



# Senate

General Assembly

**File No. 254**

February Session, 2022

Senate Bill No. 105

*Senate, April 4, 2022*

The Committee on Higher Education and Employment Advancement reported through SEN. SLAP of the 5th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

***AN ACT CONCERNING RECOMMENDATIONS BY THE OFFICE OF HIGHER EDUCATION.***

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

1 Section 1. Section 4-5 of the 2022 supplement to the general statutes,  
2 as amended by section 6 of public act 17-237, section 279 of public act  
3 17-2 of the June special session, section 20 of public act 18-182, section  
4 283 of public act 19-117 and section 254 of public act 21-2 of the June  
5 special session, is repealed and the following is substituted in lieu  
6 thereof (*Effective July 1, 2022*):

7 As used in sections 4-6, 4-7 and 4-8, the term "department head"  
8 means Secretary of the Office of Policy and Management, Commissioner  
9 of Administrative Services, Commissioner of Revenue Services,  
10 Banking Commissioner, Commissioner of Children and Families,  
11 Commissioner of Consumer Protection, Commissioner of Correction,  
12 Commissioner of Economic and Community Development, State Board  
13 of Education, Commissioner of Emergency Services and Public

14 Protection, Commissioner of Energy and Environmental Protection,  
15 Commissioner of Agriculture, Commissioner of Public Health,  
16 Insurance Commissioner, Labor Commissioner, Commissioner of  
17 Mental Health and Addiction Services, Commissioner of Social Services,  
18 Commissioner of Developmental Services, Commissioner of Motor  
19 Vehicles, Commissioner of Transportation, Commissioner of Veterans  
20 Affairs, Commissioner of Housing, Commissioner of Rehabilitation  
21 Services, the Commissioner of Early Childhood, the executive director  
22 of the Office of Military Affairs, the executive director of the Technical  
23 Education and Career System, [and] the Chief Workforce Officer and the  
24 executive director of the Office of Higher Education. As used in sections  
25 4-6 and 4-7, "department head" also means the Commissioner of  
26 Education.

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 Section 10a-1d of the general statutes is repealed and the  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

29 (a) There is established an Office of Higher Education. The Office of  
30 Higher Education shall administer the programs set forth in sections 10-  
31 155d, 10a-10a, 10a-11, 10a-11a, 10a-17d, 10a-19g, 10a-34 to 10a-34f,  
32 inclusive, as amended by this act, 10a-35, 10a-166, 10a-168a, 10a-169a,  
33 10a-169b and 10a-173. The Office of Higher Education shall be  
34 responsible for approving any action taken pursuant to sections 10a-34  
35 to 10a-34f, inclusive, as amended by this act, and for providing  
36 information to prospective students regarding postsecondary education  
37 opportunities in the state.

38 (b) The Governor shall appoint an executive director of the Office of  
39 Higher Education in accordance with the provisions of sections 4-5 to 4-  
40 8, inclusive, as amended by this act. The executive director shall have  
41 the responsibility for implementing the policies and directives of the  
42 office and shall have additional responsibilities as the board may  
43 prescribe.

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

47 (a) For the purposes of this section, (1) "program of higher learning"  
48 means any course of instruction for which it is stated or implied that  
49 college or university-level credit may be given or may be received by  
50 transfer, including any course offered by dual enrollment; (2) "degree"  
51 means any letters or words, diploma, certificate or other symbol or  
52 document which signifies satisfactory completion of the requirements  
53 of a program of higher learning; (3) "institution of higher education"  
54 means any person, school, board, association, limited liability company  
55 or corporation which is [licensed or accredited] authorized to offer one  
56 or more programs of higher learning leading to one or more degrees; (4)  
57 ["license" means the authorization by the Office of Higher Education to  
58 operate a program of higher learning or institution of higher education  
59 for a specified initial period] authorized institution of higher  
60 education" means any proposed new institution of higher education,  
61 any institution of higher education authorized by another state and any  
62 institution of higher education located in this state, but does not mean  
63 any public institution of higher education governed by the Board of  
64 Regents for Higher Education and the Board of Trustees of The  
65 University of Connecticut or any institution of higher education  
66 authorized to award degrees prior to July 1, 1965; (5) ["accreditation"]  
67 authorization" means the [authorization by said office to] approval by  
68 the Office of Higher Education to operate or continue operating a  
69 program of higher learning or institution of higher education for  
70 subsequent periods, and in such periods to confer specified degrees; (6)  
71 "program modification" means (A) a change in a program of higher  
72 learning that does not clearly qualify as a new program of higher  
73 learning or a nonsubstantive change, including, but not limited to, a new  
74 program of higher learning consisting primarily of course work for a  
75 previously approved program of higher learning, (B) an approved  
76 program of higher learning to be offered at an off-campus location, (C)  
77 a change in the title of a degree, or (D) a change in the title of a program  
78 of higher learning; and (7) "nonsubstantive change" means (A) a new  
79 undergraduate certificate program, within an existing program of  
80 higher learning, of not more than thirty semester credit hours that falls  
81 under an approved program of higher learning, (B) a new baccalaureate

82 minor of not more than eighteen semester credit hours, (C) a new  
83 undergraduate option or certificate program of not more than fifteen  
84 semester credit hours, or (D) a new graduate option or certificate  
85 program of not more than twelve semester credit hours.

86 (b) The Office of Higher Education shall establish regulations, in  
87 accordance with chapter 54, concerning the requirements for [licensure  
88 and accreditation, such regulations to concern] authorization,  
89 administration, finance, faculty, curricula, library, student admission  
90 and graduation, plant and equipment, records, catalogs, program  
91 announcements and any other criteria pertinent thereto, as well as the  
92 periods for which [licensure and accreditation] authorization may be  
93 granted, and the costs and procedures of evaluations as provided in  
94 subsections (c), (d) and (i) of this section. [Said office shall establish  
95 academic review commissions to hear each appeal of a denial by said  
96 office of an application by an institution of higher education for  
97 licensure or accreditation of a program of higher learning or institution  
98 of higher education. For each individual appeal, the executive director  
99 of said office, or the executive director's designee, shall select a  
100 commission that is comprised of four higher education representatives  
101 and five business and industry representatives chosen from a panel of  
102 thirty-five members, who shall be appointed as follows: (1) The  
103 Governor shall appoint five members; (2) the speaker of the House of  
104 Representatives shall appoint five members; (3) the president pro  
105 tempore of the Senate shall appoint five members; (4) the majority  
106 leader of the House of Representatives shall appoint five members; (5)  
107 the majority leader of the Senate shall appoint five members; (6) the  
108 minority leader of the House of Representatives shall appoint five  
109 members; and (7) the minority leader of the Senate shall appoint five  
110 members. The executive director of said office, or the executive  
111 director's designee, shall ensure that each commission contains at least  
112 one member appointed by each of the appointing authorities. Each  
113 appointing authority shall select both higher education representatives  
114 and business and industry representatives, but not more than three from  
115 either category of representatives.] The office may establish an advisory  
116 council for the purpose of advising on issues related to the authorization

117 of institutions of higher education pursuant to the provisions of this  
118 section and private career schools pursuant to sections 10a-22a to 10a-  
119 22o, inclusive, as amended by this act. The members of the advisory  
120 council shall be appointed by the executive director and consist of  
121 representatives with (1) expertise in the quality assurance and relevance  
122 of programs of higher learning, (2) knowledge of and experience in the  
123 business operations and financing of institutions of higher education,  
124 (3) knowledge of the laws and regulations applicable to institutions of  
125 higher education, and (4) expertise in consumer protection for students  
126 and prospective students of institutions of higher education.

127 (c) No person, school, board, association or corporation shall confer  
128 any degree unless authorized by act of the General Assembly. No  
129 application for authority to confer any such degree shall be approved  
130 by the General Assembly or any committee thereof, nor shall any such  
131 authority be included in any charter of incorporation until such  
132 application has been evaluated and approved by the Office of Higher  
133 Education in accordance with regulations established by the Office of  
134 Higher Education.

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

149 (e) If the executive director of the Office of Higher Education, or the

150 executive director's designee, determines that further review of an  
151 application is needed due at least in part to the applicant offering  
152 instruction in a new program of higher learning or new degree level or  
153 the financial condition of the institution of higher education, then the  
154 executive director or the executive director's designee shall conduct a  
155 focused or on-site review. Such applicant shall have an opportunity to  
156 state any objection regarding any individual selected to review an  
157 application on behalf of the executive director. For purposes of this  
158 subsection and subsection (f) of this section, "focused review" means a  
159 review by an out-of-state curriculum expert; and "on-site review" means  
160 a full team evaluation by the office at the institution of higher education.

