

Higher Education and Employment Advancement Committee

MEETING MINUTES

Tuesday, April 17, 2018

12:00 PM in Room 1A of the LOB

The meeting was called to order at 12:04 p.m. by Chairman, Sen. Bye B. S05.

The following committee members were present:

Senators: Bye B. S05; Flexer M. S29; Linares A. S33; Somers H. S18

Representatives: Ackert T. 008; Betts W. 078; Cheeseman H. 037; Duff W. 002; Elliott J. 088; Gentile L. 104; Haddad G. 054; LeGeyt T. 017; Mushinsky M. 085; Sanchez R. 025; Simmons C. 144; Soto C. 039; Stallworth C. 126; Staneski P. 119; Tweedie M. 013; Ziogas C. 079

Sen. Bye, B. S05 called the meeting to order and immediately recessed.

Sen. Bye, B. S05 reconvened the meeting at 12:15 p.m.

Sen. Bye, B. S05 asked for a joint favorable motion for [H.B. No. 5498](#) (RAISED) (File No. 263) AN ACT MAKING CERTAIN EDUCATIONAL INSTITUTIONS INELIGIBLE FOR PUBLIC FUNDS AND LICENSURE OR ACCREDITATION. (BA, HED) So moved by Rep. Gentile, L. 104 and seconded by Rep. Mushinsky, M. 85.

Sen. Linares, A. S33 asked that the bill be held due to numerous questions on the bill regarding conformation to federal law. Sen. Bye, B. S05 indicated that she would like to move forward with the bill because it has important features to protect students who are being taken advantage of. She clarified that this applies to private occupational schools, higher education institutions and programs of higher learning and that what it is trying to do is to say that you can't take away a person's right to make a claim.

Rep. Mushinsky, M. 85 asked if the bill would need to go to the Judiciary Committee.

Sen. Bye, B. S05 shared that what is before the Higher Ed Committee is sending the bill to the House Floor and that it would then be up to the House if the bill is further referred.

Rep. Mushinsky, M. 85 said that the higher ed portion of the bill was good effort. She shared that she has constituents who tried to get retraining for employment and that the entire class failed their licensing exam and that when she hears that kind of abuse of students she wonders why those schools are in business if their course work is so out of date that students can't pass exams.

Sen. Bye, B. S05 commented that there was a similar story a few years ago where a class of students was not able to pass the licensing exam and had to pay more to take another class.

Rep. Cheeseman, H. 37 said that she understands the intent, but with conversations with LCO it appears that the law as drafted might not apply to those institutions and might have a negative impact on our other institutions.

Sen. Bye, B. S05 asked Higher Ed's LCO attorney if this law would apply to private occupational schools as drafted.

Christopher Cordima, Senior Legislative Attorney deferred to Alexander Reger, Associate Legislative Analyst, Office of Legislative Research. Alex responded that OLR does not believe it will apply to private occupationals as drafted as they use a slightly different language like certificate of authorization. But that it will apply to institutions of higher education and programs of higher learning which are generally degree granting institutions.

Sen. Bye, B. S05 stated that in her conversations with LCO and OLR she was certainly talking about it applying to private occupational schools. She asked LCO if there was a simple amendment to assure that it applies to private occupational schools as well as that was the intent. Sen. Bye, B. S05 said that LCO offered that to do that would send the bill back around and that she will notify Rep. Lesser, M. 100 that it is Higher Ed's intent that this bill apply to private occupational schools.

Rep. Staneski, P. 119 said that she doesn't see language that this applies to for-profit schools.

Sen. Bye, B. S05 replied that the intent is that it apply to all schools of higher learning, post high school.

Rep. Ackert, T. 8 asked for one instance that we are trying to protect students from.

Sen. Bye, B. S05 said that the Banking Committee, which brought out this bill, may be seeing items like this across the state and may be trying to get ahead of the problem.

Rep. Haddad, G. 54 acknowledged the challenges in the underlying draft, but he will support the bill because as a condition of enrollment no institution should be requiring students to sign away legal rights. He went on to say that it's important to move this bill forward and that he is committed to work with Rep. Lesser, M. 100 and Rep. Staneski, P. 119 and other House members to make this a bill they all can support.

Sen. Linares, A. S33 said that for all the reasons the members of his caucus described, he's going to be voting no, but he will work with Sen. Bye, B. S05 in the Senate to solve some of the problems with this bill.

Rep. Betts, W. 78 said that in listening to the discussion, the members have a common agreement in protecting the rights of the students, but what happens if the committee doesn't do anything this year, what is the urgency for moving forward with this legislation at this point in time.

Sen. Bye, B. S05 said that is why he has his vote, that he can vote no and say this isn't important right now. She continued that she will vote in the affirmative because she

thinks this is important consumer protection for college students. She went on to say that more and more people are signing away their legal rights to make a claim and not even knowing they are doing that.

Rep. Haddad, G. 54 added that especially in the private occupational schools that require this as a condition of enrollment, students waive their rights and that in terms of the urgency, it is another cohort of students that would still be subject to this practice if we can't act this year.

Rep. Ackert, T. 8 said that what he is struggling with is that the committee has done work to help protect our students in the past. He asked if the Office of Higher Education has the ability to protect our students in these situations.

Sen. Bye, B. S05 replied that currently there is no prohibition against this practice in the state.

Rep. Haddad, G. 54 added that OHE is not fully confident in its ability to resolve this issue, which is why the bill is needed. He went on to say that we need the statute and the statute needs to address the enforcement mechanism.

Sen. Bye, B. S05 added that next session the committee should look at how to give the Office of Higher Education more teeth in having regulatory authority.

Rep. LeGeyt, T. 17 asked if this bill focuses on all institutions of higher education.

Sen. Bye, B. S05 responded that there was concern that the bill didn't cover private occupational schools and that it was the intent to cover all institutions of higher education.

Rep. LeGeyt, T. 17 commented that non-partisan staff indicated it would not be appropriate to cover all institutions of higher education and that the focus on private occupational schools was more appropriate. He went on to say that he does not think equal protection is a concern here; it seems to be protection is needed as a result of the particular institutions, not a class of people.

Sen. Bye, B. S05 clarified the intent is to cover all institutions of higher education, including private occupational schools.

Rep. Staneski, P. 119 had a question on line 13 of the bill. She asked for clarification that UConn and the CSCU system are not accredited by the Office of Higher Education.

Sen. Bye, B. S05 answered that they are not, and that is why the word "or" was there. UConn and CSCU would not be eligible for money from the state.

Sen. Bye, B. S05 asked the clerk to call the roll. The Clerk called the roll. Total number voting 20, voting yea 11, voting nay 9, abstain 0, absent and not voting 1. The motion passed.

The meeting was recessed at 12:45 p.m., adjourning at 4:00 p.m.

Jeanie Phillips
Committee Clerk