



General Assembly

Substitute Bill No. 858

January Session, 2011

* SB00858HED 031811 *

AN ACT CONCERNING REVISIONS TO THE HIGHER EDUCATION STATUTES.

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

1 Section 1. Section 10a-19h of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2011*):

3 (a) The Commissioner of Higher Education shall establish and
4 administer the Kirklyn M. Kerr program to [support the veterinary
5 medicine education of] provide grants to not more than five veterinary
6 students per cohort. Each cohort may be funded for a four-year period.
7 [In order to participate in the Kirklyn M. Kerr program, a student shall
8 commit, in writing, to work as a veterinarian in this state for five years
9 following graduation from an accredited veterinary medicine program
10 or agree to repay the cost to the state of such student's veterinary
11 medicine education. Students] Grant recipients who do not practice
12 veterinary medicine in this state for at least five years as described in
13 subsection (c) of this section shall repay the [amount of state support]
14 grant pursuant to said subsection (c). For the purposes of this section,
15 "veterinary student" means an in-state resident enrolled in an
16 accredited veterinary graduate school who plans to practice veterinary
17 medicine in Connecticut.

18 (b) No [support] grant awarded pursuant to this section shall exceed
19 twenty thousand dollars annually or eighty thousand dollars for the

20 four years of the veterinary graduate school program.

21 (c) The Commissioner of Higher Education shall treat [support]
22 grants awarded pursuant to this section as loans for any [student]
23 grant recipient who does not practice veterinary medicine in this state
24 for at least five years beginning not later than six months following the
25 recipient's date of graduation from veterinary school, except that if the
26 recipient intends to pursue additional veterinary training or education
27 outside of this state, the commissioner may permit the recipient to
28 begin practicing veterinary medicine in this state at a later date
29 designated by the commissioner. The commissioner shall determine
30 the amount of the grant, including interest, to be repaid by grant
31 recipients who practice veterinary medicine for the following period as
32 follows: (1) For less than one year, one hundred per cent, (2) for at least
33 one year, but less than two years, ninety per cent, (3) for at least two
34 years, but less than three years, seventy-five per cent, (4) for at least
35 three years, but less than four years, fifty-five per cent, and (5) for at
36 least four years, but less than five years, thirty per cent. [The
37 commissioner shall determine the manner of the repayment of the state
38 support by students who do not practice in this state for five years
39 provided, for each year of such five-year period that the student does
40 not practice in this state, the student shall owe to the state not less than
41 twenty per cent of the amount of the state support.]

42 (d) Grant recipients required to pay back grants pursuant to
43 subsection (c) of this section shall (1) make a minimum monthly
44 payment of fifty dollars, unless the commissioner grants an exception,
45 and (2) have a repayment period not to exceed five years, except that,
46 if the commissioner determines that repayment would present an
47 unjust hardship, such repayment period may be extended not to
48 exceed seven years. The commissioner may grant repayment
49 deferments if said commissioner determines that repayment would
50 present an unjust hardship to the recipient. Deferment periods shall
51 not be included in the repayment period and interest shall not accrue
52 during such deferment periods. The commissioner may forgive grant
53 repayment if the commissioner determines that such action is required

54 due to the death or disability of the recipient or the repayment being
55 deemed uncollectible in accordance with generally accepted
56 accounting principles.

57 Sec. 2. Subsection (b) of section 1-90a of the general statutes is
58 repealed and the following is substituted in lieu thereof (*Effective*
59 *October 1, 2011*):

60 (b) Each public institution of higher education shall submit a written
61 copy of its policies and procedures concerning standards of student
62 conduct [.] to the Citizen's Ethics Advisory Board for approval. Such
63 policies and procedures shall be submitted triennially, except that, in
64 the event there is a significant revision of such standards of student
65 conduct, the public institution of higher education shall submit such
66 revision to the board not later than thirty days after adopting such
67 revision.