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

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

173 (h) If the Office of Higher Education denies an application for  
174 [licensure or accreditation] authorization of a program or institution of  
175 higher education, the applicant may appeal the denial not later than ten  
176 days from the date of denial. [The academic review commission shall  
177 review the appeal and make a decision on such appeal not later than  
178 thirty days from the date the applicant submits the appeal to said office.]

179 (i) No person, school, board, association or corporation shall operate  
180 a program of higher learning or an institution of higher education unless  
181 it has been [licensed or accredited] authorized by the Office of Higher  
182 Education, nor shall it confer any degree unless it has been [accredited]

183 authorized in accordance with this section. The office shall accept  
184 [regional] accreditation, in satisfaction of the requirements of this  
185 subsection unless the office finds cause not to rely upon such  
186 accreditation. [If any institution of higher education provides evidence  
187 of programmatic accreditation, the office may consider such  
188 accreditation in satisfaction of the requirements of this subsection and  
189 deem the program at issue in the application for accreditation to be  
190 accredited in accordance with this section. National accreditation for  
191 Connecticut institutions of higher education accredited prior to July 1,  
192 2013, shall be accepted as being in satisfaction of the requirements of  
193 this subsection unless the office finds cause not to rely on such national  
194 accreditation.]

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

203 (k) Accreditation of any program or institution or authority to award  
204 degrees granted in accordance with law prior to July 1, 1965, shall  
205 continue in effect unless the Office of Higher Education finds the  
206 institution is in an unsound financial condition or exhibiting financial  
207 indicators that such institution is in danger of closure.

208 (l) On and after July 1, 2023, and annually thereafter, each authorized  
209 institution of higher education shall submit to the Office of Higher  
210 Education, at such time and in such manner as the office prescribes, a  
211 report that includes, but need not be limited to, (1) a list of the programs  
212 of higher learning offered by such institution, (2) a single point of  
213 contact at such institution for student complaints, (3) the schedule of  
214 tuition, fees and all other charges and expenses necessary for the  
215 completion of a program of higher learning, (4) any decisions by such

216 institution's accreditation agency or the federal government that  
217 adversely affects the status of such institution, (5) any change in  
218 ownership, (6) a copy of the most recent audited financial statements  
219 detailing the financial status of such institution, (7) any other  
220 information necessary to determine whether such institution is in an  
221 unsound financial condition or exhibiting financial indicators that such  
222 institution is in danger of closure, and (8) the retention and graduation  
223 rates of students, information concerning the employment outcomes of  
224 graduates and any other information, as determined by the office in  
225 consultation with such institution, to determine whether such  
226 institution is maintaining quality programs of higher learning. Any  
227 information submitted pursuant to subdivision (7) of this subsection  
228 shall not be deemed to be a public record for purposes of the Freedom  
229 of Information Act, as defined in section 1-200, and shall not be subject  
230 to disclosure under the provisions of section 1-210.

231 [(l)] (m) Notwithstanding the provisions of subsections (b) to (j),  
232 inclusive, of this section and subject to the authority of the State Board  
233 of Education to regulate teacher education programs, an independent  
234 institution of higher education, as defined in section 10a-173, shall not  
235 require approval by the Office of Higher Education for any new  
236 programs of higher learning or any program modifications proposed by  
237 such institution until June 30, 2023, and for up to fifteen new programs  
238 of higher learning in any academic year or any program modifications  
239 proposed by such institution on and after July 1, 2023, provided (1) the  
240 institution maintains eligibility to participate in financial aid programs  
241 governed by Title IV, Part B of the Higher Education Act of 1965, as  
242 amended from time to time, (2) the United States Department of  
243 Education has not determined that the institution has a financial  
244 responsibility score that is less than 1.5 for the most recent fiscal year for  
245 which the data necessary for determining the score is available, and (3)  
246 the institution has been located in the state and accredited as a degree-  
247 granting institution in good standing for ten years or more by a regional  
248 accrediting association recognized by the Secretary of the United States  
249 Department of Education and maintains such accreditation status. Each  
250 institution that is exempt from program approval by the Office of



251 Higher Education under this subsection shall file with the office (A) on  
252 and after July 1, 2023, an application for approval of any new program  
253 of higher learning in excess of fifteen new programs in any academic  
254 year, (B) a program actions form, as created by the office, prior to  
255 students enrolling in any new program of higher learning or any  
256 existing program subject to a program modification, and (C) not later  
257 than July first, and annually thereafter, (i) until June 30, 2024, a list and  
258 brief description of any new programs of higher learning introduced by  
259 the institution in the preceding academic year and any existing  
260 programs of higher learning discontinued by the institution in the  
261 preceding academic year, (ii) the institution's current program approval  
262 process and all actions of the governing board concerning approval of  
263 any new program of higher learning, and (iii) the institution's financial  
264 responsibility composite score, as determined by the United States  
265 Department of Education, for the most recent fiscal year for which the  
266 data necessary for determining the score is available.

267 Sec. 4. Section 10a-34c of the general statutes is repealed and the  
268 following is substituted in lieu thereof (*Effective October 1, 2022*):

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

276 Sec. 5. Subsection (a) of section 10a-34e of the 2022 supplement to the  
277 general statutes is repealed and the following is substituted in lieu  
278 thereof (*Effective October 1, 2022*):

279 (a) The Office of Higher Education may conduct any necessary  
280 review, inspection or investigation regarding applications for [licensure  
281 or accreditation] authorization or possible violations of this section,  
282 sections 10a-34 to 10a-34d, inclusive, as amended by this act, section 10a-  
283 34g, as amended by this act, or any applicable regulations of

284 Connecticut state agencies. In connection with any investigation, the  
285 executive director or the executive director's designee, may administer  
286 oaths, issue subpoenas, compel testimony and order the production of  
287 any record or document. If any person refuses to appear, testify or  
288 produce any record or document when so ordered, the executive  
289 director may seek relief pursuant to section 10a-34d.

290 Sec. 6. Subsection (a) of section 10a-34g of the general statutes is  
291 repealed and the following is substituted in lieu thereof (*Effective October*  
292 *1, 2022*):

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

312 Sec. 7. Subdivision (4) of section 10-67 of the general statutes is  
313 repealed and the following is substituted in lieu thereof (*Effective October*  
314 *1, 2022*):

315 (4) "Cooperating eligible entity" means any corporation or other  
316 business entity, nonprofit organization, private [occupational] career

317 school authorized pursuant to sections 10a-22a to 10a-22o, inclusive, as  
318 amended by this act, institution of higher education [licensed or  
319 accredited pursuant to the provisions of] authorized pursuant to section  
320 10a-34, as amended by this act, technical education and career school or  
321 library [which] that provides classes or services specified under  
322 subparagraph (A) of subsection (a) of section 10-69, in conformance with  
323 the program standards applicable to boards of education, through a  
324 written cooperative arrangement with a local or regional board of  
325 education or regional educational service center;

326 Sec. 8. Subparagraph (J) of subdivision (37) of subsection (a) of section  
327 12-407 of the general statutes is repealed and the following is substituted  
328 in lieu thereof (*Effective October 1, 2022*):

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

340 Sec. 9. Subsection (k) of section 30-22a of the 2022 supplement to the  
341 general statutes is repealed and the following is substituted in lieu  
342 thereof (*Effective October 1, 2022*):

343 (k) For purposes of compliance with this section, "cafe" includes: (1)  
344 A room or building that is subject to the care, custody and control of The  
345 University of Connecticut Board of Trustees; (2) land and buildings  
346 which are subject to the care, custody and control of an institution  
347 offering a program of higher learning, as defined in section 10a-34, as  
348 amended by this act, which has been accredited by the Board of Regents  
349 for Higher Education or [Office of Higher Education or otherwise] is

350 authorized by the Office of Higher Education to award a degree  
351 pursuant to section 10a-34, as amended by this act; or (3) on land or in a  
352 building situated on or abutting a golf course which is subject to the  
353 care, custody and control of an institution offering a program of higher  
354 learning, as defined in section 10a-34, as amended by this act, which has  
355 been accredited by the Board of Regents for Higher Education or [Office  
356 of Higher Education or otherwise] is authorized by the Office of Higher  
357 Education to award a degree pursuant to section 10a-34, as amended by  
358 this act.

