



Senate Bill No. 105

Public Act No. 22-123

AN ACT CONCERNING RECOMMENDATIONS BY THE OFFICE OF HIGHER EDUCATION AND EXTENDING THE TIME TO CONDUCT A SEXUAL MISCONDUCT CLIMATE ASSESSMENT AT INSTITUTIONS OF HIGHER EDUCATION.

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

Section 1. Section 4-5 of the 2022 supplement to the general statutes, as amended by section 6 of public act 17-237, section 279 of public act 17-2 of the June special session, section 20 of public act 18-182, section 283 of public act 19-117 and section 254 of public act 21-2 of the June special session, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

As used in sections 4-6, 4-7 and 4-8, the term "department head" means Secretary of the Office of Policy and Management, Commissioner of Administrative Services, Commissioner of Revenue Services, Banking Commissioner, Commissioner of Children and Families, Commissioner of Consumer Protection, Commissioner of Correction, Commissioner of Economic and Community Development, State Board of Education, Commissioner of Emergency Services and Public Protection, Commissioner of Energy and Environmental Protection, Commissioner of Agriculture, Commissioner of Public Health, Insurance Commissioner, Labor Commissioner, Commissioner of

Senate Bill No. 105

Mental Health and Addiction Services, Commissioner of Social Services, Commissioner of Developmental Services, Commissioner of Motor Vehicles, Commissioner of Transportation, Commissioner of Veterans Affairs, Commissioner of Housing, Commissioner of Rehabilitation Services, the Commissioner of Early Childhood, the executive director of the Office of Military Affairs, the executive director of the Technical Education and Career System, [and] the Chief Workforce Officer and the executive director of the Office of Higher Education. As used in sections 4-6 and 4-7, "department head" also means the Commissioner of Education.

Sec. 2. Section 10a-1d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

(a) There is established an Office of Higher Education. The Office of Higher Education shall administer the programs set forth in sections 10-155d, 10a-10a, 10a-11, 10a-11a, 10a-17d, 10a-19g, 10a-34 to 10a-34f, inclusive, as amended by this act, 10a-35, 10a-166, 10a-168a, 10a-169a, 10a-169b and 10a-173. The Office of Higher Education shall be responsible for approving any action taken pursuant to sections 10a-34 to 10a-34f, inclusive, as amended by this act, and for disseminating information throughout the state regarding postsecondary education opportunities available in the state.

(b) The Governor shall appoint an executive director of the Office of Higher Education in accordance with the provisions of sections 4-5 to 4-8, inclusive, as amended by this act. The executive director shall have the responsibility for implementing the policies and directives of the office, [and shall have additional responsibilities as the board may prescribe.]

Sec. 3. Section 10a-34 of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

Senate Bill No. 105

(a) For the purposes of this section, (1) "program of higher learning" means any course of instruction for which it is stated or implied that college or university-level credit may be given or may be received by transfer, including any course offered by dual enrollment; (2) "degree" means any letters or words, diploma, certificate or other symbol or document which signifies satisfactory completion of the requirements of a program of higher learning; (3) "institution of higher education" means any person, school, board, association, limited liability company or corporation which is [licensed or accredited] authorized to offer one or more programs of higher learning leading to one or more degrees; (4) ["license" means the authorization by the Office of Higher Education to operate a program of higher learning or institution of higher education for a specified initial period; (5) "accreditation"] "authorization" means the [authorization by said office to] approval by the Office of Higher Education to operate or continue operating a program of higher learning or institution of higher education for subsequent periods, and in such periods to confer specified degrees; [(6)] (5) "program modification" means (A) a change in a program of higher learning that does not clearly qualify as a new program of higher learning or a nonsubstantive change, including, but not limited to, a new program of higher learning consisting primarily of course work for a previously approved program of higher learning, (B) an approved program of higher learning to be offered at an off-campus location, (C) a change in the title of a degree, or (D) a change in the title of a program of higher learning; and [(7)] (6) "nonsubstantive change" means (A) a new undergraduate certificate program, within an existing program of higher learning, of not more than thirty semester credit hours that falls under an approved program of higher learning, (B) a new baccalaureate minor of not more than eighteen semester credit hours, (C) a new undergraduate option or certificate program of not more than fifteen semester credit hours, or (D) a new graduate option or certificate program of not more than twelve semester credit hours.

Senate Bill No. 105

(b) The Office of Higher Education shall establish regulations, in accordance with chapter 54, concerning the requirements for [licensure and accreditation, such regulations to concern] authorization, administration, finance, faculty, curricula, library, student admission and graduation, plant and equipment, records, catalogs, program announcements and any other criteria pertinent thereto, as well as the periods for which [licensure and accreditation] authorization may be granted, and the costs and procedures of evaluations as provided in subsections (c), (d) and (i) of this section. [Said office shall establish academic review commissions to hear each appeal of a denial by said office of an application by an institution of higher education for licensure or accreditation of a program of higher learning or institution of higher education. For each individual appeal, the executive director of said office, or the executive director's designee, shall select a commission that is comprised of four higher education representatives and five business and industry representatives chosen from a panel of thirty-five members, who shall be appointed as follows: (1) The Governor shall appoint five members; (2) the speaker of the House of Representatives shall appoint five members; (3) the president pro tempore of the Senate shall appoint five members; (4) the majority leader of the House of Representatives shall appoint five members; (5) the majority leader of the Senate shall appoint five members; (6) the minority leader of the House of Representatives shall appoint five members; and (7) the minority leader of the Senate shall appoint five members. The executive director of said office, or the executive director's designee, shall ensure that each commission contains at least one member appointed by each of the appointing authorities. Each appointing authority shall select both higher education representatives and business and industry representatives, but not more than three from either category of representatives.]

(c) No person, school, board, association or corporation shall confer any degree unless authorized by act of the General Assembly. No

Senate Bill No. 105

application for authority to confer any such degree shall be approved by the General Assembly or any committee thereof, nor shall any such authority be included in any charter of incorporation until such application has been evaluated and approved by the Office of Higher Education in accordance with regulations established by the Office of Higher Education.

(d) The Office of Higher Education shall review all requests and applications for program modifications, nonsubstantive changes [licensure and accreditation] and authorizations. The office shall review each application in consideration of the academic standards set forth in the regulations for [licensure and accreditation] authorization adopted by said office in accordance with the provisions of subsection (b) of this section. Notwithstanding the provisions of section 10a-34e, as amended by this act, any application that is determined by the office to be for (1) a program modification that meets all such academic standards, (2) a nonsubstantive change, [(3) licensure, or (4) accreditation] or (3) authorization shall be deemed approved, and the office shall notify the institution of such approval, not later than forty-five days from the date the office receives such application without requiring any further action from the applicant.

(e) If the executive director of the Office of Higher Education, or the executive director's designee, determines that further review of an application is needed due at least in part to the applicant offering instruction in a new program of higher learning or new degree level or the financial condition of the institution of higher education is determined to be at risk of imminent closure as a result of a financial screening conducted pursuant to the provisions of section 4 of this act, then the executive director or the executive director's designee shall conduct a focused or on-site review. Such applicant shall have an opportunity to state any objection regarding any individual selected to review an application on behalf of the executive director. For purposes

Senate Bill No. 105

of this subsection and subsection (f) of this section, "focused review" means a review by an out-of-state curriculum expert; and "on-site review" means a full team evaluation by the office at the institution of higher education.

(f) The executive director of the Office of Higher Education, or the executive director's designee, may require (1) a focused or on-site review of any program application in a field requiring a license to practice in Connecticut, and (2) evidence that a program application in a field requiring a license to practice in Connecticut meets the state or federal licensing requirements for such license.

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

(h) If the Office of Higher Education denies an application for [licensure or accreditation] authorization of a program or institution of higher education, the applicant may appeal the denial not later than ten days from the date of denial. [The academic review commission shall review the appeal and make a decision on such appeal not later than thirty days from the date the applicant submits the appeal to said office] The office shall conduct a hearing in accordance with the requirements of chapter 54 to hear such appeal.

(i) No person, school, board, association or corporation shall operate a program of higher learning or an institution of higher education unless it has been [licensed or accredited] authorized by the Office of Higher Education, nor shall it confer any degree unless it has been [accredited] authorized in accordance with this section. The office shall accept [regional] accreditation recognized by the Secretary of the United States

Senate Bill No. 105

Department of Education, in satisfaction of the requirements of this subsection unless the office finds cause not to rely upon such accreditation. If any institution of higher education provides evidence of programmatic accreditation, the office may consider such accreditation in satisfaction of the requirements of this subsection and deem the program at issue in the application for accreditation to be accredited in accordance with this section. [National accreditation for Connecticut institutions of higher education accredited prior to July 1, 2013, shall be accepted as being in satisfaction of the requirements of this subsection unless the office finds cause not to rely on such national accreditation.]

(j) No person, school, board, association or corporation shall use in any way the term "junior college" or "college" or "university" or use any other name, title, literature, catalogs, pamphlets or descriptive matter tending to designate that it is an institution of higher education, or that it may grant academic or professional degrees, unless the institution [possesses a license from, or] has been [accredited] authorized by [,] the office, nor shall it offer any program of higher learning without [approval] authorization of the Office of Higher Education.

(k) [Accreditation] Authorization of any program or institution or authority to award degrees granted in accordance with law prior to July 1, 1965, shall continue in effect unless the Office of Higher Education determines that an institution is at risk of imminent closure as a result of a financial screening conducted pursuant to the provisions of section 4 of this act.

