

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 21-132—HB 6402

Higher Education and Employment Advancement Committee

AN ACT CONCERNING HIGHER EDUCATION

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SUMMARY: This act makes numerous changes in higher education laws, as described below.

EFFECTIVE DATE: July 1, 2021, except that provisions (1) establishing a Postsecondary Prison Education Program Office task force (§ 2) and (2) studying extending health insurance benefits to certain higher education system employees (§ 8) take effect upon passage.

§ 1 — COLLEGE CREDIT FOR MILITARY TRAINING

Requires each higher education institution's governing body to review and update its policies on awarding college credit for a student's military training, coursework, and education

The act requires, by July 1, 2022, and every five years thereafter, each higher education institution's governing body to review and update its policies on awarding college credit for a student's military training, coursework, and education.

By law, the Board of Regents for Higher Education (BOR) and the UConn Board of Trustees (BOT), in consultation with higher education institutions in the state, must develop and adopt guidelines on awarding college credit for a student's military training, coursework, and education. Upon guideline adoption, the governing body of each higher education institution must develop and implement policies governing the awarding of college credit for these matters.

EFFECTIVE DATE: July 1, 2021

§ 2 — POST SECONDARY PRISON EDUCATION PROGRAM OFFICE TASK FORCE

Establishes a 16-member task force to study establishing a Postsecondary Prison Education Program Office

The act establishes a 16-member task force to study the costs and benefits of establishing a Postsecondary Prison Education Program Office within the

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Department of Correction (DOC).

Scope

Under the act, the task force study must examine at least the following topics:

1. any existing office dedicated to postsecondary prison education in Connecticut and its responsibilities;
2. the process and standards for approving education programs at correctional facilities;
3. the ability for virtual education programs at correctional facilities;
4. DOC's administrative process for students who submit education program complaints;
5. DOC's process and standards for approving curriculum and course materials for students in correctional facilities;
6. whether DOC participates in the state's education, workforce, and employment longitudinal data system;
7. available space for providing prison education programming in correctional facilities;
8. the demand for space in correctional facilities for prison education programming; and
9. strategies used by other state or county correctional agencies to increase the number of people who can access prison education programs using federal Pell grant awards.

Membership

Under the act, the task force's 16 members include:

1. three each appointed by the House speaker and Senate president pro tempore;
2. two each appointed by the House and Senate majority and minority leaders;
3. the Office of Policy and Management's undersecretary for criminal justice or her designee; and
4. the DOC commissioner or his designee.

Under the act, appointed members may be legislators. Appointing authorities must make appointments by July 30, 2021, and fill any vacancies.

Leadership, Staff, and Reporting Deadlines

The act requires the House speaker and Senate president pro tempore to choose the task force chairpersons from among its membership. These chairpersons must schedule and hold the task force's first meeting by August 29, 2021. The Higher Education and Employment Advancement Committee's administrative staff serve as the task force staff.

Under the act, the task force must report its findings and recommendations to the Higher Education and Judiciary committees by January 1, 2022. The task

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force terminates when it submits the report or on January 1, 2022, whichever is later.

EFFECTIVE DATE: Upon passage

§ 3 — CAMPUS MENTAL HEALTH COALITIONS

Requires certain higher education institutions, by January 1, 2022, to establish a mental health coalition to assess the presence of mental health services and programs

Membership

The act requires each higher education institution in Connecticut, excluding Charter Oak State College or online institutions, by January 1, 2022, to establish a mental health coalition with representatives from each of its campuses to assess the institution's mental health services and programs. The assessment requirement does not apply to a school accredited by the International Accreditation of Counseling Services or another nationally or regionally recognized accrediting body for mental health services.

Under the act, each institution's president must appoint individuals to the coalition from each campus that reflect the institution's student body demographics, including at least one member from the institution's (1) administration; (2) counseling services office, if any; (3) health services office, if any; (4) senior and mid-level staff; (5) student body; (6) residential life office, if any; (7) faculty; and (8) any other individuals the president designates, including a community mental health services provider.

