' Main Building for purposes of upgrading and relocating the Food Service/Hospitality program. A site plan of the SCC Lincoln Campus is provided below that identifies the location of the proposed renovation within the Main Building.



The Food Service/Hospitality program is currently scattered across several facilities. The majority of existing space is in the Lincoln Campus' Main Building near the cafeteria and kitchen. These spaces include a classroom that also serves as the program's restaurant dining room, a second classroom that is used for cafeteria kitchen storage, and faculty offices. The existing cafeteria kitchen (serving breakfast, lunch and dinner) is also used as a class laboratory. The Career Academy (TCA) opened in fall 2015 and has two culinary lab spaces. Lincoln Public Schools currently uses one of these labs until enrollment in the culinary career path increases. SCC has used the remaining culinary lab for beginning-level courses until LPS reaches full capacity or renovated space for the Food Service/Hospitality program is available. The Food Service/Hospitality program also utilizes off-site space in the Continuing Education Center (CEC), where a small kitchen and classroom are available for its food prep fundamental course.

The Lincoln Campus' Main Building is a 371,322 gsf two-story building originally constructed in 1979. Several additions and remodels have been completed over the years, with the latest addition for a Student Services/Welcome Center completed in 2012. The most recent remodel involved expanding and updating the cafeteria servery and seating area, which was completed this spring.

The proposed building renovation would require relocation of Early Childhood Education offices and classroom, the campus bookstore, and campus administrative offices. These relocations would be completed as separate remodels during the current calendar year prior to beginning the Food Service/Hospitality program renovation.

The college is estimating a total project cost of \$4,574,118 (\$419.57/gsf) for design, construction, and equipping the existing space. The source of funds for the proposed project would be capital improvement property tax levy funds. The college is estimating minimal increase in facility operating and maintenance (O&M) costs associated with the project, where college general operating funds would be available if needed.

1. **The proposed project demonstrates compliance and consistency with the *Comprehensive Statewide Plan*, including the institutional role and mission assignment.**

Yes

☒

No

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Comments: Page 1-7 of the Commission's *Comprehensive Statewide Plan for Postsecondary Education* states:

"Nebraska public institutions are accountable to the State for making wise use of resources for programs, services, and facilities as well as for avoiding unnecessary duplication." This project would provide an efficient use of existing facilities to meet the needs of the Food Service/Hospitality program.

Page 3-1 of the *Plan* outlines the following major statewide goal regarding workforce development: "Higher education in Nebraska will be responsive to the workforce development and ongoing training needs of employers and industries to help sustain a knowledgeable, trained, and skilled workforce in both rural and urban areas of the state." The SCC Lincoln Campus Food Service/Hospitality program responds directly to workforce development and training needs of employers in the region.

Page 7-7 of the *Plan* outlining community colleges' role and mission states: "Community colleges provide educational options for students seeking entry-level career training. The education program may culminate in an applied technology associate degree, diploma, or certificate; or an associate of arts or associate of science degree from an academic transfer program." Space associated with this project would affect Southeast Community College's Food Service/Hospitality program that offers an associate degree.

2. **The proposed project demonstrates compliance and consistency with the *Statewide Facilities Plan*.**

Yes

☒

No

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Comments: This proposal largely demonstrates compliance and consistency with the Commission's *Statewide Facilities Plan* as outlined in the following criteria.

2.A **The proposed project includes only new or existing academic programs approved by the Commission.**

Yes

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No

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Comments: The Food Service/Hospitality program was last approved for continuation by the Commission's Executive Director and reported to the Commission on March 11, 2010. The award option approved for continuation was the Food Service/Hospitality Associate of Applied Science (AAS) Degree. Five focus areas offered include: food service management, dietetic technician, culinary arts, lodging, and baking/pastry.

Since the last review cycle SCC has added a Food Service/Hospitality Diploma, Food Industry Manager

Certificate, and Event-Venue Operations Management Certificate as reasonable and moderate extensions of the existing program. The Commission reviews all existing academic programs on a seven-year review cycle.

2.B Degree that the project demonstrates compliance with the governing-board-approved institutional comprehensive facilities plan.

High Low



Comments: The SCC Board of Governors approved the Southeast Community College 2015-2019 *Strategic Plan* on April 21, 2015. Goal 7 of the *Strategic Plan* discusses the Educational Environment. The *Strategic Plan* seeks to “Enhance and maintain educational environments that promote learning, engagement, innovation, creativity, and safety.” Specifically Goal 7.1 states: “Improve College facilities, learning environments, student housing, and landscapes through the development and implementation of a comprehensive and renewable facilities master plan and proactive maintenance plan.” Goal 7.5 states: “Improve space utilization through continual analysis and assessment of current and future facility needs.” The proposed renovation would dramatically improve the quality of existing classroom and laboratory conditions. The renovation would remove two general-purpose classrooms from the Main Building on the Lincoln Campus, improving overall utilization.

The SCC Board of Governors adopted a resolution on March 24, 2016, acknowledging the preparation of the SCC *Facilities Master Plan* and (subject to possible future refinements) concluded that the improvements recommended in the *Facilities Master Plan* are necessary. Page 32 of the *Facilities Master Plan* mentions that dedicated classroom and laboratory (kitchen) space for the culinary program in the Continuing Education Center is expected to migrate to the 8800 O Street campus after renovation/expansion of program space is completed. Page 105 of the *Facilities Master Plan* identifies the Main Building on the 88th & O Street Campus as being in need of renovation. Page 107 of the

Facilities Master Plan states: "The Main Building on the 88th & O Campus will become the Technology Center. It will house programs such as Welding, Transportation, Electronics, Culinary Arts, Architectural Engineering, and Automotive."

2.C Degree that the project addresses existing facility rehabilitation needs as represented in a facilities audit report or program statement.

High Low



Comments: The proposed project's primary purpose is to address functional and quantitative space deficiencies. The college did indicate that the existing roof over the proposed renovation area has leaked and is in the process of being replaced as a separate project.

2.D Degree that project justification is due to inadequate quality of the existing facility because of functional deficiencies and is supported through externally documented reports (accreditation reports, program statements, etc.).

High Low



Comments: The college has outlined multiple functional deficiencies and safety concerns with the existing program spaces, including:

- Overcrowding in the cafeteria production kitchen creates a lack of adequate and safe working space for students and cafeteria services staff.
- Shared equipment results in instances during peak hours when students have to wait to use a piece of equipment in use by cafeteria staff.
- The location of the dish room within the teaching kitchen produces an average 70-90 decibels (range of power tools) and can peak around 100 dB (range of a snowmobile) during class. The consistently high decibels of the dish room next to the teaching lab can lead to hearing damage after prolonged exposure.
- The refrigerator/freezer is on the dock and students/faculty must exit the building to access refrigerated/frozen food supplies, posing safety

concerns in the winter/freezing months. This situation alone produced a citation by the program's accrediting body after the 2010 site visit.

- Dry storage consists of 2 shelves in the cafeteria storage area. These are overstocked spaces leading to additional safety concerns.
- Lack of adequate locker room facilities for male and female students to store personal lab supplies (i.e. knives) in a secure location.

2.E Degree that the amount of space required to meet programmatic needs is justified by application of space/land guidelines and utilization reports.

High Low



Comments: The types of lab space proposed for the building addition are not readily applicable to standard space guidelines. Each of the laboratories proposed would be utilized to meet specific needs associated with the Food Service/Hospitality program. Square footages for various room types were calculated based on a layout of the spaces with associated equipment requirements.

Classroom Utilization - The Food Service/Hospitality program scheduled one classroom at the Continuing Education Center for 35 hours per week during the 2014 fall quarter. The proposed renovation would relocate this demonstration classroom to the Lincoln Campus' Main Building. The proposed renovation would also remove two existing general-purpose classrooms from the 84 scheduled in the Main Building during the 2014 fall quarter. These classrooms were scheduled an average of 22.7 hours per week during that period. This compares to nationally recognized standards of 30 to 35 hours per week considered acceptable for classroom scheduling.

Class Laboratory Utilization - Food Service/Hospitality scheduled one production kitchen at the Continuing Education Center for 37 hours per week during the 2014 fall quarter. In addition, the program scheduled two class labs on the Lincoln Campus an average of 30.5 hours per week along with shared use of the campus cafeteria production kitchen. The renovated program space would

include three kitchen labs and a dedicated restaurant. Four-year institutions typically consider 20 hours per week as acceptable for class laboratory scheduling.

2.F Degree that the amount of space required to meet specialized programmatic needs is justified by professional planners and/or externally documented reports.

High Low
☒ ☐ ☐ ☐ ☐

Comments: SCC stated that square footage projections for the renovation were based on the Space Needs Analysis Study summary from the *Facilities Master Plan* along with input from the program chair and faculty, academic dean, campus director, and physical plant superintendent. In addition to an internal needs analysis, room types and square footages were calculated based on national data trends designed in conjunction with The Clark Enersen Partners, Paulien & Associates, and Foodlines.

2.G Ability of the project to fulfill currently established needs and projected enrollment and/or program growth requirements.

High Low
☐ ☒ ☐ ☐ ☐

Comments: Renovated space for the Food Service/Hospitality program would provide modern and adequate facilities for this program for the foreseeable future. Fall quarter headcount (HC) enrollment in this program has seen a steady decline from 177 HC students in 2012 to 125 HC in 2015. However, a longer-term view of annual full-time equivalent (FTE) enrollment indicates that the number of students in the Food Service/Hospitality program has now returned to prerecession levels.

One of the potential sources for future students in this program are current high school students enrolled in The Career Academy (TCA). Culinary Arts is one of the 19 pathways available through TCA. It has been a popular choice, ranking sixth in initial enrollment. The TCA fall 2015 building opening provided state of the art culinary

facilities for high school students to explore this career path. Students graduating from TCA can seamlessly transition into the Food Service/Hospitality program with up to 18 credit hours of dual-credit coursework completed.

The food service and hospitality industry is a growing field both nationally and locally. Economic Modeling Specialists International (EMSI) provided projections for southeastern Nebraska that indicate the number of jobs in this industry has grown more than 10% since 2002 and will grow another 9.5% by 2025. The Nebraska Department of Economic Development has projected a statewide 10.82% increase in the number of food services and drinking establishment jobs between 2008 and 2018.

2.H The need for future projects and/or operating and maintenance costs are within the State's ability to fund them, or evidence is presented that the institution has a sound plan to address these needs and/or costs.

High Low



Comments: Several smaller remodeling projects would be completed to relocate existing functions within the proposed project renovation area. This would include Nursing offices, Early Childhood Education office and classroom space, campus bookstore, and campus administrative spaces. Funding for this work has been budgeted with existing Capital Improvement Property Tax Funds.

Any minimal increase for facility operating and maintenance (O&M) costs would be drawn from general operating funds. The college has ample budget capacity given existing levy limits.

2.I Evidence is provided that this project is the best of all known and reasonable alternatives.

High Low

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Comments: The college originally planned the Food Service/Hospitality program renovation to be combined with a remodel of the cafeteria spaces. However, further evaluation by the college determined that continued colocation of a teaching and production kitchen was problematic and an unsafe teaching and learning environment.

Once the college determined to separate the projects, several alternatives were considered. This included building a separate Culinary Arts building that was determined to be too costly by the college administration. Leasing space was also briefly considered, but is not considered reasonable compared to costs of ownership of space already held by the college.

2.J Degree that the project would enhance institutional effectiveness/efficiencies with respect to programs and/or costs.

High Low

☐ ☒ ☐ ☐ ☐

Comments: The proposed project would not provide cost efficiencies. However, the proposed project would expand and improve the Food Service/Hospitality program's space. The proposed project would enhance the ability of this academic program to adequately serve its students and workforce needs.

2.K Degree that the amount of requested funds is justified for the project and does not represent an insufficient or extraordinary expenditure of resources.

High Low

☒ ☐ ☐ ☐ ☐

Comments: Construction Costs - The college's estimate to renovate and equip Food Service/Hospitality program space is \$4,574,118 (\$419.57/gsf). Commission staff's estimate of the total project cost is \$4,476,600 (\$410.62/gsf) for construction of college student union space per *R.S. Means Square Foot Costs* modified to account for increased mechanical/electrical/plumbing requirements and local conditions. The college's estimate

is \$97,518 (2.2%) higher than Commission staff's estimate for the project. Both estimates are inflated for a January 2017 construction start. The primary difference between these relatively close estimates is in professional fees and equipment costs.