(l) Notwithstanding the provisions of subsections (b) to (j), inclusive, of this section and subject to the authority of the State Board of Education to regulate teacher education programs, an independent institution of higher education, as defined in section 10a-173, shall not require approval by the Office of Higher Education for any new programs of higher learning or any program modifications proposed by

Senate Bill No. 105

such institution until June 30, 2023, and for up to fifteen new programs of higher learning in any academic year or any program modifications proposed by such institution on and after July 1, 2023, provided (1) the institution maintains eligibility to participate in financial aid programs governed by Title IV, Part B of the Higher Education Act of 1965, as amended from time to time, (2) the United States Department of Education has not determined that the institution has a financial responsibility score that is less than 1.5 for the most recent fiscal year for which the data necessary for determining the score is available, and (3) the institution has been located in the state and accredited as a degree-granting institution in good standing for ten years or more by a regional accrediting association recognized by the Secretary of the United States Department of Education and maintains such accreditation status. Each institution that is exempt from program approval by the Office of Higher Education under this subsection shall file with the office (A) on and after July 1, 2023, an application for approval of any new program of higher learning in excess of fifteen new programs in any academic year, (B) a program actions form, as created by the office, prior to students enrolling in any new program of higher learning or any existing program subject to a program modification, and (C) not later than July first, and annually thereafter, (i) until June 30, 2024, a list and brief description of any new programs of higher learning introduced by the institution in the preceding academic year and any existing programs of higher learning discontinued by the institution in the preceding academic year, (ii) the institution's current program approval process and all actions of the governing board concerning approval of any new program of higher learning, and (iii) the institution's financial responsibility composite score, as determined by the United States Department of Education, for the most recent fiscal year for which the data necessary for determining the score is available.

Sec. 4. (NEW) (*Effective July 1, 2023*) (a) For the purposes of this section:

Senate Bill No. 105

(1) "Accrediting agency" means an accrediting association recognized by the Secretary of the United States Department of Education,

(2) "At risk of imminent closure" means a determination made by the Office of Higher Education as a result of an annual financial screening that an independent institution of higher education is at risk of being unable to continue operations or substantially fulfill its obligations to enrolled and admitted students for the balance of the current and subsequent academic year, and

(3) "Financial screening" means a review and evaluation of financial information for the purpose of determining whether the financial status of an institution of higher education indicates that such institution may be at risk of imminent closure.

(b) The Office of Higher Education shall enter into a memorandum of understanding with one or more accrediting agencies to conduct an annual financial screening of each independent institution of higher education in the state. If an independent institution of higher education does not complete an annual financial screening with an accrediting agency, such financial screening shall be conducted by the office in the form and manner prescribed by the executive director of said office. The office may determine that an independent institution of higher education is at risk of imminent closure through (1) a financial screening conducted by the office, or (2) acceptance by the office of such determination made by an accrediting agency. Upon determining that an independent institution of higher education is at risk of imminent closure, the office shall submit a summary of the reasons for such determination to such institution.

(c) Upon receiving a summary from the Office of Higher Education that an independent institution of higher education has been determined to be at risk of imminent closure, such institution shall submit to the office, in the form and manner prescribed by the executive

Senate Bill No. 105

director of said office, (1) notice of any known financial liability or risk, (2) any information necessary to accurately determine and monitor the institution's financial status and risk of imminent closure, and (3) an updated closure plan approved by the governing board of such institution pursuant to subsection (c) of section 10a-34e of the general statutes, as amended by this act.

(d) If any independent institution of higher education in the state fails to comply with the requirements of this section, the executive director of the Office of Higher Education may request the suspension of any state funding designated for such institution, establish a date to suspend or revoke such institution's degree-granting authority or impose such other penalties the executive director deems appropriate.

(e) No financial information or record submitted to the Office of Higher Education pursuant to this section shall be deemed a public record for the purposes of the Freedom of Information Act, as defined in section 1-200 of the general statutes, and shall not be subject to disclosure under the provisions of section 1-210 of the general statutes.

Sec. 5. Section 10a-34c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

The executive director of the Office of Higher Education may conduct an investigation and, through the Attorney General, maintain an action in the name of the state against any person, school, board, association or corporation to restrain or prevent the establishment or operation of an institution that is not [licensed, accredited or] authorized to award degrees by the Office of Higher Education pursuant to the provisions of section 10a-34, as amended by this act.

Sec. 6. Section 10a-34e of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

Senate Bill No. 105

(a) The Office of Higher Education may conduct any necessary review, inspection or investigation regarding applications for [licensure or accreditation] authorization or possible violations of this section, sections 10a-34 to 10a-34d, inclusive, as amended by this act, section 10a-34g, as amended by this act, or any applicable regulations of Connecticut state agencies. In connection with any investigation, the executive director or the executive director's designee, may administer oaths, issue subpoenas, compel testimony and order the production of any record or document. If any person refuses to appear, testify or produce any record or document when so ordered, the executive director may seek relief pursuant to section 10a-34d.

(b) If the executive director of the Office of Higher Education determines that an institution of higher education that is not regionally accredited is exhibiting financial and administrative indicators that such institution is in danger of closing, the executive director may require such institution to facilitate a teach-out, as defined in section 10a-22m, provided the executive director and such institution previously discussed a teach-out that ensures that current students of such institution are able to complete their programs without significant impact.

(c) (1) Not later than January 1, 2022, each independent institution of higher education shall submit to the Office of Higher Education a closure plan, which shall include, but need not be limited to, [(1)] (A) how such institution will respond to a natural disaster, pandemic, data security threat or other catastrophic event that impacts the operations of such institution, and [(2)] (B) how such institution will manage student records, provide a continuity of education for enrolled students and administer student financial aid and refunds. An independent institution of higher education that is regionally accredited may comply with the requirements of this subsection by submitting to said office the same closure plan that the institution submitted to the regional

Senate Bill No. 105

accreditation agency. If an independent institution of higher education updates its closure plan, then such institution shall submit such updated closure plan not later than thirty days after the governing board of such institution approves such updated closure plan.

(2) On an after July 1, 2023, upon receiving a summary from the Office of Higher Education that an independent institution of higher education has been determined to be at risk of imminent closure as a result of a financial screening conducted pursuant to the provisions of section 4 of this act, the governing board of such institution shall update its closure plan to include plans for the following: (A) Providing notice of impending closure to relevant stakeholders of the institution, including, but not limited to, enrolled students, applicants for admission, recent graduates, faculty, staff and surrounding communities, (B) disseminating information regarding the rights and responsibilities of student borrowers, (C) managing the institution's finances, accreditation status and any compliance issues with federal or state financial aid programs, and (D) refunding student deposits and paying the cost of student record maintenance through means such as the provision of a bond with surety or a letter of credit in an amount sufficient to meet the costs of such refunds and costs.

(d) Any independent institution of higher education that plans to close permanently shall submit a written notice to the Office of Higher Education not later than thirty days after the governing board of such institution authorizes such closure. Such written notice shall include, but need not be limited to, (1) the planned date of termination of operations; (2) the planned date and location for the transfer of student records; (3) the name and address of the organization that will receive and maintain student records; (4) the name and contact information of the designated office or official who will manage transcript requests; (5) the arrangement for the continued education of enrolled students through the facilitation of a teach-out, as defined in section 10a-22m, or

Senate Bill No. 105

other means; (6) evidence of communication with the United States Department of Education regarding the management of student refunds, state or federal grants and scholarships and state loans; and (7) if such institution is regionally accredited, evidence of communication with the regional accreditation agency regarding such closure.

Sec. 7. Subsection (a) of section 10a-34g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

(a) On and after January 1, 2020, any for-profit institution of higher education licensed to operate in the state that requires any student, as a condition of enrollment, to enter into an agreement that (1) limits participation in a class action against such institution, (2) limits any claim the student may have against such institution or the damages for such claim, or (3) requires the student to assert any claim against such institution in a forum that is less convenient, more costly or more dilatory for the resolution of a dispute than a judicial forum established in the state where the student may otherwise properly bring a claim, shall include in its application to the Office of Higher Education for [initial or renewed institutional licensure or accreditation] authorization pursuant to section 10a-34, as amended by this act, a statement (A) disclosing the number of claims made against the institution, including claims made against a parent organization or subsidiary of the institution, by a student currently or formerly enrolled at the institution, (B) a description of the nature of the rights asserted, and (C) the status of such claims. The institution shall submit additional details regarding such claims as the executive director of the Office of Higher Education may require.

Sec. 8. Subdivision (4) of section 10-67 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

Senate Bill No. 105

(4) "Cooperating eligible entity" means any corporation or other business entity, nonprofit organization, private [occupational] career school authorized pursuant to sections 10a-22a to 10a-22o, inclusive, as amended by this act, institution of higher education [licensed or accredited] authorized pursuant to the provisions of section 10a-34, as amended by this act, technical education and career school or library [which] that provides classes or services specified under subparagraph (A) of subsection (a) of section 10-69, in conformance with the program standards applicable to boards of education, through a written cooperative arrangement with a local or regional board of education or regional educational service center;

Sec. 9. Subparagraph (J) of subdivision (37) of subsection (a) of section 12-407 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

(J) Business analysis, management, management consulting and public relations services, excluding (i) any environmental consulting services, (ii) any training services provided by an institution of higher education licensed or accredited by the Board of Regents for Higher Education or authorized by the Office of Higher Education pursuant to sections 10a-35a and 10a-34, as amended by this act, respectively, and (iii) on and after January 1, 1994, any business analysis, management, management consulting and public relations services when such services are rendered in connection with an aircraft leased or owned by a certificated air carrier or in connection with an aircraft which has a maximum certificated take-off weight of six thousand pounds or more;

Sec. 10. Subsection (k) of section 30-22a of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

(k) For purposes of compliance with this section, "cafe" includes: (1) A room or building that is subject to the care, custody and control of The

Senate Bill No. 105

University of Connecticut Board of Trustees; (2) land and buildings which are subject to the care, custody and control of an institution offering a program of higher learning, as defined in section 10a-34, as amended by this act, which has been accredited by the Board of Regents for Higher Education or [Office of Higher Education or otherwise] is authorized by the Office of Higher Education to award a degree pursuant to section 10a-34, as amended by this act; or (3) on land or in a building situated on or abutting a golf course which is subject to the care, custody and control of an institution offering a program of higher learning, as defined in section 10a-34, as amended by this act, which has been accredited by the Board of Regents for Higher Education or [Office of Higher Education or otherwise] is authorized by the Office of Higher Education to award a degree pursuant to section 10a-34, as amended by this act.