68 Sec. 3. Section 10a-1 of the general statutes is repealed and the
69 following is substituted in lieu thereof (*Effective October 1, 2011*):

70 There shall be a state system of public higher education to consist of
71 (1) The University of Connecticut and all [branches] campuses thereof,
72 (2) the state colleges, which shall be known collectively as the
73 Connecticut State University System, (3) the regional community-
74 technical colleges, (4) the Board for State Academic Awards, and (5)
75 the staff of the Department of Higher Education as established
76 pursuant to section 10a-5. "Constituent units" as used in the general
77 statutes means those units in subdivisions (1) to (4), inclusive, of this
78 section.

79 Sec. 4. Subsection (a) of section 10a-6 of the general statutes is
80 repealed and the following is substituted in lieu thereof (*Effective*
81 *October 1, 2011*):

82 (a) The Board of Governors of Higher Education shall: (1) Establish
83 state-wide policy and guidelines for Connecticut's system of public
84 higher education; (2) develop a master plan for higher education and

85 postsecondary education, consistent with the goals in subsection (b) of
86 this section; (3) establish state-wide tuition and student fee policies; (4)
87 establish state-wide student financial aid policies; (5) monitor and
88 evaluate institutional effectiveness and viability in accordance with
89 criteria established by the board; (6) merge or close institutions in
90 accordance with criteria established by the board provided (A) such
91 recommended merger or closing shall require a two-thirds vote of the
92 board and (B) notice of such recommended merger or closing shall be
93 sent to the committee having cognizance over matters relating to
94 education and to the General Assembly; (7) review and approve
95 mission statements for the constituent units and role and scope
96 statements for the individual institutions and [branches] campuses
97 thereof; (8) review and approve any recommendations for the
98 establishment of new academic programs submitted to the board by
99 the constituent unit boards of trustees, and, in consultation with the
100 affected constituent units, provide for the initiation, consolidation or
101 termination of academic programs. The Board of Governors of Higher
102 Education shall notify the board of trustees affected by the proposed
103 termination of an academic program. Within ninety days of receipt of
104 such notice, said trustees shall accept or reject the termination proposal
105 and shall notify the Board of Governors of Higher Education of its
106 action. If the termination proposal is rejected by the trustees, the Board
107 of Governors of Higher Education may override the rejection by a two-
108 thirds vote; (9) develop criteria to ensure acceptable quality in
109 programs and institutions and enforce standards through licensing
110 and accreditation; (10) prepare and present to the Governor and
111 General Assembly, in accordance with section 10a-8, as amended by
112 this act, consolidated operating and capital expenditure budgets for
113 public higher education developed in accordance with the provisions
114 of said section 10a-8, as amended by this act, and section 10a-9; (11)
115 review and make recommendations on plans received from the
116 constituent unit boards of trustees for the continuing development and
117 maximum utilization of the state's public higher education resources;
118 (12) appoint advisory committees to assist in defining and suggesting
119 solutions for the problems and needs of higher education; (13)

120 establish an advisory council for higher education with representatives
121 from public and private institutions to study methods and proposals
122 for coordinating efforts of all such institutions in providing a
123 stimulating and enriched educational environment for the citizens of
124 the state, including measures to improve educational opportunities
125 through alternative and nontraditional approaches such as external
126 degrees and credit by examination; (14) coordinate programs and
127 services throughout public higher education and between public and
128 independent institutions, including procedures to evaluate the impact
129 on independent institutions of higher education of proposals affecting
130 public institutions of higher education; (15) make or enter into
131 contracts, leases or other agreements in connection with its
132 responsibilities under this part, provided all acquisitions of real estate
133 by lease or otherwise shall be subject to the provisions of section 4b-23;
134 (16) be responsible for the care and maintenance of permanent records
135 of institutions of higher education dissolved after September 1, 1969;
136 (17) prepare and present to the Governor and General Assembly
137 legislative proposals affecting public higher education, including
138 proposals which utilize programs and facilities of independent
139 institutions of higher education; (18) develop and maintain a central
140 higher education information system and establish definitions and
141 data requirements for the state system of higher education; and (19)
142 undertake such studies and other activities as will best serve the higher
143 educational interests of the state.

