



Substitute House Bill No. 5050

Public Act No. 08-116

AN ACT CONCERNING HOSPITAL-BASED OCCUPATIONAL SCHOOLS AND TECHNICAL REVISIONS TO THE HIGHER EDUCATION AND EMPLOYMENT ADVANCEMENT STATUTES.

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

Section 1. Section 10a-2 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) There shall be a Board of Governors of Higher Education to serve as the central policy-making authority for public higher education in Connecticut. The board shall consist of eleven members who shall be distinguished leaders of the community in Connecticut. The board shall reflect the state's geographic, racial and ethnic diversity. The members shall not be employed by or be a member of a board of trustees for any Connecticut higher education institution, public or private, nor shall they be employed by or be elected officials of any public agency as defined in subdivision (1) of section 1-200, during their term of membership on the Board of Governors of Higher Education. Seven members shall be appointed by the Governor. The appointment of the other four members on or after October 1, 1991, shall be made as follows: The president pro tempore of the Senate, minority leader of the Senate, speaker of the House of Representatives and minority leader of the House of Representatives shall each appoint

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one member.

(b) The terms of the present members of the Board of Higher Education shall expire on February 28, 1983. On or before March 1, 1983, the appointing authorities enumerated in subsection (a) of this section shall appoint the initial members of the Board of Governors of Higher Education as follows: Four members appointed by the Governor shall serve a term of four years from said March first and three members appointed by the Governor shall serve a term of two years from said March first. One member appointed by the highest ranked member of the Senate and one member appointed by the highest ranked member of the House of Representatives who are not members of the same political party as the Governor shall serve a term of two years from said March first. One member appointed by the highest ranked member of the Senate and one member appointed by the highest ranked member of the House who are not members of the same political party as the Governor shall serve a term of four years from said March first. Thereafter all members shall be appointed for a term of four years from March first in the year of their appointment. All appointments shall be made with the advice and consent of the General Assembly, in the manner provided in section 4-19. Any vacancy in the Board of Governors of Higher Education shall be filled in the manner provided in section 4-19.

(c) The Governor shall appoint the initial [chairman] chairperson of the board, who shall serve for a term of two years. Thereafter, the board shall elect from its membership a [chairman] chairperson who shall serve for a term to be designated by the board. No [chairman] chairperson shall serve more than two consecutive terms. The board shall elect from its members a vice [chairman] chairperson and such other officers as it deems necessary. Vacancies among any officers shall be filled within thirty days following the occurrence of such vacancy in the same manner as the original selection. Said board shall establish

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bylaws to govern its procedures and shall appoint such committees and advisory boards as may be convenient or necessary in the transaction of its business.

Sec. 2. Section 10a-11b of the 2008 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) There is established a Blue Ribbon Commission to develop and implement a strategic master plan for higher education in Connecticut.

(1) The commission shall consist of the following voting members: (A) Two members appointed by the speaker of the House of Representatives, who shall have experience as former administrators or faculty members in independent institutions of higher education in this state; (B) two members appointed by the president pro tempore of the Senate, one of whom shall be a former administrator or faculty member of a regional community-technical college and one of whom shall be a former administrator or faculty member of The University of Connecticut; (C) two members appointed by the majority leader of the House of Representatives, one of whom shall be a former administrator or faculty member of a state university in the Connecticut State University [system] System and one of whom shall be a former administrator or faculty member of Charter Oak State College; (D) two members appointed by the majority leader of the Senate, one of whom shall have experience in the field of arts and culture and one of whom shall have experience in the field of health care; (E) two members appointed by the minority leader of the House of Representatives who shall have knowledge and expertise in science and technology; (F) two members appointed by the minority leader of the Senate who shall represent state-wide business organizations; and (G) four members appointed by the Governor, one of whom shall represent a nonprofit education foundation, one of whom shall have experience in university research and its commercial application and

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one of whom shall have experience in the field of education from prekindergarten to grade twelve, inclusive. The commission membership shall reflect the state's geographic, racial and ethnic diversity.

(2) The following persons shall serve as ex-officio nonvoting members on the commission: (A) The Commissioners of Higher Education, Education [,] and Economic and Community Development, and the Labor Commissioner, or their designees; (B) the chairpersons of the boards of trustees and the chief executive officers of each constituent unit of the state system of higher education, or their designees; (C) the chairperson of the board and president of the Connecticut Conference of Independent Colleges, or their designees; (D) the director of the Office of Workforce Competitiveness, or the director's designee; (E) the chairpersons and ranking members of the joint standing committee of the General Assembly having cognizance of matters relating to higher education and employment advancement; and (F) the Secretary of the Office of Policy and Management, or the secretary's designee.

