

# Legislative History of Connecticut Public Higher Education Governance

By: Jessica Callahan, Legislative Analyst II  
September 20, 2019 | 2019-R-0030

## Issue

Describe the legislative history of public higher education governance in Connecticut, including when and how the legislature has delegated authority over public higher education to a board of governors, board of trustees, or board of regents.

## Summary

The legislative history of public higher education shows how the legislature and governor sometimes gave control over public institutions to individual college and university boards, and at other times gave more control to a central body with authority over many institutions. The respective boards were granted varied degrees of autonomy at different points in history.

This report provides an overview of the period from 1865 to 1982 and also examines the period from 1982 to the current governance structure.

## First State Board of Education

In 1865, legislation established a state board of education (SBE), which exercised general control of state educational interests. These interests included the schools that would eventually become the four state universities. The Storrs Agricultural School (which would become UConn) was governed by its own board upon its establishment in 1881. This supervision remained generally unchanged until 1965.

## **Creation of the Board of Trustees and the Commission for Higher Education**

In 1965, legislation replaced SBE with a governor-appointed Board of Trustees (BOT) as the governing authority for the four state universities (PA 65-330). The BOT was tasked with various responsibilities, such as appointing and removing the chief executive officer of each college, employing personnel for each college, allocating appropriated funds, and setting tuition rates. This act also established a Commission for Higher Education (CHE), which was given responsibility for coordinating higher education, including the authority to establish community colleges. CHE, unlike the BOT, did not have governing authority. The Board of Higher Education (BHE) replaced CHE in 1977 (PA 77-573). The act gave BHE greater power, including the power to create policy. BOT retained the power to govern institutions.

The UConn and regional community college boards remained responsible for their respective institutions. Legislation in 1965 combined UConn's BOT, the regional community colleges' board, and the state university board, which became collectively known as the state's constituent units of higher education (PA 65-330).

## **Reorganization of State Higher Education (Creation of Department of Higher Education and the Board of Governors)**

In 1982, the legislature reorganized the state system of higher education. The newly created Department of Higher Education (DHE) and its governing board, the Board of Governors (BOG), replaced BHE. They were granted substantial oversight of the state's public higher education system and given statewide planning duties, including the authority to (1) merge or close institutions, (2) provide for initiation and termination of academic programs, and (3) establish statewide policies for tuition, student fees, and financial aid (PA 82-218). The constituent unit boards continued as the respective governing bodies of UConn, the state universities, and the regional community colleges. Charter Oak State College, established in 1973, was also governed by its own board.

Many board decisions were subject to BOG policies, but boards retained direct governing authority, including the power to establish rules and set tuition and fees. PA 82-218 also made the responsibilities for these boards consistent across all of them. In 1991, the General Assembly greatly reduced the authority of the DHE and BOG by removing certain powers, including the BOG's authority to review and approve capital expenditure requests from the constituent units before their submission to the State Bond Commission, and gave the constituent units more administrative flexibility and autonomy ([PA 91-230](#)).

## **Community-Technical Colleges Board of Trustees**

In 1989, the community and technical colleges were removed from BOG oversight and the new Community-Technical Board became the single board for the community-technical colleges (PA 89-260). This board assumed the obligations of the technical college Board of Trustees (established in 1980). Up until this time, a technical college was an institution separate and distinct from a community college. In 1992, each of the five technical colleges was merged with the nearest community college to create community-technical colleges, and an advisory council on technical and technological education was established ([PA 92-126](#)). Under this act, all community colleges, whether they had been merged with a technical college or not, were called community-technical colleges.

## **Board of Regents for Higher Education**

The DHE and BOG were responsible for statewide higher education planning until 2011, when [PA 11-48](#) eliminated BOG and DHE and established the Board of Regents for Higher Education (BOR). The legislation consolidated certain aspects of the administration of all higher education constituent units. It made BOR the governing body for the Connecticut State University System, the community-technical colleges, and Charter Oak State College. It also (1) gave BOR the authority to appoint and remove its own staff as well as that of the constituent units and (2) created the Office of Financial and Academic Affairs for Higher Education (OFAAHE), which administered several programs previously administered by DHE and BOG. OFAAHE also had the authority to approve private occupational school applications and grant such entities the authority to award degrees. The act maintained UConn's board as a separate entity.

## **Office of Higher Education**

In 2012, [PA 12-156](#) renamed OFAAHE as the Office of Higher Education (OHE) and transferred certain offices and duties from BOR to OHE, including the Office of Educational Opportunity and the Office of Veterans' Affairs for Higher Education. The act delegated certain duties to OHE, while allowing BOR to maintain oversight. Such duties included receiving federal and private funds for postsecondary educational purposes, and reporting higher education cost and financial aid trends to the legislature. Additional duties were transferred from BOR to OHE in 2013.

## **Current Higher Education Governance**

Today, we have three entities for higher education governance: BOR, UConn's BOT, and OHE.

BOR governs the Connecticut State Colleges and Universities. These are: (1) the four state universities; (2) 12 community-technical colleges; and (3) Charter Oak State College. Among other responsibilities, BOR sets statewide tuition and student fee policies; establishes financial aid policies; and reviews, licenses, and accredits academic programs. BOR is also responsible for the development and coordination of statewide higher education policy. The governor appoints the BOR chair. BOR appoints the president of the Connecticut State Colleges and Universities, who serves as the chief executive of the system.

UConn's BOT appoints the president; determines university policy, including the establishment of new schools and colleges; makes laws for its government; manages its investments; and directs fund expenditures.

OHE licenses and accredits the state's independent colleges and universities, licenses in-state academic programs offered by out-of-state institutions, and regulates postsecondary career schools.

JC:kc