144 Sec. 5. Subsection (a) of section 10a-8 of the general statutes is
145 repealed and the following is substituted in lieu thereof (*Effective*
146 *October 1, 2011*):

147 (a) The provisions of sections 4-77 and 4-78 shall not apply to the
148 constituent units of the state system of higher education, and for the
149 purposes of said sections only, the Board of Governors of Higher
150 Education shall be deemed the budgeted agency for such constituent
151 units. The Board of Governors of Higher Education shall develop a
152 formula or program-based budgeting system to be used by each
153 institution and constituent board in preparing operating budgets. The

154 Board of Governors of Higher Education shall prepare a single public
155 higher education budget request itemized by the individual institution
156 and [branch] campus using the formula or program-based budgeting
157 system and shall submit such budget request displaying all operating
158 funds to the Secretary of the Office of Policy and Management in
159 accordance with sections 4-77 and 4-78, subject to procedures
160 developed by the Board of Governors of Higher Education and
161 approved by said secretary. The budget request of the Boards of
162 Trustees of The University of Connecticut, the Community-Technical
163 Colleges and the Connecticut State University System shall set forth, in
164 the form prescribed by the Board of Governors of Higher Education, a
165 proposed expenditure plan which shall include: (1) The total amount
166 requested for such appropriation account; (2) the amount to be
167 appropriated from the General Fund; and (3) the amount to be paid
168 from the tuition revenues of The University of Connecticut, the
169 regional community-technical colleges and the Connecticut State
170 University System. After review and comment by the Board of
171 Governors of Higher Education, the proposed expenditure plans shall
172 be incorporated into the single public higher education budget request
173 including recommendations, if any, by said board. Any tuition increase
174 proposed by the Boards of Trustees of The University of Connecticut,
175 the Community-Technical Colleges and the Connecticut State
176 University System for the fiscal year to which the budget request
177 relates shall be included in the single public higher education budget
178 request submitted by the Board of Governors of Higher Education for
179 such fiscal year, provided if the General Assembly does not
180 appropriate the amount requested by any such board of trustees, such
181 board of trustees may increase tuition and fees by an amount greater
182 than that included in the budget request in response to which the
183 appropriation was made. The General Assembly shall make
184 appropriations directly to the constituent unit boards. Said constituent
185 unit boards shall allocate appropriations to the individual institutions
186 and [branches] campuses with due consideration to the program or
187 formula-based budget used to develop the appropriation as approved
188 by the General Assembly or as otherwise specified in the approved

189 appropriation. Allotment reductions made pursuant to the provisions
190 of subsections (b) and (c) of section 4-85 shall be applied by the Board
191 of Governors of Higher Education among the appropriations to the
192 constituent unit boards without regard to the limitations on reductions
193 provided in said section, except that said limitations shall apply to the
194 total of the amounts appropriated to the higher education budgeted
195 agencies. The Board of Governors of Higher Education shall apply
196 such reductions after consultation with the Secretary of the Office of
197 Policy and Management and the constituent unit boards. Any
198 reductions of more than five per cent of the appropriations of any
199 constituent units shall be submitted to the appropriations committee
200 which shall, within ten days, approve or reject such reduction.

201 Sec. 6. Section 10a-104 of the general statutes is repealed and the
202 following is substituted in lieu thereof (*Effective October 1, 2011*):

203 (a) Subject to state-wide policy and guidelines established by the
204 Board of Governors of Higher Education, the Board of Trustees of The
205 University of Connecticut shall: (1) Make rules for the government of
206 the university and shall determine the general policies of the
207 university, including those concerning the admission of students and
208 the establishment of schools, colleges, divisions and departments, and
209 shall direct the expenditure of the university's funds within the
210 amounts available; (2) develop the mission statement for The
211 University of Connecticut, and all [branches] campuses thereof, which
212 shall include, but not be limited to, the following elements: (A) The
213 educational needs of and constituencies served by said university and
214 [branches] campuses; (B) the degrees offered by said university; and
215 (C) the role and scope of each institution and [branch] campus within
216 the university system, which shall include each institution's and
217 [branch's] campus' particular strengths and specialties. The board of
218 trustees shall submit the mission statement to the Board of Governors
219 of Higher Education for review and approval in accordance with the
220 provisions of section 10a-6, as amended by this act; (3) establish
221 policies for the university system and for the individual institutions
222 and [branches] campuses under its jurisdiction; (4) submit to the Board