Operating and Maintenance Costs - The college is estimating minimal increase in ongoing facility operating and maintenance (O&M) costs associated with the renovation. Commission staff concurs with the college, and estimates ongoing facility O&M increasing \$2,100 per year (\$0.19/gsf/year) for additional electrical utility costs associated with additional exhaust fans and equipment.

2.L Source(s) of funds requested are appropriate for the project.

High Low



Comments: The proposed use of capital improvement property tax levy funds to construct instructional space is appropriate.

Beginning in FY 2014, community colleges were allowed to collect a maximum capital improvement levy limit of 2.0¢ per \$100 property valuation for the Capital Improvement Fund. However, the combined operating and capital improvement levies shall not exceed the current maximum of 11.25¢ per \$100 property valuation.

SCC presently collects 1.58¢ per \$100 property valuation for the Capital Improvement Fund. The college estimates that the capital improvement levy will generate about \$6.597 million in the current fiscal year. SCC is projecting it would maintain the current 1.58¢ per \$100 property valuation levy in FY 2017, and increase the capital improvement levy to the maximum 2¢ per \$100 property valuation in FY 2018, generating \$8.22 million and \$10.71 million respectively.

Statutes also allow community colleges to collect student fees for use in funding capital construction projects. SCC does not presently charge a student facilities fee.

SCC had a Capital Improvement Fund balance of \$15,344,176 as of June 30, 2015. The college is

projecting a Capital Improvement Fund balance of \$7,607,048 on June 30, 2018, following completion of this proposed renovation.

3. **The proposed project demonstrates that it is not an unnecessary duplication of facilities.**

Yes

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No

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Comments: The college has demonstrated that this project would not unnecessarily duplicate instructional space at Southeast Community College's campus facilities.

- 3.A **Degree that the project increases access and/or serves valid needs considering the existence of other available and suitable facilities.**

High Low

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Comments: The types of laboratory space needs for this proposal are unique to the Food Service/Hospitality program and are not suitable for use by other campus academic programs.

COMMISSION ACTION AND COMMENTS:

Approve

☒

Disapprove

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Action: Pursuant to the Nebr. Rev. Stat. § 85-1414, the **Budget, Construction and Financial Aid Committee** of the Coordinating Commission for Postsecondary Education recommends approval of Southeast Community College's proposal to use \$4.574 million in capital improvement property taxes to renovate Food Service/Hospitality program space as outlined in the program statement approved by the SCC Board of Governors on January 19, 2016.

Comments: The renovation of existing campus space would consolidate and improve efficiency and safety for both students and faculty in the Food Service/Hospitality program. Southeast Community College has outlined the need for this renovation through a well-documented proposal.

Committee Recommendations for Commission Areas of Emphasis for the 2017-2019 Biennial Budget Process

The Commission's review of institutional biennial operating budget requests includes consideration of areas of emphasis. The governing boards and the Commission each identify their own areas of emphasis. The institutional areas of emphasis are a means for the institutions to elaborate and address critical funding issues, set priorities for requesting additional state funds, and target additional funding for achievement of excellence in one or more specific educational areas. The Commission's areas of emphasis are intended to reflect major statewide educational issues and priorities.

This year's Commission areas of emphasis are workforce development, increasing college enrollment, and ensuring that students complete credentials in a timely fashion with minimal debt. The Commission's staff recommendations for the 2017-2019 biennial budget process to the Budget, Construction, and Financial Aid Committee are:

- **Initiatives that Respond to Identified Educational and Workforce Development Needs in Nebraska**

The Commission will support initiatives that address Nebraska's workforce needs, particularly those in high skill, high wage, and high demand occupations; and strengthen connections between students and employers and institutions and employers. Requests could focus on development of new programs or expansion of programs in high demand fields; on updating the skills of working adults; and on identifying workforce needs of existing, new, and planned businesses. This area of emphasis could also include technical assistance to employers and dissemination of applied research to support job creation. The Commission may support requests that improve college partnerships with business and industry, respond to a specifically expressed workforce need that supports a targeted industry or cluster, meet a community need, or meet a regional need.

(This area of emphasis relates directly to the Comprehensive Statewide Plan for Postsecondary Education's goal that postsecondary education will be responsive to the workforce development needs and ongoing training needs of employees and industries.)

- **Initiatives that Increase College Enrollment**

In order to meet the increasing need for an educated work force in Nebraska, postsecondary education institutions will need to attract students both within and outside Nebraska borders.

The college continuation rate for Nebraska public high school graduates within one year of graduation is about 72 percent, but enrollment varies widely by the race/ethnicity, family income, and gender of graduates. While cost is a significant factor when a potential student is deciding on a college, other factors also play a part. The Commission will support initiatives that identify and encourage students who otherwise may not have applied to a Nebraska public institution or who may have been accepted but did not enroll in any institution. Initiatives could include increased or targeted recruitment of students from high schools with low college continuation, technologies that reduce “summer melt” of students who were accepted but did not enroll, and partnerships with high schools that increase students’ awareness of career pathways and their educational requirements. Initiatives could also target adults who lack the training and credentials necessary to enter fields with high demand from Nebraska businesses.

(This area of emphasis relates directly to the Comprehensive Statewide Plan for Postsecondary Education’s goal that Nebraska institutions and policymakers will seek methods to increase participation and success of Nebraskans in postsecondary education.)

- **Initiatives that Increase Student Retention, Persistence, and Completion and Reduce Time to Completion**

Nebraska ranks very highly in high school graduation rates but only moderately highly in college continuation and completion rates. Nebraska’s college completion rate of 57.9 percent for four-year public institutions ranks Nebraska 20th nationally, and the completion rate of 29.3 percent for two-year public institutions ranks Nebraska 12th nationally. Increasing the number of graduates is vital to developing an educated workforce in Nebraska. Intervention programs need continued development and improvement to promote retention and graduation goals for all student groups, but particularly for first-generation students, adult learners, minority students, and students from lower socioeconomic backgrounds. The Commission will support initiatives that increase retention, persistence, and graduation rates and allow students to reduce the time it takes to complete a degree. Initiatives could include continued development and implementation of methods and processes to increase students’ ability to easily transfer coursework between all of Nebraska’s postsecondary institutions, implementation of evidence-based courses that increase the success of students with developmental needs, and initiatives that make full-time enrollment feasible for more students.

(This area of emphasis relates directly to the Comprehensive Statewide Plan for Postsecondary Education’s goal that Nebraska institutions will provide appropriate support services to help all students reach their educational goals, regardless of where or how the instruction is provided.)

- **Initiatives that Make Postsecondary Education More Affordable**

The percentage of family income needed to cover the cost of attendance at Nebraska's public postsecondary institutions is increasing, especially for students from families whose income is at or below the median. Over the past ten years, tuition and mandatory fees have increased at rates higher than increases in the Consumer Price Index and the Higher Education Price Index. While grant aid has increased as well, both the proportion of students borrowing to attend college and the amount they are borrowing continues to rise.

The Commission will support initiatives and programs that encourage students to minimize time to graduation, including expanding 2+2 transfer programs and increasing the number of high school students earning dual credit. The Commission will also support investments in processes and technologies that increase efficiency resulting in lower costs for students.

(This area of emphasis relates directly to the Comprehensive Statewide Plan for Postsecondary Education's goals that Nebraska institutions will be effective in meeting the needs of students and the state and be efficient in the expenditure of the state's resources and that the state provide appropriate levels of support to enable institutions to excel and meet the educational needs of the state and its students.)



2017-19 INSTITUTIONAL BIENNIAL OPERATING AND STATE AID BUDGET REQUEST OUTLINE PROCEDURES

April 28, 2016

TABLE OF CONTENTS

INTRODUCTION.....	1
GENERAL INSTRUCTIONS.....	4
A. Definitions.....	4
B. Submission Schedule	5
C. Format for Operating and State Aid Budget Outline Submission	5
BUDGET NARRATIVE	6
A. Planning Issues and Critical Needs	6
B. Institutional Areas of Emphasis.....	7
BUDGET REQUEST SUMMARY	8
NEW AND EXPANDED BUDGET REQUESTS	8
BUDGET REVIEW CRITERIA	10

INTRODUCTION

Neb. Rev. Stat. § 85-1416 requires each public postsecondary institution to submit an outline of its proposed operating budget request or an outline of its proposed state aid request. The outline is required to include the information summaries provided to the institution's governing board describing the respective institution's budget for the next fiscal year or biennium. The outline is also required to include a projection of funds necessary for (i) the retention of current programs and services, ii) any inflationary costs necessary to maintain current programs and services and the current programmatic or service levels, and (iii) proposed new and expanded programs and services. The Commission is directed to review the budget requests of the governing boards and make recommendations for approval or modification of the budget requests, together with the rationale for its recommendations, in order to promote compliance and consistency with the *Comprehensive Statewide Plan for Postsecondary Education* and prevent unnecessary duplication.

The following procedures are to be used by public postsecondary educational institutions for submission of their **2017-2019** biennial operating or state aid budget request to the Commission. These procedures, to the fullest extent possible, use forms and information requests similar to those presented to institutional governing boards, Department of Administrative Services, and the Legislative Fiscal Office.

On **April 28, 2016**, the Commission established **four** areas of emphasis for its **2017-2019** biennial operating budget recommendations that align with the goals of the *Comprehensive Statewide Plan for Postsecondary Education* and reflect the higher education needs of Nebraska residents.

The Commission believes that the use of areas of emphasis makes an explicit connection between improvement in higher education, the future of the state's economy, and the well-being of its people. Therefore, the Commission's budget recommendations to the Governor and the Legislature will directly reflect major state priorities for strengthening higher education and enhancing the excellence of specific programs according to plans of each institution. The following identifies the Commission's areas of emphasis for the **2017-2019** Biennial Budget Review and Recommendations (not in priority order):

- **Initiatives that Respond to Identified Educational and Workforce Development Needs in Nebraska**

The Commission will support initiatives that address Nebraska's workforce needs, particularly those in high skill, high wage, and high demand occupations; and strengthen connections between students and employers and institutions and employers. Requests could focus on development of new programs or expansion of

programs in high demand fields; on updating the skills of working adults; and on identifying workforce needs of existing, new, and planned businesses. This area of emphasis could also include technical assistance to employers and dissemination of applied research to support job creation. The Commission may support requests that improve college partnerships with business and industry, respond to a specifically expressed workforce need that supports a targeted industry or cluster, meet a community need, or meet a regional need.

(This area of emphasis relates directly to the Comprehensive Statewide Plan for Postsecondary Education's goal that postsecondary education will be responsive to the workforce development needs and ongoing training needs of employees and industries.)

- **Initiatives that Increase College Enrollment**

In order to meet the increasing need for an educated work force in Nebraska, postsecondary education institutions will need to attract students both within and outside Nebraska borders. The college continuation rate for Nebraska public high school graduates within one year of graduation is about 72 percent, but enrollment varies widely by the race/ethnicity, family income, and gender of graduates. While cost is a significant factor when a potential student is deciding on a college, other factors also play a part. The Commission will support initiatives that identify and encourage students who otherwise may not have applied to a Nebraska public institution or who may have been accepted but did not enroll in any institution. Initiatives could include increased or targeted recruitment of students from high schools with low college continuation, technologies that reduce “summer melt” of students who were accepted but did not enroll, and partnerships with high schools that increase students’ awareness of career pathways and their educational requirements. Initiatives could also target adults who lack the training and credentials necessary to enter fields with high demand from Nebraska businesses.

(This area of emphasis relates directly to the Comprehensive Statewide Plan for Postsecondary Education's goal that Nebraska institutions and policymakers will seek methods to increase participation and success of Nebraskans in postsecondary education.)

- **Initiatives that Increase Student Retention, Persistence, and Completion and Reduce Time to Completion**

Nebraska ranks very highly in high school graduation rates but only moderately highly in college continuation and completion rates. Nebraska's college completion rate of 57.9 percent for four-year public institutions ranks Nebraska 20th nationally, and the completion rate of 29.3 percent for two-year public institutions ranks Nebraska 12th nationally. Increasing the number of graduates is vital to developing

an educated workforce in Nebraska. Intervention programs need continued development and improvement to promote retention and graduation goals for all student groups, but particularly for first-generation students, adult learners, minority students, and students from lower socioeconomic backgrounds. The Commission will support initiatives that increase retention, persistence, and graduation rates and allow students to reduce the time it takes to complete a degree. Initiatives could include continued development and implementation of methods and processes to increase students' ability to easily transfer coursework between all of Nebraska's postsecondary institutions, implementation of evidence-based courses that increase the success of students with developmental needs, and initiatives that make full-time enrollment feasible for more students.