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

361 As used in this section and sections [10a-22a to 10a-22y] 10a-22b to  
362 10a-22x, inclusive, as amended by this act:

363 (1) ["Private occupational school"] "Private career school" means a  
364 postsecondary career school operated by a person, board, association,  
365 partnership, corporation, limited liability company or other entity  
366 offering or advertising vocational instruction in any form or manner in  
367 any trade, industrial, commercial, service, professional or other  
368 occupation for any remuneration, consideration, reward or fee of  
369 whatever nature, including, but not limited to, a hospital-based  
370 occupational school, or any program, school or entity offering  
371 postsecondary instruction in barbering, hairdressing and cosmetology  
372 or the occupation of esthetician, nail technician or eyelash technician, as  
373 such terms are defined in section 20-265a. ["Private occupational  
374 school"] "Private career school" does not include (A) instruction offered  
375 under public supervision and control, (B) instruction conducted by a  
376 firm or organization solely for the training of its own employees or  
377 members, (C) instruction offered by a school authorized by the General  
378 Assembly to confer degrees, or (D) instruction offered in the arts or  
379 recreation, including, but not limited to, the training of students to  
380 provide such instruction;

381 (2) "Additional classroom site" means a facility that (A) is  
382 geographically located close to the school or branch that oversees the

383 site, such that students must utilize services provided at such school or  
384 branch, (B) conducts permanent or temporary educational activities,  
385 and (C) offers courses or full programs of study;

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

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

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

398 Sec. 11. Section 10a-22b of the 2022 supplement to the general statutes  
399 is repealed and the following is substituted in lieu thereof (*Effective*  
400 *October 1, 2022*):

401 (a) No person, board, association, partnership, corporation, limited  
402 liability company or other entity shall offer instruction in any form or  
403 manner in any trade or in any industrial, commercial, service,  
404 professional or other occupation unless such person, board, association,  
405 partnership, corporation, limited liability company or other entity first  
406 receives from the executive director a certificate authorizing the  
407 occupational instruction to be offered.

408 (b) Except for initial authorizations, the executive director may accept  
409 institutional accreditation by an accrediting agency recognized by the  
410 United States Department of Education, in satisfaction of the  
411 requirements of this section and section 10a-22d, as amended by this act,  
412 including the evaluation and attendance requirement. Except for initial  
413 authorizations, the executive director may accept programmatic

414 accreditation in satisfaction of the requirements of this section and  
415 section 10a-22d, as amended by this act, with regard to instruction  
416 offered by a hospital [pursuant to subsection (h) of this section] unless  
417 the executive director finds reasonable cause not to rely upon such  
418 accreditation.

419 (c) Each person, board, association, partnership, corporation, limited  
420 liability company or other entity which seeks to offer occupational  
421 instruction shall submit to the executive director, or the executive  
422 director's designee, in such manner and on such forms as the executive  
423 director, or the executive director's designee, prescribes, an application  
424 for a certificate of authorization. [which includes, but need not be  
425 limited to, (1) the proposed name of the school; (2) ownership and  
426 organization of the school including the names and addresses of all  
427 principals, officers, members and directors; (3) names and addresses of  
428 all stockholders of the school, except for applicants which are listed on  
429 a national securities exchange; (4) addresses of any building or premises  
430 on which the school will be located; (5) description of the occupational  
431 instruction to be offered; (6) the proposed student enrollment  
432 agreement, which includes for each program of occupational instruction  
433 offered a description, in plain language, of any requirements for  
434 employment in such occupation or barriers to such employment  
435 pursuant to state law or regulations; (7) the proposed school catalog,  
436 which includes for each program of occupational instruction offered a  
437 description of any requirements for employment in such occupation or  
438 barriers to such employment pursuant to state law or regulations; (8)  
439 financial statements detailing the financial condition of the school  
440 pursuant to subsection (d) of this section and subsection (g) of section  
441 10a-22d prepared by management and reviewed or audited, or, for a  
442 nonaccredited school annually receiving less than fifty thousand dollars  
443 in tuition revenue, compiled, by an independent licensed certified  
444 public accountant or independent licensed public accountant; and (9) an  
445 agent for service of process.] Each application for initial authorization  
446 shall be accompanied by a nonrefundable application fee made payable  
447 to the private [occupational] career school student protection account.  
448 Such application fee shall be in the amount of two thousand dollars for

449 the private occupational school and two hundred dollars for each  
450 branch of a private occupational school in this state, except that, on and  
451 after the effective date of the regulations adopted pursuant to section  
452 10a-22k, such application fee shall be in the amount specified in such  
453 regulations. Any application for initial authorization that remains  
454 incomplete six months after the date such application was first  
455 submitted to the [Office of Higher Education] office shall expire and the  
456 office shall not approve such expired application for authorization.

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

465 (e) Upon receipt of a complete application pursuant to subsection (c)  
466 of this section, the executive director shall cause to be conducted an  
467 evaluation of the applicant school. Not later than sixty days (1) after  
468 receipt of a complete application for initial authorization, or (2) prior to  
469 expiration of the authorization of a private [occupational] career school  
470 applying to renew its certificate of authorization pursuant to section  
471 10a-22d, as amended by this act, the executive director, or the executive  
472 director's designee, shall appoint an evaluation team, pursuant to  
473 [subsection (f) of this section] regulations adopted pursuant to section  
474 10a-22k, to conduct such evaluation of the applicant school. The  
475 evaluation team shall submit a written report to the executive director  
476 recommending authorization or nonauthorization after an on-site  
477 inspection. Not later than one hundred twenty days following the  
478 completed appointment of the evaluation team, the executive director  
479 shall notify the applicant school of authorization or nonauthorization.  
480 The executive director may consult with the Labor Department and may  
481 request the advice of any other state agency which may be of assistance  
482 in making a determination. In the event of nonauthorization, the

483 executive director shall set forth the reasons therefor in writing and the  
484 applicant school may request in writing a hearing before the executive  
485 director. Such hearing shall be held in accordance with the provisions of  
486 chapter 54.

487 [(f) For purposes of an evaluation of an applicant school, the  
488 executive director, or the executive director's designee, shall appoint an  
489 evaluation team which shall include (1) at least two members  
490 representing the Office of Higher Education, and (2) at least one member  
491 for each of the areas of occupational instruction for which authorization  
492 is sought who shall be experienced in such occupation. The applicant  
493 school shall have the right to challenge any proposed member of the  
494 evaluation team for good cause shown. A written challenge shall be filed  
495 with the executive director within ten business days following the  
496 appointment of such evaluation team. In the event of a challenge, a  
497 decision shall be made thereon by the executive director within ten  
498 business days from the date such challenge is filed, and if the challenge  
499 is upheld the executive director shall appoint a replacement. Employees  
500 of the state or any political subdivision of the state may be members of  
501 evaluation teams. The executive director, or the executive director's  
502 designee, shall not appoint any person to an evaluation team unless the  
503 executive director, or such designee, has received from such person a  
504 statement that the person has no interest which is in conflict with the  
505 proper discharge of the duties of evaluation team members as described  
506 in this section. The statement shall be on a form prescribed by the  
507 executive director and shall be signed under penalty of false statement.  
508 Except for any member of the evaluation team who is a state employee,  
509 members may be compensated for their service at the discretion of the  
510 executive director and shall be reimbursed for actual expenses, which  
511 expenses shall be charged to and paid by the applicant school.

