

NEBRASKA

FINAL GRADING ANALYSIS

OVERALL SCORE: **271.5/700 POINTS (39%)**
 LETTER GRADE: **F**

I. OVERSIGHT BODY: **56.25/100 POINTS**

A. IS THERE A STATUTORILY CREATED OVERSIGHT BODY
 THAT IS PUBLICLY ACCOUNTABLE?
40/60 POINTS

Element	Points Available	Type 1	Type 2	Points Awarded (Average)
1. Oversight body is a multi-member board, commission, or panel created by statute	10	10	5	7.5
2. Oversight body was statutorily created specifically to oversee private postsecondary institutions	10	0	0	0
3. Multi-member board, commission, or panel is the ultimate decision maker (as opposed to a single person, like the head of a department or director)	10	10	5	7.5
4. Oversight body can engage in rulemaking	10	10	10	10
5. Oversight body's meetings must be open to the public	5	5	2.5	3.75
6. Oversight body's meetings must allow public comment	5	5	2.5	3.75
7. Oversight body can initiate investigations	5	5	2.5	3.75
8. Oversight body can impose penalties for violations	5	5	2.5	3.75
Total Points	60	50	30	40

Explanation:

Nebraska has both degree-granting private postsecondary institutions (Type 1) and private postsecondary career schools (Type 2) which include organizations or business enterprises that do not offer bachelor's, graduate, or professional degrees, but may offer associate's degrees.

Type 1: Degree-granting private postsecondary institutions. The Coordinating Commission for Postsecondary Education oversees degree-granting private postsecondary institutions in Nebraska (R.R.S. Neb. § 85-2403), as well as out-of-state public postsecondary institutions and Nebraska public postsecondary institutions exempt from the Private Postsecondary Career School Act. The Commission

has the authority to promulgate rules and to investigate potential violations of the statute or rules by postsecondary educational institutions. (R.R.S. Neb. § 85-2405.) The Commission has the authority to suspend or revoke authorization to operate, and has the right of injunction. (R.R.S. Neb. § 85-2414; R.R.S. Neb. § 85-2421.) The Commission is subject to Nebraska’s Open Meetings Act, which provides that every meeting of a public body shall be open to the public in order that citizens may exercise their democratic privilege of attending and speaking at such meetings. (R.R.S. Neb. § 84-1408.)

Type 2: Private postsecondary career schools. Nebraska has charged the state Department of Education with regulation and oversight of private postsecondary career schools. (R.R.S. Neb. § 85-1605.) The Board of Education is charged with establishing minimum standards, investigating and acting on applications for authorization, and promulgating rules and regulations to govern private postsecondary career schools. (R.R.S. Neb. § 85-1606.) Because there is a division of responsibilities between the Department and the Board, Nebraska receives partial credit for several of the above elements. A department differs from a public board in that the head of the department is the final decision maker, rather than a group of publicly-accountable representatives. Further, a department is not as transparent as a board subject to the state’s Open Meetings Act.

B. STATUTE-SPECIFIED MEMBERSHIP:

1. TO WHAT EXTENT ARE LIMITATIONS PLACED ON FOR-PROFIT MEMBERSHIP ON THE OVERSIGHT BODY?

12.5/25 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Explicit prohibition on for-profit majority, plus no possibility of a majority of the quorum	Explicit prohibition on for-profit majority	Discouraged	No prohibition specified, but not discouraged	For-profit majority mandated
Type 1	25 Points	20 Points	10 Points	0 Points	-5 points
Type 2	25 Points	20 Points	10 Points	0 Points	-5 Points

Explanation:

Type 1: Degree-granting private postsecondary institutions. Nebraska prohibits the Commission from including members where an individual or any member of his/her immediate family is employed by or is a member of a governing board or of a governing body of an independent or private university or college. (R.R.S. Neb. § 85-1405.)

Type 2: Private postsecondary career schools. Nebraska law is silent on for-profit membership on the Board of Education. However, Nebraska mandates that the Board appoint an advisory council of six representatives of private postsecondary career schools. The advisory council advises the Department of Education in its administration of the Private Postsecondary Career School Act and it reviews the rules and regulations adopted or proposed for adoption by the Department and make recommendation with respect thereto. (R.R.S. Neb. § 85-1607.) This council is advisory in nature, but has the potential to strongly impact the policies and procedures put in place to govern private postsecondary career schools. No points are deducted for this element because not all private postsecondary career schools in Nebraska are for-profit. However, it is important for the state to recognize the potential conflict appointments on this advisory board may have and take proper precautions to avoid them.