(3) The commission shall elect a chairperson at its first meeting. Any vacancies shall be filled by the appointing authority. The term of each appointed member of the commission shall be three years from the date of appointment. The commission members shall serve without compensation except for necessary expenses incurred in the performance of their duties. The commission may seek the advice and participation of any person, organization or state or federal agency it deems necessary to carry out the provisions of this section. The commission may, within available appropriations, retain consultants to assist in carrying out its duties. The commission may receive funds from any public or private sources to carry out its activities.

(b) The commission shall develop a strategic master plan that promotes the following overall goals for higher education in this state:

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(1) Ensure equal access and opportunity to post-secondary education for all state residents, (2) promote student achievement, including student performance, retention and graduation, (3) promote economic competitiveness in the state, (4) improve access to higher education for minorities and nontraditional students, including, but not limited to, part-time students, incumbent workers, adult learners, former inmates and immigrants, and (5) ensure the state's obligation to provide adequate funding for higher education.

(c) The commission shall:

(1) Examine the impact of demographics and workforce trends on higher education in the state;

(2) Address the challenges related to increasing the number of young people in the state earning a bachelor's degree, increasing the number of young people entering the state's workforce and the disparity in the achievement gap between minority students and the general student population;

(3) Develop and implement a strategic master plan for higher education that identifies specific short-term and long-term goals for the state that reflect the unique missions of each constituent unit of the state system of higher education and each independent institution of higher education in the state and includes benchmarks for achieving those goals by 2010, 2015 and 2020;

(4) Examine funding policies for higher education including coordination of appropriation, tuition and financial aid and seek ways to maximize funding through federal and private grants;

(5) Recommend ways in which each constituent unit of the state system of higher education and independent institution of higher education in the state can, in a manner consistent with such institution's mission, expand such institution's role in advancing the

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state's economic growth; and

(6) Submit a biennium report prepared by the Department of Higher Education to the Governor and the General Assembly on the progress made toward achieving the benchmarks established in the strategic plan.

(d) In developing the strategic master plan, the commission shall review the plans pursuant to sections 10a-6 and 10a-11 and the report titled "New England 2020: A Forecast of Educational Attainment and its Implications for the Workforce of New England States" prepared by the Nellie Mae Education Foundation. In addition, the commission may consider the following: (1) Establishing incentives for institutional performance and productivity; (2) increasing financial aid incentive programs, especially in workforce shortage areas and for minority students; (3) implementing mandatory college preparatory curricula in high schools and aligning such curricula with curricula in institutions of higher education; (4) seeking partnerships with the business community and public institutions of higher education to serve the needs of workforce retraining that may include bridge programs in which businesses work directly with higher education institutions to move students into identified workforce shortage areas; (5) establishing collaborative partnerships between public high schools and institutions of higher education; (6) implementing programs in high school to assist high school students seeking a college track or alternative pathways for post-secondary [educations] education, such as vocational and technical opportunities; (7) developing policies to promote and measure retention and graduation rates of students; (8) addressing the educational needs of minority students and nontraditional students, including, but not limited to, part-time students, incumbent workers, adult learners, former inmates and immigrants, in order to increase enrollment and retention in institutions of higher education; and (9) addressing the affordability of

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tuition at institutions of higher education and the issue of increased student indebtedness.

(e) Not later than October 1, 2008, the commission shall submit the strategic master plan, including specific goals and benchmarks for the years ending 2010, 2015 and 2020, together with any recommendations for appropriate legislation and funding to the Governor and the joint standing committees of the General Assembly having cognizance of matters relating to higher education and employment advancement, education, commerce, labor and appropriations, in accordance with section 11-4a.

(f) On or before January 1, 2009, and biennially thereafter, until January 1, 2021, the commission shall submit a report, prepared by the Department of Higher Education, to the Governor and the joint standing committees of the General Assembly having cognizance of matters relating to higher education and employment advancement, education, commerce, labor and appropriations, in accordance with section 11-4a, on the implementation of the plan and progress made toward achieving the goals specified in the plan.

(g) The commission shall terminate on January 1, 2021.

Sec. 3. Section 10a-44a of the 2008 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Each publisher of college textbooks shall make available to a prospective purchaser of the publisher's products who is a member of the faculty of an institution of higher education (1) the price at which the publisher would make the products available to the store on the campus of such institution that would offer such products to students, and (2) the history of revisions for such products, if any. For purposes of this section, "products" means all versions of a textbook or set of

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textbooks, except custom textbooks or special editions of textbooks, available in the subject area for which a prospective purchaser is teaching a course, including supplemental items, both when sold together with, or separately from, a textbook.