512 (g) The evaluation team appointed pursuant to subsection (f) of this  
513 section shall: (1) Conduct an on-site inspection; (2) submit a written  
514 report outlining any evidence of noncompliance; (3) give the school  
515 thirty days from the date of the report to provide evidence of  
516 compliance; and (4) submit to the executive director a written report



517 recommending authorization or nonauthorization not later than one  
518 hundred twenty days after the on-site inspection. The evaluation team  
519 shall determine whether (A) the quality and content of each course or  
520 program of instruction, including, but not limited to, residential, on-  
521 line, home study and correspondence, training or study shall reasonably  
522 and adequately achieve the stated objective for which such course or  
523 program is offered; (B) the school has adequate space, equipment,  
524 instructional materials and personnel for the instruction offered; (C) the  
525 qualifications of directors, administrators, supervisors and instructors  
526 shall reasonably and adequately assure that students receive education  
527 consistent with the stated objectives for which a course or program is  
528 offered; (D) students and other interested persons shall be provided  
529 with a catalog or similar publication describing the courses and  
530 programs offered, course and program objectives, length of courses and  
531 programs, schedule of tuition, fees and all other charges and expenses  
532 necessary for completion of the course or program, and termination,  
533 withdrawal and refund policies; (E) upon satisfactory completion of the  
534 course or program, each student shall be provided appropriate  
535 educational credentials by the school; (F) adequate records shall be  
536 maintained by the school to show attendance and grades, or other  
537 indicators of student progress, and standards shall be enforced relating  
538 to attendance and student performance; (G) the applicant school shall  
539 be financially sound and capable of fulfilling its commitments to  
540 students; (H) any student housing owned, leased, rented or otherwise  
541 maintained by the applicant school shall be safe and adequate; and (I)  
542 the school and any branch of the school in this state has a director  
543 located at the school or branch who is responsible for daily oversight of  
544 the school's or branch's operations. The evaluation team may also  
545 indicate in its report such recommendations as may improve the  
546 operation of the applicant school.

547 (h) Any hospital offering postsecondary career instruction in any  
548 form or manner in any trade, industrial, commercial, service,  
549 professional or other occupation for any remuneration, consideration,  
550 reward or promise, except to hospital employees, members of the  
551 medical staff and training for contracted workers, shall obtain a

552 certificate of authorization from the executive director for the  
553 occupational instruction offered. Each hospital-based occupational  
554 school submitting an application for initial authorization shall pay an  
555 application fee of two hundred dollars made payable to the private  
556 occupational school student protection account. The executive director  
557 shall develop a process for prioritizing the authorization of hospital-  
558 based occupational schools based on size and scope of occupational  
559 instruction offered. Such schools shall be in compliance with this section  
560 when required pursuant to the executive director's process, or by 2012,  
561 whichever is earlier.

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

586 Sec. 12. Section 10a-22c of the general statutes is repealed and the  
587 following is substituted in lieu thereof (*Effective October 1, 2022*):

588 (a) No certificate to operate a private [occupational] career school  
589 shall be authorized by the executive director, or the executive director's  
590 designee, if (1) any principal, officer, member or director of the applicant  
591 school has acted in a similar capacity for a private [occupational] career  
592 school which has had its authorization revoked pursuant to section 10a-  
593 22f, as amended by this act; (2) the applicant school does not have a net  
594 worth consisting of sufficient liquid assets or other evidence of fiscal  
595 soundness to operate for the period of time for which authorization is  
596 sought; (3) the applicant school or any of its agents engages in  
597 advertising, sales, collection, credit or other practices which are false,  
598 deceptive, misleading or unfair; (4) the applicant school has any policy  
599 which discourages or prohibits the filing of inquiries or complaints  
600 regarding the school's operation with the executive director; (5) the  
601 applicant school fails to satisfactorily meet the criteria set forth in  
602 [subsection (g) of section 10a-22b] regulations adopted pursuant to  
603 section 10a-22k; (6) a private [occupational] career school that has  
604 previously closed fails to follow the procedures for school closure under  
605 section 10a-22m, as amended by this act; or (7) the applicant school does  
606 not have a director located at the school and at each of its branches in  
607 this state.

608 (b) The executive director may deny a certificate of authorization if  
609 the person who owns or intends to operate a private [occupational]  
610 career school has been convicted in this state, or any other state, of  
611 larceny in violation of section 53a-122 or 53a-123; identity theft in  
612 violation of section 53a-129b or 53a-129c; forgery in violation of section  
613 53a-138 or 53a-139; or has a criminal record in this state, or any other  
614 state, that the executive director reasonably believes renders the person  
615 unsuitable to own and operate a private [occupational] career school. A  
616 refusal of a certificate of authorization under this subsection shall be  
617 made in accordance with the provisions of sections 46a-79 to 46a-81,  
618 inclusive.

619 (c) No certificate to operate a private [occupational] career school  
620 shall be issued by the executive director pursuant to section 10a-22d, as  
621 amended by this act, until such private [occupational] career school  
622 seeking authorization files with the executive director certificates  
623 indicating that the buildings and premises for such school meet all  
624 applicable state and local fire and zoning requirements. Such certificates  
625 shall be attested to by the fire marshal and zoning enforcement officer  
626 within the municipality in which such school is located.

627 (d) No certificate to operate a new private [occupational] career  
628 school shall be issued by the executive director pursuant to section 10a-  
629 22d, as amended by this act, until such private [occupational] career  
630 school seeking authorization files with the executive director an  
631 irrevocable letter of credit issued by a bank with its main office or branch  
632 located within this state in the penal amount of forty thousand dollars  
633 guaranteeing the payments required of the school to the private  
634 [occupational] career school student protection account in accordance  
635 with the provisions of section 10a-22u, as amended by this act, except  
636 that, on and after the effective date of the regulations adopted pursuant  
637 to section 10a-22k, such penal amount shall be in the amount specified  
638 in such regulations. The letter of credit shall be payable to the private  
639 [occupational] career school student protection account in the event that  
640 such school fails to make payments to the account as provided in  
641 subsection (a) of section 10a-22u, as amended by this act, or in the event  
642 the state takes action to reimburse the account for a tuition refund paid  
643 to a student pursuant to the provisions of section 10a-22v, as amended  
644 by this act, provided the amount of the letter of credit to be paid into the  
645 private [occupational] career school student protection account shall not  
646 exceed the amounts owed to the account. In the event a private  
647 [occupational] career school fails to close in accordance with the  
648 provisions of section 10a-22m, as amended by this act, the executive  
649 director may seize the letter of credit, which shall be made payable to  
650 the private [occupational] career school protection account. [The letter  
651 of credit required by this subsection shall be released twelve years after  
652 the date of initial approval, provided evidence of fiscal soundness has  
653 been verified.]

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

660 Sec. 13. Section 10a-22d of the 2022 supplement to the general statutes  
661 is repealed and the following is substituted in lieu thereof (*Effective*  
662 *October 1, 2022*):

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

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

674 (c) Renewal of the certificate of authorization shall be granted only  
675 upon (1) payment of a nonrefundable renewal fee to the Office of Higher  
676 Education in the amount of two hundred dollars for the private  
677 occupational school and two hundred dollars for each branch of a  
678 private occupational school, except that, on and after the effective date  
679 of the regulations adopted pursuant to section 10a-22k, such renewal fee  
680 shall be in the amount specified in such regulations, (2) submission of  
681 any reports or audits, as prescribed by the executive director or the  
682 executive director's designee, concerning the fiscal condition of the  
683 private [occupational] career school or its continuing eligibility to  
684 participate in federal student financial aid programs, (3) the filing with  
685 the executive director of a complete application for a renewed certificate  
686 of authorization not less than one hundred twenty days prior to the

687 termination date of the most recent certificate of authorization, and (4)  
688 a determination that the private [occupational] career school meets all  
689 the conditions of its recent authorization, including, but not limited to,  
690 at the discretion of the executive director, evidence that such school is  
691 current on its [rent or mortgage] financial obligations and has adequate  
692 financial resources to serve its current students, and the filing of  
693 documentation with the executive director that the private  
694 [occupational] career school has a passing financial ratio score as  
695 required by 34 CFR 668, as amended from time to time.

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

710 (e) Notwithstanding the provisions of sections 10a-22a to 10a-22o,  
711 inclusive, as amended by this act, the executive director may authorize  
712 the extension of the most recent certificate of authorization for a period  
713 not to exceed sixty days for good cause shown, provided such extension  
714 shall not change the date of the original certificate's issuance or the date  
715 for each renewal.

716 (f) After the first year of authorization, each private [occupational]  
717 career school shall pay a nonrefundable annual fee to the private  
718 [occupational] career school student protection account in the amount  
719 of two hundred dollars for the private occupational school and two

720 hundred dollars for each branch of a private occupational school, except  
721 that, on and after the effective date of the regulations adopted pursuant  
722 to section 10a-22k, such penal amount shall be in the amount specified  
723 in such regulations. The annual fee shall be due and payable for each  
724 year after the first year of authorization that the private [occupational]  
725 career school and any branch of a private [occupational] career school is  
726 authorized by the executive director to offer [occupational] career  
727 instruction. Such annual fee shall be in addition to any renewal fee  
728 assessed under this section.