(This area of emphasis relates directly to the Comprehensive Statewide Plan for Postsecondary Education's goal that Nebraska institutions will provide appropriate support services to help all students reach their educational goals, regardless of where or how the instruction is provided.)

- **Initiatives that Make Postsecondary Education More Affordable**

The percentage of family income needed to cover the cost of attendance at Nebraska's public postsecondary institutions is increasing, especially for students from families whose income is at or below the median. Over the past ten years, tuition and mandatory fees have increased at rates higher than increases in the Consumer Price Index and the Higher Education Price Index. While grant aid has increased as well, both the proportion of students borrowing to attend college and the amount they are borrowing continues to rise.

The Commission will support initiatives and programs that encourage students to minimize time to graduation, including expanding 2+2 transfer programs and increasing the number of high school students earning dual credit. The Commission will also support investments in processes and technologies that increase efficiency resulting in lower costs for students.

(This area of emphasis relates directly to the Comprehensive Statewide Plan for Postsecondary Education's goals that Nebraska institutions will be effective in meeting the needs of students and the state and be efficient in the expenditure of the state's resources and that the state provide appropriate levels of support to enable institutions to excel and meet the educational needs of the state and its students.)

GENERAL INSTRUCTIONS

A. Definitions

Commission shall mean the Coordinating Commission for Postsecondary Education.

Governing Board shall mean the Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, or the board of governors for each community college area.

Public Institution shall mean any of the following: University of Nebraska-Lincoln, University of Nebraska at Omaha, University of Nebraska at Kearney, University of Nebraska Medical Center, Nebraska College of Technical Agriculture, Chadron State College, Peru State College, Wayne State College, Central Community College Area, Metropolitan Community College Area, Mid-Plains Community College Area, Southeast Community College Area, Northeast Community College Area, Western Nebraska Community College Area, including any other campus administered as a separate entity by a governing board, or any other public postsecondary educational institution which may be established by the Legislature after January 1, 1992.

Modify/Modifications shall mean changes recommended by the Commission to budget requests, state aid requests, budget priority lists, or major deficit requests of public institutions, to ensure compliance and consistency with the *Comprehensive Statewide Plan* and prevent unnecessary duplication.

Budget Request, as defined by the Revised Statutes of Nebraska, shall mean the complete recitation, on forms prescribed by the Governor's Budget Division and in the manner prescribed by such division, of the operating funds requests of a public institution for the biennium following the then-current biennium.

New and Expanded Budget Request shall mean the request for funding of Commission-approved new programs, expanded services, or workload increases in the next biennium; for replacing other revenue sources with general fund support; and for funding increases associated with the prior year's deficit appropriation.

B. Submission Schedule

On or before August 15, 2016, the University and State Colleges remit to the Commission their operating budget request outline.

On September 15, 2016, the Community Colleges remit to the Commission their state aid budget request outline.

On or before September 15, 2016, the University, State Colleges, and Community Colleges remit to AS-Budget, their operating and state aid budget request. The Commission will access budget requests from AS-Budget.

C. Format for Operating and State Aid Budget Outline Submission

Each operating budget request outline should be presented in a three-ring notebook and include an index to facilitate review of budget documents. It is preferred that institutions organize the budget request as shown below.

1. Index
2. Narrative
 - A. Planning Issues and Critical Needs (as defined below)
 - i) System
 - ii) Campus/Area
 - B. Institutional Areas of Emphasis
3. Budget Request Summary
4. New and Expanded Requests – submitted in priority order.
(DAS Budget form “Issue Detail Report” or Institutional form submitted to governing boards with CCPE-identified information)

Institutions with multiple campuses may include under a single cover, the budget requests of all campuses within the system. However, separate and complete budget request and supporting information for each campus must be submitted and separated by dividers as appropriate. The community colleges may submit their budget outlines by area.

BUDGET NARRATIVE

A. Planning Issues and Critical Needs

In order to be well informed in our review of budget requests and to fully appreciate the needs of the individual institutions and sectors as a whole, each institution is requested to describe the critical issues it faces for the next biennium and for the following three to five years. These considerations are important to the Commission to more fully understand new and expanded requests, the potential for cooperation and collaboration of the State's institutions, and for general review of budget documents.

This part of the operating and state aid budget outlines should not restate an institution's role and mission statement or strategic plan, although it should be consistent with the role and mission and strategic plans of the institution. The planning issues and critical needs section should include specific, concrete objectives that highlight only a relatively small number of critical issues - generally no more than six - that the institution wishes to bring to the attention of the Commission.

Planning issues, as identified in the budget narrative, focus on the current fiscal year, the biennium, and the immediate and short-range future. The critical needs issues identified in the budget narrative, are more particular to the current biennial request and could change significantly over the coming three- to five-year period, although there would be some continuity from year to year. As critical need issues are resolved, they undoubtedly will be replaced by others.

We suggest that the following questions serve as a guideline to developing the planning issues and critical needs section of the budget narrative.

1. What are the major critical issues facing the institution during the next three to five years?
2. Why have each of these issues been identified as a major issue?
3. What is the institution's strategy for addressing each of its critical issues?
4. In planning for the near future (four to six years), what issues are of concern to the institution, and how does the institution plan to manage those issues?

The Commission will analyze the budget narrative as one of the first steps in reviewing the institution's budget request submission. The budget narrative will:

- Provide a basis for reviewing base level budget requests and for making recommendations regarding new and expanded requests to the Governor and the Legislature;
- Provide a basis for updating or revising the *Comprehensive Statewide Plan*;

- Assist the Commission in evaluating the achievement of statewide goals such as enhancing student access, improving program quality, or improving minority participation.

B. Institutional Areas of Emphasis

Many of the critical issues identified in the Planning Issues and Critical Needs section may be addressed through the designation of areas of emphasis. These areas of emphasis may designate a specific academic program/service offered at one or more institution, academic programs/services offered by a college/school within an institution, a research/public service/support area at one or more institutions, or a focused system-wide initiative such as telecommunications. Areas of emphasis are NOT broad designations such as improvement of teaching, enhancement of student services, or any other non-specific category.

The purpose of the areas of emphasis is to enable an institution or system to request funds that are in addition to those needed to meet base activities and price changes. The institutions should emphasize those areas where the institution is planning to achieve excellence in education. The intent is to encourage institutions to set priorities which serve the students' and the state's interest.

- For the **2017-2019** biennial budget request, the institutions should limit their areas of emphasis as follows:

University System	up to eight
State College System	up to four
Community Colleges	One for each community college

BUDGET REQUEST SUMMARY

The budget request summary provides an institutional summary of the current year's appropriation or base budget, projection of funds being requested for inflationary costs of current programs and services, and projection of funds being requested for new and expanded budget requests. The budget request summary should identify and describe the inflationary increases needed to maintain current programs and services in the next fiscal year or biennium. The budget request summary should also identify the cost of each request for new and expanded funding. For the University and state colleges, the base budget request assumes no across-the-board salary increases, and these increases should not be included in the base budget request. However, inclusion of estimated across-the-board salary increase scenarios will provide the commission with information on the amount of funding necessary to meet any salary funding requests.

NEW AND EXPANDED BUDGET REQUESTS

New and expanded budget requests are those proposed institutional increases to the base budget request beyond the continuation request and must maintain the context of the institutions role and mission. New or expanded budget requests should be prioritized, from highest to lowest, in order of importance to the institution.

By statute, institutions submit the information provided to their governing boards and other supporting information the Commission may request to assist in its budget review process. The Commission is requesting the following information to assist in its review and recommendations of new and expanded funding:

- 1. Justification of the need.**

This section should provide a description of the process used by the institution to research and evaluate the need for the new or expanded funds. As such, it should answer the following questions: How will the resources requested improve the quality of instruction and/or allow the institution to address more effectively the needs and demands of students and/or constituents? What will be accomplished with the new requested resources? What are the ramifications if the requested increase is not funded?

This section should describe how the improvement is to be accomplished and why this method is an appropriate strategy.

2. A description of the resources requested.

This section should show the new state resources requested along with other sources of support and include the future resource plan related to the budget request.

3. Projected expenditures.

This section should show projected expenditures by Program Classification Structure (PCS) and PCS sub-program. This will include detailed information and personal services. The information should include employees by position; i.e., faculty, administration, clerical, etc.

4. What relationship does the request have to the institution's plans and goals?

This section should describe the budget request in the context of the plans and priorities set forth in the institution's budget narrative. The description should show how the request relates to the objectives and future plans of the institution. It may demonstrate the institution's strategy for improving the quality of programs, enhancing the effectiveness of academic support or other support functions, or addressing the educational needs of its students and constituents.

5. Proposed outcomes.

This section should identify the proposed outcomes of the requested funding increase. The outcomes should be definable, with measurable indicators used to assess the progress toward and/or achievement of stated goals and objectives. This section should detail how program outcomes will be evaluated by the institution to determine if the desired or stated benefits of the new request are being realized and whether or at what point the institution may adjust program objectives to accomplish the stated goals.

BUDGET REVIEW CRITERIA

Review criteria for the budget requests will primarily focus on new and expanded requests. The areas of concentration will be:

1. Compliance and consistency with the *Comprehensive Statewide Plan for Postsecondary Education*, to include:
 - a. Fulfillment of role and mission;
 - b. Increased access;
 - c. Meets the needs of the students and the state;
 - d. Creates an exemplary institution;
 - e. Creates or enhances partnerships;
 - f. Promotes high quality;
 - g. Responsive to workforce development and ongoing training.
2. Demonstration of need and prioritization of new and expanded requests.
3. Compliance or compatibility with institutional strategic plan.
4. Evidence that no unnecessary duplication exists.
5. Enhancement of the institution's efficiency and effectiveness.
6. Demonstration of measurable outcomes.
7. Relationship to identified areas of emphasis.

The Commission also performs analyses:

1. Regarding the overall operation of the institution for compliance with the Statewide Comprehensive Plan;
2. To make various comparisons with peers and national measures; and
3. To make general comments regarding the financing of postsecondary education.

KEY DEADLINES CONCERNING COMMISSION RECOMMENDATIONS ON PUBLIC POSTSECONDARY EDUCATION OPERATING AND CAPITAL CONSTRUCTION BUDGET REQUESTS FOR THE 2017-2019 BIENNIUM



March 10, 2016 – Commission approves the *Prioritization Process for Capital Construction Budget Requests* for use in developing its 2017-2019 biennial capital construction budget recommendations and priorities.

April 28, 2016 – Commission adopts statewide areas of emphasis for consideration by the University, State Colleges and community colleges in developing their 2017-2019 biennial operating budget and state aid requests.

April 29, 2016 – Commission staff submits the *Institutional Biennial Operating Budget Procedures* to the University, State Colleges, and community colleges, including recommended statewide areas of emphasis.

June 15, 2016 – Commission deadline for the University and State Colleges to submit complete capital construction project proposals for inclusion in the Commission's 2017-2019 biennial budget recommendations and prioritization (applies to construction and acquisition requests with more than \$2 million in tax funds and/or an incremental increase in facilities operating and maintenance (O&M) costs of more than \$90,000/year in tax funds).

July 21, 2016 – Commission adopts statewide funding issues for use in developing its 2017-2019 biennial operating budget recommendations.

August 15, 2016 – Statutory deadline for University and State Colleges to submit an outline of 2017-2019 biennial operating and capital construction budget requests to the Commission.

September 8, 2016 – Presentations by the University and State Colleges on their 2017-2019 biennial operating and capital construction budget requests, and the community colleges on their 2017-2019 biennial state aid requests.

September 15, 2016 – Statutory deadline for the University and State Colleges to submit their 2017-2019 biennial operating and capital construction budget requests to the Governor, Legislature, and Commission. Statutory deadline for the community colleges to submit their 2017-2019 biennial state aid request outline to the Commission.

October 13, 2016 - Commission approves: 1) The 2017-2019 Biennial *Public Postsecondary Operating Budget Recommendations*, and 2) the 2017-2019 Biennial *Capital Construction Budget Recommendations and Prioritization* for submittal to the Governor and Legislature.

October 15, 2016 – Statutory deadline for Commission submittal of the 2017-2019 Biennial *Public Postsecondary Operating Budget Recommendations* to the Governor and Legislature.