2. IS THE OVERSIGHT BODY MANDATED TO INCLUDE AT LEAST ONE CONSUMER ADVOCATE?

0/10 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes	No
Type 1	10 Points	0 Points
Type 2	10 Points	0 Points

Explanation:

Type 1: Degree-granting private postsecondary institutions. Nebraska does not require the Commission to include a consumer advocate.

Type 2: Private postsecondary career schools. Nebraska law does not require the Board to include a consumer advocate. Although Nebraska law mandates that the Board’s advisory council include a member who is a representative of a Better Business Bureau (R.R.S. Neb. § 85-1607), this element requires the inclusion of an independent, experienced consumer advocate.

3. ARE THE MEMBERS APPOINTED BY A PUBLICLY ACCOUNTABLE OFFICIAL OR ELECTED IN A GENERAL ELECTION?

3.75/5 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	All	Majority	Half	Minority	None
Type 1	5 Points	3 Points	2.5 Points	1 Point	0 Points
Type 2	5 Points	3 Points	2.5 Points	1 Point	0 Points

Explanation:

Type 1: Degree-granting private postsecondary institutions. The Commission consists of eleven members appointed by the Governor with the approval of a majority of the Legislature. (R.R.S. Neb. § 85-1405.)

Type 2: Private postsecondary career schools. The Department of Education is a state agency with no elected or appointed members. The Board of Education is a constitutional body with eight elected members. (Ne. Const. Art. VII, § 3.) Because both the Department and the Board are charged with oversight of private career schools, Nebraska receives only partial credit for the publicly-elected Board.

II. STATE OVERSIGHT—EFFICACY:

39.5/100 POINTS

A. DOES THE STATE REQUIRE ONSITE REVIEW OF
PRIVATE POSTSECONDARY INSTITUTIONS?

4/10 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Mandatory onsite reviews			Discretionary	None
	Every 2 years or less	Every 3-5 years	Over 5 years	Discretion to conduct onsite reviews	No review specified
Type 1	10 Points	8 Points	5 Points	3 Points	0 Points
Type 2	10 Points	8 Points	5 Points	3 Points	0 Points

Explanation:

Type 1: Degree-granting private postsecondary institutions. Nebraska does not explicitly require onsite reviews of degree-granting private postsecondary institutions.

Type 2: Private postsecondary career schools. Nebraska requires an accreditation site visit every five years. (R.R.S. Neb. § 85-1615; 92 Neb. Admin. Code § 41-009.07; 92 Neb. Admin. Code § 41-009.05.)

B. DOES THE STATE REQUIRE UNANNOUNCED
INSPECTIONS FOR ONSITE REVIEWS?

0/5 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Required unannounced visits	Discretion to do unannounced visits	No indication
Type 1	5 Points	3 Points	0 Points
Type 2	5 Points	3 Points	0 Points

Explanation:

Type 1: Degree-granting private postsecondary institutions. Nebraska does not explicitly require unannounced onsite visits.

Type 2: Private postsecondary career schools. Nebraska does not explicitly require unannounced onsite visits.

C. DOES THE STATE REQUIRE REGULAR REVIEWS OF PRIVATE
POSTSECONDARY APPROVAL TO OPERATE?

17.5/20 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Mandatory			Discretionary	None
	Every 2 years or less	Every 3-5 years	Over 5 years	Discretion to conduct reviews	No review specified
Type 1	20 Points	15 Points	10 Points	5 Points	0 Points
Type 2	20 Points	15 Points	10 Points	5 Points	0 Points

Explanation:

Type 1: Degree-granting private postsecondary institutions. Initially, the Commission grants an institution recurrent authorization to operate, which must be renewed every five years. The Commission has discretion to grant an institution that has been in operation for 20 years under the same ownership, continuously offering one or more graduate or four-year undergraduate programs with a physical presence in Nebraska in compliance with state and federal law authorization to operate on a continuing basis. (R.R.S. Neb. § 85-2412.)

