



General Assembly

January Session, 2009

Raised Bill No. 1017

LCO No. 3621

03621_____ED_

Referred to Committee on Education

Introduced by:
(ED)

**AN ACT CONCERNING THE CONSOLIDATION OF THE STATE
DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF HIGHER
EDUCATION.**

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

1 Section 1. (NEW) (*Effective July 1, 2009*) (a) On and after July 1, 2009,
2 the State Board of Education shall assume all responsibilities of the
3 Board of Governors of Higher Education pursuant to any provision of
4 the general statutes. The transfer of functions, powers, duties,
5 obligations, including, but not limited to, contract obligations, the
6 continuance of orders and regulations, the effect upon pending actions
7 and proceedings, the completion of unfinished business and the
8 transfer of records and property between the Board of Governors of
9 Higher Education, as said board existed immediately prior to July 1,
10 2009, and the State Board of Education shall be governed by the
11 provisions of sections 4-38d and 4-39 of the general statutes.

12 (b) (1) Wherever the words "Board of Governors of Higher
13 Education" are used or referred to in the following sections of the
14 general statutes or any public or special acts, the words "State Board of
15 Education" shall be substituted in lieu thereof: 3-22e, 4-9a, 4-38c, 4-67x,

16 4-89, 4-186, 4d-80, 4d-82, 5-160, 5-177, 5-242, 10-9, 10-16p, 10-19, 10-
17 145a, 10-145b, 10-155d, 10-155e, 10-155l, 10-183b, 10-183n, 10-220a, 10-
18 235, 10-236a, 10a-3, 10a-4, 10a-6, 10a-6b, 10a-7, 10a-8, 10a-9, 10a-10, 10a-
19 10a, 10a-11, 10a-11a, 10a-12b, 10a-13, 10a-15, 10a-16, 10a-19, 10a-20,
20 10a-20a, 10a-22, 10a-22a, 10a-22x, 10a-24, 10a-25j, 10a-25o, 10a-25p, 10a-
21 31, 10a-33, 10a-34, 10a-34a, 10a-34c, 10a-34d, 10a-34f, 10a-35, 10a-36,
22 10a-37, 10a-38, 10a-39, 10a-40, 10a-42, 10a-42b, 10a-42g, 10a-43, 10a-45,
23 10a-46, 10a-48, 10a-48b, 10a-49, 10a-51, 10a-54, 10a-66, 10a-72, 10a-74,
24 10a-77, 10a-78, 10a-87, 10a-89, 10a-99, 10a-102, 10a-104, 10a-105, 10a-
25 132a, 10a-143, 10a-149, 10a-161, 10a-162a, 10a-163, 10a-163a, 10a-163b,
26 10a-164a, 10a-166, 10a-168, 10a-169, 10a-170, 10a-170b, 10a-170d, 10a-
27 170l, 10a-170m, 10a-170u, 10a-170v, 10a-170w, 10a-203, 10a-210, 12-407,
28 19a-75, 20-37a, 20-206bb, 29-251b, 29-298a, 30-20a and 52-279.

29 (2) Wherever the words "Department of Higher Education" are used
30 or referred to in the following sections of the general statutes or any
31 public or special acts, the words "Department of Education" shall be
32 substituted in lieu thereof: 4-89, 4-124x, 4-124y, 4-124aa, 4a-11, 4d-82, 5-
33 155a, 5-198, 10-8c, 10-76i, 10-145b, 10-155d, 10-221a, 10a-1, 10a-6b, 10a-
34 8b, 10a-8c, 10a-9, 10a-9a, 10a-10, 10a-11a, 10a-11b, 10a-12, 10a-14, 10a-
35 15, 10a-17, 10a-17b, 10a-17c, 10a-17d, 10a-19c, 10a-19e, 10a-19f, 10a-22d,
36 10a-22h, 10a-22r, 10a-22u, 10a-25, 10a-25n, 10a-37, 10a-38, 10a-40, 10a-
37 48, 10a-48a, 10a-54, 10a-65, 10a-77a, 10a-99a, 10a-109c, 10a-109i, 10a-
38 143a, 10a-151, 10a-156a, 10a-161b, 10a-163, 10a-163a, 10a-163b, 10a-
39 164a, 10a-168a, 10a-169a, 10a-169b, 10a-170a, 10a-170e, 10a-170i, 10a-
40 170l, 10a-170r, 10a-170t, 10a-170u, 11-1, 14-19a, 17a-52, 17a-215c and 20-
41 206bb.

