



General Assembly

**Amendment**

February Session, 2008

LCO No. 5055

**\*HB0505005055SD0\***

Offered by:

SEN. HARTLEY, 15<sup>th</sup> Dist.  
SEN. SLOSSBERG, 14<sup>th</sup> Dist.  
SEN. DEBICELLA, 21<sup>st</sup> Dist.

REP. WILLIS, 64<sup>th</sup> Dist.  
REP. CARUSO, 126<sup>th</sup> Dist.  
REP. GIULIANO, 23<sup>rd</sup> Dist.

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 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

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 Section 10a-2 of the general statutes is repealed and the  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

5 (a) There shall be a Board of Governors of Higher Education to  
6 serve as the central policy-making authority for public higher  
7 education in Connecticut. The board shall consist of eleven members  
8 who shall be distinguished leaders of the community in Connecticut.  
9 The board shall reflect the state's geographic, racial and ethnic  
10 diversity. The members shall not be employed by or be a member of a  
11 board of trustees for any Connecticut higher education institution,  
12 public or private, nor shall they be employed by or be elected officials  
13 of any public agency as defined in subdivision (1) of section 1-200,

14 during their term of membership on the Board of Governors of Higher  
15 Education. Seven members shall be appointed by the Governor. The  
16 appointment of the other four members on or after October 1, 1991,  
17 shall be made as follows: The president pro tempore of the Senate,  
18 minority leader of the Senate, speaker of the House of Representatives  
19 and minority leader of the House of Representatives shall each appoint  
20 one member.

21 (b) The terms of the present members of the Board of Higher  
22 Education shall expire on February 28, 1983. On or before March 1,  
23 1983, the appointing authorities enumerated in subsection (a) of this  
24 section shall appoint the initial members of the Board of Governors of  
25 Higher Education as follows: Four members appointed by the  
26 Governor shall serve a term of four years from said March first and  
27 three members appointed by the Governor shall serve a term of two  
28 years from said March first. One member appointed by the highest  
29 ranked member of the Senate and one member appointed by the  
30 highest ranked member of the House of Representatives who are not  
31 members of the same political party as the Governor shall serve a term  
32 of two years from said March first. One member appointed by the  
33 highest ranked member of the Senate and one member appointed by  
34 the highest ranked member of the House who are not members of the  
35 same political party as the Governor shall serve a term of four years  
36 from said March first. Thereafter all members shall be appointed for a  
37 term of four years from March first in the year of their appointment.  
38 All appointments shall be made with the advice and consent of the  
39 General Assembly, in the manner provided in section 4-19. Any  
40 vacancy in the Board of Governors of Higher Education shall be filled  
41 in the manner provided in section 4-19.

42 (c) The Governor shall appoint the initial [chairman] chairperson of  
43 the board, who shall serve for a term of two years. Thereafter, the  
44 board shall elect from its membership a [chairman] chairperson who  
45 shall serve for a term to be designated by the board. No [chairman]  
46 chairperson shall serve more than two consecutive terms. The board  
47 shall elect from its members a vice [chairman] chairperson and such

48 other officers as it deems necessary. Vacancies among any officers shall  
49 be filled within thirty days following the occurrence of such vacancy in  
50 the same manner as the original selection. Said board shall establish  
51 bylaws to govern its procedures and shall appoint such committees  
52 and advisory boards as may be convenient or necessary in the  
53 transaction of its business.

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

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

59 (1) The commission shall consist of the following voting members:  
60 (A) Two members appointed by the speaker of the House of  
61 Representatives, who shall have experience as former administrators  
62 or faculty members in independent institutions of higher education in  
63 this state; (B) two members appointed by the president pro tempore of  
64 the Senate, one of whom shall be a former administrator or faculty  
65 member of a regional community-technical college and one of whom  
66 shall be a former administrator or faculty member of The University of  
67 Connecticut; (C) two members appointed by the majority leader of the  
68 House of Representatives, one of whom shall be a former  
69 administrator or faculty member of a state university in the  
70 Connecticut State University system and one of whom shall be a  
71 former administrator or faculty member of Charter Oak State College;  
72 (D) two members appointed by the majority leader of the Senate, one  
73 of whom shall have experience in the field of arts and culture and one  
74 of whom shall have experience in the field of health care; (E) two  
75 members appointed by the minority leader of the House of  
76 Representatives who shall have knowledge and expertise in science  
77 and technology; (F) two members appointed by the minority leader of  
78 the Senate who shall represent state-wide business organizations; and  
79 (G) four members appointed by the Governor, one of whom shall  
80 represent a nonprofit education foundation, one of whom shall have

81 experience in university research and its commercial application and  
82 one of whom shall have experience in the field of education from  
83 prekindergarten to grade twelve, inclusive. The commission  
84 membership shall reflect the state's geographic, racial and ethnic  
85 diversity.