Introduction to Amended Chapter 9 – Rules and Regulations Concerning Capital Construction

April 28, 2016

The Coordinating Commission for Postsecondary Education is in the process of amending Chapter 9 - Rules and Regulations Concerning Capital Construction to reflect current statutes and practice. Attached is a draft amended rule that includes a redline markup with additions/deletions and a clean copy. For reference, the current Chapter 9 - Rules and Regulations Concerning Capital Construction can be found on the [Secretary of State's website](#).

The primary purpose of the amended rule is to implement statutory revisions related to capital construction since the existing rule was approved in May 2000. Also included is language to conform to an Attorney General opinion regarding facility operating and maintenance requests. A new section was added that outlines the Commission's statutory responsibility regarding a statewide facilities information base. Modifications to other sections were made to clarify existing statutes related to capital construction. Finally, sections were revised to conform to current practice (e.g., deletion of need and project statement language, etc.) along with technical, grammatical and readability revisions.

A couple of points of clarification as you read the draft. The term "compliance" has been removed from section 005 Institutional Facilities Plans for consistency with §85-1414(9) and section 008 Capital Construction Budget Requests and Recommendations for consistency with §85-1416(3). Also, in revising section 008 to be more consistent with statutory language, reference to the LB 309 Task Force for Building Renewal is removed. However, the new definition for "individual capital construction budget request" includes LB 309 Task Force for Building Renewal requests so that we can continue to recommend funding and prioritize these requests by category and classification.

Statutes related to the proposed amended rules and regulations are outlined as follows:

- LB 7, 2003 – Removed grandfathered capital construction project language
- LB 440, 2009 – Revised capital construction project thresholds
- LB 946, 2012 – Related to community college funding
- LB 211, 2013 – Related to Legislative intent regarding Commission coordination through a community college board or association and community college aid funding distribution
- LB 546, 2014 – Removed Commission review and recommendation of revenue bond projects

Commission staff provided a draft to institutions and statehouse representatives for review, with an April 1 deadline for receipt of initial comments. To date, comments have been provided by the University of Nebraska, Nebraska State Colleges, Northeast Community College, and the Task Force for Building Renewal. In general, the comments concur that the draft amended rule reflects state statute. One suggestion that has been included to the current draft was to add "by category and classification" to LB 309 Task Force for Building Renewal request within the definition in section 004.02 *INDIVIDUAL CAPITAL CONSTRUCTION BUDGET REQUEST*.

TITLE 281, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 9
COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION
RULES AND REGULATIONS CONCERNING CAPITAL CONSTRUCTION

Committee Draft
April 18, 2016

TITLE 281 - COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION
CHAPTER 9 - RULES & REGULATIONS CONCERNING CAPITAL CONSTRUCTION

NUMERICAL TABLE OF CONTENTS

SUBJECT	STATUTORY AUTHORITY	CODE SECTION
Constitutional Authority	85-1401 to 85-1416, 85-1418 <u>Neb. Const. art. VII, sec. 14 (1990)</u>	001
Statutory Authority	Neb. Rev. Stat. §§ 85-180.14, 85-401, 85-404, 85-408, 85-1401, to 85-14024, 85-1410 to 85-1414, to 85-1416, to 85-1418, 85-1421 to 85-1427, 85-1511, 85-1515, 85-1517, 85-15365 and 85-2233	002
Scope and Related Provisions	Neb. Rev. Stat. §§ 85-180.14, 85-401, 85-404, 85-408, 85-1401, to 85-14024, 85-1410 to 85-1414, to 85-1416, to 85-1418, 85-1421 to 85-1427, 85-1511, 85-1515, 85-1517, and 85-15365	003
Definitions	<u>Neb. Rev. Stat. § 85-1402</u>	004
<u>Facilities Information Base</u>	<u>Neb. Rev. Stat. §§ 85-1412, 85-1417, 85-1421 to 85-1423, and 85-1425 to 85-1427</u>	<u>005</u>
Institutional Comprehensive- Facilities Plan <u>nings</u>	<u>Neb. Rev. Stat. § 85-1414</u>	<u>0056</u>
Capital Construction Projects	Neb. Rev. Stat. §§ 85-180.14, 85-401, 85-1402, 85-1414, 85-1417, 85-1418, 85-1511, 85-1515, 85-1517, 85-1535 and 85-2233	<u>0067</u>
Revenue Bond Projects	85-404, 85-408, 85-1415	007
Capital <u>Construction</u> Budget Requests and Recommendations	<u>Neb. Rev. Stat. §§ 85-1416 and 85-1417</u>	008
General Considerations	<u>Neb. Rev. Stat. § 85-1418</u>	009

TITLE 281 - COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION
CHAPTER 9 - RULES & REGULATIONS CONCERNING CAPITAL CONSTRUCTION

ALPHABETICAL TABLE OF CONTENTS

SUBJECT	STATUTORY AUTHORITY	CODE SECTION
Capital <u>Construction</u> Budget Requests and Recommendations	<u>Neb. Rev. Stat. §§ 85-1416 and 85-1417</u>	008
Capital Construction Projects	<u>Neb. Rev. Stat. §§ 85-180.14, 85-401, 85-1402, 85-1414, 85-1417, 85-1418, 85-1511, 85-1515, 85-1517, 85-1535 and 85-2233</u>	00 <u>67</u>
Constitutional Authority	<u>85-1401 to 85-1416, 85-1418 Neb. Const. art. VII, sec. 14 (1990)</u>	001
Definitions	<u>Neb. Rev. Stat. § 85-1402</u>	004
<u>Facilities Information Base</u>	<u>Neb. Rev. Stat. §§ 85-1412, 85-1417, 85-1421 to 85-1423, and 85-1425 to 85-1427</u>	<u>005</u>
General Considerations	<u>Neb. Rev. Stat. § 85-1418</u>	009
Institutional Comprehensive Facilities Plan <u>nings</u>	<u>Neb. Rev. Stat. §§ 85-1414</u>	00 <u>56</u>
Revenue Bond Projects	<u>85-404, 85-408, 85-1415</u>	<u>007</u>
Scope and Related Provisions	<u>Neb. Rev. Stat. §§ 85-180.14, 85-401, 85-404, 85-408, 85-1401, to 85-14024, 85-1410 to 85-1414, to 85-1416, to 85-1418, 85-1421 to 85-1427, 85-1511, 85-1515, 85-1517, and 85-15365</u>	003
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TITLE 281 - COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION
CHAPTER 9 - RULES & REGULATIONS CONCERNING CAPITAL CONSTRUCTION

~~LAST ISSUE DATE: June 16, 1994~~[NOTE: *Italicized* words are defined in Section 004. DEFINITIONS.]

001. CONSTITUTIONAL AUTHORITY. Applicable sections of the Constitution of the State of Nebraska, ~~Edited 1992, include~~ article VII ~~--- Education~~, section 14, relating to the establishment and authority of the Coordinating Commission for Postsecondary Education including:

001.01 COMPREHENSIVE STATEWIDE PLAN FOR POSTSECONDARY EDUCATION. Authority to adopt and revise as needed, a Comprehensive Statewide Plan for Postsecondary Education, which shall include plans for facilities which utilize *tax funds designated by the Legislature*.

001.02 CAPITAL CONSTRUCTION PROJECTS. Authority to review, monitor, and approve or disapprove each public postsecondary educational institution's *capital construction projects* which utilizes ~~s~~ *tax funds designated by the Legislature* in order to provide compliance and consistency with the Comprehensive Statewide Plan and to prevent *unnecessary duplication*.

001.03 BUDGET REQUEST RECOMMENDATIONS. Authority to review and modify, if needed, to promote compliance and consistency with the Comprehensive Statewide Plan and prevent *unnecessary duplication*, the budget requests of each public postsecondary educational institution's *governing board*.

001.04 ADDITIONAL POWERS. Additional powers and duties provided to the *Commission* by the Legislature, related to postsecondary education, as long as such powers and duties do not invade the governance and management authority of the Board of Regents of the University of Nebraska and the Board of Trustees of the Nebraska State Colleges as provided in the Constitution of Nebraska.

001.05 PROPERTY TAX REVENUE. Nothing providing for statewide coordination shall limit or require the use of property tax revenue by and for community colleges.

002. STATUTORY AUTHORITY. Applicable Nebraska Statutes include:

002.01 ~~Nebraska Revised Statutes (Reissue of 1994) sections 85-401, Neb. Rev. Stat. §§ 85-1401, 85-1402~~ subsections (1), (2), (3), (5), (7), and (8), 85-1403, 85-1404, 85-1410 subsection (4), 85-1411 subsection (4), 85-1412 subsections (1) and (6), 85-1413 subsections (1) to (6), 85-1414 subsections (1), (9), (10) and (11), 85-1416 subsections (1) and (3), 85-1417, and 85-1418, 85-1421 to 85-1423, and 85-1425 to 85-1427 relating to a statewide facilities information base, Commission review of *institutional comprehensive facilities plans*, proposed *capital construction projects*, and ~~proposed~~ capital construction budget requests and recommendations.

~~002.02 Nebraska Revised Statutes (Reissue of 1994) sections Neb. Rev. Stat. §§ 85-1511 subsections (4) and (7), 85-1515, 85-1517 subsection (2), and 85-15356 subsection (3), and 85-2233 subsection (3) relating to coordination by the Commission of the construction, lease, purchase, purchase on contract, operation, equipping, and maintenance of facilities for community colleges.~~

~~002.03 Nebraska Revised Statutes (Reissue of 1994) section 85-180.14, relating to Commission approval of the construction and operation of facilities for the veterinary medicine and surgery program at the University of Nebraska.~~

~~002.04 Nebraska Revised Statutes (Reissue of 1994) sections 85-404, 85-408 and 85-1415, relating to Commission review and recommendation of revenue bond and surplus fund projects for the University of Nebraska and Nebraska State Colleges.~~

003. SCOPE AND RELATED PROVISIONS.

003.01 These rules and regulations relate to:

003.01(A) Providing a state-level uniform information system for all public postsecondary education systems and institutions that will insure the Legislature and other state agencies obtain timely and accurate information concerning facilities;

003.01(B) Commission review of and comment about public institutional ~~comprehensive~~ facilities plans;

003.01(BC) Commission review, monitoring, and approval or disapproval of applicable capital construction projects; and

~~003.01(C) Commission review and recommendation of applicable revenue bond projects; and~~

003.01(D) Commission review and recommended modification, approval, or disapproval of the University of Nebraska's and Nebraska State Colleges' capital construction budget requests and major deficit appropriation requests, and development of a unified statewide prioritization of these requests.

003.02 The *Commission* shall coordinate its responsibilities with both the Executive and Legislative branches of State government, and the *governing ~~and/or coordinating~~ board's* of the State's *public institutions*.

003.03 The provision of a statewide facilities information base, review of proposed *institutional ~~comprehensive~~ facilities plans, capital construction projects, ~~revenue bond projects~~* and capital construction budget requests shall be subject to the rules contained herein; the Comprehensive Statewide Plan; for Postsecondary Education, which includes the Statewide Facilities Plan; the *Commission's* budgetary review process; and such other rules, regulations, and procedures as shall be adopted and promulgated by the *Commission*.

003.04 The footnote section contained herein shall not be construed as a part of the Rules of the *Commission* but is used for illustrative purposes only.

004. DEFINITIONS.

004.01 CAPITAL CONSTRUCTION PROJECT. Shall mean a project which utilizes *tax funds designated by the Legislature* and shall be: Any proposed new *capital structure*; any proposed addition to, *renovation of*, or *remodeling of a capital structure*; any proposed acquisition of a *capital structure* by gift, purchase, lease-purchase, or other means of construction or acquisition; or any combination thereof that 1) will be *directly financed* in whole or in part with *tax funds designated by the Legislature* totaling at least the *minimum capital expenditure* for purpose of the eis definition, or 2) is likely, as determined by the institution, to result in an *incremental increase* in appropriation or expenditure of *tax funds designated by the Legislature* of at least the *minimum capital expenditure* for the facility's operations and maintenance costs¹ in any one fiscal year within a period of ten years from the date of substantial completion or acquisition of the project. For purposes of this definition:

004.01(A) DIRECTLY FINANCED. Shall mean funded by: 1) Appropriation of *tax funds designated by the Legislature* for the specific *capital construction project*; 2) property tax levies authorized pursuant to Neb. Rev. Stat. § 85-1517 used to establish a capital improvement and bond sinking funds pursuant to section Neb. Rev. Stat. § 85-1515 of the Nebraska Revised Statutes (Reissue of 1994); or 3) that portion of *tax funds designated by the Legislature* and appropriated by the Legislature for the general operation of the *public institution* and utilized to fund the *capital construction project*.