42 (3) Wherever the term "Commissioner of Higher Education" is used
43 or referred to in the following sections of the general statutes or any
44 public or special acts, the term "Commissioner of Education" shall be
45 substituted in lieu thereof: 3-22e, 4-124x, 4-124y, 4-124aa, 10-1, 10-16p,
46 10a-4a, 10a-6a, 10a-6b, 10a-8a, 10a-11b, 10a-12a, 10a-19a, 10a-19d, 10a-
47 19e, 10a-19f, 10a-22a, 10a-22b, 10a-22n, 10a-22r, 10a-22s, 10a-22u, 10a-
48 22v, 10a-34a, 10a-34b, 10a-34c, 10a-34d, 10a-34e, 10a-42g, 10a-48, 10a-

49 48b, 10a-55a, 10a-72, 10a-77a, 10a-89, 10a-99a, 10a-104, 10a-109i, 10a-
50 112g, 10a-143, 10a-143a, 10a-144, 10a-150, 10a-150b, 10a-161a, 10-161b,
51 10a-163, 10a-169a, 10a-169b, 10a-170c, 10a-170d, 10a-170h, 10a-170i,
52 10a-170k, 10a-170s, 10a-170t, 10a-203, 10a-224, 12-413b, 17a-52, 32-4f,
53 32-35, 32-39 and 32-717.

54 Sec. 2. Section 10-1 of the general statutes is repealed and the
55 following is substituted in lieu thereof (*Effective July 1, 2009*):

56 Prior to July 1, 1998, the State Board of Education shall consist of
57 nine members. [On and after July 1, 1998] For the period from July 1,
58 1998, to June 30, 2009, the State Board of Education shall consist of
59 eleven members, two of whom shall be nonvoting student members.
60 On and after July 1, 2009, the State Board of Education shall consist of
61 fifteen members, two of whom shall be nonvoting student members.
62 The Governor shall appoint, with the advice and consent of the
63 General Assembly, the members of said board, provided each student
64 member (1) is on the list submitted to the Governor pursuant to section
65 10-2a, (2) is enrolled in a public high school in the state, (3) has
66 completed eleventh grade prior to the commencement of his term, (4)
67 has at least a B plus average, and (5) provides at least three references
68 from teachers in the school he is attending. Nine members shall serve
69 for terms of four years commencing on March first in the year of their
70 appointment. The student members shall serve for terms of one year
71 commencing on July first in the year of their appointment. [The
72 Commissioner of Higher Education shall serve as an ex-officio member
73 without a vote.] Any vacancy in said State Board of Education shall be
74 filled in the manner provided in section 4-19.

75 Sec. 3. Section 10-3a of the general statutes is repealed and the
76 following is substituted in lieu thereof (*Effective July 1, 2009*):

77 (a) There shall be a Department of Education which shall serve as
78 the administrative arm of the State Board of Education. The
79 department shall be under the direction of the Commissioner of
80 Education, whose appointment shall be recommended to the Governor

81 by the State Board of Education for a term of four years to be
82 coterminous with the term of the Governor. Such appointment shall be
83 in accordance with the provisions of sections 4-5 to 4-7, inclusive. The
84 Commissioner of Education shall be the administrative officer of the
85 department and shall administer, coordinate and supervise the
86 activities of the department in accordance with the policies established
87 by the board.