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

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

111 (b) The commission shall develop a strategic master plan that  
112 promotes the following overall goals for higher education in this state:  
113 (1) Ensure equal access and opportunity to post-secondary education

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

121 (c) The commission shall:

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

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

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

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

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

143 (6) Submit a biennium report prepared by the Department of Higher

144 Education to the Governor and the General Assembly on the progress  
145 made toward achieving the benchmarks established in the strategic  
146 plan.

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

175 (e) Not later than October 1, 2008, the commission shall submit the  
176 strategic master plan, including specific goals and benchmarks for the  
177 years ending 2010, 2015 and 2020, together with any recommendations

178 for appropriate legislation and funding to the Governor and the joint  
179 standing committees of the General Assembly having cognizance of  
180 matters relating to higher education and employment advancement,  
181 education, commerce, labor and appropriations, in accordance with  
182 section 11-4a.

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

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

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

195 Each publisher of college textbooks shall make available to a  
196 prospective purchaser of the publisher's products who is a member of  
197 the faculty of an institution of higher education (1) the price at which  
198 the publisher would make the products available to the store on the  
199 campus of such institution that would offer such products to students,  
200 and (2) the history of revisions for such products, if any. For purposes  
201 of this section, "products" means all versions of a textbook or set of  
202 textbooks, except custom textbooks or special editions of textbooks,  
203 available in the subject area for which a prospective purchaser is  
204 teaching a course, including supplemental items, both when sold  
205 together with, or separately from, a textbook.

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

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

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

224 On January 1, 2014, and January 1, 2019, the system shall, in  
225 accordance with the provisions of section 11-4a, submit to the  
226 Governor and to the General Assembly, a five-year CSUS 2020  
227 performance review report detailing for each project undertaken to  
228 date under the program the progress made and the actual  
229 expenditures compared to original estimated costs. Not later than sixty  
230 calendar days after receipt of said report, the Governor and the  
231 General Assembly shall consider the report and determine whether  
232 there has been insufficient progress in implementation of CSUS 2020 or  
233 whether there [has] have been significant cost increases over original  
234 estimates as a result of actions taken by the system. If so, the Governor  
235 or the General Assembly may make recommendations for appropriate  
236 action to the system and for action by the General Assembly.

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

240 (a) Said corporation shall be governed and all of its corporate

241 powers exercised by a board of directors which shall consist of fifteen  
242 members, as follows: The chairperson of the Board of Governors of  
243 Higher Education and the Commissioner of Higher Education; seven  
244 public members appointed by the Governor, at least one of whom shall  
245 represent the private colleges, and commencing with the next regular  
246 appointments made on and after July 1, 1984, at least one of whom  
247 shall be a financial aid officer at an eligible institution and at least one  
248 of whom shall be a person having a favorable reputation for skill,  
249 knowledge and experience in management of a private company or  
250 lending institution at least as large as the corporation and all of whom  
251 shall be electors of this state; one public member appointed by the  
252 board of directors, who shall have, through education or experience,  
253 an understanding of relevant accounting principles and practices,  
254 financial statements and audit committee functions and knowledge of  
255 internal controls, who shall be an elector of this state; two members  
256 from the House of Representatives, one appointed by the speaker of  
257 the House of Representatives and one appointed by the minority  
258 leader of the House of Representatives; two members from the Senate,  
259 one appointed by the president pro tempore of the Senate and one  
260 appointed by the minority leader of the Senate; and the State Treasurer  
261 or, if so designated by the State Treasurer, the Deputy State Treasurer  
262 appointed pursuant to section 3-12. Those members who are appointed  
263 by the Governor and by the board of directors shall serve for terms of  
264 four years each from July first in the year of their appointment and  
265 until their successors have been appointed. Those members who are  
266 appointed by the speaker of the House of Representatives, the  
267 minority leader of the House of Representatives, the president pro  
268 tempore of the Senate and the minority leader of the Senate shall be  
269 appointed for terms of two years from January fifteenth in the year of  
270 their appointment. The term of each appointed member of the board  
271 shall be coterminous with the term of the appointing authority or until  
272 a successor is chosen, whichever is later. The board of directors shall  
273 elect, from its own members each year, a chairperson and a vice-  
274 chairperson who shall serve for terms of one year and who shall be  
275 eligible for reelection for successive terms. Vacancies shall be filled for

276 the unexpired term in the same manner as original appointments.  
277 Directors shall receive no compensation for their services but shall be  
278 reimbursed for [their] expenses actually and necessarily incurred by  
279 them in the performance of their duties under this chapter. Any  
280 member may designate in writing to the chairperson of the board of  
281 directors a representative to act in the place of such member at a  
282 meeting or meetings, with all rights and obligations at such meeting as  
283 the member represented would have had at the meeting.