729 (g) Each private [occupational] career school shall keep financial  
730 records in conformity with generally accepted accounting principles. An  
731 annual financial statement detailing the financial status of the school  
732 shall be prepared by school management and reviewed or audited, or,  
733 for a nonaccredited school annually receiving less than fifty thousand  
734 dollars in tuition revenue, compiled, by a licensed certified public  
735 accountant or licensed public accountant in accordance with standards  
736 established by the American Institute of Certified Public Accountants.  
737 A copy of such financial statement shall be filed with the executive  
738 director on or before the last day of the fourth month following the end  
739 of the school's fiscal year, except in the case of a nationally accredited  
740 school recognized by the United States Department of Education, in  
741 which case such financial statement shall be due on or before the last  
742 day of the sixth month following the end of the school's fiscal year. Only  
743 audited financial statements shall be accepted from a nationally  
744 accredited school. Upon a nonaccredited school's written request, the  
745 executive director may authorize, for good cause shown, a filing  
746 extension for a period not to exceed sixty days. No filing extensions shall  
747 be granted to a nationally accredited school.

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

754 renewal application by the date on which it is due, or the end of any  
755 period of extension authorized pursuant to subsection (e) of this section.

756 Sec. 14. Section 10a-22e of the general statutes is repealed and the  
757 following is substituted in lieu thereof (*Effective October 1, 2022*):

758 (a) During any period of authorization by the executive director to  
759 operate as a private [occupational] career school pursuant to sections  
760 10a-22a to 10a-22o, inclusive, as amended by this act, and sections 10a-  
761 22u to 10a-22w, as amended by this act, inclusive, such private  
762 [occupational] career school may request revision of the conditions of  
763 its authorization. Such school shall make such request to the executive  
764 director, in the manner and on such forms prescribed by the executive  
765 director sixty days prior to the proposed implementation date of any  
766 intended revision. Such revision shall include, but not be limited to,  
767 changes in (1) courses or programs; (2) ownership of the school; (3)  
768 name of the school; (4) location of the school's main campus; or (5)  
769 location of any of the school's additional classroom sites or branch  
770 campuses. A private [occupational] career school requesting revision of  
771 the conditions of its authorization based on a change in ownership of  
772 the school shall submit an application and letter of credit pursuant to  
773 sections 10a-22b, as amended by this act, and 10a-22c, as amended by  
774 this act, accompanied by a nonrefundable change of ownership fee  
775 made payable to the private [occupational] career school student  
776 protection account under section 10a-22u, as amended by this act, in the  
777 amount of two thousand dollars for the private occupational school and  
778 two hundred dollars for each branch of a private occupational school in  
779 this state, except that, on and after the effective date of the regulations  
780 adopted pursuant to section 10a-22k, such change of ownership fee shall  
781 be in the amount specified in such regulations.

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



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

793 Sec. 15. Section 10a-22f of the 2022 supplement to the general statutes  
794 is repealed and the following is substituted in lieu thereof (*Effective*  
795 *October 1, 2022*):

796 (a) A certificate of authorization issued to a private [occupational]  
797 career school pursuant to sections 10a-22a to 10a-22o, inclusive, as  
798 amended by this act, and sections 10a-22u to 10a-22w, inclusive, as  
799 amended by this act, may be revoked by the executive director if such  
800 school (1) ceases to meet the conditions of its authorization; (2) commits  
801 a material or substantial violation of sections 10a-22a to 10a-22o,  
802 inclusive, as amended by this act, or sections 10a-22u to 10a-22w,  
803 inclusive, as amended by this act, or the regulations prescribed  
804 thereunder; (3) makes a false statement about a material fact in  
805 application for authorization or renewal; (4) fails to make a required  
806 payment to the private [occupational] career school student protection  
807 account pursuant to section 10a-22u, as amended by this act; or (5) fails  
808 to submit a complete application for a renewed certificate of  
809 authorization pursuant to section 10a-22d, as amended by this act.

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

818 (c) If, after the compliance conference, the executive director  
819 determines that revocation of the certificate of authorization is

820 appropriate, the executive director shall issue an order and serve  
821 written notice by certified mail, return receipt requested upon the  
822 private [occupational] career school, which notice shall include, but not  
823 be limited to, the date of the revocation.

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

830 Sec. 16. Section 10a-22g of the general statutes is repealed and the  
831 following is substituted in lieu thereof (*Effective October 1, 2022*):

832 (a) A private [occupational] career school which is authorized by the  
833 executive director pursuant to sections 10a-22a to 10a-22o, inclusive, as  
834 amended by this act, and sections 10a-22u to 10a-22w, inclusive, as  
835 amended by this act, may request authorization to establish and operate  
836 additional classroom sites or branch schools, or to offer existing or new  
837 programs through a distance learning program, as defined in section  
838 10a-22h, as amended by this act, for the purpose of offering the  
839 occupational instruction authorized by the executive director, provided  
840 the additional classroom site or branch school complies with the  
841 provisions of subsection (b) of this section. Such school shall make such  
842 request for authorization to operate an additional classroom site or  
843 branch school or to offer existing or new programs through a distance  
844 learning program, in the manner and on such forms as prescribed by the  
845 executive director, at least sixty days prior to the proposed  
846 establishment of such additional classroom site or branch school or such  
847 distance learning program.

848 (b) The buildings and premises for such additional classroom site or  
849 branch school shall meet all applicable state and local fire and zoning  
850 requirements, and certificates attesting the same signed by the local fire  
851 marshal and zoning enforcement officer shall be filed with the executive  
852 director prior to offering such occupational instruction. The additional

853 classroom site or branch school shall be in compliance with the relevant  
854 requirements set forth in [subsection (g) of section 10a-22b] regulations  
855 adopted pursuant to section 10a-22k.

856 (c) The executive director, or the executive director's designee, not  
857 later than thirty days after the proposed date for establishment of a  
858 branch school, may issue an order prohibiting any such establishment  
859 of a branch school if it would constitute a material or substantial  
860 deviation from the conditions of authorization or if the private  
861 [occupational] career school fails to meet the requirements set forth in  
862 subsection (b) of this section.

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

868 Sec. 17. Section 10a-22h of the 2022 supplement to the general statutes  
869 is repealed and the following is substituted in lieu thereof (*Effective*  
870 *October 1, 2022*):

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

886 attend in person.

887 Sec. 18. Section 10a-22i of the general statutes is repealed and the  
888 following is substituted in lieu thereof (*Effective October 1, 2022*):

889 (a) The executive director may assess any person, board, partnership,  
890 association, corporation, limited liability company or other entity which  
891 violates any provision of sections 10a-22a to 10a-22p, inclusive, as  
892 amended by this act, sections 10a-22u to 10a-22w, inclusive, as amended  
893 by this act, or regulations adopted pursuant to section 10a-22k, an  
894 administrative penalty in an amount not to exceed five hundred dollars  
895 for each day of such violation, except that, on and after the effective date  
896 of the regulations adopted pursuant to section 10a-22k, such  
897 administrative penalty shall be in the amount specified in such  
898 regulations.

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

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

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

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

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

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

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

936 (a) A private [occupational] career school shall notify the executive  
937 director, in writing, at least sixty days prior to closure of such school.  
938 The private [occupational] career school shall provide evidence prior to  
939 closing that: (1) All course work is or will be completed by current  
940 students at the school; (2) there are no refunds due any students; (3) all  
941 student records will be maintained as prescribed in section 10a-22n, as  
942 amended by this act; (4) final payment has been made to the private  
943 [occupational] career school student protection account; (5) a  
944 designation of service form has been filed with the executive director;  
945 and (6) the certificate of authorization has been returned to the executive  
946 director.

947 (b) Any private [occupational] career school that fails to meet the  
948 requirements outlined in subsection (a) of this section shall be fined not  
949 more than five hundred dollars per day for each day of noncompliance,

950 except that, on and after the effective date of the regulations adopted  
951 pursuant to section 10a-22k, such fine shall be in the amount specified  
952 in such regulations, and [,] pursuant to subdivision (6) of subsection (a)  
953 of section 10a-22c, as amended by this act, shall be ineligible to be issued  
954 a certificate of authorization upon application to operate a private  
955 [occupational] career school. Funds collected pursuant to this  
956 subsection shall be placed in the private [occupational] career student  
957 protection account established pursuant to section 10a-22u, as amended  
958 by this act.