Type 2: Private postsecondary career schools. Nebraska requires annual renewal of authorization. Review of the institutions is part of the renewal of authorization process. (R.R.S. Neb. § 85-1615; 92 Neb. Admin. Code § 41-009.02; 92 Neb. Admin. Code § 41-009.07.)

D. DO THE CRITERIA FOR RENEWAL OF AUTHORIZATION MANDATE A REVIEW OF FACTORS ESSENTIAL TO ACADEMIC AND ETHICAL INTEGRITY?

13/20 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	8 of 8	7 of 8	6 of 8	5 of 8	4 of 8	3 of 8	2 of 8	1 of 8	0 of 8
Type 1	20 Points	17.5 Points	15 Points	12.5 Points	10 11 Points	7.5 Points	5 Points	2.5 Points	0 Points
Type 2	20 Points	17.5 Points	15 Points	12.5 Points	10 Points	7.5 Points	5 Points	2.5 Points	0 Points

Element	Type 1	Type 2
Admission requirements	M	M
Graduation requirements	D	M
Placement rate		
Completion rate (graduation rate)	M	
Advertising practices		M
Cohort default rate		M
Accreditation status	M	M
Financial aid policies	M	M

M=Mandatory; D=Discretionary

Explanation:

Type 1: Degree-granting private postsecondary institutions. The minimum requirements for recurrent authorization are enumerated in R.R.S. Neb. § 85-2406. The requirements include elements that encompass admission requirements, graduation requirements (“policies and procedures relating to students” – admission requirements are specified, and these policies and procedures can reasonably be

assumed to encompass graduation requirements as well), completion / graduation rates, accreditation status, and financial aid.

Type 2: Private postsecondary career schools. The minimum requirements for authorization and renewal of authorization include elements that encompass admission and graduation requirements, advertising practices and financial aid practices. (92 Nebraska Admin. Code § 41-004.) Private postsecondary career schools are prohibited from having a default rate which triggers state liability pursuant to section 428(n) of the federal Higher Education Act of 1965, as amended. (R.R.S. Neb. § 85-1610.) No authorization to any private postsecondary career school will be renewed unless it has been accredited. (R.R.S. Neb. § 85-1615.)

E. DOES THE STATE’S OVERSIGHT DISTINGUISH BETWEEN FOR-PROFIT AND NONPROFIT EDUCATIONAL INSTITUTIONS?

2.5/15 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes, strongly distinguished	Yes, moderately distinguished	Yes, slightly distinguished	Not distinguished
Type 1	15 Points	10 Points	5 Points	0 Points
Type 2	15 Points	10 Points	5 Points	0 Points

Explanation:

Type 1: Degree-granting private postsecondary institutions. The Commission does not distinguish between private nonprofit and private for-profit postsecondary educational institutions in terms of oversight and regulation.

Type 2: Private postsecondary career schools. Nebraska exempts specified charitable organizations (nonprofits) which do not advertise programs as leading to occupational objectives from oversight. (R.R.S. Neb. § 85-1604.)

F. DOES THE STATE REQUIRE INCREASED OVERSIGHT/SCRUTINY OF PRIVATE POSTSECONDARY INSTITUTIONS BASED ON POOR PERFORMANCE?

2.5/10 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes, mandatory	Yes, mandatory but limited	Yes, discretionary	Yes, discretionary but limited	No
Type 1	10 Points	7.5 Points	5 Points	2.5 Points	0 Points
Type 2	10 Points	7.5 Points	5 Points	2.5 Points	0 Points

Explanation:

Type 1: Degree-granting private postsecondary institutions. Nebraska does not require increased oversight/scrutiny of private postsecondary educational institutions based on poor performance (low

graduation / completion rates, high cohort default rates, low placement rates, low exam passage rates, etc.).

Type 2: Private postsecondary career schools. Private postsecondary career schools are prohibited from having a default rate which triggers state liability pursuant to section 428(n) of the federal Higher Education Act of 1965, as amended. (R.R.S. Neb. § 85-1610.) There is no indication as to whether a default rate that is approaching the afore-mentioned trigger will result in increased oversight, but the state receives credit for implementing a policy that results in a penalty for schools with high default rates. Further, accreditation standards require a school to be in continuous operation for at least two years and must have graduated students from its programs to enable assessment of the effectiveness of its educational program. (92 Neb. Admin. Code § 41-009.01.) This requirement provides another measure of discretionary oversight.