004.01(B) INCREMENTAL INCREASE. Shall mean an increase in appropriation or expenditure of *tax funds designated by the Legislature* of at least the *minimum capital expenditure* for a facility's operations and maintenance costs, beyond any increase due to inflation, to pay for a *capital structure's* operations and maintenance costs that are a direct result of a *capital construction project*.

004.01(C) MINIMUM CAPITAL EXPENDITURE. Shall mean: 1) for purposes of construction or acquisition pursuant to this definition of *capital construction project*, a base amount adjusted for inflation as required by statute, and 2) for purposes of the facility's operations and maintenance costs pursuant to this definition of *capital construction project*, a base amount adjusted for inflation as required by statute for any one fiscal year. Both-The base amounts s for the facility's operations and maintenance costs shall be subject to any inflationary or market adjustments made by the *Commission* pursuant to this definition. The *Commission* shall adjust the base amounts on a biennial basis beginning January 1, 2010-1996. The adjustments shall be based on percentage changes in a construction cost index and any other published index relevant to operations and maintenance-utilities costs, as selected by the *Commission* in cooperation with the *public*

¹ Examples of facility's operations and maintenance costs include: Utilities, custodial service, building maintenance, landscape and grounds maintenance, physical plant administration, security, mail service, communications service, and property insurance.

institutions. The index or indices shall reflect inflationary or market trends for the applicable operation and maintenance or construction costs. Specific dollar amounts can be found in Commission procedures implementing these rules and regulations.

004.02 INDIVIDUAL CAPITAL CONSTRUCTION BUDGET REQUESTPROJECT. Shall mean, for the purpose of prioritization of budget requests, ~~ing the Commission's Statewide Capital Budget Recommendation; every proposed project any capital construction request included in the Board of Regents of the University of Nebraska's and Board of Trustees of the Nebraska State Colleges' biennial budget request, LB 309 Task Force for Building Renewal request by category and classification, or major deficit appropriation included in a governing board's capital budget requests,~~ for which the Commission has recommended approval, including any capital construction project approved by the Commission and included in such requests.

004.03 CAPITAL STRUCTURE. Shall mean anything constructed or erected, for occupancy, use or ornamentation, that requires permanent location on, below or above the ground, or an addition to an existing capital structure having a permanent location on or below the ground.

004.04 CHANGE IN SCOPE. Shall mean a significant change in a capital construction project, as specifically defined in Commission procedures, to include but not be limited to: 1) A substantial increase in the amount of tax funds designated by the Legislature used to construct, acquire or provide facilities' operations and maintenance, 2) a significant change in the use of funds², 3) a considerable change in the allocation of square footage for any major room-use category(s), or 4) a programmatic change involving who and/or ~~for~~ what purpose a major room-use category(s) serves.

004.05 COMMISSION. Shall mean the Coordinating Commission for Postsecondary Education.

~~004.06 COORDINATING BOARD. Shall mean the Nebraska Community College Association.~~

~~004.067~~ GOVERNING BOARD. Shall mean the Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, or the board of governors for each community college area, ~~or a representative designated by any of these boards.~~

~~004.078~~ INSTITUTIONAL COMPREHENSIVE FACILITIES PLAN. Shall mean a plan that identifies a public institution's existing facilities, the condition and utilization of those facilities, outlines the institution's short-term, mid-term, and long-range program needs, and identifies proposed facilities solutions to meet those program needs.

~~004.09 MAJOR CAPITAL DEFICIT APPROPRIATION REQUEST. Shall mean any individual capital project in excess of the minimum capital expenditure and included in a governing board's capital deficit appropriation request.~~

² Example: Reallocating a majority of funds previously allotted for movable equipment to construction.

~~004.0810~~ MAJOR ROOM-USE CATEGORIES. Shall mean the major room uses outlined in Chapter 2 of the most recently published U.S. Department of Education, National Center for Education Statistics, Postsecondary Education Facilities Inventory and Classification Manual (FICM), 1992.³

~~004.11~~ NEED STATEMENT. Shall mean a document that provides a preliminary description of a proposed ~~capital construction project or revenue bond project~~. The ~~need statement is an optional document that may be submitted to the Commission. The Commission will provide a preliminary evaluation of a project with the review criteria established in these rules and regulations. The content to be provided in a need statement shall be in such format as provided by the Commission.~~⁴

~~004.0912~~ PROGRAM STATEMENT. Shall mean a document that describes and supports the development of a proposed ~~capital construction project or revenue bond project~~. ~~A program statement provides more detailed information than a need statement.~~ The content to be provided in a *program statement* shall be in such format as provided by the *Commission*.⁴

~~004.13~~ PROJECT STATEMENT. Shall mean an abbreviated ~~program statement used to support the development of a proposed capital construction project or revenue bond project of lesser scale or certain type as specifically defined in Commission procedures. The content to be provided in a project statement shall be in such format as provided by the Commission.~~⁴

~~004.104~~ PUBLIC INSTITUTION. Shall mean any of the following: University of Nebraska-Lincoln, University of Nebraska Medical Center, University of Nebraska at Omaha, University of Nebraska at Kearney, Nebraska College of Technical Agriculture, Chadron State College, Peru State College, Wayne State College, Central Community College, Metropolitan Community College, Mid-Plains Community College, Northeast Community College, Southeast Community College, Western Nebraska Community College, including any other campus administered as a separate unit by a *governing board*, or any other public postsecondary educational institution ~~which that~~ may be established by the Legislature ~~after January 1, 1992.~~

~~004.115~~ REMODELING OR RENOVATION. Shall mean work associated with an existing *capital structure*, which may include, but shall not be limited to, modifying or upgrading a *capital structure's* building systems. Such work may include upgrading mechanical or electrical systems, or modifying interiors through changes in room layouts or relocation of openings. This work shall not increase the size of the building footprint or building envelope. Replacement of existing wall, floor or ceiling treatments due to age or damage, or other similar

³ These categories include: Classrooms, laboratories, offices, study facilities, special-use facilities, general-use facilities, support facilities, health-care facilities, residential facilities, and unclassified facilities.

⁴ ~~The Need, Program and Project Statement~~ Outlines provided by the *Commission* shall coordinate with existing State formats and *public institutional* requirements for use of such documents by design professionals.

work, shall not be considered *remodeling* or *renovation*. Separate deferred maintenance projects, fire and life safety projects, Americans with Disabilities Act projects, or energy conservation projects, as defined by the LB 309 Task Force for Building Renewal, shall not constitute *remodeling* or *renovation*.

~~004.16 REVENUE BOND PROJECT.~~ Shall mean ~~all proposed projects, to be financed by revenue bond issues or surplus or replacement funds, approved by the Board of Regents of the University of Nebraska or the Board of Trustees of the Nebraska State Colleges, pursuant to sections 85-404 and 85-408, Nebraska Revised Statutes (Reissue of 1994). This includes any single expenditure of surplus or replacement funds in excess of two hundred fifty thousand dollars (\$250,000) per purchase order or contract.~~

004.1~~27~~ TAX FUNDS DESIGNATED BY THE LEGISLATURE. Shall mean all State tax revenue and all property tax revenue.

004.1~~38~~ UNNECESSARY DUPLICATION. Shall mean any *capital structure*, or portion of a *capital structure*, that does not substantially increase access and/or serve valid needs considering the existence of other available and suitable facilities.⁵

005. STATEWIDE FACILITIES INFORMATION BASE.

005.01 APPLICABILITY. All *public institutional* facilities that involve coordination by the *Commission*, Legislature, or other state agency, shall provide state-level uniform facilities information.

005.02 The *Commission* shall maintain uniform data elements and definitions for development of a statewide facilities information base in consultation with *governing boards*, or their designated representative.

005.03 The *Commission* shall identify statewide facilities information to be collected on an annual or periodic basis, regarding each *public institution's* facilities inventory and utilization information.

005.04 *Public Institutions* may comply with requests for facilities information pursuant to Neb. Rev. Stat. § 85-1417, as applicable.

00~~56~~. INSTITUTIONAL ~~COMPREHENSIVE~~ FACILITIES PLANNINGS.

00~~56~~.01 APPLICABILITY. All *institutional* ~~comprehensive~~ facilities plans, or amendments to such plans, approved or accepted by a *governing board* ~~after January 1, 1992~~, shall require *Commission* review and comment in accordance with these rules and regulations.

⁵ Examples of *unnecessary duplication* include, but shall not be limited to, unnecessarily duplicative facilities within an institution, sector, state, or region.

0056.02 REVIEW CRITERIA. ~~Used by T~~ The Commission shall use the following criteria in the review of ~~a public institution's comprehensive institutional~~ facilities plans ~~shall include the following:~~

0056.02(A) COMPLIANCE AND CONSISTENCY WITH THE COMPREHENSIVE STATEWIDE PLAN. ~~Proposed institutional comprehensive facilities plans~~ shall be reviewed for ~~compliance and~~ consistency with the Comprehensive Statewide Plan ~~as applicable. Areas of compliance and consistency shall, to~~ include, but not be limited to, consistency ~~compatibility of the institutional comprehensive facilities plan with an institution's~~ role and mission assignments.

0056.02(B) COMPLIANCE AND CONSISTENCY WITH THE STATEWIDE FACILITIES PLAN. ~~Proposed institutional comprehensive facilities plans~~ shall be reviewed for ~~compliance and~~ consistency with the Statewide Facilities Plan as applicable. ~~Areas addressed shall include, but not be limited to, consistency of the institutional comprehensive facilities plan with institutional programmatic planning efforts.~~

0056.02(C) ASSESS DUPLICATION OF FACILITIES. ~~Institutional comprehensive facilities plans~~ shall be reviewed for possible *unnecessary duplication* of facilities.

0056.03 COMMISSION REVIEW.

0056.03(A) ~~Governing boards,~~ or a representative designated by the board, shall inform the Commission, in writing, of all ~~institutional comprehensive facilities plans,~~ or amendments to such plans, to be submitted to the *governing board* for action.

0056.03(B) Prior to submitting an ~~institutional comprehensive facilities plan,~~ or amendments to such plan, for Commission review and comment, the plan or amendment shall first receive written approval or acceptance by the *governing board*. Evidence of *governing board* approval or acceptance shall accompany the plan to the Commission and shall include all material submitted to the *governing board* ~~for approval~~.

0056.03(C) The Commission ~~shall~~ may establish guidelines for the format and content of an ~~each public institutional's comprehensive facilities plan.~~

0056.03(D) The Commission shall provide a written report of its review to the *governing board* within ninety days after receipt of ~~the an approved or accepted institutional comprehensive facilities plan.~~ The Commission's report shall comment on the ~~institutional comprehensive facilities plan's compliance and~~ consistency with the review criteria in these rules and regulations. The Commission may recommend modification to an ~~the public institutional's comprehensive facilities plan~~ based on its review.

0056.03(E) The Commission may require periodic updates of ~~public institutional's comprehensive facilities plans~~ as necessary.

0056.03(F) In fulfilling its review of and comments on ~~about public institutional comprehensive facilities plans,~~ the Commission shall recognize educational activities

among all segments of postsecondary education and take into account the educational programs, facilities, and other resources of public and private postsecondary educational institutions.

0067. CAPITAL CONSTRUCTION PROJECTS.

0067.01 APPLICABILITY. The following *capital construction projects* proposed by *public institutions* shall require *Commission* review, approval or disapproval, and monitoring for compliance with the approved project, in accordance with these rules and regulations:

0067.01(A) Any proposed new *capital structure*; any proposed addition to, *renovation* of, or *remodeling* of a *capital structure*; any proposed acquisition of a *capital structure* by gift, purchase, lease-purchase, or other means of construction or acquisition; or any combination thereof that will be *directly financed* in whole or part with *tax funds designated by the Legislature* totaling at least the *minimum capital expenditure*.

0067.01(B) Any proposed new *capital structure*; any proposed addition to, *renovation* of, or *remodeling* of a *capital structure*; any proposed acquisition of a *capital structure* by gift, purchase, lease-purchase, or other means of construction or acquisition; or any combination thereof that is likely, as determined by the institution, to result in an *incremental increase* in appropriation or expenditure of *tax funds designated by the Legislature* of at least the *minimum capital expenditure* for the facility's operations and maintenance costs in any one fiscal year within a period of ten years from the date of substantial completion or acquisition of the project.

