



Substitute Senate Bill No. 1139

Public Act No. 07-90

**AN ACT CONCERNING ENHANCED ENFORCEMENT AUTHORITY
BY THE DEPARTMENT OF HIGHER EDUCATION.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 10a-34 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2008*):

(a) For the purposes of this section, "program of higher learning" means any course of instruction for which it is stated or implied that college or university-level credit may be given or may be received by transfer; "degree" means any letters or words, diploma, certificate or other symbol or document which signifies satisfactory completion of the requirements of a program of higher learning; "institution of higher learning" means any person, school, board, association, limited liability company or corporation which is licensed or accredited to offer one or more programs of higher learning leading to one or more degrees; "license" means the authorization by the Board of Governors of Higher Education to operate a program or institution of higher learning for a specified initial period; "accreditation" means the authorization by said board to continue operating a program or institution of higher learning for subsequent periods, and in such periods to confer specified degrees.

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(b) The Board of Governors of Higher Education shall establish regulations concerning the requirements for licensure and accreditation, such regulations to concern administration, finance, faculty, curricula, library, student admission and graduation, plant and equipment, records, catalogs, program announcements and any other criteria pertinent thereto, as well as the periods for which licensure and accreditation may be granted, and the costs and procedures of evaluations as provided in subsections (c) and (d) [below] of this section. Said board may establish an advisory council for accreditation composed of representatives of public and private institutions of higher learning and the public at large to advise the board regarding existing or proposed regulations.

(c) No person, school, board, association or corporation shall confer any degree unless authorized by act of the General Assembly. No application for authority to confer any such degree shall be approved by the General Assembly or any committee thereof, nor shall any such authority be included in any charter of incorporation until such application has been evaluated and approved by the Board of Governors of Higher Education in accordance with regulations established by said board.

(d) No person, school, board, association or corporation shall operate a program or institution of higher learning unless it has been licensed or accredited by the Board of Governors of Higher Education, nor shall it confer any degree unless it has been accredited in accordance with this section. The board shall not grant any new license or accreditation until it has received a report of an evaluation of such program or institution by competent educators approved by the board. The Board of Governors of Higher Education shall accept regional or, where appropriate, national accreditation, in satisfaction of the requirements of this subsection unless the board finds cause not to rely upon such accreditation.

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(e) No person, school, board, association or corporation shall use in any way the term "junior college" or "college" or "university" or use any other name, title, literature, catalogs, pamphlets or descriptive matter tending to designate that it is an institution of higher learning, or that it may grant academic or professional degrees, unless the institution possesses a license from, or has been accredited by, the board, nor shall offer any program of higher learning without approval of the Board of Governors of Higher Education.

(f) Accreditation of any program or institution or authority to award degrees granted in accordance with law prior to July 1, 1965, shall continue in effect.

[(g) Any person, school, board, association or corporation violating any provision of this section shall be fined not more than one thousand dollars.]

[(h)] (g) If an existing institution, adversely affected by this section, applies to the board for licensure or accreditation, said board may grant licensure on a temporary basis to expire within one year and renewable from year to year, if, in the judgment of the board, reasonable progress is being made by such institution toward meeting the standards required by regulations of the board.

Sec. 2. (NEW) (*Effective January 1, 2008*) (a) The Commissioner of Higher Education may assess any person, school, board, association or corporation which violates any provision of section 10a-34 of the general statutes, as amended by this act, or section 10a-35 of the general statutes an administrative penalty in an amount not to exceed five hundred dollars for each day of such violation.

(b) (1) The Commissioner of Higher Education shall serve written notice upon the person, school, board, association or corporation when the assessment of such an administrative penalty is under

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consideration. The notice shall set forth the reasons for the assessment of the penalty.

(2) Not later than forty-five days after the commissioner or the commissioner's designee mails notice pursuant to subdivision (1) of this subsection to such person, school, board, association or corporation, the commissioner or the commissioner's designee shall hold a compliance conference with such person, school, board, association or corporation.

(c) If, after the compliance conference pursuant to subsection (b) of this section, the commissioner determines that imposition of the administrative penalty is appropriate, the commissioner shall issue an order and serve written notice by certified mail, return receipt requested upon the person, school, board, association or corporation.

(d) The person, school, board, association or corporation aggrieved by the order of the commissioner imposing an administrative penalty pursuant to subsection (c) of this section shall, not later than fifteen days after such order is mailed, request, in writing, a hearing before the Board of Governors of Higher Education. Such hearing shall be held in accordance with the provisions of chapter 54 of the general statutes.

Sec. 3. (NEW) (*Effective January 1, 2008*) The Commissioner of Higher Education, through the Attorney General, may seek an order from the superior court to prevent any violation of section 10a-34 of the general statutes, as amended by this act, and section 10a-35 of the general statutes through the use of an injunction in accordance with the provisions of chapter 916 of the general statutes.

Sec. 4. (NEW) (*Effective January 1, 2008*) The Commissioner of Higher Education, or the commissioner's designee, may conduct an investigation and, through the Attorney General, maintain an action in

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the name of the state against any person, school, board, association or corporation to restrain or prevent the establishment or operation of an institution that is not licensed, accredited or authorized to award degrees by the Board of Governors of Higher Education pursuant to the provisions of section 10a-34 of the general statutes, as amended by this act.

Sec. 5. (NEW) (*Effective January 1, 2008*) The Board of Governors of Higher Education or the Commissioner of Higher Education, through the Attorney General, may petition the superior court for the judicial district of Hartford for the enforcement of any order issued by the board or the commissioner, and for other appropriate relief. The court may issue such orders as are appropriate to aid in enforcement.

Sec. 6. (NEW) (*Effective January 1, 2008*) The Commissioner of Higher Education, or the commissioner's designee, may conduct any necessary review, inspection or investigation regarding applications for licensure or accreditation or possible violations of section 10a-34 of the general statutes, as amended by this act, and sections 2 to 6, inclusive, of this act or of any applicable regulations of Connecticut state agencies. In connection with any investigation, the commissioner or the commissioner's designee, may administer oaths, issue subpoenas, compel testimony and order the production of any record or document. If any person refuses to appear, testify or produce any record or document when so ordered, the commissioner may seek relief pursuant to section 5 of this act.

Sec. 7. (NEW) (*Effective July 1, 2007*) The Board of Governors of Higher Education shall adopt regulations in accordance with the provisions of chapter 54 of the general statutes in order to carry out the provisions of sections 2 to 6, inclusive, of this act.

Approved June 5, 2007