



# Senate

General Assembly

**File No. 29**

January Session, 2009

Senate Bill No. 797

*Senate, March 3, 2009*

The Committee on Higher Education and Employment Advancement reported through SEN. HANDLEY of the 4th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

***AN ACT CONCERNING A PRIVATE OCCUPATIONAL SCHOOL'S RIGHT TO APPEAL.***

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

1 Section 1. Subsection (d) of section 10a-22b of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2009*):

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

14 and the applicant school may request in writing [of] a hearing before  
 15 the [Board of Governors a hearing pursuant to] commissioner. Such  
 16 hearing shall be held in accordance with the provisions of chapter 54.

17 Sec. 2. Subsection (d) of section 10a-22f of the general statutes is  
 18 repealed and the following is substituted in lieu thereof (*Effective*  
 19 *October 1, 2009*):

20 (d) A private occupational school aggrieved by the order of the  
 21 commissioner revoking its certificate of authorization pursuant to  
 22 subsection (c) of this section shall, not later than fifteen days after such  
 23 order is mailed, request in writing a hearing before the [Board of  
 24 Governors] commissioner. Such hearing shall be held in accordance  
 25 with the provisions of chapter 54.

26 Sec. 3. Subsection (d) of section 10a-22i of the general statutes is  
 27 repealed and the following is substituted in lieu thereof (*Effective*  
 28 *October 1, 2009*):

29 (d) A private occupational school aggrieved by the order of the  
 30 commissioner imposing an administrative penalty pursuant to  
 31 subsection (c) of this section shall, not later than fifteen days after such  
 32 order is mailed, request in writing a hearing before the [Board of  
 33 Governors] commissioner. Such hearing shall be held in accordance  
 34 with the provisions of chapter 54.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	10a-22b(d)
Sec. 2	<i>October 1, 2009</i>	10a-22f(d)
Sec. 3	<i>October 1, 2009</i>	10a-22i(d)

**HED**      *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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***OFA Fiscal Note******State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill transfers from the Board of Governors of Higher Education to the commissioner, the authority to hear complaints from aggrieved schools. The bill is not anticipated to result in a fiscal impact.

***The Out Years***

None

**OLR Bill Analysis****SB 797*****AN ACT CONCERNING A PRIVATE OCCUPATIONAL SCHOOL'S RIGHT TO APPEAL.*****SUMMARY:**

The law permits the higher education commissioner to (1) deny or revoke a private occupational school's certificate of authorization or (2) assess an administrative penalty against any school that violates any provision of the occupational school law. This bill transfers, from the Board of Governors of Higher Education to the commissioner, the authority to hear complaints from aggrieved schools. The hearing must continue to comply with the Uniform Administrative Procedure Act.

EFFECTIVE DATE: October 1, 2009

**BACKGROUND*****Related Bills***

The Higher Education and Employment Advancement Committee reported several other bills related to the authorization of private occupational schools:

SB 796 prohibits the commissioner from issuing a certificate of authorization if the school does not have a director located at its main campus and each branch.

sSB 801 requires a private occupational school, when renewing its certificate of authorization, to submit documentation that it has a passing financial ratio score, as is required for schools participating in federal student aid programs.

SB 812 conforms to current practice the annual fee, change of ownership fee, and other fees a private occupational school must pay

in applying for or renewing its certificate of authorization.

HB 6291 requires a private occupational school, when renewing its certificate of authorization, to submit financial reports or audits as the commissioner, or his designee, prescribes.

**COMMITTEE ACTION**

Higher Education and Employment Advancement Committee

Joint Favorable

Yea 16    Nay 0    (02/17/2009)