0067.02 REVIEW CRITERIA. ~~Used by T~~the *Commission* shall use the following criteria in the review of proposed *capital construction projects* ~~shall include the following~~:

0067.02(A) COMPLIANCE AND CONSISTENCY WITH THE COMPREHENSIVE STATEWIDE PLAN. Proposed projects shall show compliance and consistency with the Comprehensive Statewide Plan as applicable to a specific project. ~~Areas of compliance and consistency shall include, but not be limited to, the compatibility of a project with an institution's role and mission assignment.~~

0067.02(B) COMPLIANCE AND CONSISTENCY WITH THE STATEWIDE FACILITIES PLAN. Proposed projects shall demonstrate compliance and consistency with the Statewide Facilities Plan. ~~Areas addressed shall include, but not be limited to, compliance and consistency with the institutional comprehensive facilities plan as reviewed by the Commission.~~

0067.02(C) ASSESS DUPLICATION OF FACILITIES. ~~An i~~nstitution ~~s presents~~submitting a proposed project for *Commission* review shall illustrate that the project ~~is~~will not result in an *unnecessary duplication* of capital facilities.

0067.03 COMMISSION REVIEW.

0067.03(A) *Governing boards, or a representative designated by the board,* shall inform the *Commission*, in writing, of all *capital construction projects* to be submitted to the governing board for action.

007.03(B) *A public institution shall make a determination whether a project will result in an incremental increase in appropriation or expenditure of tax funds designated by the Legislature of at least the minimum capital expenditure for the facility's operations and maintenance costs in any one fiscal year within a period of ten years from the date of substantial completion or acquisition of the project, and include such determination in a program statement submitted to the governing board for action. The determination for a facility's operations and maintenance costs is final upon approval of the program statement by the governing board.*

0067.03(BC) Prior to submitting a *capital construction project* for *Commission* action, that project shall first receive written approval of a *program statement* by the governing board. ~~For capital construction projects of certain scale and/or type, the Commission may accept submittal of a project statement in lieu of a program statement.~~ Evidence of governing board approval shall accompany the project to the *Commission* and shall include all material submitted to the governing board for approval of the *capital construction project*. ~~Governing boards may choose, at their discretion, to submit a need statement to the Commission for comment prior to submittal of a program statement.~~

0067.03(GD) Action by the *Commission* regarding approval or disapproval of a *capital construction project* shall consist of one of the following:

0067.03(GD)(i) Approval of the project as the basis for further development; or

0067.03(GD)(ii) Disapproval of the project based on lack of compliance or inconsistency of the project with one or more review criteria in these rules and regulations, with reasons explicitly stated.

0067.03(DE) *Capital construction projects* previously disapproved by the *Commission* may be resubmitted by a *governing board* with changes that address the *Commission's* reasons for the original disapproval. The *Commission* shall then review and approve or disapprove the resubmitted project proposal.

0067.03(EF) A *change in scope* to any *capital construction project* previously approved by the *Commission* shall require resubmittal of the project to the *Commission* for review, approval or disapproval, and monitoring for compliance with the approved project. This rule applies for all subsequent phases of a project through construction.

0067.03(FG) ~~Any capital construction project authorized prior to January 1, 1992, by action of the Legislature (including receipt of appropriations) or action of a governing board (previously approved need or program statements), shall be deemed approved by the Commission unless there is a change in scope to the project. The Commission may~~

establish documentation necessary to monitor capital construction projects. When complying with requests for information during the review, monitoring, and approval process, public institutions may comply pursuant to Neb. Rev. Stat. § 85-1417.

0067.03(GH) Unless a capital construction project has been reviewed and approved by the Commission, no tax funds designated by the Legislature shall be expended for an incremental increase in a ~~capital construction project~~facility's operations and utilities costs, of more than the minimum capital expenditure.

0067.03(HI) No state warrant shall be used by any public institution for the purpose of funding any capital construction project which has not been approved or which has been disapproved by the Commission.

007.03(J) Beginning July 1, 2013, the Commission shall reduce the amount of distribution of community college aid funds used by a community college area to construct or acquire a capital construction project which has not been approved or has been disapproved by the Commission.

007.03(K) In fulfilling its review authority for capital construction projects, the Commission shall recognize educational activities among all segments of postsecondary education and take into account the educational programs, facilities, and other resources of public and private postsecondary educational institutions.

007. REVENUE BOND PROJECTS:

007.01 APPLICABILITY. The following ~~revenue bond projects~~ proposed by public institutions shall require ~~Commission review and recommendation, in accordance with these rules and regulations:~~

007.01(A) All proposed ~~revenue bond projects, to be financed by revenue bond issues or surplus or replacement funds, approved by the Board of Regents of the University of Nebraska or the Board of Trustees of the Nebraska State Colleges, pursuant to sections 85-404 and 85-408, Nebraska Revised Statutes (Reissue of 1994). This includes any single expenditure of surplus or replacement funds in excess of two hundred fifty thousand dollars (\$250,000) per purchase order or contract.~~

007.02 REVIEW CRITERIA. ~~Used by the Commission in the review of proposed revenue bond projects shall include the following:~~

007.02(A) COMPLIANCE AND CONSISTENCY WITH THE COMPREHENSIVE STATEWIDE PLAN. ~~Proposed projects shall show compliance and consistency with the Comprehensive Statewide Plan as applicable to a specific project. Areas of compliance and consistency shall include, but not be limited to, the compatibility of a project with an institution's role and mission assignment.~~

007.02(B) COMPLIANCE AND CONSISTENCY WITH THE STATEWIDE FACILITIES PLAN. ~~Proposed projects shall demonstrate compliance and consistency with the~~

~~Statewide Facilities Plan. Areas addressed shall include, but not be limited to, compliance and consistency with the *institutional comprehensive facilities plan* as reviewed by the Commission.~~

~~007.02(C) ASSESS DUPLICATION OF FACILITIES. Institutions presenting a proposed project for Commission review shall illustrate that the project is not an *unnecessary duplication* of capital facilities.~~

~~007.02(D) SUFFICIENT INFORMATION TO REVIEW THE PROPOSAL. Institutions presenting a proposed project for Commission review shall provide sufficient information for the Commission to review and make a recommendation.~~

~~007.03 COMMISSION REVIEW:~~

~~007.03(A) Governing boards shall inform the Commission, in writing, of all *revenue bond projects* to be submitted to the governing board for action.~~

~~007.03(B) Prior to submitting a *revenue bond project* for Commission action, that project shall first receive written approval of a *program statement* by the governing board. For *revenue bond projects* of certain scale and/or type, the Commission may accept submittal of a *project statement* in lieu of a *program statement*. Evidence of governing board approval shall accompany the project to the Commission and shall include all material submitted to the governing board for approval of the *revenue bond project*, including a finance plan as applicable per statute. Governing boards may choose, at their discretion, to submit a *need statement* to the Commission for comment prior to submittal of a *program statement*.~~

~~007.03(C) Action by the Commission regarding a recommendation to the Legislature or the Executive Board of the Legislative Council for a *revenue bond project* shall consist of one of the following:~~

~~007.03(C)(i) Recommendation for approval of the project as the basis for further development; or~~

~~007.03(C)(ii) Recommendation for disapproval of the project based on inconsistency of the project with one or more review criteria in these rules and regulations, with reasons explicitly stated.~~

~~007.03(D) In fulfilling its review authority for *revenue bond projects*, the Commission shall recognize educational activities among all segments of postsecondary education and take into account the educational programs, facilities, and other resources of public and private postsecondary educational institutions.~~

008 CAPITAL ~~CONSTRUCTION~~ BUDGET REQUESTS AND RECOMMENDATIONS.

008.01 APPLICABILITY. ~~The Commission will review; recommend modification, approval, or disapproval; and prioritize the following individual capital construction budget requests:~~

008.01(A) ~~The following capital projects shall be included in the Commission's review, and recommendation for modification, approval or disapproval, of capital budget requests. Such projects shall be included in the Commission's Statewide Capital Budget Recommendation in accordance with these rules and regulations:~~ All proposed *capital construction projects* approved by the *Commission* and included in the Board of Regents of the University of Nebraska's ~~and or~~ Board of Trustees of the Nebraska State Colleges' ~~Biennial Capital Construction Budget Requests~~ or major ~~capital~~ deficit appropriation requests; and

008.01(B) ~~The following capital projects shall be prioritized by the Commission for inclusion in the Commission's Statewide Capital Budget Recommendation in accordance with these rules and regulations:~~ All other individual capital construction budget requests ~~projects~~ included in the Board of Regents of the University of Nebraska's ~~and or~~ Board of Trustees of the Nebraska State Colleges' ~~Biennial Capital Construction Budget Request~~s, LB 309 Task Force for Building Renewal Requests and or any capital deficit appropriation requests.

008.02 REVIEW CRITERIA. ~~used by t~~The *Commission* shall use the following criteria in the review of ~~proposed Capital Construction biennial B~~udget ~~R~~requests and major ~~capital~~ deficit appropriation requests ~~shall include the following:~~

008.02(A) COMPLIANCE AND CONSISTENCY WITH THE STATEWIDE FACILITIES PLAN. ~~Governing board's Biennial c~~Capital ~~C~~onstruction ~~B~~udget ~~R~~requests and major ~~capital~~ deficit appropriation requests shall demonstrate ~~compliance and~~ consistency with the Statewide Facilities Plan. ~~Areas of review shall include, but not be limited to, compliance with the institutional comprehensive facilities plan as reviewed by the Commission.~~

008.02(B) CONSISTENCY WITH PREVIOUS CAPITAL CONSTRUCTION PROJECT APPROVALS OR DISAPPROVALS. The *Commission* shall only recommend to the Governor and Legislature those *capital construction projects* approved by the *Commission* ~~prior to the statutory deadline for submittal of the governing board's Capital Construction Budget Requests or major capital deficit appropriation requests.~~ The *Commission* shall not recommend *capital construction projects* ~~which~~ that it has previously disapproved unless such projects are resubmitted and approved by the *Commission*.

008.03 COMMISSION REVIEW, RECOMMENDATION AND PRIORITIZATION.

008.03(A) The Board of Regents of the University of Nebraska and Board of Trustees of the Nebraska State Colleges, or a representative designated by the board, shall each submit to the *Commission* information the *Commission* deems necessary to review the

governing board's capital ~~construction~~ budget requests or major deficit appropriation request. ~~Governing boards~~ may comply with requests for information pursuant to Neb. Rev. Stat. § 85-1417, as applicable.

008.03(B) The Commission shall review ~~the Board of Regents of the University of Nebraska's and Board of Trustees of the Nebraska State Colleges' each governing board's~~ ~~C~~capital ~~C~~construction ~~B~~budget ~~R~~request and major ~~capital~~ deficit appropriation request as approved by the board, and ~~shall~~ may recommend modification, approval, or disapproval of such ~~R~~requests to the Governor and Legislature.

008.03(C) The Commission shall develop from a statewide perspective ~~a Statewide Capital Budget Recommendation for submittal to the Governor and Legislature. The Statewide Capital Budget Recommendation shall include a unified statewide prioritization of individual capital construction budget requests for which it has recommended approval and submit such prioritization to the Governor and Legislature for their consideration.~~ the following ~~capital project proposals:~~

~~008.03(C)(i) Each capital construction project previously reviewed and approved by the Commission and included in a governing board's Capital Construction Budget Request and each major capital deficit appropriation request reviewed by the Commission;~~

~~008.03(C)(ii) All other capital projects included in a governing board's Capital Construction Budget Request including any other capital deficit appropriation request; and~~

~~008.03(C)(iii) The LB 309 Task Force for Building Renewal Request by category (fire & life safety, deferred maintenance, energy conservation, and Americans with Disability Act projects) and Classification (I, II and III).~~

008.03(D) The Commission may consider and respond to the priority order established by the Board of Regents or Board of Trustees in their respective capital construction budget requests.

008.03(E) Governing boards shall not submit a request for *tax funds designated by the Legislature* to provide an *incremental increase* in a facility's a capital construction project's operations and maintenance costs, of more than the *minimum capital expenditure*, for any capital construction project that has been excluded from Commission review.