Sec. 11. Section 10a-22a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

As used in this section and sections [10a-22a to 10a-22y] 10a-22b to 10a-22x, inclusive, as amended by this act:

(1) ["Private occupational school"] "Private career school" means a postsecondary career school operated by a person, board, association, partnership, corporation, limited liability company or other entity offering or advertising vocational instruction in any form or manner in any trade, industrial, commercial, service, professional or other occupation for any remuneration, consideration, reward or fee of whatever nature, including, but not limited to, a hospital-based [occupational] career school, or any program, school or entity offering postsecondary instruction in barbering, hairdressing and cosmetology or the occupation of esthetician, nail technician or eyelash technician, as such terms are defined in section 20-265a. ["Private occupational school"] "Private career school" does not include (A) instruction offered under public supervision and control, (B) instruction conducted by a

Senate Bill No. 105

firm or organization solely for the training of its own employees or members, (C) instruction offered by a school authorized by the General Assembly to confer degrees, or (D) instruction offered in the arts or recreation, including, but not limited to, the training of students to provide such instruction;

(2) "Additional classroom site" means a facility that (A) is geographically located close to the school or branch that oversees the site, such that students must utilize services provided at such school or branch, (B) conducts permanent or temporary educational activities, and (C) offers courses or full programs of study;

(3) "Branch" means a subdivision of a school (A) located at a different facility and geographical site from the school, except for a site that is an additional classroom site as determined by the executive director, or the executive director's designee, and (B) that (i) offers one or more complete programs leading to a diploma or certificate; (ii) operates under the school's certificate of operation; (iii) meets the same conditions of authorization as the school; and (iv) exercises administrative control and is responsible for its own academic affairs;

(4) "Executive director" means the executive director of the Office of Higher Education; and

(5) "Postsecondary career school" means an institution authorized to operate educational programs beyond secondary education.

Sec. 12. Section 10a-22b of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

(a) No person, board, association, partnership, corporation, limited liability company or other entity shall offer instruction in any form or manner in any trade or in any industrial, commercial, service, professional or other occupation unless such person, board, association,

Senate Bill No. 105

partnership, corporation, limited liability company or other entity first receives from the executive director a certificate authorizing the occupational instruction to be offered.

(b) Except for initial authorizations, the executive director may accept institutional accreditation by an accrediting agency recognized by the United States Department of Education, in satisfaction of the requirements of this section and section 10a-22d, as amended by this act, including the evaluation and attendance requirement. Except for initial authorizations, the executive director may accept programmatic accreditation in satisfaction of the requirements of this section and section 10a-22d, as amended by this act, with regard to instruction offered by a hospital [pursuant to subsection (h) of this section] unless the executive director finds reasonable cause not to rely upon such accreditation.

(c) Each person, board, association, partnership, corporation, limited liability company or other entity which seeks to offer occupational instruction shall submit to the executive director, or the executive director's designee, in such manner and on such forms as the executive director, or the executive director's designee, prescribes, an application for a certificate of authorization. [which includes, but need not be limited to, (1) the proposed name of the school; (2) ownership and organization of the school including the names and addresses of all principals, officers, members and directors; (3) names and addresses of all stockholders of the school, except for applicants which are listed on a national securities exchange; (4) addresses of any building or premises on which the school will be located; (5) description of the occupational instruction to be offered; (6) the proposed student enrollment agreement, which includes for each program of occupational instruction offered a description, in plain language, of any requirements for employment in such occupation or barriers to such employment pursuant to state law or regulations; (7) the proposed school catalog,

Senate Bill No. 105

which includes for each program of occupational instruction offered a description of any requirements for employment in such occupation or barriers to such employment pursuant to state law or regulations; (8) financial statements detailing the financial condition of the school pursuant to subsection (d) of this section and subsection (g) of section 10a-22d prepared by management and reviewed or audited, or, for a nonaccredited school annually receiving less than fifty thousand dollars in tuition revenue, compiled, by an independent licensed certified public accountant or independent licensed public accountant; and (9) an agent for service of process.] Each application for initial authorization shall be accompanied by a nonrefundable application fee made payable to the private [occupational] career school student protection account. Such application fee shall be in the amount of two thousand dollars for the private [occupational] career school and two hundred dollars for each branch of a private [occupational] career school in this state, except that, each application for initial authorization submitted on and after the effective date of the regulations adopted pursuant to section 10a-22k, as amended by this act, shall be accompanied by a nonrefundable application fee in the amount specified in such regulations. Any application for initial authorization that remains incomplete six months after the date such application was first submitted to the Office of Higher Education shall expire and the office shall not approve such expired application for authorization.

(d) Each person, board, association, partnership, corporation, limited liability company or other entity seeking to offer occupational instruction shall have a net worth consisting of sufficient liquid assets or produce other evidence of fiscal soundness to demonstrate the ability of the proposed private [occupational] career school to operate, achieve all of its objectives and meet all of its obligations, including those concerning staff and students, during the period of time for which the authorization is sought.

Senate Bill No. 105

(e) Upon receipt of a complete application pursuant to subsection (c) of this section, the executive director shall cause to be conducted an evaluation of the applicant school. Not later than sixty days (1) after receipt of a complete application for initial authorization, or (2) prior to expiration of the authorization of a private [occupational] career school applying to renew its certificate of authorization pursuant to section 10a-22d, as amended by this act, the executive director, or the executive director's designee, shall appoint an evaluation team, pursuant to subsection (f) of this section, except that on and after the effective date of the regulations adopted pursuant to section 10a-22k, as amended by this act, the evaluation team shall be appointed pursuant to such regulations, to conduct such evaluation of the applicant school. The evaluation team shall submit a written report to the executive director recommending authorization or nonauthorization after an on-site inspection. Not later than one hundred twenty days following the completed appointment of the evaluation team, the executive director shall notify the applicant school of authorization or nonauthorization. The executive director may consult with the Labor Department and may request the advice of any other state agency which may be of assistance in making a determination. In the event of nonauthorization, the executive director shall set forth the reasons therefor in writing and the applicant school may request in writing a hearing before the executive director. Such hearing shall be held in accordance with the provisions of chapter 54.

(f) For purposes of an evaluation of an applicant school, the executive director, or the executive director's designee, shall appoint an evaluation team which shall include (1) at least two members representing the Office of Higher Education, and (2) at least one member for each of the areas of occupational instruction for which authorization is sought who shall be experienced in such occupation. The applicant school shall have the right to challenge any proposed member of the evaluation team for good cause shown. A written challenge shall be filed

Senate Bill No. 105

with the executive director within ten business days following the appointment of such evaluation team. In the event of a challenge, a decision shall be made thereon by the executive director within ten business days from the date such challenge is filed, and if the challenge is upheld the executive director shall appoint a replacement. Employees of the state or any political subdivision of the state may be members of evaluation teams. The executive director, or the executive director's designee, shall not appoint any person to an evaluation team unless the executive director, or such designee, has received from such person a statement that the person has no interest which is in conflict with the proper discharge of the duties of evaluation team members as described in this section. The statement shall be on a form prescribed by the executive director and shall be signed under penalty of false statement. Except for any member of the evaluation team who is a state employee, members may be compensated for their service at the discretion of the executive director and shall be reimbursed for actual expenses, which expenses shall be charged to and paid by the applicant school.

(g) The evaluation team appointed pursuant to subsection (f) of this section shall: (1) Conduct an on-site inspection; (2) submit a written report outlining any evidence of noncompliance; (3) give the school thirty days from the date of the report to provide evidence of compliance; and (4) submit to the executive director a written report recommending authorization or nonauthorization not later than one hundred twenty days after the on-site inspection. The evaluation team shall determine whether (A) the quality and content of each course or program of instruction, including, but not limited to, residential, on-line, home study and correspondence, training or study shall reasonably and adequately achieve the stated objective for which such course or program is offered; (B) the school has adequate space, equipment, instructional materials and personnel for the instruction offered; (C) the qualifications of directors, administrators, supervisors and instructors shall reasonably and adequately assure that students receive education

Senate Bill No. 105

consistent with the stated objectives for which a course or program is offered; (D) students and other interested persons shall be provided with a catalog or similar publication describing the courses and programs offered, course and program objectives, length of courses and programs, schedule of tuition, fees and all other charges and expenses necessary for completion of the course or program, and termination, withdrawal and refund policies; (E) upon satisfactory completion of the course or program, each student shall be provided appropriate educational credentials by the school; (F) adequate records shall be maintained by the school to show attendance and grades, or other indicators of student progress, and standards shall be enforced relating to attendance and student performance; (G) the applicant school shall be financially sound and capable of fulfilling its commitments to students; (H) any student housing owned, leased, rented or otherwise maintained by the applicant school shall be safe and adequate; and (I) the school and any branch of the school in this state has a director located at the school or branch who is responsible for daily oversight of the school's or branch's operations. The evaluation team may also indicate in its report such recommendations as may improve the operation of the applicant school.

[(h) Any hospital offering postsecondary career instruction in any form or manner in any trade, industrial, commercial, service, professional or other occupation for any remuneration, consideration, reward or promise, except to hospital employees, members of the medical staff and training for contracted workers, shall obtain a certificate of authorization from the executive director for the occupational instruction offered. Each hospital-based occupational school submitting an application for initial authorization shall pay an application fee of two hundred dollars made payable to the private occupational school student protection account. The executive director shall develop a process for prioritizing the authorization of hospital-based occupational schools based on size and scope of occupational

Senate Bill No. 105

instruction offered. Such schools shall be in compliance with this section when required pursuant to the executive director's process, or by 2012, whichever is earlier.

