



General Assembly

Raised Bill No. 5361

February Session, 2014

LCO No. 1832



Referred to Committee on HIGHER EDUCATION AND
EMPLOYMENT ADVANCEMENT

Introduced by:
(HED)

***AN ACT CONCERNING A STATE AUTHORIZATION RECIPROcity
AGREEMENT REGARDING DISTANCE LEARNING PROGRAMS.***

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

1 Section 1. (NEW) (*Effective July 1, 2014*) (a) The Office of Higher
2 Education may enter into a multi-state or regional reciprocity
3 agreement for the purpose of participation in a nation-wide state
4 authorization reciprocity agreement that establishes uniform standards
5 for distance learning programs across states and eliminates the need
6 for a state participating in such nation-wide state authorization
7 reciprocity agreement to assess the quality of a distance learning
8 program offered by an out-of-state institution of higher education
9 through such participating state's traditional authorization, licensing
10 and accreditation process.

11 (b) An institution of higher education, as defined in section 10a-55 of
12 the general statutes, may enter into any reciprocity agreement
13 authorized under subsection (a) of this section to which this state is a
14 party.

15 (c) For purposes of administering a reciprocity agreement
16 authorized under subsection (a) of this section, the Office of Higher
17 Education shall: (1) Maintain a list of each institution of higher
18 education, seminary and religious training institution that has been
19 duly authorized to offer a distance learning program in this state; and
20 (2) receive, investigate and process any complaints against any such
21 institution of higher education, seminary or religious training
22 institution that offers such a program in this state regarding the
23 administration of such distance learning program.

24 Sec. 2. Section 10a-34 of the 2014 supplement to the general statutes
25 is repealed and the following is substituted in lieu thereof (*Effective July*
26 *1, 2014*):

27 (a) For the purposes of this section, (1) "program of higher learning"
28 means any course of instruction for which it is stated or implied that
29 college or university-level credit may be given or may be received by
30 transfer; (2) "degree" means any letters or words, diploma, certificate
31 or other symbol or document which signifies satisfactory completion
32 of the requirements of a program of higher learning; (3) "institution of
33 higher education" means any person, school, board, association,
34 limited liability company or corporation [which] that has a physical
35 presence in this state and is licensed or accredited to offer one or more
36 programs of higher learning leading to one or more degrees; (4)
37 "license" means the authorization by the Office of Higher Education to
38 operate a program of higher learning or institution of higher education
39 for a specified initial period; (5) "accreditation" means the
40 authorization by said office to continue operating a program of higher
41 learning or institution of higher education for subsequent periods, and
42 in such periods to confer specified degrees; (6) "program modification"
43 means (A) a change in a program of higher learning that does not
44 clearly qualify as a new program of higher learning or a
45 nonsubstantive change, including, but not limited to, a new program
46 of higher learning consisting primarily of course work for a previously
47 approved program of higher learning, (B) an approved program of

48 higher learning to be offered at an off-campus location, (C) a change in
49 the title of a degree, or (D) a change in the title of a program of higher
50 learning; [and] (7) "nonsubstantive change" means (A) a new
51 undergraduate certificate program, within an existing program of
52 higher learning, of not more than thirty semester credit hours that falls
53 under an approved program of higher learning, (B) a new
54 baccalaureate minor of not more than eighteen semester credit hours,
55 (C) a new undergraduate option or certificate program of not more
56 than fifteen semester credit hours, or (D) a new graduate option or
57 certificate program of not more than twelve semester credit hours; and
58 (8) "physical presence" means a physical location in this state where an
59 institution of higher education provides real-time instruction to
60 students or establishes an office in this state in order to (A) provide
61 information to prospective students, enrolling students or the general
62 public about such instruction; (B) provide services to enrolled
63 students; (C) provide office space for its instructional or
64 noninstructional staff; and (D) maintain an institutional mailing
65 address, street address or telephone number in this state.

66 (b) The Office of Higher Education shall establish regulations, in
67 accordance with chapter 54, concerning the requirements for licensure
68 and accreditation, such regulations to concern administration, finance,
69 faculty, curricula, library, student admission and graduation, plant and
70 equipment, records, catalogs, program announcements and any other
71 criteria pertinent thereto, as well as the periods for which licensure and
72 accreditation may be granted, and the costs and procedures of
73 evaluations as provided in subsections (c), (d) and (i) of this section.
74 Said office shall establish academic review commissions to hear each
75 appeal of a denial by said office of an application by an institution of
76 higher education for licensure or accreditation of a program of higher
77 learning or institution of higher education. For each individual appeal,
78 the executive director of said office, or the executive director's
79 designee, shall select a commission that is comprised of four higher
80 education representatives and five business and industry
81 representatives chosen from a panel of thirty-five members, who shall

82 be appointed as follows: (1) The Governor shall appoint five members;
83 (2) the speaker of the House of Representatives shall appoint five
84 members; (3) the president pro tempore of the Senate shall appoint five
85 members; (4) the majority leader of the House of Representatives shall
86 appoint five members; (5) the majority leader of the Senate shall
87 appoint five members; (6) the minority leader of the House of
88 Representatives shall appoint five members; and (7) the minority
89 leader of the Senate shall appoint five members. The executive director
90 of said office, or the executive director's designee, shall ensure that
91 each commission contains at least one member appointed by each of
92 the appointing authorities. Each appointing authority shall select both
93 higher education representatives and business and industry
94 representatives, but not more than three from either category of
95 representatives.