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

293 (c) The board of directors shall adopt bylaws for the corporation and  
294 may appoint such officers and employees as it deems advisable and  
295 may fix their compensation and prescribe their duties.

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

306 Sec. 7. Subsection (d) of section 10a-230 of the 2008 supplement to  
307 the general statutes is repealed and the following is substituted in lieu

308 thereof (*Effective from passage*):

309 (d) Any resolution or resolutions authorizing any revenue bonds or  
310 any issue of revenue bonds may contain provisions, which shall be a  
311 part of the contract with the holders of the revenue bonds to be  
312 authorized, as to: (1) Pledging all or any part of the revenues, funds or  
313 other assets of the authority, including, but not limited to, the  
314 authority loans and education loans to secure such bonds or notes; (2)  
315 pledging all or any part of the revenues paid to the authority by any  
316 guarantor or insurance company; (3) pledging any revenue-producing  
317 contract or contracts made by the authority with any individual,  
318 partnership, corporation or association or other body, public or  
319 private, or any federally guaranteed security and moneys received or  
320 receivable therefrom whether such security is acquired by the  
321 authority or a participating institution for higher education to secure  
322 the payment of the revenue bonds or notes or of any particular issue of  
323 revenue bonds or notes, subject to such agreements with bondholders  
324 or noteholders as may then exist; (4) the fees and other amounts to be  
325 charged, and the sums to be raised in each year thereby, and the use,  
326 investment and disposition of such sums; (5) the establishment and  
327 setting aside of reserves or sinking funds, the setting aside of loan  
328 funding deposits, capitalized interest accounts, and cost of issuance  
329 accounts, and the regulation and disposition thereof; (6) limitations on  
330 the use of the education loans; (7) limitations on the purpose to which  
331 the proceeds of the sale of any issue of revenue bonds or notes then or  
332 thereafter to be issued may be applied, including as authorized  
333 purposes, all costs and expenses necessary or incidental to the issuance  
334 of bonds, to the acquisition of or commitment to acquire any federally  
335 guaranteed security and pledging such proceeds to secure the  
336 payment of the revenue bonds, notes or any issue of the revenue bonds  
337 or notes; (8) limitations on the issuance of additional bonds or notes,  
338 the terms upon which additional bonds or notes may be issued and  
339 secured and the terms on which additional bonds or notes rank on a  
340 parity with, or [be] are subordinate or superior to, other bonds or  
341 notes; (9) the refunding of outstanding bonds or notes; (10) the

342 procedure, if any, by which the terms of any contract with  
343 bondholders or noteholders may be amended or abrogated, the  
344 amount of bonds or notes the holders of which must consent thereto,  
345 and the manner in which such consent may be given; (11) limitations  
346 on the amount of moneys derived from the educational program to be  
347 expended for operating, administrative or other expenses of the  
348 authority; (12) defining the acts or omissions to act which shall  
349 constitute a default in the duties of the authority to holders of its  
350 obligations and providing the rights and remedies of such holders in  
351 the event of default; (13) the duties, obligations and liabilities of any  
352 trustee or paying agent; (14) providing for guarantees, pledges of  
353 endowments, letters of credit, property or other security for the benefit  
354 of the holders of such bonds or notes; and (15) any other matters  
355 relating to the bonds or notes which the authority deems desirable.

356 Sec. 8. Section 10a-154a of the general statutes is repealed and the  
357 following is substituted in lieu thereof (*Effective July 1, 2008*):

358 Any record maintained or kept on file by a board of trustees of a  
359 constituent unit of the state system of higher education which is a  
360 record of the performance and evaluation of a faculty or professional  
361 staff member of such constituent unit, including, but not limited to,  
362 any record received by, maintained or kept on file by any committee  
363 engaged in assessing the performance of any such member or in  
364 making recommendations regarding promotions, tenure,  
365 reappointment, merit, sabbatical leave or medical leave, shall not be  
366 deemed to be a public record and shall not be subject to disclosure  
367 under the provisions of section 1-210 of the 2008 supplement to the  
368 general statutes, unless such faculty or professional staff member  
369 consents in writing to the release of his records by the board of trustees  
370 of the constituent unit, and any meeting held by such board or  
371 committee to discuss the performance or evaluation of any such  
372 member shall not be deemed to be a meeting pursuant to subdivision  
373 (2) of section 1-200. Such consent shall be required for each request for  
374 a release of such records."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	10a-2
Sec. 2	<i>from passage</i>	10a-11b
Sec. 3	<i>from passage</i>	10a-44a
Sec. 4	<i>from passage</i>	20-37a(c)
Sec. 5	<i>from passage</i>	10a-91g
Sec. 6	<i>from passage</i>	10a-203
Sec. 7	<i>from passage</i>	10a-230(d)
Sec. 8	<i>July 1, 2008</i>	10a-154a