(i) Any program, school or other entity offering postsecondary career instruction in any form or manner in barbering or hairdressing for any remuneration, consideration, reward or fee shall obtain a certificate of authorization from the executive director of the Office of Higher Education for the occupational instruction offered. Each program, school or entity approved on or before July 1, 2013, by the Connecticut Examining Board for Barbers, Hairdressers and Cosmeticians pursuant to chapter 368 or 387 that submits an application for initial authorization shall pay an application fee of five hundred dollars made payable to the private occupational school student protection account. The executive director of the Office of Higher Education shall develop a process for prioritizing the authorization of such barber and hairdressing programs, schools and entities. Such programs, schools and entities shall be in compliance with this section on or before July 1, 2015, or when required pursuant to the executive director's process, whichever is earlier. No person, board, association, partnership corporation, limited liability company or other entity shall establish a new program, school or other entity that offers instruction in any form or manner in barbering or hairdressing on or after July 1, 2013, unless such person, board, association, partnership, corporation, limited liability company or other entity first receives from the executive director of the Office of Higher Education a certificate authorizing the barbering or hairdressing occupational instruction to be offered in accordance with the provisions of this section.]

Sec. 13. Section 10a-22c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

(a) No certificate to operate a private [occupational] career school shall be authorized by the executive director, or the executive director's

Senate Bill No. 105

designee, if (1) any principal, officer, member or director of the applicant school has acted in a similar capacity for a private [occupational] career school which has had its authorization revoked pursuant to section 10a-22f, as amended by this act; (2) the applicant school does not have a net worth consisting of sufficient liquid assets or other evidence of fiscal soundness to operate for the period of time for which authorization is sought; (3) the applicant school or any of its agents engages in advertising, sales, collection, credit or other practices which are false, deceptive, misleading or unfair; (4) the applicant school has any policy which discourages or prohibits the filing of inquiries or complaints regarding the school's operation with the executive director; (5) the applicant school fails to satisfactorily meet the criteria set forth in subsection (g) of section 10a-22b, or, on and after the effective date of regulations adopted pursuant to section 10a-22k, as amended by this act, the criteria set forth in such regulations; (6) a private [occupational] career school that has previously closed fails to follow the procedures for school closure under section 10a-22m, as amended by this act; or (7) the applicant school does not have a director located at the school and at each of its branches in this state.

(b) The executive director may deny a certificate of authorization if the person who owns or intends to operate a private [occupational] career school has been convicted in this state, or any other state, of larceny in violation of section 53a-122 or 53a-123; identity theft in violation of section 53a-129b or 53a-129c; forgery in violation of section 53a-138 or 53a-139; or has a criminal record in this state, or any other state, that the executive director reasonably believes renders the person unsuitable to own and operate a private [occupational] career school. A refusal of a certificate of authorization under this subsection shall be made in accordance with the provisions of sections 46a-79 to 46a-81, inclusive.

(c) No certificate to operate a private [occupational] career school

Senate Bill No. 105

shall be issued by the executive director pursuant to section 10a-22d, as amended by this act, until such private [occupational] career school seeking authorization files with the executive director certificates indicating that the buildings and premises for such school meet all applicable state and local fire and zoning requirements. Such certificates shall be attested to by the fire marshal and zoning enforcement officer within the municipality in which such school is located.

(d) No certificate to operate a new private [occupational] career school shall be issued by the executive director pursuant to section 10a-22d, as amended by this act, until such private [occupational] career school seeking authorization files with the executive director an irrevocable letter of credit issued by a bank with its main office or branch located within this state in the penal amount of forty thousand dollars guaranteeing the payments required of the school to the private [occupational] career school student protection account in accordance with the provisions of section 10a-22u, as amended by this act, except that, any letter of credit issued on and after the effective date of the regulations adopted pursuant to section 10a-22k, as amended by this act, shall be in a penal amount specified in such regulations. The letter of credit shall be payable to the private [occupational] career school student protection account in the event that such school fails to make payments to the account as provided in subsection (a) of section 10a-22u, as amended by this act, or in the event the state takes action to reimburse the account for a tuition refund paid to a student pursuant to the provisions of section 10a-22v, as amended by this act, provided the amount of the letter of credit to be paid into the private [occupational] career school student protection account shall not exceed the amounts owed to the account. In the event a private [occupational] career school fails to close in accordance with the provisions of section 10a-22m, as amended by this act, the executive director may seize the letter of credit, which shall be made payable to the private [occupational] career school protection account. [The letter of credit required by this subsection shall

Senate Bill No. 105

be released twelve years after the date of initial approval, provided evidence of fiscal soundness has been verified.]

(e) The executive director shall notify the applicant private [occupational] career school, by certified mail, return receipt requested of the decision to grant or deny a certificate of authorization not later than sixty days after receiving the written report of the evaluation team appointed pursuant to subsection [(f)] (e) of section 10a-22b, as amended by this act.

Sec. 14. Section 10a-22d of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

(a) After the initial year of approval and for the next three years of operation as a private [occupational] career school, renewal of the certificate of authorization shall be required annually.

(b) Following the fourth year of continuous authorization, a renewal of the certificate of authorization, if granted, shall be for a period not to exceed five years and may be subject to an evaluation pursuant to [subsections (f) and (g)] subsection (e) of section 10a-22b, as amended by this act, provided no private [occupational] career school shall operate for more than five additional years from the date of any renewal without the completion of an evaluation pursuant to [subsections (f) and (g)] subsection (e) of section 10a-22b, as amended by this act.

(c) Renewal of the certificate of authorization shall be granted only upon (1) payment of a nonrefundable renewal fee to the Office of Higher Education in the amount of two hundred dollars for the private [occupational] career school and two hundred dollars for each branch of a private [occupational] career school, except that, any renewal fees paid on and after the effective date of the regulations adopted pursuant to section 10a-22k, as amended by this act, shall be in the amount specified

Senate Bill No. 105

in such regulations, (2) submission of any reports or audits, as prescribed by the executive director or the executive director's designee, concerning the fiscal condition of the private [occupational] career school or its continuing eligibility to participate in federal student financial aid programs, (3) the filing with the executive director of a complete application for a renewed certificate of authorization not less than one hundred twenty days prior to the termination date of the most recent certificate of authorization, and (4) a determination that the private [occupational] career school meets all the conditions of its recent authorization, including, but not limited to, at the discretion of the executive director, evidence that such school is current on its [rent or mortgage] financial obligations and has adequate financial resources to serve its current students, and the filing of documentation with the executive director that the private [occupational] career school has a passing financial ratio score as required by 34 CFR 668, as amended from time to time.

(d) If the executive director, or the executive director's designee, determines, at any time during a school's authorization period, that such school is out of compliance with the conditions of authorization under sections 10a-22a to 10a-22o, inclusive, as amended by this act, and any applicable regulations of Connecticut state agencies, the school may be placed on probation for a period not to exceed one year. If, after the period of one year of probationary status, the school remains out of compliance with the conditions of authorization, the executive director may revoke such school's certificate of authorization to operate as a private [occupational] career school pursuant to section 10a-22f, as amended by this act. During the school's period of probation, the school shall post its probationary certificate of authorization in public view. The Office of Higher Education may publish the school's probationary certificate of authorization status.

(e) Notwithstanding the provisions of sections 10a-22a to 10a-22o,

Senate Bill No. 105

inclusive, as amended by this act, the executive director may authorize the extension of the most recent certificate of authorization for a period not to exceed sixty days for good cause shown, provided such extension shall not change the date of the original certificate's issuance or the date for each renewal.

(f) After the first year of authorization, each private [occupational] career school shall pay a nonrefundable annual fee to the private [occupational] career school student protection account in the amount of two hundred dollars for the private [occupational] career school and two hundred dollars for each branch of a private [occupational] career school, except that, any annual fee paid on and after the effective date of the regulations adopted pursuant to section 10a-22k, as amended by this act, shall be in the amount specified in such regulations. The annual fee shall be due and payable for each year after the first year of authorization that the private [occupational] career school and any branch of a private [occupational] career school is authorized by the executive director to offer [occupational] career instruction. Such annual fee shall be in addition to any renewal fee assessed under this section.

(g) Each private [occupational] career school shall keep financial records in conformity with generally accepted accounting principles. An annual financial statement detailing the financial status of the school shall be prepared by school management and reviewed or audited, or, for a nonaccredited school annually receiving less than fifty thousand dollars in tuition revenue, compiled, by a licensed certified public accountant or licensed public accountant in accordance with standards established by the American Institute of Certified Public Accountants. A copy of such financial statement shall be filed with the executive director on or before the last day of the fourth month following the end of the school's fiscal year, except in the case of a nationally accredited school recognized by the United States Department of Education, in which case such financial statement shall be due on or before the last

Senate Bill No. 105

day of the sixth month following the end of the school's fiscal year. Only audited financial statements shall be accepted from a nationally accredited school. Upon a nonaccredited school's written request, the executive director may authorize, for good cause shown, a filing extension for a period not to exceed sixty days. No filing extensions shall be granted to a nationally accredited school.

(h) The failure of any private [occupational] career school to submit an application to the Office of Higher Education for the renewal of a certificate of authorization on or before the date on which it is due may result in the loss of authorization under section 10a-22f, as amended by this act. The executive director of said office may deny the renewal of such certificate of authorization if there exists a failure to file such renewal application by the date on which it is due, or the end of any period of extension authorized pursuant to subsection (e) of this section.

Sec. 15. Section 10a-22e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

(a) During any period of authorization by the executive director to operate as a private [occupational] career school pursuant to sections 10a-22a to 10a-22o, inclusive, as amended by this act, and sections 10a-22u to 10a-22w, as amended by this act, inclusive, such private [occupational] career school may request revision of the conditions of its authorization. Such school shall make such request to the executive director, in the manner and on such forms prescribed by the executive director sixty days prior to the proposed implementation date of any intended revision. Such revision shall include, but not be limited to, changes in (1) courses or programs; (2) ownership of the school; (3) name of the school; (4) location of the school's main campus; or (5) location of any of the school's additional classroom sites or branch campuses. A private [occupational] career school requesting revision of the conditions of its authorization based on a change in ownership of the school shall submit an application and letter of credit pursuant to

Senate Bill No. 105

sections 10a-22b, as amended by this act, and 10a-22c, as amended by this act, accompanied by a nonrefundable change of ownership fee made payable to the private [occupational] career school student protection account under section 10a-22u, as amended by this act, in the amount of two thousand dollars for the private [occupational] career school and two hundred dollars for each branch of a private [occupational] career school in this state, except that, any ownership fee paid on and after the effective date of the regulations adopted pursuant to section 10a-22k, as amended by this act, shall be in the amount specified in such regulations.