009. GENERAL CONSIDERATIONS.

009.01 The Commission shall provide procedures to implement these rules and regulations.

009.02 The Commission shall be the determining body to approve or disapprove *capital construction project proposals*. Parties wishing to appeal decisions of the Commission shall proceed as provided by law.

TITLE 281, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 9
COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION
RULES AND REGULATIONS CONCERNING CAPITAL CONSTRUCTION

Committee Draft
April 18, 2016

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TITLE 281 - COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION
CHAPTER 9 - RULES & REGULATIONS CONCERNING CAPITAL CONSTRUCTION

NUMERICAL TABLE OF CONTENTS

SUBJECT	STATUTORY AUTHORITY	CODE SECTION
Constitutional Authority	Neb. Const. art. VII, sec. 14 (1990)	001
Statutory Authority	Neb. Rev. Stat. §§ 85-1401 to 85-1404, 85-1410 to 85-1414, 85-1416 to 85-1418, 85-1421 to 85-1427, 85-1511, 85-1515, 85-1517, 85-1535 and 85-2233	002
Scope and Related Provisions	Neb. Rev. Stat. §§ 85-1401 to 85-1404, 85-1410 to 85-1414, 85-1416 to 85-1418, 85-1421 to 85-1427, 85-1511, 85-1515, 85-1517, and 85-1535	003
Definitions	Neb. Rev. Stat. § 85-1402	004
Facilities Information Base	Neb. Rev. Stat. §§ 85-1412, 85-1417, 85-1421 to 85-1423, and 85-1425 to 85-1427	005
Institutional Facilities Plans	Neb. Rev. Stat. § 85-1414	006
Capital Construction Projects	Neb. Rev. Stat. §§ 85-1402, 85-1414, 85-1417, 85-1418, 85-1511, 85-1515, 85-1517, 85-1535 and 85-2233	007
Capital Construction Budget Requests and Recommendations	Neb. Rev. Stat. §§ 85-1416 and 85-1417	008
General Considerations	Neb. Rev. Stat. § 85-1418	009

TITLE 281 - COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION
CHAPTER 9 - RULES & REGULATIONS CONCERNING CAPITAL CONSTRUCTION

ALPHABETICAL TABLE OF CONTENTS

SUBJECT	STATUTORY AUTHORITY	CODE SECTION
Capital Construction Budget Requests and Recommendations	Neb. Rev. Stat. §§ 85-1416 and 85-1417	008
Capital Construction Projects	Neb. Rev. Stat. §§ 85-1402, 85-1414, 85-1417, 85-1418, 85-1511, 85-1515, 85-1517, 85-1535 and 85-2233	007
Constitutional Authority	Neb. Const. art. VII, sec. 14 (1990)	001
Definitions	Neb. Rev. Stat. § 85-1402	004
Facilities Information Base	Neb. Rev. Stat. §§ 85-1412, 85-1417, 85-1421 to 85-1423, and 85-1425 to 85-1427	005
General Considerations	Neb. Rev. Stat. § 85-1418	009
Institutional Facilities Plans	Neb. Rev. Stat. §§ 85-1414	006
Scope and Related Provisions	Neb. Rev. Stat. §§ 85-1401 to 85-1404, 85-1410 to 85-1414, 85-1416 to 85-1418, 85-1421 to 85-1427, 85-1511, 85-1515, 85-1517, and 85-1535	003
Statutory Authority	Neb. Rev. Stat. §§ 85-1401 to 85-1404, 85-1410 to 85-1414, 85-1416 to 85-1418, 85-1421 to 85-1427, 85-1511, 85-1515, 85-1517, 85-1535 and 85-2233	002

TITLE 281 - COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION
CHAPTER 9 - RULES & REGULATIONS CONCERNING CAPITAL CONSTRUCTION

[NOTE: *Italicized* words are defined in Section 004. DEFINITIONS.]

001. CONSTITUTIONAL AUTHORITY. Applicable sections of the Constitution of the State of Nebraska, article VII, section 14, relating to the establishment and authority of the Coordinating Commission for Postsecondary Education include:

001.01 COMPREHENSIVE STATEWIDE PLAN FOR POSTSECONDARY EDUCATION. Authority to adopt and revise as needed, a Comprehensive Statewide Plan for Postsecondary Education, which shall include plans for facilities which utilize *tax funds designated by the Legislature*.

001.02 CAPITAL CONSTRUCTION PROJECTS. Authority to review, monitor, and approve or disapprove each public postsecondary educational institution's *capital construction projects* which utilize *tax funds designated by the Legislature* in order to provide compliance and consistency with the Comprehensive Statewide Plan and to prevent *unnecessary duplication*.

001.03 BUDGET REQUEST RECOMMENDATIONS. Authority to review and modify, if needed, to promote compliance and consistency with the Comprehensive Statewide Plan and prevent *unnecessary duplication*, the budget requests of each public postsecondary educational institution's *governing board*.

001.04 ADDITIONAL POWERS. Additional powers and duties provided to the *Commission* by the Legislature related to postsecondary education, as long as such powers and duties do not invade the governance and management authority of the Board of Regents of the University of Nebraska and the Board of Trustees of the Nebraska State Colleges as provided in the Constitution of Nebraska.

001.05 PROPERTY TAX REVENUE. Nothing providing for statewide coordination shall limit or require the use of property tax revenue by and for community colleges.

002. STATUTORY AUTHORITY. Applicable Nebraska Statutes include:

002.01 Neb. Rev. Stat. §§ 85-1401, 85-1402 subsections (1), (2), (3), (5), (7), and (8), 85-1403, 85-1404, 85-1410 subsection (4), 85-1411 subsection (4), 85-1412 subsections (1) and (6), 85-1413 subsections (1) to (6), 85-1414 subsections (1), (9), (10) and (11), 85-1416 subsections (1) and (3), 85-1417, 85-1418, 85-1421 to 85-1423, and 85-1425 to 85-1427 relating to a statewide facilities information base, *Commission* review of *institutional facilities plans*, proposed *capital construction projects*, and capital construction budget requests and recommendations.

002.02 Neb. Rev. Stat. §§ 85-1511 subsections (4) and (7), 85-1515, 85-1517 subsection (2), 85-1535 subsection (3), and 85-2233 subsection (3) relating to coordination by the

Commission of the construction, lease, purchase, purchase on contract, operation, equipping, and maintenance of facilities for community colleges.

003. SCOPE AND RELATED PROVISIONS.

003.01 These rules and regulations relate to:

003.01(A) Providing a state-level uniform information system for all public postsecondary education systems and institutions that will insure the Legislature and other state agencies obtain timely and accurate information concerning facilities;

003.01(B) *Commission* review of and comment about *public institutional facilities plans*;

003.01(C) *Commission* review, monitoring, and approval or disapproval of applicable *capital construction projects*; and

003.01(D) *Commission* review and recommended modification, approval, or disapproval of the University of Nebraska's and Nebraska State Colleges' capital construction budget requests and major deficit appropriation requests, and development of a unified statewide prioritization of these requests.

003.02 The *Commission* shall coordinate its responsibilities with both the Executive and Legislative branches of State government, and the *governing boards* of the State's *public institutions*.

003.03 The provision of a statewide facilities information base, review of proposed *institutional facilities plans*, *capital construction projects*, and capital construction budget requests shall be subject to the rules contained herein; the Comprehensive Statewide Plan for Postsecondary Education, which includes the Statewide Facilities Plan; the *Commission's* budgetary review process; and such other rules, regulations, and procedures as shall be adopted and promulgated by the *Commission*.

003.04 The footnote section contained herein shall not be construed as a part of the Rules of the *Commission* but is used for illustrative purposes only.

004. DEFINITIONS.

004.01 CAPITAL CONSTRUCTION PROJECT. Shall mean a project which utilizes *tax funds designated by the Legislature* and shall be: Any proposed new *capital structure*; any proposed addition to, *renovation* of, or *remodeling* of a *capital structure*; any proposed acquisition of a *capital structure* by gift, purchase, lease-purchase, or other means of construction or acquisition; or any combination thereof that 1) will be *directly financed* in whole or in part with *tax funds designated by the Legislature* totaling at least the *minimum capital expenditure* for purpose of this definition, or 2) is likely, as determined by the institution, to result in an *incremental increase* in appropriation or expenditure of *tax funds designated by the Legislature* of at least the *minimum capital expenditure* for the facility's operations and

maintenance costs¹ in any one fiscal year within a period of ten years from the date of substantial completion or acquisition of the project. For purposes of this definition:

004.01(A) DIRECTLY FINANCED. Shall mean funded by: 1) Appropriation of *tax funds designated by the Legislature* for the specific *capital construction project*; 2) property tax levies authorized pursuant to Neb. Rev. Stat. § 85-1517 used to establish a capital improvement and bond sinking fund pursuant to Neb. Rev. Stat. § 85-1515; or 3) that portion of *tax funds designated by the Legislature* and appropriated by the Legislature for the general operation of the *public institution* and utilized to fund the *capital construction project*.

004.01(B) INCREMENTAL INCREASE. Shall mean an increase in appropriation or expenditure of *tax funds designated by the Legislature* of at least the *minimum capital expenditure* for a facility's operations and maintenance costs, beyond any increase due to inflation, to pay for a *capital structure's* operations and maintenance costs that are a direct result of a *capital construction project*.

004.01(C) MINIMUM CAPITAL EXPENDITURE. Shall mean: 1) for purposes of construction or acquisition pursuant to this definition of *capital construction project*, a base amount as required by statute, and 2) for purposes of the facility's operations and maintenance costs pursuant to this definition of *capital construction project*, a base amount adjusted for inflation as required by statute for any one fiscal year. The base amount for the facility's operations and maintenance costs shall be subject to any inflationary or market adjustments made by the *Commission* pursuant to this definition. The *Commission* shall adjust the base amount on a biennial basis beginning January 1, 2010. The adjustments shall be based on percentage changes in a construction cost index and any other published index relevant to operations and utilities costs, as selected by the *Commission* in cooperation with the *public institutions*. The index or indices shall reflect inflationary or market trends for the applicable operation and maintenance or construction costs. Specific dollar amounts can be found in *Commission* procedures implementing these rules and regulations.

004.02 INDIVIDUAL CAPITAL CONSTRUCTION BUDGET REQUEST. Shall mean, for the purpose of prioritization of budget requests, any capital construction request included in the Board of Regents of the University of Nebraska's and Board of Trustees of the Nebraska State Colleges' biennial budget request, LB 309 Task Force for Building Renewal request by category and classification, or major deficit appropriation request, for which the *Commission* has recommended approval, including any *capital construction project* approved by the *Commission* and included in such requests.

¹ Examples of facility operations and maintenance costs include: Utilities, custodial service, building maintenance, landscape and grounds maintenance, physical plant administration, security, mail service, communications service, and property insurance.

004.03 CAPITAL STRUCTURE. Shall mean anything constructed or erected, for occupancy, use or ornamentation, that requires permanent location on, below or above the ground, or an addition to an existing *capital structure* having a permanent location on or below the ground.

004.04 CHANGE IN SCOPE. Shall mean a significant change in a *capital construction project*, as specifically defined in *Commission* procedures, to include but not be limited to: 1) A substantial increase in the amount of *tax funds designated by the Legislature* used to construct, acquire or provide facilities operations and maintenance, 2) a significant change in the use of funds², 3) a considerable change in the allocation of square footage for any *major room-use category(s)*, or 4) a programmatic change involving who and/or what purpose a *major room-use category(s)* serves.

004.05 COMMISSION. Shall mean the Coordinating Commission for Postsecondary Education.

004.06 GOVERNING BOARD. Shall mean the Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, or the board of governors for each community college area.

004.07 INSTITUTIONAL FACILITIES PLAN. Shall mean a plan that identifies a *public institution's* existing facilities, the condition and utilization of those facilities, outlines the institution's short-term, mid-term, and long-range program needs, and identifies proposed facilities solutions to meet those program needs.

004.08 MAJOR ROOM-USE CATEGORIES. Shall mean the major room uses outlined in the most recently published U.S. Department of Education, National Center for Education Statistics, Postsecondary Education Facilities Inventory and Classification Manual (FICM).³

004.09 PROGRAM STATEMENT. Shall mean a document that describes and supports the development of a proposed *capital construction project*. The content to be provided in a *program statement* shall be in such format as provided by the *Commission*.⁴

004.10 PUBLIC INSTITUTION. Shall mean any of the following: University of Nebraska-Lincoln, University of Nebraska Medical Center, University of Nebraska at Omaha, University of Nebraska at Kearney, Nebraska College of Technical Agriculture, Chadron State College, Peru State College, Wayne State College, Central Community College, Metropolitan

² Example: Reallocating a majority of funds previously allotted for movable equipment to construction.