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

963 (d) In the event a private [occupational] career school fails to meet the  
964 requirements set forth in subsection (a) of this section and closes prior  
965 to graduating all current students, the executive director may seize the  
966 letter of credit filed by the private [occupational] career school pursuant  
967 to subsection (d) of section 10a-22c, as amended by this act, and such  
968 letter of credit shall be made payable to the private [occupational] career  
969 school student protection account. The executive director may expend  
970 funds from the private [occupational] career school student protection  
971 account up to the amount necessary to facilitate a teach-out of any  
972 remaining students up to and including the issuance of a certificate of  
973 completion pursuant to subsection (e) of this section. For purposes of  
974 this subsection and subsection (e) of this section, (1) "teach-out" means  
975 the completion of instruction of a course or program of study in which  
976 a student was enrolled, provided the teach-out includes instruction of  
977 the entire program of study when a course is a part of such program of  
978 study, and (2) "certificate of completion" means the credential,  
979 documented in writing, that is issued to a student who completes a  
980 course or program of study offered by a private [occupational] career  
981 school.

982 (e) In the event of a private [occupational] career school closure that

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

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

990 (a) A private [occupational] career school shall maintain, preserve  
991 and protect, in a manner approved by the executive director, or the  
992 executive director's designee, all school records including, but not  
993 limited to: (1) Student or academic transcripts, including, in a separate  
994 file, a duplicate copy of the academic transcript of each student who  
995 graduated from such school, and a duplicate copy of the academic  
996 transcript of each student enrolled at such school that contains the  
997 student's name, address, program of study, length of such program of  
998 study, grade point average and courses completed; (2) attendance  
999 records or other indicators of student progress; (3) copies of individual  
1000 enrollment agreements or contracts; (4) evidence of tuition payments;  
1001 and (5) any other documentation as prescribed by the executive director.

1002 (b) The executive director, or the executive director's designee, may  
1003 at any time during regular business or school hours, with or without  
1004 notice, visit a private [occupational] career school. During such  
1005 visitation, the executive director, or the executive director's designee,  
1006 may request an officer or director of the school to produce, and shall be  
1007 provided with immediate access to, such records or information as are  
1008 required to verify that the school continues to meet the conditions of  
1009 authorization. If the executive director determines that such private  
1010 [occupational] career school has not maintained, preserved or protected  
1011 school records in accordance with this section, the executive director  
1012 may assess an administrative penalty on such private [occupational]  
1013 career school pursuant to section 10a-22i, as amended by this act.

1014 (c) If a school ceases to operate as a private [occupational] career  
1015 school, it shall (1) immediately transmit all student or academic

1016 transcripts, described in subdivision (1) of subsection (a) of this section,  
1017 to the executive director, and (2) keep the executive director advised in  
1018 writing as to the location and availability of all other student records or  
1019 shall file all such other student records with the executive director.

1020 (d) The executive director shall maintain all records, files and other  
1021 documents associated with private [occupational] career schools in a  
1022 manner consistent with the mission and responsibilities of the Office of  
1023 Higher Education.

1024 Sec. 22. Section 10a-22p of the general statutes is repealed and the  
1025 following is substituted in lieu thereof (*Effective October 1, 2022*):

1026 (a) On and after January 1, [2020, any] 2023, no private [occupational]  
1027 career school, as defined in section 10a-22a, [that requires] as amended  
1028 by this act, shall require any student, as a condition of enrollment, to  
1029 enter into an agreement that (1) limits participation in a class action  
1030 against such school, (2) limits any claim the student may have against  
1031 such school or the damages for such claim, or (3) requires the student to  
1032 assert any claim against such school in a forum that is less convenient,  
1033 more costly or more dilatory for the resolution of a dispute than a  
1034 judicial forum established in the state where the student may otherwise  
1035 properly bring a claim. [.] A private career school shall include in its  
1036 application to the Office of Higher Education for initial or renewed  
1037 certificate of authorization pursuant to sections 10a-22b, as amended by  
1038 this act, and 10a-22d, as amended by this act, a statement (A) disclosing  
1039 the number of claims made against the school, including claims made  
1040 against a parent organization or subsidiary of the school, by a student  
1041 currently or formerly enrolled at the school, (B) describing the nature of  
1042 the rights asserted, and (C) updating the status of such claims. The  
1043 school shall submit additional details regarding such claims as the  
1044 executive director of the Office of Higher Education may require.

1045 (b) The executive director of the Office of Higher Education may deny  
1046 the application for initial or renewed certificate of authorization of a  
1047 private [occupational] career school or consider a private [occupational]  
1048 career school ineligible to receive any public funds, including, but not



1049 limited to, federal funds administered by the office pursuant to section  
1050 10a-45 if (1) such school fails to include the statement required under  
1051 subsection (a) of this section in its application, or (2) upon review of such  
1052 statement, the executive director determines that the public policy of  
1053 protecting the interests of students in the state requires such denial.

1054 (c) The executive director of the Office of Higher Education shall have  
1055 the authority granted under sections 10a-22i, as amended by this act,  
1056 10a-22j and 10a-22o to investigate and enforce the provisions of  
1057 subsections (a) and (b) of this section.

1058 Sec. 23. Section 10a-22q of the general statutes is repealed and the  
1059 following is substituted in lieu thereof (*Effective October 1, 2022*):

1060 After each annual determination of the balance of the private  
1061 [occupational] career school student protection account required by  
1062 section 10a-22w, if the balance of the account is more than two million  
1063 five hundred thousand dollars, the State Treasurer shall transfer to a  
1064 separate, nonlapsing account within the General Fund, to be known as  
1065 the private [occupational] career school student benefit account, three-  
1066 fourths of the annually accrued interest of said student protection  
1067 account.

1068 Sec. 24. Section 10a-22r of the general statutes is repealed and the  
1069 following is substituted in lieu thereof (*Effective October 1, 2022*):

1070 [There is] When there are funds available to award financial aid  
1071 grants from the private career school student benefit account, there shall  
1072 be established an advisory committee to the executive director  
1073 consisting of seven members appointed by the executive director,  
1074 including a representative of the private [occupational] career schools,  
1075 a representative from the Office of Higher Education and five members  
1076 chosen from business or industry, state legislators, private  
1077 [occupational] career school alumni and the general public. Three of the  
1078 members first appointed to the committee shall be appointed for a term  
1079 of three years and four of the members first appointed shall be  
1080 appointed for a term of two years. Thereafter, all members shall be

1081 appointed for a term of two years. The executive director shall  
1082 administer the private [occupational] career school student benefit  
1083 account, established pursuant to section 10a-22u, as amended by this  
1084 act, with the advice of the advisory committee in accordance with the  
1085 provisions of this section and sections 10a-22s and 10a-22t and may  
1086 assess the account for all direct expenses incurred in the implementation  
1087 of this section. The account shall be used to award financial aid grants  
1088 for the benefit of private [occupational] career school students. The  
1089 grants shall be paid to the private [occupational] career school  
1090 designated by the grant recipient to be applied against the tuition  
1091 expenses of such recipient. If the balance of the student protection  
1092 account is five per cent or less of the annual net tuition income of the  
1093 schools which make payments to the account pursuant to section 10a-  
1094 22u, as amended by this act, any unallocated funds in the student benefit  
1095 account shall be transferred to the private career school student  
1096 protection account.

1097       Sec. 25. Section 10a-22u of the 2022 supplement to the general statutes  
1098 is repealed and the following is substituted in lieu thereof (*Effective*  
1099 *October 1, 2022*):

1100       (a) There shall be an account to be known as the private  
1101 [occupational] career school student protection account within the  
1102 General Fund. Each private [occupational] career school authorized in  
1103 accordance with the provisions of sections 10a-22a to 10a-22o, inclusive,  
1104 as amended by this act, shall pay to the State Treasurer an amount equal  
1105 to four-tenths of one per cent of the tuition received by such school per  
1106 calendar quarter exclusive of any refunds paid, except that distance  
1107 learning and correspondence schools authorized in accordance with the  
1108 provisions of section 10a-22h, as amended by this act, shall contribute to  
1109 said account only for Connecticut residents enrolled in such schools.  
1110 Payments shall be made by January thirtieth, April thirtieth, July  
1111 thirtieth and October thirtieth in each year for tuition received during  
1112 the three months next preceding the month of payment. In addition to  
1113 amounts received based on tuition, the account shall also contain any  
1114 amount required to be deposited into the account pursuant to sections

1115 10a-22a to 10a-22o, inclusive, as amended by this act. Said account shall  
1116 be used for the purposes of section 10a-22v, as amended by this act. Any  
1117 interest, income and dividends derived from the investment of the  
1118 account shall be credited to the account. All direct expenses for the  
1119 maintenance of the account may be charged to the account upon the  
1120 order of the State Comptroller. The executive director may assess the  
1121 account for all direct expenses incurred in the implementation of the  
1122 purposes of this section which are in excess of the normal expenditures  
1123 of the Office of Higher Education.