(b) The executive director, or the executive director's designee, may, not later than thirty days after receipt of a request to revise the conditions of authorization, issue an order prohibiting any such change if it would constitute a material or substantial deviation from the conditions of authorization.

(c) If the executive director, or the executive director's designee, fails to take action upon a request for revision by the thirtieth day following the proposed implementation date of the intended revision, such request shall be deemed approved, and the private [occupational] career school's certificate of authorization shall be so revised for the same period as its current authorization.

Sec. 16. Section 10a-22f of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

(a) A certificate of authorization issued to a private [occupational] career school pursuant to sections 10a-22a to 10a-22o, inclusive, as amended by this act, and sections 10a-22u to 10a-22w, inclusive, as amended by this act, may be revoked by the executive director if such school (1) ceases to meet the conditions of its authorization; (2) commits a material or substantial violation of sections 10a-22a to 10a-22o,

Senate Bill No. 105

inclusive, as amended by this act, or sections 10a-22u to 10a-22w, inclusive, as amended by this act, or the regulations prescribed thereunder; (3) makes a false statement about a material fact in application for authorization or renewal; (4) fails to make a required payment to the private [occupational] career school student protection account pursuant to section 10a-22u, as amended by this act; or (5) fails to submit a complete application for a renewed certificate of authorization pursuant to section 10a-22d, as amended by this act.

(b) The executive director, or the executive director's designee, shall serve written notice, by certified mail, return receipt requested upon a private [occupational] career school indicating that revocation of the school's authorization is under consideration and the executive director shall set forth the reasons such revocation is being considered. Not later than forty-five days after mailing such written notice, the executive director, or the executive director's designee, shall hold a compliance conference with the private [occupational] career school.

(c) If, after the compliance conference, the executive director determines that revocation of the certificate of authorization is appropriate, the executive director shall issue an order and serve written notice by certified mail, return receipt requested upon the private [occupational] career school, which notice shall include, but not be limited to, the date of the revocation.

(d) A private [occupational] career school aggrieved by the order of the executive director revoking its certificate of authorization pursuant to subsection (c) of this section shall, not later than fifteen days after such order is mailed, request in writing a hearing before the executive director. Such hearing shall be held in accordance with the provisions of chapter 54.

Sec. 17. Section 10a-22g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

Senate Bill No. 105

(a) A private [occupational] career school which is authorized by the executive director pursuant to sections 10a-22a to 10a-22o, inclusive, as amended by this act, and sections 10a-22u to 10a-22w, inclusive, as amended by this act, may request authorization to establish and operate additional classroom sites or branch schools, or to offer existing or new programs through a distance learning program, as defined in section 10a-22h, as amended by this act, for the purpose of offering the occupational instruction authorized by the executive director, provided the additional classroom site or branch school complies with the provisions of subsection (b) of this section. Such school shall make such request for authorization to operate an additional classroom site or branch school or to offer existing or new programs through a distance learning program, in the manner and on such forms as prescribed by the executive director, at least sixty days prior to the proposed establishment of such additional classroom site or branch school or such distance learning program.

(b) The buildings and premises for such additional classroom site or branch school shall meet all applicable state and local fire and zoning requirements, and certificates attesting the same signed by the local fire marshal and zoning enforcement officer shall be filed with the executive director prior to offering such occupational instruction. The additional classroom site or branch school shall be in compliance with the relevant requirements set forth in subsection (g) of section 10a-22b, or on and after the effective date of the regulations adopted pursuant to section 10a-22k, as amended by this act, the requirements set forth in such regulations.

(c) The executive director, or the executive director's designee, not later than thirty days after the proposed date for establishment of a branch school, may issue an order prohibiting any such establishment of a branch school if it would constitute a material or substantial deviation from the conditions of authorization or if the private

Senate Bill No. 105

[occupational] career school fails to meet the requirements set forth in subsection (b) of this section.

(d) If the executive director, or the executive director's designee, fails to take action upon the request for revision by the thirtieth day after the proposed date for establishment of such additional classroom site or branch school or such distance learning program, such request shall be deemed approved.

Sec. 18. Section 10a-22h of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

Any out-of-state private [occupational] career school that seeks to operate a distance learning program in the state shall submit an application to the Office of Higher Education in the form and manner prescribed by the office. Each such private [occupational] career school shall agree to abide by standards established by the office. The office shall approve or reject such private [occupational] career school's application in accordance with the standards established by the office. Authorization by the office to operate a distance learning program in the state shall be valid for a period of one year and may be renewed by the office for additional one-year periods. The office shall establish a schedule of application and renewal fees for all out-of-state private [occupational] career schools that are approved by the office. As used in this [subsection] section, "distance learning program" means a program of study in which lectures are broadcast or classes are conducted by correspondence or over the Internet, without requiring a student to attend in person.

Sec. 19. Section 10a-22i of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

(a) The executive director may assess any person, board, partnership,

Senate Bill No. 105

association, corporation, limited liability company or other entity which violates any provision of sections 10a-22a to 10a-22p, inclusive, as amended by this act, sections 10a-22u to 10a-22w, inclusive, as amended by this act, or regulations adopted pursuant to section 10a-22k, an administrative penalty in an amount not to exceed five hundred dollars for each day of such violation, except that, any administrative penalty assessed on and after the effective date of the regulations adopted pursuant to section 10a-22k, shall be in the amount specified in such regulations.

(b) The executive director shall serve written notice upon a private [occupational] career school when the assessment of such an administrative penalty is under consideration. The notice shall set forth the reasons for the assessment of the penalty. Not later than forty-five days after mailing such notice to the private [occupational] career school, the executive director, or the executive director's designee, shall hold a compliance conference with the private [occupational] career school.

(c) If, after the compliance conference, the executive director determines that imposition of an administrative penalty is appropriate, the executive director shall issue an order and serve written notice by certified mail, return receipt requested upon the private [occupational] career school.

(d) A private [occupational] career school aggrieved by the order of the executive director imposing an administrative penalty pursuant to subsection (c) of this section shall, not later than fifteen days after such order is mailed, request in writing a hearing before the executive director. Such hearing shall be held in accordance with the provisions of chapter 54.

Sec. 20. Section 10a-22k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

Senate Bill No. 105

The Office of Higher Education shall adopt regulations in accordance with the provisions of chapter 54 in order to carry out the provisions of sections 10a-22a to 10a-22o, inclusive, and sections 10a-22u to 10a-22w, inclusive. Such regulations may prescribe fines, fees or penalties in lieu of the amounts set forth in sections 10a-22b to 10a-22e, inclusive, and sections 10a-22i, 10a-22l, 10a-22m and 10a-224, as amended by this act.

Sec. 21. Section 10a-22l of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

(a) Any private [occupational] career school operating without a certificate of authorization required under section 10a-22b, as amended by this act, or operating an additional classroom site or branch school in violation of section 10a-22g, as amended by this act, shall be fined not more than five hundred dollars for each day of unauthorized operation, to be paid into the private [occupational] career student protection account, except that, any fine assessed on and after the effective date of the regulations adopted pursuant to section 10a-22k, shall be in the amount specified in such regulations.

(b) The executive director, or the executive director's designee, may conduct an investigation and, through the Attorney General, maintain an action in the name of the state against any person to restrain or prevent the establishment or operation of an institution that does not have a certificate of authorization.

Sec. 22. Section 10a-22m of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

(a) A private [occupational] career school shall notify the executive director, in writing, at least sixty days prior to closure of such school. The private [occupational] career school shall provide evidence prior to closing that: (1) All course work is or will be completed by current students at the school; (2) there are no refunds due any students; (3) all

Senate Bill No. 105

student records will be maintained as prescribed in section 10a-22n, as amended by this act; (4) final payment has been made to the private [occupational] career school student protection account; (5) a designation of service form has been filed with the executive director; and (6) the certificate of authorization has been returned to the executive director.

(b) Any private [occupational] career school that fails to meet the requirements outlined in subsection (a) of this section shall be fined not more than five hundred dollars per day for each day of noncompliance, except that, any fine assessed on and after the effective date of the regulations adopted pursuant to section 10a-22k, shall be in the amount specified in such regulations, and [,] pursuant to subdivision (6) of subsection (a) of section 10a-22c, as amended by this act, shall be ineligible to be issued a certificate of authorization upon application to operate a private [occupational] career school. Funds collected pursuant to this subsection shall be placed in the private [occupational] career student protection account established pursuant to section 10a-22u, as amended by this act.

(c) If the executive director revokes a private [occupational] career school's certificate of authorization, such school shall comply with the requirements of subsection (a) of this section. Failure to comply shall result in further penalties at the discretion of the executive director.

(d) In the event a private [occupational] career school fails to meet the requirements set forth in subsection (a) of this section and closes prior to graduating all current students, the executive director may seize the letter of credit filed by the private [occupational] career school pursuant to subsection (d) of section 10a-22c, as amended by this act, and such letter of credit shall be made payable to the private [occupational] career school student protection account. The executive director may expend funds from the private [occupational] career school student protection account up to the amount necessary to facilitate a teach-out of any

Senate Bill No. 105

remaining students up to and including the issuance of a certificate of completion pursuant to subsection (e) of this section. For purposes of this subsection and subsection (e) of this section, (1) "teach-out" means the completion of instruction of a course or program of study in which a student was enrolled, provided the teach-out includes instruction of the entire program of study when a course is a part of such program of study, and (2) "certificate of completion" means the credential, documented in writing, that is issued to a student who completes a course or program of study offered by a private [occupational] career school.

(e) In the event of a private [occupational] career school closure that fails to meet the requirements set forth in subsection (a) of this section, the executive director may issue a certificate of completion to each student that, in the executive director's determination, has successfully completed the student's course or program of study in which the student was enrolled at the private [occupational] career school.