The act requires each higher education institution to ensure that coalition members are educated on the (1) mental health services and programs offered at each institution's campus; (2) the coalition's role and function at the institution; and (3) protocols and techniques to respond to student mental illness that have been developed with consideration given to the students' race, cultural background, sexual orientation, gender identity, religion, socio-economic status, or status as a veteran or service member of the U.S. armed forces.

Duties

The act requires each mental health coalition to do the following:

1. assess the presence of mental health services and programs offered by the higher education institution (unless exempt from this requirement, see above);
2. review the results and develop a plan to address weaknesses in the institution's services and programs; and
3. review and recommend improvements to (a) the variety of mental health services available to the institution's students, including on-campus services, telehealth services, community-based services, or emergency mobile psychiatric services; (b) the comprehensiveness of mental health services available to students, including recommendations for obtaining accreditation from a nationally or regionally recognized accrediting body

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for mental health services; and (c) the campus-wide policies and procedures adopted under this act (see § 6).

Under the act, “mental health services” are counseling, therapy, rehabilitation, crisis intervention, or emergency services that screen, diagnose, or treat mental illness. “Mental health programs” are education, outreach, research, or training initiatives aimed at students to prevent mental illness, such as poster and flyer campaigns, electronic communications, films, guest speakers, conferences, or other campus events.

EFFECTIVE DATE: July 1, 2021

§ 4 — EVALUATION TRAINING WORKSHOPS

Allows the OHE executive director and DMHAS commissioner, in consultation with certain specialists, to jointly offer training workshops on best practices for assessing and providing mental health services and programs at higher education institutions

The act allows the Office of Higher Education (OHE) executive director and Department of Mental Health and Addiction Services (DMHAS) commissioner to jointly offer training workshops for campus mental health coalitions on best practices for assessing and providing mental health services and programming at each higher education institution. They must do this in consultation with an epidemiologist or other specialist with expertise in mental health issues at higher education institutions.

§ 5 — PROVIDER PARTNERSHIPS

Requires institutions that lack campus resources for providing mental health services to maintain a memorandum of understanding with at least one community-based mental health care provider

The act requires, by January 1, 2022, a higher education institution that lacks campus resources for providing mental health services to students to enter into and maintain a memorandum of understanding with at least one community-based mental health care provider or, in consultation with DMHAS, with an emergency mobile psychiatric service provider to (1) provide students access to mental health services on or off campus and (2) assist institutions in developing mental health programming.

§ 6 — INSTITUTIONAL STUDENT MENTAL HEALTH POLICY

Requires each institution’s governing board to adopt a student mental health policy by January 1, 2022, and update it as needed

The act requires each higher education institution’s governing board to adopt, and update as necessary, campus-wide student mental health policies and procedures by January 1, 2022. These policies and procedures must include (1) the types of mental health services and programming provided to students each academic year, (2) protocols for student mental health leave, and (3) the resources available for crisis response, imminent danger, and psychiatric hospitalization.

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EFFECTIVE DATE: July 1, 2021

§ 7 — GRANT WRITER FOR MENTAL HEALTH FUNDING

Requires BOR to employ a grant writer to apply for funding to improve mental health services at community-technical colleges

The act requires BOR, by January 1, 2022, to employ a grant writer to identify and apply for available grant funding to implement or improve mental health services and programs offered by the regional community-technical colleges to address student mental illness.

EFFECTIVE DATE: July 1, 2021

§ 8 — STUDY OF HEALTH INSURANCE BENEFITS FOR PART-TIME CONNECTICUT STATE SYSTEM OF HIGHER EDUCATION EMPLOYEES AND RETIREES

Requires the state comptroller, in consultation with BOR and UConn BOT, to study and develop a plan to extend eligibility to participate in the state's medical group plan to certain part-time, professional employees and retirees

The act requires the state comptroller, in consultation with BOR and BOT, to study and develop a plan to extend eligibility to participate in the state's group medical insurance plan to:

1. part-time, professional employees of the state higher education system who have taught at least 90 credit hours in the aggregate at any university in the system and
2. retired, part-time professional employees who have taught at least 180 credit hours in the aggregate within the system, regardless of whether the hours were completed at the rate of nine credits per semester.