223 of Governors of Higher Education, for approval, recommendations for
224 the establishment of new academic programs; (5) make
225 recommendations to the Board of Governors of Higher Education,
226 when appropriate, regarding institutional or [branch] campus mergers
227 or closures; (6) coordinate the programs and services of the institutions
228 and [branches] campuses under its jurisdiction; (7) be authorized to
229 enter into agreements, consistent with the provisions of section 5-141d,
230 to save harmless and indemnify sponsors of research grants to The
231 University of Connecticut, provided such an agreement is required to
232 receive the grant and limits liability to damages or injury resulting
233 from acts or omissions related to such research by employees of the
234 university; (8) promote fund-raising to assist the university and report
235 to the Commissioner of Higher Education and the joint standing
236 committee of the General Assembly having cognizance of matters
237 relating to education by January 1, 1994, and biennially thereafter, on
238 such fund-raising; (9) charge the direct costs for a building project
239 under its jurisdiction to the bond fund account for such project,
240 provided (A) such costs are charged in accordance with a procedure
241 approved by the Treasurer and (B) nothing in this subdivision shall
242 permit the charging of working capital costs, as defined in the
243 applicable provisions of the Internal Revenue Code of 1986, or any
244 subsequent corresponding internal revenue code of the United States,
245 as from time to time amended, or costs originally paid from sources
246 other than the bond fund account; (10) exercise the powers delegated
247 to it pursuant to section 10a-109d; and (11) establish by October 1,
248 1997, policies governing the acceptance of gifts made by a foundation
249 established pursuant to sections 4-37e and 4-37f to the university or its
250 employees for reimbursement of expenditures or payment of
251 expenditures on behalf of the university or its employees.

252 (b) The board of trustees shall: (1) Review and approve institutional
253 budget requests and prepare and submit to the Board of Governors of
254 Higher Education, in accordance with the provisions of section 10a-8,
255 as amended by this act, the budget request for the university and all
256 [branches] campuses thereof; (2) propose facility planning and capital

257 expenditure budget priorities for the institutions under its jurisdiction;
258 (3) fulfill requirements concerning the auditing and review of projects
259 of UCONN 2000 in accordance with sections 10a-109z to 10a-109bb,
260 inclusive; (4) establish the construction assurance office in accordance
261 with section 10a-109cc; and (5) exercise the powers delegated to it in
262 section 10a-109d. The board may request authority from the Treasurer
263 to issue payment for claims against the university, other than a
264 payment for payroll, debt service payable on state bonds to
265 bondholders, paying agents, or trustees, or any payment the source of
266 which includes the proceeds of a state bond issue.

267 (c) The board of trustees may create a board of directors for the
268 governance of The University of Connecticut Health Center and may
269 delegate such duties and authority as it deems necessary and
270 appropriate to said board of directors. The board of directors shall
271 include members of the board of trustees designated by the
272 chairperson of the board of trustees and such other persons as the
273 board of trustees deems appropriate.

274 Sec. 7. Section 10a-109w of the general statutes is repealed and the
275 following is substituted in lieu thereof (*Effective October 1, 2011*):

276 (a) Prior to any authorization pursuant to section 10a-109f to
277 implement the relocation of The University of Connecticut, West
278 Hartford [branch] campus to a location in the city of Hartford or to any
279 other location, the board of trustees of the university shall authorize
280 such relocation by a resolution approved by a majority vote of the
281 board. Such resolution shall be in addition to any decision of the board
282 pursuant to said section 10a-109f. No funds shall be authorized for
283 such relocation until the board has approved the resolution, except
284 that the board may expend funds for the Hartford relocation feasibility
285 study prior to the approval of the resolution. The feasibility study
286 required pursuant to this section shall include consideration, in
287 consultation with officials of the town of West Hartford, of alternative
288 uses for facilities and land of the West Hartford campus, provided
289 such uses do not include correctional facilities, juvenile detention

290 facilities, state agency residential facilities or community residential
291 facilities of any kind. If the board authorizes the relocation of the West
292 Hartford [branch] campus, the university, in concurrence with officials
293 of the state and the town of West Hartford, shall make
294 recommendations to the Office of Policy and Management for
295 alternative uses for the facilities and land of the existing West Hartford
296 campus.

