



General Assembly

Amendment

February Session, 2008

LCO No. 5060

HB0505005060SD0

Offered by:

SEN. HARTLEY, 15th Dist.
REP. WILLIS, 64th Dist.
SEN. DEBICELLA, 21st Dist.
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To: Subst. House Bill No. 5050

File No. 40

Cal. No. 311

**"AN ACT CONCERNING TECHNICAL REVISIONS TO THE HIGHER
EDUCATION AND EMPLOYMENT ADVANCEMENT STATUTES."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 10a-22b of the 2008 supplement to the general
4 statutes is repealed and the following is substituted in lieu thereof
5 (*Effective July 1, 2008*):

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

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

19 (c) Each person, board, association, partnership, corporation, limited
20 liability company or other entity which seeks to offer occupational
21 instruction shall submit to the commissioner, or the commissioner's
22 designee, in such manner as the commissioner, or the commissioner's
23 designee, prescribes, an application for a certificate of authorization
24 which includes, but need not be limited to, (1) the proposed name of
25 the school; (2) ownership and organization of the school including the
26 names and addresses of all principals, officers, members and directors;
27 (3) names and addresses of all stockholders of the school, except for
28 applicants which are listed on a national securities exchange; (4)
29 addresses of any building or premises on which the school will be
30 located; (5) description of the occupational instruction to be offered; (6)
31 the proposed student enrollment agreement, which includes for each
32 program of occupational instruction offered a description, in plain
33 language, of any requirements for employment in such occupation or
34 barriers to such employment pursuant to state law or regulations; (7)
35 the proposed school catalog, which includes for each program of
36 occupational instruction offered a description of any requirements for
37 employment in such occupation or barriers to such employment
38 pursuant to state law or regulations; (8) financial statements detailing
39 the financial condition of the school prepared by management and
40 reviewed or audited by an independent licensed certified public
41 accountant or independent licensed public accountant; and (9) an
42 agent for service of process. Submitted with an application for initial
43 authorization shall be a nonrefundable application fee in the amount of
44 two thousand dollars made payable to the private occupational school
45 student protection account.

46 (d) Upon receipt of a complete application pursuant to subsection

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

58 (e) For purposes of an evaluation of an applicant school, the
59 commissioner, or the commissioner's designee, shall appoint an
60 evaluation team which shall include (1) at least two members
61 representing the Board of Governors, and (2) at least one member for
62 each of the areas of occupational instruction for which authorization is
63 sought who shall be experienced in such occupation. The applicant
64 school shall have the right to challenge any proposed member of the
65 evaluation team for good cause shown. A written challenge shall be
66 filed with the commissioner within ten business days following the
67 appointment of such evaluation team. In the event of a challenge, a
68 decision shall be made thereon by the Commissioner of Higher
69 Education within ten business days from the date such challenge is
70 filed, and if the challenge is upheld the Commissioner of Higher
71 Education shall appoint a replacement. Employees of the state or any
72 political subdivision of the state may be members of evaluation teams.
73 The commissioner, or the commissioner's designee, shall not appoint
74 any person to an evaluation team unless the commissioner, or such
75 designee, has received from such person a statement that the person
76 has no interest which is in conflict with the proper discharge of the
77 duties of evaluation team members as described in this section. The
78 statement shall be on a form prescribed by the commissioner and shall
79 be signed under penalty of false statement. Members of the evaluation
80 team shall serve without compensation. Except for any member of the

81 evaluation team who is a state employee, members shall be reimbursed
82 for actual expenses, which expenses shall be charged to and paid by
83 the applicant school.

84 (f) The evaluation team appointed pursuant to subsection (e) of this
85 section shall: (1) Conduct an on-site inspection; (2) submit a written
86 report outlining any evidence of noncompliance; (3) give the school
87 sixty days from the date of the report to provide evidence of
88 compliance; and (4) submit to the commissioner a written report
89 recommending authorization or nonauthorization not later than one
90 hundred twenty days after the on-site inspection. The evaluation team
91 shall determine whether (A) the quality and content of each course or
92 program of instruction, including, but not limited to, residential, on-
93 line, home study and correspondence, training or study shall
94 reasonably and adequately achieve the stated objective for which such
95 course or program is offered; (B) the school has adequate space,
96 equipment, instructional materials and personnel for the instruction
97 offered; (C) the qualifications of directors, administrators, supervisors
98 and instructors shall reasonably and adequately assure that students
99 receive education consistent with the stated objectives for which a
100 course or program is offered; (D) students and other interested persons
101 shall be provided with a catalog or similar publication describing the
102 courses and programs offered, course and program objectives, length
103 of courses and programs, schedule of tuition, fees and all other charges
104 and expenses necessary for completion of the course or program, and
105 termination, withdrawal and refund policies; (E) upon satisfactory
106 completion of the course or program, each student shall be provided
107 appropriate educational credentials by the school; (F) adequate records
108 shall be maintained by the school to show attendance and grades, or
109 other indicators of student progress, and standards shall be enforced
110 relating to attendance and student performance; (G) the applicant
111 school shall be financially sound and capable of fulfilling its
112 commitments to students; and (H) any student housing owned, leased,
113 rented or otherwise maintained by the applicant school shall be safe
114 and adequate. The evaluation team may also indicate in its report such

115 recommendations as may improve the operation of the applicant
116 school.

117 (g) Any hospital offering instruction in any form or manner in any
118 trade, industrial, commercial, service, professional or other occupation
119 for any remuneration, consideration, reward or promise, except to
120 hospital employees, members of the medical staff and training for
121 contracted workers, shall obtain a certificate of authorization from the
122 Commissioner of Higher Education for the occupational instruction
123 offered. Each hospital-based occupational school submitting an
124 application for initial authorization shall pay an application fee of two
125 hundred dollars made payable to the private occupational school
126 student protection account. The commissioner shall develop a process
127 for prioritizing the authorization of hospital-based occupational
128 schools based on size and scope of occupational instruction offered.
129 Such schools shall be in compliance with this section when required
130 pursuant to the commissioner's process, or by 2012, whichever is
131 earlier.

132 Sec. 502. (NEW) (*Effective July 1, 2008*) Notwithstanding the
133 provisions of section 10a-22d of the general statutes, the authorization
134 period for each hospital-based occupational school described in
135 subsection (g) of section 10a-22b of the general statutes, as amended by
136 this act, shall be three years. Each hospital-based occupational school
137 shall pay a fee of two hundred dollars for renewal of its certificate of
138 authorization Such fee shall be payable to the private occupational
139 school student protection account. Each hospital-based occupational
140 school shall pay one-half of one per cent of its net tuition revenue
141 received by such school per calendar quarter into the private
142 occupational school student protection account, in accordance with
143 section 10a-22u of the general statutes."