96 (c) No person, school, board, association or corporation with a
97 physical presence in this state shall confer any degree unless
98 authorized by act of the General Assembly. No application for
99 authority to confer any such degree shall be approved by the General
100 Assembly or any committee thereof, nor shall any such authority be
101 included in any charter of incorporation until such application has
102 been evaluated and approved by the Office of Higher Education in
103 accordance with regulations established by the Office of Higher
104 Education.

105 (d) The Office of Higher Education shall review all requests and
106 applications for program modifications, nonsubstantive changes,
107 licensure and accreditation. The office shall review each application in
108 consideration of the academic standards set forth in the regulations for
109 licensure and accreditation adopted by said office in accordance with
110 the provisions of subsection (b) of this section. Notwithstanding the
111 provisions of section 10a-34e, any application that is determined by the
112 office to be for (1) a program modification that meets all such academic
113 standards, (2) a nonsubstantive change, (3) licensure, or (4)
114 accreditation shall be deemed approved, and the office shall notify the

115 institution of such approval, not later than forty-five days from the
116 date the office receives such application without requiring any further
117 action from the applicant.

118 (e) If the executive director of the Office of Higher Education, or the
119 executive director's designee, determines that further review of an
120 application is needed due at least in part to the applicant offering
121 instruction in a new program of higher learning or new degree level,
122 then the executive director or the executive director's designee shall
123 conduct a focused or on-site review. Such applicant shall have an
124 opportunity to state any objection regarding any individual selected to
125 review an application on behalf of the executive director. For purposes
126 of this subsection, "focused review" means a review by an out-of-state
127 curriculum expert; and "on-site review" means a full team evaluation
128 by the office at the institution of higher education.

129 (f) The executive director of the Office of Higher Education, or the
130 executive director's designee, may require a focused or on-site review
131 of any program application in a health-related field where a license in
132 Connecticut is required to practice in such field.

133 (g) Any application for licensure of a new institution in this state
134 shall be subject to an on-site review upon a determination by the Office
135 of Higher Education that the application is complete and shall be
136 reviewed at the institutional level for each program as described in
137 subsection (b) of this section. Such process shall be completed not later
138 than nine months from the date said office receives the application.

139 (h) If the Office of Higher Education denies an application for
140 licensure or accreditation of a program or institution of higher
141 education, the applicant may appeal the denial not later than ten days
142 from the date of denial. The academic review commission shall review
143 the appeal and make a decision on such appeal not later than thirty
144 days from the date the applicant submits the appeal to said office.

145 (i) No person, school, board, association or corporation with a

146 physical presence in this state shall operate a program of higher
 147 learning or an institution of higher education unless it has been
 148 licensed or accredited by the Office of Higher Education, nor shall it
 149 confer any degree unless it has been accredited in accordance with this
 150 section. The office shall accept regional accreditation, in satisfaction of
 151 the requirements of this subsection unless the office finds cause not to
 152 rely upon such accreditation. If any institution of higher education
 153 provides evidence of programmatic accreditation, the office may
 154 consider such accreditation in satisfaction of the requirements of this
 155 subsection and deem the program at issue in the application for
 156 accreditation to be accredited in accordance with this section. National
 157 accreditation for Connecticut institutions of higher education
 158 accredited prior to July 1, 2013, shall be accepted as being in
 159 satisfaction of the requirements of this subsection unless the office
 160 finds cause not to rely on such national accreditation.

161 (j) No person, school, board, association or corporation with a
 162 physical presence in this state shall use in any way the term "junior
 163 college" or "college" or "university" or use any other name, title,
 164 literature, catalogs, pamphlets or descriptive matter tending to
 165 designate that it is an institution of higher education, or that it may
 166 grant academic or professional degrees, unless the institution
 167 possesses a license from, or has been accredited by, the office, nor shall
 168 it offer any program of higher learning without approval of the Office
 169 of Higher Education.

170 (k) Accreditation of any program or institution or authority to
 171 award degrees granted in accordance with law prior to July 1, 1965,
 172 shall continue in effect.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2014	New section
Sec. 2	July 1, 2014	10a-34

HED *Joint Favorable*