1124 (b) Payments required pursuant to subsection (a) of this section shall  
1125 be a condition of doing business in the state and failure to make any  
1126 such payment within thirty days following the date on which it is due  
1127 shall result in the loss of authorization under section 10a-22f, as  
1128 amended by this act. Such authorization shall not be issued or renewed  
1129 if there exists a failure to make any such payment in excess of thirty days  
1130 following the date on which it is due.

1131 (c) If an audit conducted by the Office of Higher Education  
1132 determines that a school has paid into the private [occupational] career  
1133 school student protection account an amount less than was required, the  
1134 school shall pay such amount plus a penalty of ten per cent of the  
1135 amount required to the State Treasurer within thirty days of receipt of  
1136 notice from the executive director or [his] the executive director's  
1137 designee of the amount of the underpayment and penalty, except that,  
1138 on and after the effective date of the regulations adopted pursuant to  
1139 section 10a-22k, such penalty shall be in the amount specified in such  
1140 regulations.

1141 (d) If an audit conducted by the Office of Higher Education  
1142 determines that a school has paid into the private [occupational] career  
1143 school student protection account an amount more than was required,  
1144 subsequent payment or payments by the school shall be appropriately  
1145 credited until such credited payment or payments equal the amount of  
1146 the overpayment.

1147 Sec. 26. Section 10a-22v of the 2022 supplement to the general statutes

1148 is repealed and the following is substituted in lieu thereof (*Effective*  
1149 *October 1, 2022*):

1150 Any student enrolled in a private [occupational] career school  
1151 authorized in accordance with the provisions of sections 10a-22a to 10a-  
1152 22o, inclusive, as amended by this act, who is unable to complete an  
1153 approved course or unit of instruction at such school because of the  
1154 insolvency or cessation of operation of the school and who has paid  
1155 tuition for such course or unit of instruction, may, not later than two  
1156 years after the date on which such school became insolvent or ceased  
1157 operations, make application to the executive director for a refund of  
1158 tuition from the account established pursuant to section 10a-22u, as  
1159 amended by this act, to the extent that such account exists or has reached  
1160 the level necessary to pay outstanding approved claims, except that in  
1161 the case of distance learning and correspondence schools authorized in  
1162 accordance with the provisions of section 10a-22h, as amended by this  
1163 act, only Connecticut residents enrolled in such schools may be eligible  
1164 for such refund. Upon such application, the executive director shall  
1165 determine whether the applicant is unable to complete a course or unit  
1166 of instruction because of the insolvency or cessation of operation of the  
1167 school to which tuition has been paid. The executive director may  
1168 summon by subpoena any person, records or documents pertinent to  
1169 the making of a determination regarding insolvency or cessation of  
1170 operation. For the purpose of making any tuition refund pursuant to  
1171 this section, a school shall be deemed to have ceased operation  
1172 whenever it has failed to complete a course or unit of instruction for  
1173 which the student has paid a tuition fee and, as a result, the school's  
1174 authorization has been revoked pursuant to section 10a-22f, as amended  
1175 by this act. If the executive director finds that the applicant is entitled to  
1176 a refund of tuition because of the insolvency or cessation of operation of  
1177 the school, the executive director shall determine the amount of an  
1178 appropriate refund which shall be equal to the tuition paid for the  
1179 uncompleted course or unit of instruction. Thereafter the executive  
1180 director shall direct the State Treasurer to pay, per order of the  
1181 Comptroller, the refund to the applicant or persons, agencies or  
1182 organizations indicated by the applicant who have paid tuition on the

1183 student's behalf. If the student is a minor, payment shall be made to the  
1184 student's parent, parents or legal guardian. In no event shall a refund be  
1185 made from the student protection account for any financial aid provided  
1186 to or on behalf of any student in accordance with the provisions of Title  
1187 IV, Part B of the Higher Education Act of 1965, as amended from time  
1188 to time. Each recipient of a tuition refund made in accordance with the  
1189 provisions of this section shall assign all rights to the state of any action  
1190 against the school or its owner or owners for tuition amounts  
1191 reimbursed pursuant to this section. Upon such assignment, the state  
1192 may take appropriate action against the school or its owner or owners  
1193 in order to reimburse the student protection account for any expenses  
1194 or claims that are paid from the account and to reimburse the state for  
1195 the reasonable and necessary expenses in undertaking such action. Any  
1196 student who falsifies information on an application for tuition  
1197 reimbursement shall lose his or her right to any refund from the account.

1198 Sec. 27. Subsection (c) of section 10-95r of the general statutes is  
1199 repealed and the following is substituted in lieu thereof (*Effective October*  
1200 *1, 2022*):

1201 (c) The executive director may enter into cooperative arrangements  
1202 with local and regional boards of education, private [occupational]  
1203 career schools, institutions of higher education, job training agencies  
1204 and employers in order to provide (1) general education, (2) vocational,  
1205 technical, technological or postsecondary education, and (3) work  
1206 experience.

1207 Sec. 28. Subdivision (1) of subsection (a) of section 10a-11b of the 2022  
1208 supplement to the general statutes is repealed and the following is  
1209 substituted in lieu thereof (*Effective October 1, 2022*):

1210 (1) The commission shall consist of the following voting members:  
1211 (A) The president of the Connecticut State Colleges and Universities, the  
1212 president of The University of Connecticut, or their designees from the  
1213 Board of Regents and Board of Trustees; (B) the provost of the  
1214 Connecticut State Colleges and Universities and the provost of The  
1215 University of Connecticut; (C) the chair of the Board of Regents for the

1216 Connecticut State Colleges and Universities, and the Board of Trustees  
1217 for The University of Connecticut, or the chairs' designees; (D) the  
1218 president, vice president or chair of the board of a large independent  
1219 institution of higher education in the state, to be selected by the  
1220 president of the Connecticut Conference of Independent Colleges; (E)  
1221 the president, vice president or chair of the board of a small independent  
1222 institution of higher education in the state, to be selected by the  
1223 president of the Connecticut Conference of Independent Colleges; (F) a  
1224 representative from a private [occupational] career school, to be selected  
1225 by the Commissioner of Education; (G) a teaching faculty representative  
1226 from the Connecticut State Universities, to be selected by the president  
1227 of the Connecticut State Colleges and Universities; (H) a teaching faculty  
1228 representative from the regional community-technical colleges, to be  
1229 selected by the president of the Connecticut State Colleges and  
1230 Universities; (I) a teaching faculty representative from The University of  
1231 Connecticut, to be selected by the president of The University of  
1232 Connecticut; (J) a teaching faculty representative from a private  
1233 [occupational] career school in the state, to be selected by the  
1234 Commissioner of Education; (K) one member appointed by the  
1235 president pro tempore of the Senate, who shall be a representative of a  
1236 large manufacturing employer in the state; (L) one member appointed  
1237 by the speaker of the House of Representatives, who shall be a  
1238 representative of a large financial or insurance services employer in the  
1239 state; (M) one member appointed by the majority leader of the Senate,  
1240 who shall be a representative of an information technology or digital  
1241 media employer in the state; (N) one member appointed by the minority  
1242 leader of the Senate, who shall be a representative of a small business  
1243 employer in the state; (O) one member appointed by the majority leader  
1244 of the House of Representatives, who shall be a representative of a  
1245 health care employer in the state; and (P) one member appointed by the  
1246 minority leader of the House of Representatives, who shall be a  
1247 representative of a small business employer in the state. The  
1248 commission membership shall, where feasible, reflect the state's  
1249 geographic, racial and ethnic diversity.

1250 Sec. 29. Section 10a-34h of the 2022 supplement to the general statutes

1251 is repealed and the following is substituted in lieu thereof (*Effective*  
1252 *October 1, 2022*):

1253 (a) As used in this section:

1254 (1) "Credential" means a documented award issued by an authorized  
1255 body, including, but not limited to, a (A) degree or certificate awarded  
1256 by an institution of higher education, private [occupational] career  
1257 school or provider of an alternate route to certification program  
1258 approved by the State Board of Education for teachers, (B) certification  
1259 awarded through an examination process designed to demonstrate  
1260 acquisition of designated knowledge, skill and ability to perform a  
1261 specific job, (C) license issued by a governmental agency which permits  
1262 an individual to practice a specific occupation upon verification that  
1263 such individual meets a predetermined list of qualifications, and (D)  
1264 documented completion of an apprenticeship or job training program;  
1265 and

1266 (2) "Credential status type" means the official status of a credential  
1267 which is either active, deprecated, probationary or superseded.

