OLR Bill Analysis

SB 26

AN ACT MAKING PERMANENT THE MORATORIUM ON THE APPROVAL OF PROGRAMS AT INDEPENDENT INSTITUTIONS OF HIGHER EDUCATION.

SUMMARY

Current law exempts, until July 1, 2020, certain independent higher education institutions from requirements related to the Office of Higher Education’s (OHE’s) approval process for new programs and program modifications. The bill makes this exemption permanent.

By law, the exemption applies to such institutions if they:

1. are eligible to participate in the Federal Family Education Loan program;

2. have a financial responsibility score of at least 1.5, as determined by the U.S. Department of Education, for the most recent fiscal year for which data is available; and

3. have been located in Connecticut and accredited as degree-granting institutions in good standing for at least 10 years by a federally recognized regional accrediting association (see BACKGROUND).

The permanent exemption applies for up to 12 new programs and program modifications, but additional programs are subject to OHE approval.

Existing law requires exempt institutions to file with OHE a program action form created by the office prior to students enrolling in (1) any new program or (2) any program being modified. They must also annually file a description of their current program approval process and any new programs, including all actions their respective governing boards took concerning new program approvals.
EFFECTIVE DATE: July 1, 2019

BACKGROUND

Financial Responsibility Score

According to the U.S. Department of Education, the composite score reflects the overall relative financial health of institutions along a scale from -1 to 3. A score of 1.5 or more indicates that the institution is considered financially responsible.

Independent Institution of Higher Education

By law, an “independent institution of higher education” is a nonprofit higher education institution established in Connecticut that (1) has degree granting authority, (2) has its main campus in-state, (3) is not included in the Connecticut public higher education system, and (4) is not primarily training students for a religious vocation (CGS § 10a-173).

Currently Exempt Institutions

In practice, Connecticut College, Trinity College, Wesleyan University, and Yale University are already exempt from OHE’s program approval authority. These institutions, classified by OHE as national independents, are longstanding institutions that predate the state's regulation of postsecondary academic programs. Additionally, the institutions' charters give the schools the authority to decide which degrees to confer and do not require state approval for additional degrees.

Related Bill

sHB 7088, reported favorably by the Higher Education and Employment Advancement Committee, makes the currently temporary exemption from OHE approval permanent for independent institutions’ program modifications. For new degree programs, however, it replaces their temporary exemption from OHE approval for up to 12 new programs with a permanent exemption from OHE licensure for an unlimited number of new programs. It also creates new filing requirements for institutions seeking either type of permanent exemption.
COMMITTEE ACTION
Higher Education and Employment Advancement Committee

Joint Favorable
Yea 21  Nay 0  (03/14/2019)