G. DOES STATE LAW INCLUDE ANY SPECIAL PROTECTIONS FOR VETERANS WHO ATTEND PRIVATE POSTSECONDARY INSTITUTIONS?

0/20 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes	No
Type 1	20 Points	0 Points
Type 2	20 Points	0 Points

Explanation:

Type 1: Degree-granting private postsecondary institutions. Nebraska does not explicitly provide special protections for veterans who attend private postsecondary educational institutions.

Type 2: Private postsecondary career schools. Nebraska does not explicitly provide special protections for veterans who attend private postsecondary career schools.

III. STATE OVERSIGHT—SCOPE AND INCLUSION:

62.5/100 POINTS

ARE EXEMPTIONS TO STATE OVERSIGHT COVERAGE LIMITED?

62.5/100 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	No exemptions	Few exemptions	Moderate exemptions	Broad exemptions
Type 1	100 Points	75 Points	50 Points	0 Points
Type 2	100 Points	75 Points	50 Points	0 Points

Explanation:

Type 1: Degree-granting private postsecondary institutions. Nebraska law provides very few narrowly tailored exemptions for degree-granting private for-profit institutions: any institution or organization that offers education or instruction and which is licensed and regulated solely by an agency of the federal

government with respect to curriculum and qualifications of instructional staff; and any private postsecondary career school as defined in the Private Postsecondary Career School Act (Type 2). (R.R.S. Neb. § 85-2407.) In addition, the Commission has discretion to grant an institution that has been in operation for 20 years under the same ownership, continuously offering one or more graduate or four-year undergraduate programs with a physical presence in Nebraska in compliance with state and federal law authorization to operate on a continuing basis. (R.R.S. Neb. § 85-2412.)

Type 2: Private postsecondary career schools. The Board of Education may accept accreditation by a national or regional accrediting agency as evidence compliance with minimum standards, the school is not completely exempt from oversight, but this is a substantial exemption. (R.R.S. Neb. § 85-1609.)

IV. DISCLOSURE REQUIREMENTS: **7.5/100 POINTS**

A. ARE INSTITUTIONS REQUIRED TO DISCLOSE INSTITUTIONAL PERFORMANCE MEASURES TO POTENTIAL STUDENTS?

0/20 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes, mandatory	Yes, discretionary	None
	Fact sheet or equivalent required to be given to students	Fact sheet or equivalent given to students upon request	No fact sheet required
Type 1	20 Points	10 Points	0 Points
Type 2	20 Points	10 Points	0 Points

Explanation:

Type 1: Degree-granting private postsecondary institutions. Nebraska law does not require degree-granting private postsecondary educational institutions to disclose performance measures such as graduation rate and cohort default rates to potential students.

Type 2: Private postsecondary career schools. Nebraska law does not require private postsecondary career schools to disclose performance measures such as graduation rate and cohort default rates to potential students.

B. WHICH INSTITUTIONAL PERFORMANCE DISCLOSURES ARE REQUIRED TO BE GIVEN TO STUDENTS PRIOR TO ENROLLMENT?

0/60 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

Type 1: Degree-granting private postsecondary institutions

Disclosures	Mandatory	Discretionary	Not specified
Cohort default rate (CDR)	10 Points	5 Points	0 Points
Graduation / completion rates	10 Points	5 Points	0 Points
Placement rates	10 Points	5 Points	0 Points

Wage information	10 Points	5 Points	0 Points
License exam passage rates	10 Points	5 Points	0 Points
Methods & sources used to calculate	10 Points	5 Points	0 Points

Explanation:

Nebraska law does not require degree-granting private postsecondary educational institutions to make any performance disclosures to potential students prior to enrollment.

Type 2: Private postsecondary career schools

Disclosures	Mandatory	Discretionary	Not specified
Cohort default rate (CDR)	10 Points	5 Points	0 Points
Graduation / completion rates	10 Points	5 Points	0 Points
Placement rates	10 Points	5 Points	0 Points
Wage information	10 Points	5 Points	0 Points
License exam passage rates	10 Points	5 Points	0 Points
Methods & sources used to calculate	10 Points	5 Points	0 Points

Explanation:

Nebraska law does not require private postsecondary career schools to make any performance disclosures to potential students prior to enrollment.