Sec. 4. Subsection (c) of section 20-37a of the 2008 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) A college or program of natureopathic medicine approved pursuant to section 20-37 may include within its curriculum such didactic and clinical training as is necessary for such college or program to qualify for accreditation by the Council on Natureopathic Medical Education, including such training that is outside the scope of the practice of natureopathy, as defined in section 20-34. Students and licensed faculty members of such college or program may perform all procedures that are part of the curriculum of such college or program, provided such procedures are incidental to the course of study at such college or program and the student conducting such procedures is under the direct supervision of a faculty member who is licensed to perform such procedures in this state.

Sec. 5. Section 10a-91g of the 2008 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

On January 1, 2014, and January 1, 2019, the system shall, in accordance with the provisions of section 11-4a, submit to the Governor and to the General Assembly, a five-year CSUS 2020 performance review report detailing for each project undertaken to date under the program the progress made and the actual expenditures compared to original estimated costs. Not later than sixty calendar days after receipt of said report, the Governor and the General Assembly shall consider the report and determine whether

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there has been insufficient progress in implementation of CSUS 2020 or whether there [has] have been significant cost increases over original estimates as a result of actions taken by the system. If so, the Governor or the General Assembly may make recommendations for appropriate action to the system and for action by the General Assembly.

Sec. 6. Section 10a-203 of the 2008 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Said corporation shall be governed and all of its corporate powers exercised by a board of directors which shall consist of fifteen members, as follows: The chairperson of the Board of Governors of Higher Education and the Commissioner of Higher Education; seven public members appointed by the Governor, at least one of whom shall represent the private colleges, and commencing with the next regular appointments made on and after July 1, 1984, at least one of whom shall be a financial aid officer at an eligible institution and at least one of whom shall be a person having a favorable reputation for skill, knowledge and experience in management of a private company or lending institution at least as large as the corporation and all of whom shall be electors of this state; one public member appointed by the board of directors, who shall have, through education or experience, an understanding of relevant accounting principles and practices, financial statements and audit committee functions and knowledge of internal controls, who shall be an elector of this state; two members from the House of Representatives, one appointed by the speaker of the House of Representatives and one appointed by the minority leader of the House of Representatives; two members from the Senate, one appointed by the president pro tempore of the Senate and one appointed by the minority leader of the Senate; and the State Treasurer or, if so designated by the State Treasurer, the Deputy State Treasurer appointed pursuant to section 3-12. Those members who are appointed

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by the Governor and by the board of directors shall serve for terms of four years each from July first in the year of their appointment and until their successors have been appointed. Those members who are appointed by the speaker of the House of Representatives, the minority leader of the House of Representatives, the president pro tempore of the Senate and the minority leader of the Senate shall be appointed for terms of two years from January fifteenth in the year of their appointment. The term of each appointed member of the board shall be coterminous with the term of the appointing authority or until a successor is chosen, whichever is later. The board of directors shall elect, from its own members each year, a chairperson and a vice-chairperson who shall serve for terms of one year and who shall be eligible for reelection for successive terms. Vacancies shall be filled for the unexpired term in the same manner as original appointments. Directors shall receive no compensation for their services but shall be reimbursed for [their] expenses actually and necessarily incurred by them in the performance of their duties under this chapter. Any member may designate in writing to the chairperson of the board of directors a representative to act in the place of such member at a meeting or meetings, with all rights and obligations at such meeting as the member represented would have had at the meeting.

(b) The board of directors shall provide for the holding of regular and special meetings. A majority of the directors shall constitute a quorum for the transaction of any business and, unless a greater number is required by the bylaws of the corporation, the act of a majority of the directors present at any meeting shall be deemed the act of the board. Any appointed member who fails to attend three consecutive meetings or who fails to attend more than fifty per cent of all meetings held during any calendar year shall be deemed to have resigned from office.

(c) The board of directors shall adopt bylaws for the corporation and

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may appoint such officers and employees as it deems advisable and may fix their compensation and prescribe their duties.

(d) The board of directors may elect an executive committee of not less than five members who, in intervals between meetings of the board, may transact such business of the corporation as the board may from time to time authorize. Unless otherwise provided by the bylaws of the corporation, a majority of the whole of such committee attending shall constitute a quorum for the transaction of any business and the act of a majority of the members of the executive committee present at any meeting thereof shall be the act of such committee. No public member of the board shall serve more than three consecutive full terms which commence on or after July 1, 1984.

