



21 Talcott Notch Road, Suite 1, Farmington, Connecticut 06032
Phone: (860) 678-0005 • Fax: (860) 678-0006
www.theccic.org

**Testimony for the
Higher Education & Workforce Advancement Committee
From
Judith B. Greiman
Connecticut Conference of Independent Colleges
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On behalf of the member institutions of the Connecticut Conference of Independent Colleges (CCIC), **I am submitting testimony in support of the concept raised by H.B. No. 5221 (RAISED) AN ACT CONCERNING CHANGES TO PROGRAM APPROVAL FOR COLLEGES AND UNIVERSITIES.** We do not support the language as written as this would create a system that forever advantages some institutions over others by virtue only of the dates of establishment.

We do, however, fully support the concept of reducing regulation of independent college academic programs. Connecticut's program approval process for the non-profit independent higher education sector is different and more restrictive than in most other states.

Data collected by CCIC show that thirty-six states have no regulatory authority over the approval of academic programs offered by private non-profit independent colleges (see complete list attached). Of the fourteen states that do regulate new academic programs offered by non-profit independent colleges, the requirements for approval vary widely. In six of these cases (FL, KY, MD, VT, VA, & WA) the requirements are straight forward (requiring simple registration or a staff-level review) or state statute exempts a majority of the private non-profit institutions that operate in the state. Therefore, only seven states have a program approval process that is equally or more complex than Connecticut's current process and in two of those instances (OH & PA) the approval process is currently under review (see attachment).

Private non-profit colleges and universities in Connecticut strive to provide relevant and sought after majors and degree and certificate programs. They believe it is important to meet employer needs and student demand. They connect with the employer community through advisory relationships, internships, research collaborations, guest teaching opportunities and statewide economic development efforts. In developing new programs, they assess the academic foundations and rigor, institutional fit, available teaching, support and faculty resources and market viability. Proposed programs at these regionally accredited institutions go through various extensive on-campus reviews. Only the academically and financially strong programs are ultimately offered.

Albertus Magnus College, Connecticut College, Fairfield University, Goodwin College,
Mitchell College, Quinnipiac University, Rensselaer at Hartford, Sacred Heart University, Saint Joseph College, St. Vincent's College,
Trinity College, University of Bridgeport, University of Hartford, University of New Haven, Wesleyan University, Yale University

While staff at the new Office of Finance and Academic Affairs for Higher Education (OFAAA) have worked hard to minimize the required process over the past year and report that the process is taking about three months, it is still a process that inhibits our ability to respond to the market. Additionally, given the timing of OFAAA and State Board of Education meetings and the time it takes for a college to advertise a program, this can mean that a school loses an entire academic year before being able to admit students to a new program.

It is important to note that these are programs that receive no state funding and that are fully vetted at the campus level and, often, by discipline specific national organizations. In offering a program, these institutions risk both their finances and their reputations. It is also important to note that the process as now configured following the 2011 legislative changes to higher education statutes requires private colleges to obtain approval of new academic programs by two boards (the home campus board and the State Board of Education) while the CSUS and Connecticut Community Colleges must only obtain approval by one such board (the Board of Regents which now serves as the home campus board). *It does not make sense to have programs not supported by the State going through more hoops than those that are state-supported.*

We recognize that the State has an interest in making sure that there are sound programs offered in Connecticut. We have listened to concerns expressed about completely removing regulatory authority and believe that there is a middle ground that would reduce the process but allow the State to step in if needed. We propose that the legislation be drafted to allow the following:

- Non-profit colleges and universities that have been accredited by a regional accrediting body for at least twenty years would submit paperwork regarding new programs to the OFAAA and to peers.
- The OFAAA would have thirty days to review and would have the authority to pull into the regular process only those programs that constitute a degree level change or those for which staff have significant concerns as to the quality of the application. All others would be deemed approved and would go through no further process.

In this difficult economic time, it is appropriate to review what state regulation adds value. More importantly, it is appropriate to clear barriers from colleges and universities that are trying to be responsive to the needs of Connecticut employers.

Proposed Substitute Language

Section 1. Subsection (h) is added to section 10a-34 of the 2012 supplement to the general statutes (Effective July 1, 2012):

NEW-(h) New and revised academic programs proposed by a nonprofit independent institution of higher education that has been accredited for at least twenty years by a regional accrediting body shall not be subject to approval by the State Board of Education if, (a) the institution submits a description of the program to the Office of Financial and Academic Affairs for Higher Education and circulates said description to peer institutions, and (b) the Office of Financial and Academic Affairs for Higher Education determines within thirty days that there is no significant concern with the quality of the application or that there is no change in the level of academic program being offered by the institution. Programs will be deemed approved on the thirty-first day unless the Office of Financial and Academic Affairs for Higher Education outlines such a concern.