C. DOES THE STATE REQUIRE SCHOOLS TO DISCLOSE ELEMENTS ESSENTIAL TO STUDENT PROTECTION PRIOR TO ENROLLMENT OR IN THE ENROLLMENT CONTRACT?

7.5/20 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

Type 1: Degree-granting private postsecondary institutions

Element description	Mandatory	Discretionary	Not specified
Total cost of program	5 Points	2.5 Points	0 Points
Refund information	5 Points	2.5 Points	0 Points
Transferability of credits	5 Points	2.5 Points	0 Points
Length of program	5 Points	2.5 Points	0 Points

Explanation:

There is no indication that Nebraska law requires schools to disclose the total cost of programs, refund information, transferability of credits and/or amount of time required to complete the program to students prior to enrollment.

Type 2: Private postsecondary career schools

Element description	Mandatory	Discretionary	Not specified
Total cost of program	5 Points	2.5 Points	0 Points

Refund information	5 Points	2.5 Points	0 Points
Transferability of credits	5 Points	2.5 Points	0 Points
Length of program	5 Points	2.5 Points	0 Points

Explanation:

Nebraska law requires schools to provide prospective students with information about the cost of the programs, refund information, and the requirements for completion (including the length of programs). (92 Neb. Admin. Code § 41-004.09.) While Nebraska law requires schools to include their policies concerning credit granted for previous education training or experience to be in the catalog, there are no required disclosures relating to the transferability of the school’s credit to other colleges, universities and postsecondary institutions. (92 Neb. Admin. Code § 41-004.090.)

**V. REGULATION OF RECRUITING PRACTICES:
25/100 POINTS**

A. HAS THE STATE PUT INTO LAW A LIST OF PROHIBITED ACTS REGARDING ADVERTISING AND RECRUITING?

25/100*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes, strong regulation	Yes, moderate regulation	Yes, weak regulation	No list of prohibited acts
Type 1	100 Points	75 Points	50 Points	0 Points
Type 2	100 Points	75 Points	50 Points	0 Points

PROHIBITED ACTS

Included in list of prohibited acts	Type 1	Type 2
Misleading representations using the word “college” or “university”		
Misleading institution affiliations (e.g., military, public institution, businesses)		
Promise of employment		X
Compensation for enrollment		
Compensation or “bounty” to recruiters		
Deception (broad prohibition)		X
Misrepresentation (broad prohibition)		X
Misleading representations re: accreditation		

1-3=Weak; 3.5-6=Moderate; 6.5-8=Strong

Explanation:

Type 1: Degree-granting private postsecondary institutions. Nebraska law does not expressly prohibit any of the above listed acts in relation to degree-granting private postsecondary educational institutions.

Type 2: Private postsecondary career schools. Nebraska law prohibits private postsecondary career schools from promising employment (92 Neb. Admin. Code § 41-004.13C), and from deceptive or misleading advertising. (92 Neb. Admin. Code § 41-004.13A, 004.13E.)

VI. COMPLAINT PROCESS AND RELIEF FOR STUDENTS:

50.75/100 POINTS

A. DOES THE STATE REQUIRE A BOND OR FUND AS A CONDITION OF AUTHORIZATION?

10/20 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes	No
Type 1	20 Points	0 Points
Type 2	20 Points	0 Points

Explanation:

Type 1: Degree-granting private postsecondary institutions. Nebraska law does not explicitly require degree-granting private postsecondary educational institutions to post a bond as a condition of authorization.

Type 2: Private postsecondary career schools. Nebraska law requires private postsecondary career schools to post a bond “or other security agreement.” (92 Neb. Admin. Code § 41-005.09B.) In addition to the requirement that postsecondary career schools post a bond or other security agreement, there is a tuition recovery cash fund. These two instruments together provide protection for students. (92 Neb. Admin. Code § 44-001.)

B. DOES THE STATE REQUIRE A REFUND OF TUITION IF A STUDENT ENROLLS AS THE RESULT OF MISREPRESENTATION?

10/20 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes, full refund	Yes, partial refund	No refund required
Type 1	20 Points	10 Points	0 Points
Type 2	20 Points	10 Points	0 Points

Explanation:

Type 1: Degree-granting private postsecondary institutions. Nebraska law does not explicitly require degree-granting private postsecondary educational institutions to provide a refund of tuition if a student enrolls as the result of misrepresentation.