Sec. 7. Subsection (d) of section 10a-230 of the 2008 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) Any resolution or resolutions authorizing any revenue bonds or any issue of revenue bonds may contain provisions, which shall be a part of the contract with the holders of the revenue bonds to be authorized, as to: (1) Pledging all or any part of the revenues, funds or other assets of the authority, including, but not limited to, the authority loans and education loans to secure such bonds or notes; (2) pledging all or any part of the revenues paid to the authority by any guarantor or insurance company; (3) pledging any revenue-producing contract or contracts made by the authority with any individual, partnership, corporation or association or other body, public or private, or any federally guaranteed security and moneys received or receivable therefrom whether such security is acquired by the authority or a participating institution for higher education to secure the payment of the revenue bonds or notes or of any particular issue of revenue bonds or notes, subject to such agreements with bondholders or noteholders as may then exist; (4) the fees and other amounts to be

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charged, and the sums to be raised in each year thereby, and the use, investment and disposition of such sums; (5) the establishment and setting aside of reserves or sinking funds, the setting aside of loan funding deposits, capitalized interest accounts, and cost of issuance accounts, and the regulation and disposition thereof; (6) limitations on the use of the education loans; (7) limitations on the purpose to which the proceeds of the sale of any issue of revenue bonds or notes then or thereafter to be issued may be applied, including as authorized purposes, all costs and expenses necessary or incidental to the issuance of bonds, to the acquisition of or commitment to acquire any federally guaranteed security and pledging such proceeds to secure the payment of the revenue bonds, notes or any issue of the revenue bonds or notes; (8) limitations on the issuance of additional bonds or notes, the terms upon which additional bonds or notes may be issued and secured and the terms on which additional bonds or notes rank on a parity with, or [be] are subordinate or superior to, other bonds or notes; (9) the refunding of outstanding bonds or notes; (10) the procedure, if any, by which the terms of any contract with bondholders or noteholders may be amended or abrogated, the amount of bonds or notes the holders of which must consent thereto, and the manner in which such consent may be given; (11) limitations on the amount of moneys derived from the educational program to be expended for operating, administrative or other expenses of the authority; (12) defining the acts or omissions to act which shall constitute a default in the duties of the authority to holders of its obligations and providing the rights and remedies of such holders in the event of default; (13) the duties, obligations and liabilities of any trustee or paying agent; (14) providing for guarantees, pledges of endowments, letters of credit, property or other security for the benefit of the holders of such bonds or notes; and (15) any other matters relating to the bonds or notes which the authority deems desirable.

Sec. 8. Section 10a-22b of the 2008 supplement to the general statutes

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is repealed and the following is substituted in lieu thereof (*Effective July 1, 2008*):

(a) No person, board, association, partnership, corporation, limited liability company or other entity shall offer instruction in any form or manner in any trade or in any industrial, commercial, service, professional or other occupation unless such person, board, association, partnership, corporation, limited liability company or other entity first receives from the commissioner a certificate authorizing the occupational instruction to be offered.

(b) Except for initial authorizations, the commissioner shall accept institutional accreditation by an accrediting agency recognized by the United States Department of Education, in satisfaction of the requirements of this section and section 10a-22d, including the evaluation and attendance requirement, unless the commissioner finds reasonable cause not to rely upon such accreditation.

(c) Each person, board, association, partnership, corporation, limited liability company or other entity which seeks to offer occupational instruction shall submit to the commissioner, or the commissioner's designee, in such manner as the commissioner, or the commissioner's designee, prescribes, an application for a certificate of authorization which includes, but need not be limited to, (1) the proposed name of the school; (2) ownership and organization of the school including the names and addresses of all principals, officers, members and directors; (3) names and addresses of all stockholders of the school, except for applicants which are listed on a national securities exchange; (4) addresses of any building or premises on which the school will be located; (5) description of the occupational instruction to be offered; (6) the proposed student enrollment agreement, which includes for each program of occupational instruction offered a description, in plain language, of any requirements for employment in such occupation or barriers to such employment pursuant to state law or regulations; (7)

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the proposed school catalog, which includes for each program of occupational instruction offered a description of any requirements for employment in such occupation or barriers to such employment pursuant to state law or regulations; (8) financial statements detailing the financial condition of the school prepared by management and reviewed or audited by an independent licensed certified public accountant or independent licensed public accountant; and (9) an agent for service of process. Submitted with an application for initial authorization shall be a nonrefundable application fee in the amount of two thousand dollars made payable to the private occupational school student protection account.