Sec. 23. Section 10a-22n of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

(a) A private [occupational] career school shall maintain, preserve and protect, in a manner approved by the executive director, or the executive director's designee, all school records including, but not limited to: (1) Student or academic transcripts, including, in a separate file, a duplicate copy of the academic transcript of each student who graduated from such school, and a duplicate copy of the academic transcript of each student enrolled at such school that contains the student's name, address, program of study, length of such program of study, grade point average and courses completed; (2) attendance records or other indicators of student progress; (3) copies of individual enrollment agreements or contracts; (4) evidence of tuition payments; and (5) any other documentation as prescribed by the executive director.

Senate Bill No. 105

(b) The executive director, or the executive director's designee, may at any time during regular business or school hours, with or without notice, visit a private [occupational] career school. During such visitation, the executive director, or the executive director's designee, may request an officer or director of the school to produce, and shall be provided with immediate access to, such records or information as are required to verify that the school continues to meet the conditions of authorization. If the executive director determines that such private [occupational] career school has not maintained, preserved or protected school records in accordance with this section, the executive director may assess an administrative penalty on such private [occupational] career school pursuant to section 10a-22i, as amended by this act.

(c) If a school ceases to operate as a private [occupational] career school, it shall (1) immediately transmit all student or academic transcripts, described in subdivision (1) of subsection (a) of this section, to the executive director, and (2) keep the executive director advised in writing as to the location and availability of all other student records or shall file all such other student records with the executive director.

(d) The executive director shall maintain all records, files and other documents associated with private [occupational] career schools in a manner consistent with the mission and responsibilities of the Office of Higher Education.

Sec. 24. Section 10a-22p of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

(a) On and after January 1, 2020, any private [occupational] career school, as defined in section 10a-22a, as amended by this act, that requires any student, as a condition of enrollment, to enter into an agreement that (1) limits participation in a class action against such school, (2) limits any claim the student may have against such school or the damages for such claim, or (3) requires the student to assert any

Senate Bill No. 105

claim against such school in a forum that is less convenient, more costly or more dilatory for the resolution of a dispute than a judicial forum established in the state where the student may otherwise properly bring a claim, shall include in its application to the Office of Higher Education for initial or renewed certificate of authorization pursuant to sections 10a-22b, as amended by this act, and 10a-22d, as amended by this act, a statement (A) disclosing the number of claims made against the school, including claims made against a parent organization or subsidiary of the school, by a student currently or formerly enrolled at the school, (B) describing the nature of the rights asserted, and (C) updating the status of such claims. The school shall submit additional details regarding such claims as the executive director of the Office of Higher Education may require.

(b) The executive director of the Office of Higher Education may deny the application for initial or renewed certificate of authorization of a private [occupational] career school or consider a private [occupational] career school ineligible to receive any public funds, including, but not limited to, federal funds administered by the office pursuant to section 10a-45 if (1) such school fails to include the statement required under subsection (a) of this section in its application, or (2) upon review of such statement, the executive director determines that the public policy of protecting the interests of students in the state requires such denial.

(c) The executive director of the Office of Higher Education shall have the authority granted under sections 10a-22i, as amended by this act, 10a-22j and 10a-22o to investigate and enforce the provisions of subsections (a) and (b) of this section.

Sec. 25. Section 10a-22q of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

After each annual determination of the balance of the private [occupational] career school student protection account required by

Senate Bill No. 105

section 10a-22w, if the balance of the account is more than two million five hundred thousand dollars, the State Treasurer shall transfer to a separate, nonlapsing account within the General Fund, to be known as the private [occupational] career school student benefit account, three-fourths of the annually accrued interest of said student protection account.

Sec. 26. Section 10a-22r of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

[There is] Upon the availability of funds to award financial aid grants from the private career school student benefit account, there shall be established an advisory committee to the executive director consisting of seven members appointed by the executive director, including a representative of the private [occupational] career schools, a representative from the Office of Higher Education and five members chosen from business or industry, state legislators, private [occupational] career school alumni and the general public. Three of the members first appointed to the committee shall be appointed for a term of three years and four of the members first appointed shall be appointed for a term of two years. Thereafter, all members shall be appointed for a term of two years. The executive director shall administer the private [occupational] career school student benefit account, established pursuant to section 10a-22u, as amended by this act, with the advice of the advisory committee in accordance with the provisions of this section and sections 10a-22s and 10a-22t and may assess the account for all direct expenses incurred in the implementation of this section. The account shall be used to award financial aid grants for the benefit of private [occupational] career school students. The grants shall be paid to the private [occupational] career school designated by the grant recipient to be applied against the tuition expenses of such recipient. If the balance of the student protection account is five per cent or less of the annual net tuition income of the

Senate Bill No. 105

schools which make payments to the account pursuant to section 10a-22u, as amended by this act, any unallocated funds in the student benefit account shall be transferred to the private career school student protection account.

Sec. 27. Section 10a-22u of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

(a) There shall be an account to be known as the private [occupational] career school student protection account within the General Fund. Each private [occupational] career school authorized in accordance with the provisions of sections 10a-22a to 10a-22o, inclusive, as amended by this act, shall pay to the State Treasurer an amount equal to four-tenths of one per cent of the tuition received by such school per calendar quarter exclusive of any refunds paid, except that distance learning and correspondence schools authorized in accordance with the provisions of section 10a-22h, as amended by this act, shall contribute to said account only for Connecticut residents enrolled in such schools. Payments shall be made by January thirtieth, April thirtieth, July thirtieth and October thirtieth in each year for tuition received during the three months next preceding the month of payment. In addition to amounts received based on tuition, the account shall also contain any amount required to be deposited into the account pursuant to sections 10a-22a to 10a-22o, inclusive, as amended by this act. Said account shall be used for the purposes of section 10a-22v, as amended by this act. Any interest, income and dividends derived from the investment of the account shall be credited to the account. All direct expenses for the maintenance of the account may be charged to the account upon the order of the State Comptroller. The executive director may assess the account for all direct expenses incurred in the implementation of the purposes of this section which are in excess of the normal expenditures of the Office of Higher Education.

Senate Bill No. 105

(b) Payments required pursuant to subsection (a) of this section shall be a condition of doing business in the state and failure to make any such payment within thirty days following the date on which it is due shall result in the loss of authorization under section 10a-22f, as amended by this act. Such authorization shall not be issued or renewed if there exists a failure to make any such payment in excess of thirty days following the date on which it is due.

(c) If an audit conducted by the Office of Higher Education determines that a school has paid into the private [occupational] career school student protection account an amount less than was required, the school shall pay such amount plus a penalty of ten per cent of the amount required to the State Treasurer within thirty days of receipt of notice from the executive director or [his] the executive director's designee of the amount of the underpayment and penalty.

(d) If an audit conducted by the Office of Higher Education determines that a school has paid into the private [occupational] career school student protection account an amount more than was required, subsequent payment or payments by the school shall be appropriately credited until such credited payment or payments equal the amount of the overpayment.

Sec. 28. Section 10a-22v of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

Any student enrolled in a private [occupational] career school authorized in accordance with the provisions of sections 10a-22a to 10a-22o, inclusive, as amended by this act, who is unable to complete an approved course or unit of instruction at such school because of the insolvency or cessation of operation of the school and who has paid tuition for such course or unit of instruction, may, not later than two years after the date on which such school became insolvent or ceased

Senate Bill No. 105

operations, make application to the executive director for a refund of tuition from the account established pursuant to section 10a-22u, as amended by this act, to the extent that such account exists or has reached the level necessary to pay outstanding approved claims, except that in the case of distance learning and correspondence schools authorized in accordance with the provisions of section 10a-22h, as amended by this act, only Connecticut residents enrolled in such schools may be eligible for such refund. Upon such application, the executive director shall determine whether the applicant is unable to complete a course or unit of instruction because of the insolvency or cessation of operation of the school to which tuition has been paid. The executive director may summon by subpoena any person, records or documents pertinent to the making of a determination regarding insolvency or cessation of operation. For the purpose of making any tuition refund pursuant to this section, a school shall be deemed to have ceased operation whenever it has failed to complete a course or unit of instruction for which the student has paid a tuition fee and, as a result, the school's authorization has been revoked pursuant to section 10a-22f, as amended by this act. If the executive director finds that the applicant is entitled to a refund of tuition because of the insolvency or cessation of operation of the school, the executive director shall determine the amount of an appropriate refund which shall be equal to the tuition paid for the uncompleted course or unit of instruction. Thereafter the executive director shall direct the State Treasurer to pay, per order of the Comptroller, the refund to the applicant or persons, agencies or organizations indicated by the applicant who have paid tuition on the student's behalf. If the student is a minor, payment shall be made to the student's parent, parents or legal guardian. In no event shall a refund be made from the student protection account for any financial aid provided to or on behalf of any student in accordance with the provisions of Title IV, Part B of the Higher Education Act of 1965, as amended from time to time. Each recipient of a tuition refund made in accordance with the provisions of this section shall assign all rights to the state of any action

Senate Bill No. 105

against the school or its owner or owners for tuition amounts reimbursed pursuant to this section. Upon such assignment, the state may take appropriate action against the school or its owner or owners in order to reimburse the student protection account for any expenses or claims that are paid from the account and to reimburse the state for the reasonable and necessary expenses in undertaking such action. Any student who falsifies information on an application for tuition reimbursement shall lose his or her right to any refund from the account.

Sec. 29. Subsection (c) of section 10-95r of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

(c) The executive director may enter into cooperative arrangements with local and regional boards of education, private [occupational] career schools, institutions of higher education, job training agencies and employers in order to provide (1) general education, (2) vocational, technical, technological or postsecondary education, and (3) work experience.