Type 2: Private postsecondary career schools. Nebraska law requires that private postsecondary career schools provide a full refund to students whose contracted educational services are denied as a result of intentional deception, or misrepresentation of facts, or the use of advertising which is known to be false, inaccurate, or misleading. (92 Neb. Admin. Code § 41-004.14D.)

C. DOES THE STATE REQUIRE INSTITUTIONS TO REFUND TUITION IN THE EVENT OF INSOLVENCY?

7.5/20 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes, full refund	Yes, partial refund	Yes, refund in limited circumstances	No refund required
Type 1	20 Points	15 Points	10 Points	0 Points
Type 2	20 Points	15 Points	10 Points	0 Points

Explanation:

Type 1: Degree-granting private postsecondary institutions. Nebraska law does not explicitly require degree-granting private postsecondary educational institution to refund tuition in the event of closure.

Type 2: Private postsecondary career schools. Nebraska law does not expressly mandate a full refund when an institution closes and/or becomes insolvent. Nebraska law does, however, require private postsecondary career schools to adhere to a published refund policy when classes are cancelled. This policy would likely apply upon closure of a school. (92 Neb. Admin. Code § 41-004.14.)

D. DOES THE STATE ALLOW STUDENTS AMPLE TIME TO MAKE A COMPLAINT?

10/10 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	2 years or more (or no deadline)	1-2 years	Under 1 year	Not applicable
Type 1	10 Points	5 Points	1 Point	0 Points
Type 2	10 Points	5 Points	1 Point	0 Points

Explanation:

Type 1: Degree-granting private postsecondary institutions. Nebraska law does not specify a deadline by which a student must file a complaint against a degree-granting private postsecondary educational institution. (R.R.S. Neb. § 85-2418; 281 Neb. Admin. Code § 2-012.)

Type 2: Private postsecondary career schools. Nebraska law does not specify a deadline by which a student must file a complaint against a degree-granting private postsecondary educational institution. (92 Neb. Admin. Code § 43-003.)

E. DOES THE STATE REQUIRE INSTITUTIONS TO DISCLOSE INFORMATION ABOUT FILING A COMPLAINT WITH THE STATE OVERSIGHT BODY?

6.25/20 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

Type 1: Degree-granting private postsecondary institutions

	Medium	Mandatory	Discretionary	Not specified
Catalog		10 Points	5 Points	0 Points
Website		5 Points	2.5 Points	0 Points

Enrollment contract	5 Points	2.5 Points	0 Points
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Explanation:

Nebraska does not explicitly require degree-granting private postsecondary educational institutions to disclose information about filing a complaint with the state oversight body.

Type 2: Private postsecondary career schools

Medium	Mandatory	Discretionary	Not specified
Catalog	10 Points	5 Points	0 Points
Website	5 Points	2.5 Points	0 Points
Enrollment contract	5 Points	2.5 Points	0 Points

Explanation:

Nebraska law requires private postsecondary career schools to disclose information about filing a complaint with the Nebraska Department of Education in its catalog. (92 Neb. Admin. Code § 41-004.09Q.) Because it is common practice for schools to include catalogs or information similar to that in their catalog on their websites, the state receives partial credit for giving schools discretion to provide this information on their websites.

F. IS THE COMPLAINT PROCESS READILY ACCESSIBLE AND AVAILABLE ON THE STATE OVERSIGHT BODY’S WEBSITE?

7/10 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes, with address	Yes, with phone #	Yes, with email address	Yes, with electronic form	No
Type 1	2 Points	2 Points	3 Points	3 Points	0 Points
Type 2	2 Points	2 Points	3 Points	3 2 Points	0 Points

Explanation:

Type 1: Degree-granting private postsecondary institutions. Nebraska law has a student complaint website with extensive information about Nebraska’s complaint process, links to different agencies and department with which specific complaints can be filed, an electronic form the student may complete to file a complaint, and address, phone number and email contact information.

Type 2: Private postsecondary career schools. Nebraska law provides a student complaint form that can be accessed through a “forms” link on the Nebraska Department of Education: Private Postsecondary Career Schools page. The form can be completed and printed out. The form does not provide an address or an email address. The form does provide a phone number. The state loses one point for the form because it cannot be easily submitted online, it has to be printed out and mailed in, and there is no mailing or email address readily provided.