36 States That Do Not Require State Approval for New Programs Offered by Non-Profit Independent Higher Education Institutions

Alabama
Alaska
Arizona
Arkansas
California
Colorado
Delaware
Florida
Georgia
Hawaii
Idaho
Indiana
Iowa
Kansas
Louisiana
Maine
Michigan
Minnesota
Mississippi
Missouri
Montana
Nebraska
Nevada
New Mexico
North Carolina
North Dakota
Oklahoma
Oregon
Rhode Island
South Carolina
South Dakota
Tennessee
Texas
Utah
West Virginia
Wisconsin
Wyoming

Six States with a Streamlined Process or Limited Authority to Approve Academic Programs of Non-Profit Institutions of Higher Education

Florida

- The [Commission for Independent Education](#) within the Florida Department of Education has statutory responsibilities in matters relating to nonpublic, postsecondary, educational institutions. However, [state statute](#) exempts from the jurisdiction or purview of the commission all non-profit institutions located and chartered in the state that are accredited by the Commission on Colleges of the Southern Association of

Colleges and Schools to grant baccalaureate degrees and that are eligible to participate in the state-supported financial aid program.

Kentucky

- The [Council on Postsecondary Education](#) has the statutory authority to license all nonprofit colleges and universities, including private degree-granting institutions, which operate in Kentucky, as well as proprietary, baccalaureate degree-granting institutions. However, the [program approval process](#) has been delegated in large part to the governing board of each of the institutions. The Council retained its approval authority for programs in select areas such as engineering and teacher preparation.

Maryland

- The [Maryland Higher Education Commission](#) has licensing and approval authority for all public and private institutions of postsecondary education.
- The [program review process](#) however, is simple and straightforward: An institution submits the proposal to the Secretary of Higher Education. Commission staff performs a preliminary review of the proposal to ensure its completeness and adherence to regulations. The Secretary informs all institutions and segments of the proposal, triggering a 30-day comment period. The program is added to the website of [academic programs currently under review](#). If no objections are received within 30 days, then the final decision is rendered within 30 days after the review/comment period.

Vermont

- [Vermont Department of Education](#) is authorized to evaluate applications to offer courses and degrees for postsecondary credit. However, [state statute exempts](#) the majority of postsecondary institutions from seeking State Board approval of new programs. All postsecondary institutions that are accredited are exempt.

Virginia

- The [Private and Out-of-State Postsecondary Education \(POPE\) unit](#) of the Academic Affairs division of the State Council of Higher Education for Virginia is responsible for the certification of private and out-of-state postsecondary educational institutions operating in Virginia.
- However, [all institutions of higher education](#) formed, chartered, or established in the Commonwealth of Virginia that have maintained a main campus under the same ownership for 10 years and have remained fully accredited by an accrediting body recognized by the U.S. Department of Education are exempt from the requirements of certification or approval by the State Council of Higher Education for Virginia (SCHEV). The exemption entitles these institutions to conduct academic affairs or business without seeking or obtaining SCHEV approval.

Washington

- The [Washington Higher Education Coordinating Board](#) has licensing and approval authority for private institutions of postsecondary education however institutions are [exempt](#) from the requirements for

degree authorization if they have been operating in Washington for 15 years and have been accredited regionally or nationally for 10 years.

Two States Currently Reviewing their Academic Program Approval Process:

Ohio

- The [Ohio Board of Regents](#) is finalizing a new program approval process for the non-profit independent colleges and universities. The new process would allow for continuous authorization for a college that is regionally accredited, keeps its accreditation current, and has been authorized previously for at least 20 years. There would be no state review for new academic programs offered at an authorized level (i.e., bachelor's or master's). The **public** university program approval process is different and laid out [here](#).

Pennsylvania

- [Program approval](#) is conducted by the [Pennsylvania Department of Education's Office of Postsecondary Education](#) for those Institutions of Higher Education with restricted charters or certificates of authority. [Legislation introduced this session](#) would streamline the review process by exempting those institutions that have been regionally accredited for ten years.

Four States with Complex Review Process for Academic Program Approval:

Illinois:

- The [Illinois Board of Higher Education](#) has authority to approve operating and degree-granting authority for all public and independent institutions of higher education.
- Any institution established after 1961 is required to obtain authorization to grant degrees for each new degree program it plans to offer. An institution must apply for and obtain degree-granting authority for each major and each level in which it plans to award degrees.

Massachusetts

- [Massachusetts Department of Education](#) conducts [Academic Policy and Program Approval](#) for new academic programs at Massachusetts public colleges and universities and independent institutions chartered after 1943. [Twenty-four institutions](#) are exempt.
- The Department has different [program approval processes](#) for those institutions that are regionally accredited without sanction than for those that do not have such accreditation, but, at a minimum, every new program requires a staff review, a public hearing, and a vote by the board.

New Hampshire

- The [Division of Higher Education](#) within the New Hampshire Department of Education is responsible for academic program review however whether or not an institution is subject to this review process varies widely by the type of institution and the nature of its charter.

New Jersey

- Non-profit colleges and universities chartered before April 1, 1887 do not have to seek program approval from the state. Six of fourteen private non-profit institutions in the state are therefore exempt.
- The non-exempt institutions must seek approval of new academic programs from the [New Jersey Presidents' Council](#), an advisory board made up of the presidents of the state's public and independent institutions of higher education that receive state aid. If the institution is seeking to exceed its mission or if its program would be duplicative, then approval must also be granted by the [New Jersey Commission on Higher Education](#).
- Of note, the Commission was officially abolished on August 28th by executive order, and their duties were transferred to the new Acting Secretary of Higher Education.

New York

- The [Office of College and University Evaluation](#) within the Office of Higher Education of the New York State Department of Education requires all colleges and universities to [register new programs](#) or changes to an existing program with the Department. Certain graduate programs and teacher preparation programs require additional review.