297 (b) With regard to any authorization by the board of trustees of the
298 university, pursuant to said section 10a-109f, to issue securities for a
299 [branch] campus project or to initiate or expand academic programs at
300 any [branch] campus of the university under the UConn 2000
301 infrastructure improvement program, the board shall find and
302 determine that the university has considered (1) whether there are
303 opportunities to coordinate programs and services between the
304 university and other state public and independent institutions of
305 higher education and (2) whether there are opportunities to share
306 programs and facilities with other public and independent institutions
307 of higher education in conjunction with the projects being considered
308 by the university. The findings and determinations of the board shall
309 be included in the reports required pursuant to sections 10a-109x and
310 10a-109y.

311 Sec. 8. Section 10a-121 of the general statutes is repealed and the
312 following is substituted in lieu thereof (*Effective October 1, 2011*):

313 The University of Connecticut with the cooperation of the
314 Department of Transportation shall plan and develop a program for
315 the establishment of a Connecticut Transportation Institute for
316 education and training in transportation technology. Consideration
317 shall be given to locating the institute in the southeastern [branch]
318 campus of The University of Connecticut at Avery Point, Groton. The
319 program shall include, but not be limited to, the following areas: (1) A
320 description of undergraduate and graduate courses for transportation
321 technology; (2) a budget projection for the first five years of operation,
322 including personnel services, other expenses and equipment; (3) a

323 description of a program for continuing education in transportation
324 technology with emphasis on community involvement; and (4)
325 recommendations for the encouragement of participation by other
326 New England states with a view to establishing the institute as a New
327 England Regional Transportation Institute. The Institute shall be
328 operational for the fall semester of 1975.

329 Sec. 9. Section 10a-137 of the general statutes is repealed and the
330 following is substituted in lieu thereof (*Effective October 1, 2011*):

331 The Board of Trustees of The University of Connecticut may
332 contract with public agencies for the use of the swimming pool at the
333 university [branch] campus at Avery Point, provided such contract
334 shall include provision for compensation to the university for all
335 expenses incurred in connection with such use.

336 Sec. 10. Subsection (a) of section 10a-142 of the general statutes is
337 repealed and the following is substituted in lieu thereof (*Effective*
338 *October 1, 2011*):

339 (a) There are established special police forces for The University of
340 Connecticut at Storrs and its several [branches] campuses, The
341 University of Connecticut Health Center in Farmington, Central
342 Connecticut State University in New Britain, Southern Connecticut
343 State University in New Haven, Eastern Connecticut State University
344 in Willimantic and Western Connecticut State University in Danbury.
345 The members of each special police force shall have the same duties,
346 responsibilities and authority under sections 7-281, 14-8, 54-1f and 54-
347 33a and title 53a as members of a duly organized local police
348 department. The jurisdiction of said special police forces shall extend
349 to the geographical limits of the property owned or under the control
350 of the above institutions, and to property occupied by The University
351 of Connecticut in the town of Mansfield, except as provided in
352 subsection (b) of section 7-277a.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2011</i>	10a-19h
Sec. 2	<i>October 1, 2011</i>	1-90a(b)
Sec. 3	<i>October 1, 2011</i>	10a-1
Sec. 4	<i>October 1, 2011</i>	10a-6(a)
Sec. 5	<i>October 1, 2011</i>	10a-8(a)
Sec. 6	<i>October 1, 2011</i>	10a-104
Sec. 7	<i>October 1, 2011</i>	10a-109w
Sec. 8	<i>October 1, 2011</i>	10a-121
Sec. 9	<i>October 1, 2011</i>	10a-137
Sec. 10	<i>October 1, 2011</i>	10a-142(a)

Statement of Legislative Commissioners:

In section 1(a), "as described in subsection (c) of this section" was added after "for at least five years" and "said" was added after "grant pursuant to" for clarity.

HED *Joint Favorable Subst.*