VII. ENFORCEMENT: 30/100 POINTS

A. IS THERE LOSS OF STATE AID FOR SCHOOLS THAT REPEATEDLY PRODUCE SUBSTANDARD GRADUATION RATES, JOB PLACEMENT RATES, AND/OR COHORT DEFAULT RATES?

10/30 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes, required	Yes, required but limited	Yes, discretionary	Yes, discretionary but limited	No
Type 1	30 Points	20 Points	15 Points	5 Points	0 Points
Type 2	30 Points	20 Points	15 Points	5 Points	0 Points

Explanation:

Type 1: Degree-granting private postsecondary institutions. Nebraska law does not mandate loss of state aid to degree-granting private postsecondary educational institutions that repeatedly produce substandard graduation rates, job placement rates, and / or cohort default rates.

Type 2: Private postsecondary career schools. Nebraska law prohibits private postsecondary career schools from having a cohort default rate which triggers state liability pursuant to section 428(n) of the federal Higher Education Act of 1965. (R.R.S. Neb. § 85-1610.) Thus, a school would lose its authorization to operate as well as any state and/or federal aid that requires authorization as a result of having a high cohort default rate.

B. DOES STATE LAW EXPLICITLY AUTHORIZE A PRIVATE RIGHT OF ACTION FOR STUDENTS AGAINST INSTITUTIONS THAT HAVE VIOLATED THE LAWS AND REGULATIONS IN PLACE TO GOVERN THEM?

0/30 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes	Limited circumstances	No
Type 1	30 Points	15 Points	0 Points
Type 2	30 Points	15 Points	0 Points

Explanation:

Type 1: Degree-granting private postsecondary institutions. Nebraska law does not authorize a private right of action for students against institutions that have violated the laws and regulations in place to govern them.

Type 2: Private postsecondary career schools. Nebraska law does not authorize a private right of action for students against institutions that have violated the laws and regulations in place to govern them.

C. DOES STATE LAW EXPLICITLY ALLOW ATTORNEY FEE AWARDS FOR STUDENTS WHO PREVAIL IN LITIGATION AGAINST PRIVATE FOR-PROFIT POSTSECONDARY INSTITUTIONS?

0/20 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes	Limited	No
Type 1	20 Points	15 Points	0 Points
Type 2	20 Points	15 Points	0 Points

Explanation:

Type 1: Degree-granting private postsecondary institutions. Nebraska law does not allow attorney fee awards for students who prevail in litigation against institutions that have violated the laws and regulations in place to govern them.

Type 2: Private postsecondary career schools. Nebraska law does not allow attorney fee awards for students who prevail in litigation against institutions that have violated the laws and regulations in place to govern them.

**D. DOES STATE LAW EXPLICITLY AUTHORIZE
ATTORNEY GENERAL INVOLVEMENT?**

20/20 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes	Limited circumstances	No
Type 1	20 Points	10 Points	0 Points
Type 2	20 Points	10 Points	0 Points

Explanation:

Type 1: Degree-granting private postsecondary institutions. Nebraska law authorizes the Attorney General to bring any appropriate action or proceeding in any court of competent jurisdiction to enforce the Postsecondary Institution Act. (R.R.S. Neb. § 85-2420.)

Type 2: Private postsecondary career schools. Nebraska law authorizes the Attorney General to bring any appropriate action or proceeding in any court of competent jurisdiction for the enforcement of the Private Postsecondary Career School Act. (R.R.S. Neb. § 85-1652.)

BONUS POINTS

Nebraska does not receive any bonus points.



ILLUMINATING INFORMATION



RECIPROCITY AGREEMENTS

Nebraska is a member of the State Authorization Reciprocity Agreements (SARA).

LITIGATION, INVESTIGATIONS, AND ACTIONS INVOLVING PRIVATE
FOR-PROFIT EDUCATIONAL INSTITUTIONS IN NEBRASKA

For information about pending and recent federal and state government investigations and actions regarding for-profit colleges see David Halperin's compilation at <http://www.republicreport.org/2014/law-enforcement-for-profit-colleges/#sthash.1vc4HmPw.dpuf>.