Sec. 30. Subdivision (1) of subsection (a) of section 10a-11b of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

(1) The commission shall consist of the following voting members: (A) The president of the Connecticut State Colleges and Universities, the president of The University of Connecticut, or their designees from the Board of Regents and Board of Trustees; (B) the provost of the Connecticut State Colleges and Universities and the provost of The University of Connecticut; (C) the chair of the Board of Regents for the Connecticut State Colleges and Universities, and the Board of Trustees for The University of Connecticut, or the chairs' designees; (D) the president, vice president or chair of the board of a large independent institution of higher education in the state, to be selected by the

Senate Bill No. 105

president of the Connecticut Conference of Independent Colleges; (E) the president, vice president or chair of the board of a small independent institution of higher education in the state, to be selected by the president of the Connecticut Conference of Independent Colleges; (F) a representative from a private [occupational] career school, to be selected by the Commissioner of Education; (G) a teaching faculty representative from the Connecticut State Universities, to be selected by the president of the Connecticut State Colleges and Universities; (H) a teaching faculty representative from the regional community-technical colleges, to be selected by the president of the Connecticut State Colleges and Universities; (I) a teaching faculty representative from The University of Connecticut, to be selected by the president of The University of Connecticut; (J) a teaching faculty representative from a private [occupational] career school in the state, to be selected by the Commissioner of Education; (K) one member appointed by the president pro tempore of the Senate, who shall be a representative of a large manufacturing employer in the state; (L) one member appointed by the speaker of the House of Representatives, who shall be a representative of a large financial or insurance services employer in the state; (M) one member appointed by the majority leader of the Senate, who shall be a representative of an information technology or digital media employer in the state; (N) one member appointed by the minority leader of the Senate, who shall be a representative of a small business employer in the state; (O) one member appointed by the majority leader of the House of Representatives, who shall be a representative of a health care employer in the state; and (P) one member appointed by the minority leader of the House of Representatives, who shall be a representative of a small business employer in the state. The commission membership shall, where feasible, reflect the state's geographic, racial and ethnic diversity.

Sec. 31. Section 10a-34h of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July*

Senate Bill No. 105

1, 2022):

(a) As used in this section:

(1) "Credential" means a documented award issued by an authorized body, including, but not limited to, a (A) degree or certificate awarded by an institution of higher education, private [occupational] career school or provider of an alternate route to certification program approved by the State Board of Education for teachers, (B) certification awarded through an examination process designed to demonstrate acquisition of designated knowledge, skill and ability to perform a specific job, (C) license issued by a governmental agency which permits an individual to practice a specific occupation upon verification that such individual meets a predetermined list of qualifications, and (D) documented completion of an apprenticeship or job training program; and

(2) "Credential status type" means the official status of a credential which is either active, deprecated, probationary or superseded.

(b) Not later than January 1, 2023, the executive director of the Office of Higher Education, in consultation with the advisory council established pursuant to subsection (c) of this section, shall create a database of credentials offered in the state for the purpose of explaining the skills and competencies earned through a credential in uniform terms and plain language. In creating the database, the executive director shall utilize the minimum data policy of the New England Board of Higher Education's High Value Credentials for New England initiative, the uniform terms and descriptions of Credentials Engine's Credential Transparency Description Language and the uniform standards for comparing and linking credentials in Credential Engine's Credential Transparency Description Language-Achievement Standards Network. At a minimum, the database shall include the following information for each credential: (1) Credential status type, (2)

Senate Bill No. 105

the entity that owns or offers the credential, (3) the type of credential being offered, (4) a short description of the credential, (5) the name of the credential, (6) the Internet web site that provides information relating to the credential, (7) the language in which the credential is offered, (8) the estimated duration for completion, (9) the industry related to the credential which may include its code under the North American Industry Classification System, (10) the occupation related to the credential which may include its code under the standard occupational classification system of the Bureau of Labor Statistics of the United States Department of Labor or under The Occupational Information Network, (11) the estimated cost for earning the credential, and (12) a listing of online or physical locations where the credential is offered.

(c) There is established an advisory council for the purpose of advising the executive director of the Office of Higher Education on the implementation of the database created pursuant to subsection (b) of this section. The advisory council shall consist of (1) representatives from the Office of Workforce Strategy, Office of Higher Education, Office of Policy and Management, Labor Department, Department of Education, Connecticut State Colleges and Universities, The University of Connecticut and independent institutions of higher education, and (2) the Chief Data Officer, or such officer's designee. The Chief Workforce Officer, the Chief Data Officer and the executive director of the Office of Higher Education, or their designees, shall be cochairpersons of the advisory council and shall schedule the meetings of the advisory council.

(d) Not later than July 1, 2024, and annually thereafter, each regional workforce development board, community action agency, as defined in section 17b-885, institution of higher education, private career school, provider of an alternate route to certification program approved by the State Board of Education, and provider of a training

Senate Bill No. 105

program listed on the Labor Department's Eligible Training Provider List shall submit information, in the form and manner prescribed by the executive director of the Office of Higher Education, about any credential offered by such institution, school or provider for inclusion in the database created pursuant to subsection (b) of this section. Such information shall include, but need not be limited to, the data described in subdivisions (1) to (12), inclusive, of subsection (b) of this section, except an institution of higher education may omit the data required pursuant to subdivisions (6), (9) and (10) of subsection (b) of this section if such data is not applicable to a credential offered by such institution.

(e) Nothing in this section shall be construed to require any state agency or department to submit credential information to the database created pursuant to subsection (b) of this section.

(f) The Labor Department may, in consultation with the advisory council established pursuant to subsection (c) of this section, require any program sponsor of a preapprenticeship or apprenticeship program registered with the department to submit information about such program to the Office of Higher Education for inclusion in such database.

Sec. 32. Subsection (c) of section 10a-55a of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

(c) On or before October 1, 2007, each institution of higher education and private [occupational] career school, as defined in section 10a-22a, as amended by this act, shall have an emergency response plan. On or before October 1, 2007, and annually thereafter, each institution of higher education and private [occupational] career school shall submit a copy of its emergency response plan to (1) the Commissioner of Emergency Services and Public Protection, and (2) local first responders. Such plan shall be developed in consultation with such first responders

Senate Bill No. 105

and shall include a strategy for notifying students and employees of the institution or school and visitors to such institution or school of emergency information.

Sec. 33. Section 10a-161a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

The president of the Connecticut State Colleges and Universities and the Office of Higher Education shall report, biennially, in accordance with the provisions of section 11-4a, to the joint standing committee of the General Assembly having cognizance of matters relating to higher education on state, northeast regional and national trends in (1) the cost of attendance at public and independent institutions of higher education and private [occupational] career schools, and (2) the availability and utilization of all forms of student financial aid for academic and noncredit vocational courses and programs relative to economic conditions and personal income.

Sec. 34. Subdivisions (21) and (22) of section 10a-223 of the 2022 supplement to the general statutes, as amended by section 273 of public act 21-2 of the June special session, are repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

(21) "High-value certificate program" means a noncredit sub-baccalaureate certificate program offered by an institution of higher education or a private [occupational] career school that the Chief Workforce Officer determines to meet the needs of employers in the state; and

(22) "Connecticut high-value certificate program" means a high-value certificate program offered by an institution of higher education or a private [occupational] career school in the state.

Sec. 35. Subdivision (109) of section 12-412 of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu

Senate Bill No. 105

thereof (*Effective July 1, 2022*):

(109) Sales of college textbooks to full and part-time students enrolled at institutions of higher education or private [occupational] career schools authorized pursuant to sections 10a-22a to 10a-22o, inclusive, as amended by this act, provided the student presents a valid student identification card. For purposes of this subdivision, "college textbooks" means new or used books and related workbooks required or recommended for a course at an institution of higher education or a private [occupational] career school authorized pursuant to sections 10a-22a to 10a-22o, inclusive, as amended by this act.

Sec. 36. Subdivision (1) of subsection (a) of section 13b-38ee of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

(1) "Eligible organization" means any provider of a training program including, but not limited to, a provider of a training program listed on the Labor Department's Eligible Training Provider List, an apprenticeship or preapprenticeship program sponsor, a provider of an alternate route to certification program approved by the State Board of Education, an institution of higher education, a private [occupational] career school, an employer, a state or municipal agency and a public or nonprofit social service provider in the state; and

Sec. 37. Subsection (a) of section 14-37a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

(a) Any person whose operator's license has been suspended pursuant to any provision of this chapter or chapter 248, except pursuant to section 14-215 for operating under suspension or pursuant to section 14-140 for failure to appear for any scheduled court appearance, and any person identified in subsection (g) of this section

Senate Bill No. 105

may make application to the Commissioner of Motor Vehicles for (1) a special "work" permit to operate a motor vehicle to and from such person's place of employment or, if such person is not employed at a fixed location, to operate a motor vehicle only in connection with, and to the extent necessary, to properly perform such person's business or profession, (2) a special "education" permit to operate a motor vehicle to and from an institution of higher education or a private [occupational] career school, as defined in section 10a-22a, as amended by this act, in which such person is enrolled, provided no such special "education" permit shall be issued to any student enrolled in a high school under the jurisdiction of a local or regional board of education, a high school under the jurisdiction of a regional educational service center, a charter school, a regional agricultural science and technology education center or a technical education and career school, or (3) a special "medical" permit to operate a motor vehicle to and from any ongoing medically necessary treatment, available upon adoption by the commissioner of regulations pursuant to chapter 54, that describe qualifications for such permit. Such application shall be accompanied by an application fee of one hundred dollars.

Sec. 38. Subsection (a) of section 17b-749 of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

(a) The Commissioner of Early Childhood shall establish and operate a child care subsidy program to increase the availability, affordability and quality of child care services for families with a parent or caretaker who (1) is (A) working or attending high school, or (B) subject to the provisions of subsection (d) of this section, is enrolled or participating in (i) a public or independent institution of higher education, (ii) a private [occupational] career school authorized pursuant to sections 10a-22a to 10a-22o, inclusive, as amended by this act, (iii) a job training or employment program administered by a regional workforce

Senate Bill No. 105

development board, (iv) an apprenticeship program administered by the Labor Department's office of apprenticeship training, (v) an alternate route to certification program approved by the State Board of Education, (vi) an adult education program pursuant to section 10-69 or other high school equivalency program, or (vii) a local Even Start program or other adult education program approved by the Commissioner of Early Childhood; or (2) receives cash assistance under the temporary family assistance program from the Department of Social Services and is participating in an education, training or other job preparation activity approved pursuant to subsection (b) of section 17b-688i or subsection (b) of section 17b-689d. Services available under the child care subsidy program shall include the provision of child care subsidies for children under the age of thirteen or children under the age of nineteen with special needs. The Office of Early Childhood shall open and maintain enrollment for the child care subsidy program and shall administer such program within the existing budgetary resources available. The office shall issue a notice on the office's Internet web site any time the office closes the program to new applications, changes eligibility requirements, changes program benefits or makes any other change to the program's status or terms, except the office shall not be required to issue such notice when the office expands program eligibility. Any change in the office's acceptance of new applications, eligibility requirements, program benefits or any other change to the program's status or terms for which the office is required to give notice pursuant to this subsection, shall not be effective until thirty days after the office issues such notice.