(d) Upon receipt of a complete application pursuant to subsection (c) of this section, the commissioner shall cause to be conducted an evaluation of the applicant school. Thereafter, the commissioner shall advise the applicant of authorization or nonauthorization not later than one hundred twenty days following the completed appointment of an evaluation team pursuant to subsection (e) of this section. The commissioner may consult with the Labor Department and may request the advice of any other state agency which may be of assistance in making a determination. In the event of nonauthorization by the commissioner, he shall set forth the reasons therefor in writing and the applicant school may request in writing of the Board of Governors a hearing pursuant to chapter 54.

(e) For purposes of an evaluation of an applicant school, the commissioner, or the commissioner's designee, shall appoint an evaluation team which shall include (1) at least two members representing the Board of Governors, and (2) at least one member for each of the areas of occupational instruction for which authorization is sought who shall be experienced in such occupation. The applicant school shall have the right to challenge any proposed member of the evaluation team for good cause shown. A written challenge shall be

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filed with the commissioner within ten business days following the appointment of such evaluation team. In the event of a challenge, a decision shall be made thereon by the Commissioner of Higher Education within ten business days from the date such challenge is filed, and if the challenge is upheld the Commissioner of Higher Education shall appoint a replacement. Employees of the state or any political subdivision of the state may be members of evaluation teams. The commissioner, or the commissioner's designee, shall not appoint any person to an evaluation team unless the commissioner, or such designee, has received from such person a statement that the person has no interest which is in conflict with the proper discharge of the duties of evaluation team members as described in this section. The statement shall be on a form prescribed by the commissioner and shall be signed under penalty of false statement. Members of the evaluation team shall serve without compensation. Except for any member of the evaluation team who is a state employee, members shall be reimbursed for actual expenses, which expenses shall be charged to and paid by the applicant school.

(f) The evaluation team appointed pursuant to subsection (e) of this section shall: (1) Conduct an on-site inspection; (2) submit a written report outlining any evidence of noncompliance; (3) give the school sixty days from the date of the report to provide evidence of compliance; and (4) submit to the commissioner a written report recommending authorization or nonauthorization not later than one hundred twenty days after the on-site inspection. The evaluation team shall determine whether (A) the quality and content of each course or program of instruction, including, but not limited to, residential, on-line, home study and correspondence, training or study shall reasonably and adequately achieve the stated objective for which such course or program is offered; (B) the school has adequate space, equipment, instructional materials and personnel for the instruction offered; (C) the qualifications of directors, administrators, supervisors

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and instructors shall reasonably and adequately assure that students receive education consistent with the stated objectives for which a course or program is offered; (D) students and other interested persons shall be provided with a catalog or similar publication describing the courses and programs offered, course and program objectives, length of courses and programs, schedule of tuition, fees and all other charges and expenses necessary for completion of the course or program, and termination, withdrawal and refund policies; (E) upon satisfactory completion of the course or program, each student shall be provided appropriate educational credentials by the school; (F) adequate records shall be maintained by the school to show attendance and grades, or other indicators of student progress, and standards shall be enforced relating to attendance and student performance; (G) the applicant school shall be financially sound and capable of fulfilling its commitments to students; and (H) any student housing owned, leased, rented or otherwise maintained by the applicant school shall be safe and adequate. The evaluation team may also indicate in its report such recommendations as may improve the operation of the applicant school.

(g) Any hospital offering instruction in any form or manner in any trade, industrial, commercial, service, professional or other occupation for any remuneration, consideration, reward or promise, except to hospital employees, members of the medical staff and training for contracted workers, shall obtain a certificate of authorization from the Commissioner of Higher Education for the occupational instruction offered. Each hospital-based occupational school submitting an application for initial authorization shall pay an application fee of two hundred dollars made payable to the private occupational school student protection account. The commissioner shall develop a process for prioritizing the authorization of hospital-based occupational schools based on size and scope of occupational instruction offered. Such schools shall be in compliance with this section when required

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pursuant to the commissioner's process, or by 2012, whichever is earlier.

Sec. 9. (NEW) (*Effective July 1, 2008*) Notwithstanding the provisions of section 10a-22d of the general statutes, the authorization period for each hospital-based occupational school described in subsection (g) of section 10a-22b of the general statutes, as amended by this act, shall be three years. Each hospital-based occupational school shall pay a fee of two hundred dollars for renewal of its certificate of authorization. Such fee shall be payable to the private occupational school student protection account. Each hospital-based occupational school shall pay one-half of one per cent of its net tuition revenue received by such school per calendar quarter into the private occupational school student protection account, in accordance with section 10a-22u of the general statutes.

Approved May 27, 2008