³ These categories include: Classrooms, laboratories, offices, study facilities, special-use facilities, general-use facilities, support facilities, healthcare facilities, residential facilities, and unclassified facilities.

⁴ The *Program Statement* Outline provided by the *Commission* shall coordinate with existing State formats and *public institution* requirements for use of such documents by design professionals.

Community College, Mid-Plains Community College, Northeast Community College, Southeast Community College, Western Nebraska Community College, including any other campus administered as a separate unit by a *governing board*, or any other public postsecondary educational institution that may be established by the Legislature.

004.11 REMODELING OR RENOVATION. Shall mean work associated with an existing *capital structure*, which may include, but shall not be limited to, modifying or upgrading a *capital structure's* building systems. Such work may include upgrading mechanical or electrical systems, or modifying interiors through changes in room layouts or relocation of openings. This work shall not increase the size of the building footprint or building envelope. Replacement of existing wall, floor or ceiling treatments due to age or damage, or other similar work, shall not be considered *remodeling* or *renovation*. Separate deferred maintenance projects, fire and life safety projects, Americans with Disabilities Act projects, or energy conservation projects, as defined by the LB 309 Task Force for Building Renewal, shall not constitute *remodeling* or *renovation*.

004.12 TAX FUNDS DESIGNATED BY THE LEGISLATURE. Shall mean all State tax revenue and all property tax revenue.

004.13 UNNECESSARY DUPLICATION. Shall mean any *capital structure*, or portion of a *capital structure*, that does not substantially increase access and/or serve valid needs considering the existence of other available and suitable facilities.⁵

005. STATEWIDE FACILITIES INFORMATION BASE.

005.01 APPLICABILITY. All *public institutional* facilities that involve coordination by the *Commission*, Legislature, or other state agency, shall provide state-level uniform facilities information.

005.02 The *Commission* shall maintain uniform data elements and definitions for development of a statewide facilities information base in consultation with *governing boards*, or their designated representative.

005.03 The *Commission* shall identify statewide facilities information to be collected on an annual or periodic basis, regarding each *public institution's* facilities inventory and utilization information.

005.04 *Public Institutions* may comply with requests for facilities information pursuant to Neb. Rev. Stat. § 85-1417, as applicable.

⁵ Examples of *unnecessary duplication* include, but shall not be limited to, unnecessarily duplicative facilities within an institution, sector, state, or region.

006. INSTITUTIONAL FACILITIES PLANS.

006.01 APPLICABILITY. All *institutional facilities plans*, or amendments to such plans, approved or accepted by a *governing board*, shall require *Commission* review and comment in accordance with these rules and regulations.

006.02 REVIEW CRITERIA. The *Commission* shall use the following criteria in the review of *institutional facilities plans*:

006.02(A) CONSISTENCY WITH THE COMPREHENSIVE STATEWIDE PLAN. *Institutional facilities plans* shall be reviewed for consistency with the Comprehensive Statewide Plan, to include, but not be limited to, consistency with institutional role and mission assignments.

006.02(B) CONSISTENCY WITH THE STATEWIDE FACILITIES PLAN. *Institutional facilities plans* shall be reviewed for consistency with the Statewide Facilities Plan as applicable.

006.02(C) ASSESS DUPLICATION OF FACILITIES. *Institutional facilities plans* shall be reviewed for possible *unnecessary duplication* of facilities.

006.03 COMMISSION REVIEW.

006.03(A) Governing boards, or a representative designated by the board, shall inform the *Commission*, in writing, of all *institutional facilities plans*, or amendments to such plans, to be submitted to the *governing board* for action.

006.03(B) Prior to submitting an *institutional facilities plan*, or amendments to such plan, for *Commission* review and comment, the plan or amendment shall first receive written approval or acceptance by the *governing board*. Evidence of *governing board* approval or acceptance shall accompany the plan to the *Commission* and shall include all material submitted to the *governing board*.

006.03(C) The *Commission* may establish guidelines for the format and content of an *institutional facilities plan*.

006.03(D) The *Commission* shall provide a written report of its review to the *governing board* within ninety days after receipt of an approved or accepted *institutional facilities plan*. The *Commission's* report shall comment on the *institutional facilities plan's* consistency with the review criteria in these rules and regulations. The *Commission* may recommend modification to an *institutional facilities plan* based on its review.

006.03(E) The *Commission* may require periodic updates of *institutional facilities plans* as necessary.

006.03(F) In fulfilling its review of and comment on *institutional facilities plans*, the *Commission* shall recognize educational activities among all segments of postsecondary

education and take into account the educational programs, facilities, and other resources of public and private postsecondary educational institutions.

007. CAPITAL CONSTRUCTION PROJECTS.

007.01 APPLICABILITY. The following *capital construction projects* proposed by *public institutions* shall require *Commission* review, approval or disapproval, and monitoring for compliance with the approved project, in accordance with these rules and regulations:

007.01(A) Any proposed new *capital structure*; any proposed addition to, *renovation* of, or *remodeling* of a *capital structure*; any proposed acquisition of a *capital structure* by gift, purchase, lease-purchase, or other means of construction or acquisition; or any combination thereof that will be *directly financed* in whole or part with *tax funds designated by the Legislature* totaling at least the *minimum capital expenditure*.

007.01(B) Any proposed new *capital structure*; any proposed addition to, *renovation* of, or *remodeling* of a *capital structure*; any proposed acquisition of a *capital structure* by gift, purchase, lease-purchase, or other means of construction or acquisition; or any combination thereof that is likely, as determined by the institution, to result in an *incremental increase* in appropriation or expenditure of *tax funds designated by the Legislature* of at least the *minimum capital expenditure* for the facility's operations and maintenance costs in any one fiscal year within a period of ten years from the date of substantial completion or acquisition of the project.

007.02 REVIEW CRITERIA. The *Commission* shall use the following criteria in the review of proposed *capital construction projects*:

007.02(A) COMPLIANCE AND CONSISTENCY WITH THE COMPREHENSIVE STATEWIDE PLAN. Proposed projects shall show compliance and consistency with the Comprehensive Statewide Plan as applicable to a specific project.

007.02(B) COMPLIANCE AND CONSISTENCY WITH THE STATEWIDE FACILITIES PLAN. Proposed projects shall demonstrate compliance and consistency with the Statewide Facilities Plan.

007.02(C) ASSESS DUPLICATION OF FACILITIES. An institution submitting a proposed project for *Commission* review shall illustrate that the project will not result in an *unnecessary duplication* of capital facilities.

007.03 COMMISSION REVIEW.

007.03(A) *Governing boards*, or a representative designated by the board, shall inform the *Commission*, in writing, of all *capital construction projects* to be submitted to the *governing board* for action.

007.03(B) A *public institution* shall make a determination whether a project will result in an *incremental increase* in appropriation or expenditure of *tax funds designated by the*

Legislature of at least the minimum capital expenditure for the facility's operations and maintenance costs in any one fiscal year within a period of ten years from the date of substantial completion or acquisition of the project, and include such determination in a program statement submitted to the governing board for action. The determination for a facility's operations and maintenance costs is final upon approval of the program statement by the governing board.

007.03(C) Prior to submitting a *capital construction project* for *Commission* action, that project shall first receive written approval of a *program statement* by the *governing board*. Evidence of *governing board* approval shall accompany the project to the *Commission* and shall include all material submitted to the *governing board* for approval of the *capital construction project*.

007.03(D) Action by the *Commission* regarding approval or disapproval of a *capital construction project* shall consist of one of the following:

007.03(D)(i) Approval of the project as the basis for further development; or

007.03(D)(ii) Disapproval of the project based on lack of compliance or inconsistency with one or more review criteria in these rules and regulations, with reasons explicitly stated.

007.03(E) *Capital construction projects* previously disapproved by the *Commission* may be resubmitted by a *governing board* with changes that address the *Commission's* reasons for the original disapproval. The *Commission* shall then review and approve or disapprove the resubmitted project proposal.

007.03(F) A *change in scope* to any *capital construction project* previously approved by the *Commission* shall require resubmittal of the project to the *Commission* for review, approval or disapproval, and monitoring for compliance with the approved project. This rule applies for all subsequent phases of a project through construction.

007.03(G) The *Commission* may establish documentation necessary to monitor *capital construction projects*. When complying with requests for information during the review, monitoring, and approval process, *public institutions* may comply pursuant to Neb. Rev. Stat. § 85-1417.

007.03(H) Unless a *capital construction project* has been reviewed and approved by the *Commission*, no *tax funds designated by the Legislature* shall be expended for an *incremental increase* in a *facility's* operations and utilities costs, of more than the *minimum capital expenditure*.

007.03(I) No state warrant shall be used by any *public institution* for the purpose of funding any *capital construction project* which has not been approved or which has been disapproved by the *Commission*.

007.03(J) Beginning July 1, 2013, the *Commission* shall reduce the amount of distribution of community college aid funds used by a community college area to construct or acquire a *capital construction project* which has not been approved or has been disapproved by the *Commission*.

007.03(K) In fulfilling its review authority for *capital construction projects*, the *Commission* shall recognize educational activities among all segments of postsecondary education and take into account the educational programs, facilities, and other resources of public and private postsecondary educational institutions.

008 CAPITAL CONSTRUCTION BUDGET REQUESTS AND RECOMMENDATIONS.

008.01 APPLICABILITY. The *Commission* will review; recommend modification, approval, or disapproval; and prioritize the following *individual capital construction budget requests*:

008.01(A) All proposed *capital construction projects* approved by the *Commission* and included in the Board of Regents of the University of Nebraska's or Board of Trustees of the Nebraska State Colleges' biennial budget request or major deficit appropriation request; and

008.01(B) All other *individual capital construction budget requests* included in the Board of Regents of the University of Nebraska's or Board of Trustees of the Nebraska State Colleges' biennial budget request or deficit appropriation request.

008.02 REVIEW CRITERIA. The *Commission* shall use the following criteria in the review of biennial budget requests and major deficit appropriation requests:

008.02(A) CONSISTENCY WITH THE STATEWIDE FACILITIES PLAN. Biennial capital construction budget requests and major deficit appropriation requests shall demonstrate consistency with the Statewide Facilities Plan.

008.02(B) CONSISTENCY WITH PREVIOUS CAPITAL CONSTRUCTION PROJECT APPROVALS. The *Commission* shall only recommend to the Governor and Legislature those *capital construction projects* approved by the *Commission*. The *Commission* shall not recommend *capital construction projects* that it has previously disapproved unless such projects are resubmitted and approved by the *Commission*.

008.03 COMMISSION REVIEW, RECOMMENDATION AND PRIORITIZATION.

008.03(A) The Board of Regents of the University of Nebraska and Board of Trustees of the Nebraska State Colleges, or a representative designated by the board, shall each submit to the *Commission* information the *Commission* deems necessary to review the *governing board's* capital construction budget request or major deficit appropriation request. *Governing boards* may comply with requests for information pursuant to Neb. Rev. Stat. § 85-1417, as applicable.

008.03(B) The *Commission* shall review the Board of Regents of the University of Nebraska's and Board of Trustees of the Nebraska State Colleges' capital construction budget request and major deficit appropriation request as approved by the board, and may recommend modification, approval, or disapproval of such requests to the Governor and Legislature.

008.03(C) The *Commission* shall develop from a statewide perspective a unified prioritization of *individual capital construction budget requests* for which it has recommended approval and submit such prioritization to the Governor and Legislature for their consideration.

008.03(D) The *Commission* may consider and respond to the priority order established by the Board of Regents or Board of Trustees in their respective capital construction budget requests.

008.03(E) *Governing boards* shall not submit a request for *tax funds designated by the Legislature* to provide an *incremental increase* in a facility's operations and maintenance costs, of more than the *minimum capital expenditure*, for any *capital construction project* that has been excluded from *Commission* review.

009. GENERAL CONSIDERATIONS.

009.01 The *Commission* shall provide procedures to implement these rules and regulations.

009.02 The *Commission* shall be the determining body to approve or disapprove *capital construction project* proposals. Parties wishing to appeal decisions of the *Commission* shall proceed as provided by law.