Sec. 39. Subsection (a) of section 31-11ss of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

(a) As used in this section:

(1) "Advanced manufacturing" means a manufacturing process that

Senate Bill No. 105

makes extensive use of computer, high-precision or information technologies integrated with a high-performance workforce in a production system capable of furnishing a heterogeneous mix of products in small or large volumes with either the efficiency of mass production or the flexibility of custom manufacturing in order to respond quickly to customer demands. "Advanced manufacturing" includes newly developed methods to manufacture existing products and the manufacture of new products emerging from new advanced technologies;

(2) "Eligible business" means a business that (A) has operations in Connecticut, (B) has been registered to conduct business for not less than twelve months, and (C) is in good standing with respect to the payment of all state and local taxes. "Eligible business" does not include the state or any political subdivision thereof;

(3) ["Private occupational school"] "Private career school" has the same meaning as provided in section 10a-22a, as amended by this act;

(4) "Public institution of higher education" means any of the institutions of higher education identified in subdivision (2) of section 10a-1;

(5) "Qualifying advanced manufacturing certificate program" means a for-credit or noncredit sub-baccalaureate advanced manufacturing certificate program offered by a public institution of higher education or a private [occupational] career school in which at least seventy-five per cent of the graduates of such certificate program are employed in a field related to or requiring such certificate in the year following graduation; and

(6) "Veteran" has the same meaning as provided in section 27-103.

Sec. 40. Section 46b-56c of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July*

Senate Bill No. 105

1, 2022):

(a) For purposes of this section, an educational support order is an order entered by a court requiring a parent to provide support for a child or children to attend for up to a total of four full academic years an institution of higher education or a private [occupational] career school for the purpose of attaining a bachelor's or other undergraduate degree, or other appropriate vocational instruction. An educational support order may be entered with respect to any child who has not attained twenty-three years of age and shall terminate not later than the date on which the child attains twenty-three years of age.

(b) (1) On motion or petition of a parent, the court may enter an educational support order at the time of entry of a decree of dissolution, legal separation or annulment, and no educational support order may be entered thereafter unless the decree explicitly provides that a motion or petition for an educational support order may be filed by either parent at a subsequent date. If no educational support order is entered at the time of entry of a decree of dissolution, legal separation or annulment, and the parents have a child who has not attained twenty-three years of age, the court shall inform the parents that no educational support order may be entered thereafter. The court may accept a parent's waiver of the right to file a motion or petition for an educational support order upon a finding that the parent fully understands the consequences of such waiver.

(2) A waiver of the right to file a motion or petition for an educational support order may be made in writing by either parent and accepted by the court, provided the parent making the writing attests, under oath, that the parent fully understands the consequences of such waiver, and that no restraining order issued pursuant to section 46b-15 or protective order issued pursuant to section 46b-38c, between the parties is in effect or pending before the court. The provisions of this subdivision shall not preclude the court from requiring that the parties attend a hearing and

Senate Bill No. 105

that findings be made on the record.

(3) On motion or petition of a parent, the court may enter an educational support order at the time of entry of an order for support pendente lite pursuant to section 46b-83.

(4) On motion or petition of a parent, the court may enter an educational support order at the time of entering an order of support pursuant to section 46b-61 or 46b-171, or similar section of the general statutes, or at any time thereafter.

(5) On motion or petition of a parent, the court may enter an educational support order at the time of entering an order pursuant to any other provision of the general statutes authorizing the court to make an order of support for a child, subject to the provisions of sections 46b-301 to 46b-425, inclusive.

(c) The court may not enter an educational support order pursuant to this section unless the court finds as a matter of fact that it is more likely than not that the parents would have provided support to the child for higher education or private [occupational] career school if the family were intact. After making such finding, the court, in determining whether to enter an educational support order, shall consider all relevant circumstances, including: (1) The parents' income, assets and other obligations, including obligations to other dependents; (2) the child's need for support to attend an institution of higher education or private [occupational] career school considering the child's assets and the child's ability to earn income; (3) the availability of financial aid from other sources, including grants and loans; (4) the reasonableness of the higher education to be funded considering the child's academic record and the financial resources available; (5) the child's preparation for, aptitude for and commitment to higher education; and (6) evidence, if any, of the institution of higher education or private [occupational] career school the child would attend.

Senate Bill No. 105

(d) Any finding required to be made by the court, pursuant to this section may be made on the basis of an affidavit, made under oath, by either party, provided that the party making the affidavit attests that no restraining order issued pursuant to section 46b-15 or protective order, issued pursuant to section 46b-38c, between the parties is in effect or pending before the court. Nothing in this subsection shall preclude the court from requiring that the parties attend a hearing and that findings be made on the record.

(e) At the appropriate time, both parents shall participate in, and agree upon, the decision as to which institution of higher education or private [occupational] career school the child will attend. The court may make an order resolving the matter if the parents fail to reach an agreement.

(f) To qualify for payments due under an educational support order, the child must (1) enroll in an accredited institution of higher education or private [occupational] career school, as defined in section 10a-22a, as amended by this act, (2) actively pursue a course of study commensurate with the child's vocational goals that constitutes at least one-half the course load determined by that institution or school to constitute full-time enrollment, (3) maintain good academic standing in accordance with the rules of the institution or school, and (4) make available all academic records to both parents during the term of the order. The order shall be suspended after any academic period during which the child fails to comply with these conditions.

(g) The educational support order may include support for any necessary educational expense, including room, board, dues, tuition, fees, registration and application costs, but such expenses shall not be more than the amount charged by The University of Connecticut for a full-time in-state student at the time the child for whom educational support is being ordered matriculates, except this limit may be exceeded by agreement of the parents. An educational support order may also

Senate Bill No. 105

include the cost of books and medical insurance for such child.

(h) The court may direct that payments under an educational support order be made (1) to a parent to be forwarded to the institution of higher education or private [occupational] career school, (2) directly to the institution or school, or (3) otherwise as the court determines to be appropriate.

(i) On motion or petition of a parent, an educational support order may be modified or enforced in the same manner as is provided by law for any support order.

(j) This section does not create a right of action by a child for parental support for higher education.

(k) An educational support order under this section does not include support for graduate or postgraduate education beyond a bachelor's degree.

(l) The provisions of this section shall apply only in cases when the initial order for parental support of the child is entered on or after October 1, 2002.

Sec. 41. Subsection (a) of section 10a-55i of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

(a) There is established a Higher Education Consolidation Committee which shall be convened by the chairpersons of the joint standing committee of the General Assembly having cognizance of matters relating to higher education or such chairpersons' designee, who shall be a member of such joint standing committee. The membership of the Higher Education Consolidation Committee shall consist of the higher education subcommittee on appropriations and the chairpersons, vice chairpersons and ranking members of the joint standing committees of

Senate Bill No. 105

the General Assembly having cognizance of matters relating to higher education and appropriations. The Higher Education Consolidation Committee shall establish a meeting and public hearing schedule for purposes of receiving updates from (1) the Board of Regents for Higher Education on the progress of the consolidation of the state system of higher education pursuant to this section, section 4-9c, subsection (g) of section 5-160, section 5-199d, subsection (a) of section 7-323k, subsection (a) of section 7-608, subsection (a) of section 10-9, section 10-155d, subdivision (14) of section 10-183b, sections 10a-1a to 10a-1d, inclusive, as amended by this act, 10a-3 and 10a-3a, 10a-8, 10a-10a to 10a-11a, inclusive, 10a-17d and 10a-22a, as amended by this act, [subsections (f) and (h)] subsection (f) of section 10a-22b, as amended by this act, subsections (c) and (d) of section 10a-22d, as amended by this act, sections 10a-22h, as amended by this act, and 10a-22k, subsection (a) of section 10a-22n, as amended by this act, sections 10a-22r, as amended by this act, 10a-22s, 10a-22u, as amended by this act, 10a-22v, as amended by this act, 10a-22x and 10a-34 to 10a-35a, inclusive, as amended by this act, subsection (a) of section 10a-48a, sections 10a-71 and 10a-72, subsections (c) and (f) of section 10a-77, section 10a-88, subsection (a) of section 10a-89, subsection (c) of section 10a-99 and sections 10a-102, 10a-104, 10a-105, 10a-109e, 10a-143 and 10a-168a, and (2) the Board of Regents for Higher Education and The University of Connecticut on the program approval process for the constituent units. The Higher Education Consolidation Committee shall convene its first meeting on or before September 15, 2011, and meet not less than once every two months.

Sec. 42. (*Effective from passage*) (a) Wherever the term "private occupational school" is used in any public or special act of 2022, the term "private career school" shall be substituted in lieu thereof.

(b) The Legislative Commissioners' Office shall, in codifying the provisions of this section, make such technical, grammatical and

Senate Bill No. 105

punctuation changes as are necessary to carry out the purposes of this section.

Sec. 43. Subsection (a) of section 10a-55s of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) On or before March 1, [2023] 2024, and every two years thereafter, each institution of higher education in the state shall conduct a sexual misconduct climate assessment that collects the data points developed by the Council on Sexual Misconduct Climate Assessments, pursuant to section 10a-55r, and distribute such assessment to each enrolled student in accordance with the guidelines recommended by said council. An institution may use any sexual misconduct climate assessment, including, but not limited to, one recommended by the council or developed by an institution of higher education or a national association, provided such assessment collects all of the data points developed by the council.

Sec. 44. Section 10a-22y of the general statutes is repealed. (*Effective July 1, 2022*)

Approved May 27, 2022