88 (b) The State Board of Education, subject to subsection (c) of this
89 section, shall organize the Department of Education into such bureaus,
90 divisions and other units as may be necessary for the efficient conduct
91 of the business of the department, and may, from time to time, create,
92 abolish, transfer or consolidate within the department any bureau,
93 division or other unit as may be necessary for the efficient conduct of
94 the business of said board. Upon such organization or reorganization
95 the board shall adopt regulations pursuant to the provisions of chapter
96 54. The board may create such advisory boards as it deems necessary
97 for the efficient conduct of the business of the department.

98 (c) There shall be a Bureau of Higher Education within the
99 Department of Education.

100 Sec. 4. Section 10a-1 of the general statutes is repealed and the
101 following is substituted in lieu thereof (*Effective July 1, 2009*):

102 There shall be a state system of public higher education to consist of
103 (1) The University of Connecticut and all branches thereof, (2) the state
104 colleges, which shall be known collectively as the Connecticut State
105 University System, (3) the regional community-technical colleges, (4)
106 the Board for State Academic Awards, and (5) the staff of the
107 [Department] Bureau of Higher Education within the Department of
108 Education as established pursuant to section [10a-5] 10-3a, as amended
109 by this act. "Constituent units" as used in the general statutes means
110 those units in subdivisions (1) to (4), inclusive, of this section.

111 Sec. 5. Subsection (a) of section 4-9a of the general statutes is

112 repealed and the following is substituted in lieu thereof (*Effective July*
113 *1, 2009*):

114 (a) The Governor shall appoint the chairperson and executive
115 director, if any, of all boards and commissions within the Executive
116 Department, except the [Board of Governors of Higher Education,
117 provided the Governor shall appoint the initial chairman of said board
118 as provided in section 10a-2, the] State Properties Review Board, the
119 State Elections Enforcement Commission, the Commission on Human
120 Rights and Opportunities, the Citizen's Ethics Advisory Board, the
121 Commission on Aging and the Commission on Fire Prevention and
122 Control.

123 Sec. 6. Section 10a-9 of the general statutes is repealed and the
124 following is substituted in lieu thereof (*Effective July 1, 2009*):

125 The [Board of Governors of Higher Education established pursuant
126 to section 10a-2] State Board of Education, in consultation with the
127 Office of Policy and Management, the constituent units and others as
128 appropriate, shall develop a comprehensive planning, budgeting and
129 management information system for public higher education. The
130 Department of [Higher] Education shall develop a three-part planning
131 process which shall consist of the following elements:

132 (1) Five-year operating plans updated annually, which shall be
133 based on an assessment of state and local educational needs,
134 projections of costs and revenues, state-wide and regional enrollment
135 patterns, full and part-time student mix, program demand and such
136 other factors as may be appropriate. The board of trustees of each
137 constituent unit shall collect and provide data for each institution
138 under its jurisdiction and shall assess such information for use in the
139 development of the five-year operating plan and its annual updates.

140 (2) Five-year facility and capital plans, updated annually, which
141 shall be based on ten-year demographic and fiscal trends and the
142 educational requirements of the system including the utilization of

143 existing facilities and the need for new facilities. The board of trustees
144 of each constituent unit shall submit to the State Board of [Governors
145 of Higher] Education a prioritized list of capital projects based on the
146 facility planning and capital expenditure needs of the institutions
147 under its jurisdiction, to be reviewed and included, with such
148 recommendations as may be made by the board of governors, in the
149 five-year facilities and capital plan.

150 (3) Criteria which shall identify, and a special plans procedure
151 which, on consultation with the institution and constituent unit
152 involved, shall resolve serious organizational and operational
153 weaknesses at an institution within the state system of higher
154 education.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2009</i>	New section
Sec. 2	<i>July 1, 2009</i>	10-1
Sec. 3	<i>July 1, 2009</i>	10-3a
Sec. 4	<i>July 1, 2009</i>	10a-1
Sec. 5	<i>July 1, 2009</i>	4-9a(a)
Sec. 6	<i>July 1, 2009</i>	10a-9

Statement of Purpose:

To consolidate the State Department of Education with the Department of Higher Education.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]