The study must (1) determine the feasibility and cost of including these employees and retirees and (2) include a method for paying the employer's portion of the premium that does not require the employee to wait to be reimbursed until the end of the semester. The comptroller must report on the study to the Higher Education and Employment Advancement Committee by January 1, 2022.

By law, any part-time, professional employee of the state's public higher education system may choose to participate in the state's group medical insurance plan. Employees who participate must pay the premiums for the coverage plan they select. In practice, these employees must meet a 20-hour per week employment threshold as established in the state comptroller's issued guidance to be eligible to participate.

EFFECTIVE DATE: Upon passage

§§ 9-12 — PROHIBITION AGAINST CHARGING GRADUATION FEES AT PUBLIC HIGHER EDUCATION INSTITUTIONS

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Prohibits assessing or charging a graduation fee to students enrolled in a regional community-technical college, the CSUS, Charter Oak State College, or UConn

The act prohibits BOR from assessing or charging a graduation fee to students enrolled in (1) a regional community-technical college, (2) the Connecticut State University System (CSUS), or (3) Charter Oak State College.

The act extends the same prohibition to BOT for UConn students' graduation fees.

EFFECTIVE DATE: July 1, 2021

§ 13 — OPEN EDUCATIONAL RESOURCE COUNCIL REPORTING DEADLINE

Delays the Connecticut OER Coordinating Council's first annual reporting deadline; exempts unexpended funds appropriated to the council from lapsing at the end of the fiscal year

The act delays the Connecticut Open Educational Resource (OER) Coordinating Council's first annual reporting deadline from January 1, 2021, to February 1, 2022.

By law, the council must establish an OER program to lower the cost of textbooks and course materials for high-impact courses at state higher education institutions. "High-impact" courses are instruction courses for which OERs would make a significant positive financial impact on the students taking the course due to the number of students taking the course or the market value of the course's required printed textbook or other resources.

EFFECTIVE DATE: July 1, 2021

§ 14 — STUDENT ATHLETE COMPENSATION

Allows student athletes to earn compensation through an endorsement contract or employment in an activity unrelated to an intercollegiate athletic program

Generally, beginning September 1, 2021, the act allows student athletes enrolled at a higher education institution in the state to (1) earn compensation through an endorsement contract or employment in an activity unrelated to an intercollegiate athletic program and (2) obtain legal or professional representation from an attorney or sports agent through a written agreement, as long as he or she complies with the higher education institution's policy on student athlete endorsement contracts and employment activities. Under the act, if an institution adopts or updates its policy before September 1, 2021, then the above authorizations apply on the date of policy adoption. (PA 21-2, June Special Session (JSS), extends this date to January 1, 2022; see *Related Acts* below.)

Under the act, a "student athlete" is a student enrolled at a higher education institution participating in a sports program at the collegiate level for which eligibility participation requirements are established by a national association to promote or regulate college athletics (i.e., an intercollegiate athletic program). A "sports agent" is a duly licensed person who negotiates or solicits a contract on

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behalf of a student athlete in accordance with the federal Sports Agent Responsibility and Trust Act.

An “endorsement contract” is a written agreement under which a student athlete is employed or receives compensation for another party’s use of the student athlete’s person, name, image, or likeness to promote a product, service, or event. “Compensation” includes the direct or indirect receipt of cryptocurrency, money, goods, services, other items of value, in-kind contributions, and other forms of payment or remuneration.

Institutional Policy on Endorsement Contracts and Employment Activities

The act requires each higher education institution to adopt at least one policy on student athlete endorsement contracts and employment activities. The policy must:

1. require student athletes to disclose and submit a copy of each executed endorsement contract, written employment agreement, and representation agreement to the institution;
2. prohibit a student athlete from entering into an agreement that conflicts with the provisions of an agreement to which the institution is a party, provided the institution must disclose the conflicting provisions to the student athlete or his or her attorney and sports agent;
3. prohibit a student athlete from using or consenting to the use of any institutional marks (i.e., a higher education institution’s name, logo, trademarks, mascot, unique colors, copyrights, and other defining insignia) while performing the endorsement contract or employment activity;
4. prohibit a student athlete's performance of the endorsement contract or employment activity from interfering with any academic obligations or official team activities (i.e., all games, practices, exhibitions, scrimmages, team appearances, team photograph sessions, sports camps sponsored by the higher education institution, and other team-organized activities, including individual photograph sessions, news media interviews, and other related activities specified by the institution); and
5. identify any prohibited endorsements (i.e., the use of the student athlete's person, name, image, or likeness in association with any product, category of companies, brands, or types of endorsement contracts).

The act also requires each higher education institution's governing board, by September 1, 2021, to adopt or update its policies to carry out the act’s student athlete provisions. (PA 21-2, JSS, extends this date to January 1, 2022; see *Related Acts* below.)

Compensation Exclusions

The act specifies that it does not require a higher education institution or an athletic association or conference, including the National Collegiate Athletic Association (NCAA), to compensate a student athlete for use of his or her name, image, or likeness.

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It also specifies that an institution or athletic association is not due compensation from a student athlete or other person in situations where a student athlete's endorsement contract or employment activity does not comply with the act's requirements, including the requirement that student athletes comply with their institution's endorsement contracts and employment activities policy.

Institution's Responsibilities and Student Rights

The act specifies that it does not:

1. qualify a student athlete's scholarship from a higher education institution as compensation or deem a student athlete an institution's employee;
2. require an institution to take any action that would violate the federal Discrimination Based on Sex and Blindness Act;
3. prohibit a student athlete from engaging in employment activity that entails coaching or performing a sport, if it is unrelated to an intercollegiate athletic program; or
4. prohibit an institution from using a student athlete's name, image, or likeness in connection with official team activities.

Prohibitions on Institutions and Athletic Associations and Conferences

The act prohibits institutions and athletic associations or conferences from doing the following, based on a student athlete's endorsement contract, employment activity, or attorney or sports agent representation:

1. restricting a student's eligibility to participate in an intercollegiate athletic program,
2. prohibiting or preventing the student from earning compensation from an endorsement contract or employment activity, or
3. prohibiting or preventing the student from being represented by an attorney or sports agent.

Additionally, the act prohibits athletic associations and conferences, based on a student's contract, activity, or representation, from preventing an institution from participating in intercollegiate sports. It also prohibits institutions from restricting or revoking a student athlete's eligibility for a scholarship based on his or her contract, activity, or representation.

Under the act, if a student's contract, activity, or representation does not comply with the act's requirements, an institution or an athletic association or conference may (1) prohibit the student athlete's participation in an intercollegiate athletic program, (2) revoke his or her eligibility for a scholarship, or (3) take any other punitive or legal action.

Freedom of Information Act (FOIA) Disclosure Exemption

Regardless of FOIA's requirements, the act prohibits higher education institutions from disclosing any record of the compensation a student athlete receives from an endorsement contract or employment activity unless the

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institution receives the athlete's written consent.

EFFECTIVE DATE: July 1, 2021

BACKGROUND

Related Acts

PA 21-2, JSS, §§ 54-57, prohibits charging graduation fees at public higher education institutions.

PA 21-2, JSS, § 34, exempts the OER Coordinating Council's unexpended operating funds from lapsing at the end of each fiscal year.

PA 21-2, JSS, § 146, delays from September 1, 2021, to January 1, 2022, the date by which (1) student athletes may begin earning compensation through an endorsement contract or employment in an activity unrelated to a intercollegiate athletic program and (2) higher education institutions must adopt or update their related policies. It also prohibits student athletes from receiving compensation for the use or their name, image, or likeness, as an incentive to attend a specific institution or athletic program.