1268 (b) Not later than January 1, 2023, the executive director of the Office  
1269 of Higher Education, in consultation with the advisory council  
1270 established pursuant to subsection (c) of this section, shall create a  
1271 database of credentials offered in the state for the purpose of explaining  
1272 the skills and competencies earned through a credential in uniform  
1273 terms and plain language. In creating the database, the executive  
1274 director shall utilize the minimum data policy of the New England  
1275 Board of Higher Education's High Value Credentials for New England  
1276 initiative, the uniform terms and descriptions of Credentials Engine's  
1277 Credential Transparency Description Language and the uniform  
1278 standards for comparing and linking credentials in Credential Engine's  
1279 Credential Transparency Description Language-Achievement  
1280 Standards Network. At a minimum, the database shall include the  
1281 following information for each credential: (1) Credential status type, (2)  
1282 the entity that owns or offers the credential, (3) the type of credential  
1283 being offered, (4) a short description of the credential, (5) the name of

1284 the credential, (6) the Internet web site that provides information  
1285 relating to the credential, (7) the language in which the credential is  
1286 offered, (8) the estimated duration for completion, (9) the industry  
1287 related to the credential which may include its code under the North  
1288 American Industry Classification System, (10) the occupation related to  
1289 the credential which may include its code under the standard  
1290 occupational classification system of the Bureau of Labor Statistics of the  
1291 United States Department of Labor or under The Occupational  
1292 Information Network, (11) the estimated cost for earning the credential,  
1293 and (12) a listing of online or physical locations where the credential is  
1294 offered.

1295 (c) There is established an advisory council for the purpose of  
1296 advising the executive director of the Office of Higher Education on the  
1297 implementation of the database created pursuant to subsection (b) of  
1298 this section. The advisory council shall consist of (1) representatives  
1299 from the Office of Workforce Strategy, Office of Higher Education,  
1300 Office of Policy and Management, Labor Department, Department of  
1301 Education, Connecticut State Colleges and Universities, The University  
1302 of Connecticut and independent institutions of higher education, and  
1303 (2) the Chief Data Officer, or such officer's designee. The Chief  
1304 Workforce Officer, the Chief Data Officer and the executive director of  
1305 the Office of Higher Education, or their designees, shall be  
1306 cochairpersons of the advisory council and shall schedule the meetings  
1307 of the advisory council.

1308 (d) Not later than July 1, 2024, and annually thereafter, each regional  
1309 workforce development board, community action agency, as defined in  
1310 section 17b-885, institution of higher education, private [occupational]  
1311 career school, provider of an alternate route to certification program  
1312 approved by the State Board of Education, and provider of a training  
1313 program listed on the Labor Department's Eligible Training Provider  
1314 List shall submit information, in the form and manner prescribed by the  
1315 executive director of the Office of Higher Education, about any  
1316 credential offered by such institution, school or provider for inclusion  
1317 in the database created pursuant to subsection (b) of this section. Such



1318 information shall include, but need not be limited to, the data described  
1319 in subdivisions (1) to (12), inclusive, of subsection (b) of this section,  
1320 except an institution of higher education may omit the data required  
1321 pursuant to subdivisions (6), (9) and (10) of subsection (b) of this section  
1322 if such data is not applicable to a credential offered by such institution.

1323 (e) Nothing in this section shall be construed to require any state  
1324 agency or department to submit credential information to the database  
1325 created pursuant to subsection (b) of this section.

1326 (f) The Labor Department may, in consultation with the advisory  
1327 council established pursuant to subsection (c) of this section, require any  
1328 program sponsor of a preapprenticeship or apprenticeship program  
1329 registered with the department to submit information about such  
1330 program to the Office of Higher Education for inclusion in such  
1331 database.

1332 Sec. 30. Subsection (c) of section 10a-55a of the 2022 supplement to  
1333 the general statutes is repealed and the following is substituted in lieu  
1334 thereof (*Effective October 1, 2022*):

1335 (c) On or before October 1, 2007, each institution of higher education  
1336 and private [occupational] career school, as defined in section 10a-22a,  
1337 as amended by this act, shall have an emergency response plan. On or  
1338 before October 1, 2007, and annually thereafter, each institution of  
1339 higher education and private [occupational] career school shall submit  
1340 a copy of its emergency response plan to (1) the Commissioner of  
1341 Emergency Services and Public Protection, and (2) local first responders.  
1342 Such plan shall be developed in consultation with such first responders  
1343 and shall include a strategy for notifying students and employees of the  
1344 institution or school and visitors to such institution or school of  
1345 emergency information.

1346 Sec. 31. Section 10a-161a of the general statutes is repealed and the  
1347 following is substituted in lieu thereof (*Effective October 1, 2022*):

1348 The president of the Connecticut State Colleges and Universities and

1349 the Office of Higher Education shall report, biennially, in accordance  
1350 with the provisions of section 11-4a, to the joint standing committee of  
1351 the General Assembly having cognizance of matters relating to higher  
1352 education on state, northeast regional and national trends in (1) the cost  
1353 of attendance at public and independent institutions of higher education  
1354 and private [occupational] career schools, and (2) the availability and  
1355 utilization of all forms of student financial aid for academic and  
1356 noncredit vocational courses and programs relative to economic  
1357 conditions and personal income.

1358 Sec. 32. Subdivisions (21) and (22) of section 10a-223 of the 2022  
1359 supplement to the general statutes, as amended by section 273 of public  
1360 act 21-2 of the June special session, are repealed and the following is  
1361 substituted in lieu thereof (*Effective October 1, 2022*):

1362 (21) "High-value certificate program" means a noncredit sub-  
1363 baccalaureate certificate program offered by an institution of higher  
1364 education or a private [occupational] career school that the Chief  
1365 Workforce Officer determines to meet the needs of employers in the  
1366 state; and

1367 (22) "Connecticut high-value certificate program" means a high-value  
1368 certificate program offered by an institution of higher education or a  
1369 private [occupational] career school in the state.

1370 Sec. 33. Subdivision (109) of section 12-412 of the 2022 supplement to  
1371 the general statutes is repealed and the following is substituted in lieu  
1372 thereof (*Effective October 1, 2022*):

1373 (109) Sales of college textbooks to full and part-time students enrolled  
1374 at institutions of higher education or private [occupational] career  
1375 schools authorized pursuant to sections 10a-22a to 10a-22o, inclusive, as  
1376 amended by this act, provided the student presents a valid student  
1377 identification card. For purposes of this subdivision, "college textbooks"  
1378 means new or used books and related workbooks required or  
1379 recommended for a course at an institution of higher education or a  
1380 private [occupational] career school authorized pursuant to sections

1381 10a-22a to 10a-22o, inclusive, as amended by this act.

1382 Sec. 34. Subdivision (1) of subsection (a) of section 13b-38ee of the  
1383 2022 supplement to the general statutes is repealed and the following is  
1384 substituted in lieu thereof (*Effective October 1, 2022*):

1385 (1) "Eligible organization" means any provider of a training program  
1386 including, but not limited to, a provider of a training program listed on  
1387 the Labor Department's Eligible Training Provider List, an  
1388 apprenticeship or preapprenticeship program sponsor, a provider of an  
1389 alternate route to certification program approved by the State Board of  
1390 Education, an institution of higher education, a private [occupational]  
1391 career school, an employer, a state or municipal agency and a public or  
1392 nonprofit social service provider in the state; and

1393 Sec. 35. Subsection (a) of section 14-37a of the general statutes is  
1394 repealed and the following is substituted in lieu thereof (*Effective October*  
1395 *1, 2022*):

1396 (a) Any person whose operator's license has been suspended  
1397 pursuant to any provision of this chapter or chapter 248, except  
1398 pursuant to section 14-215 for operating under suspension or pursuant  
1399 to section 14-140 for failure to appear for any scheduled court  
1400 appearance, and any person identified in subsection (g) of this section  
1401 may make application to the Commissioner of Motor Vehicles for (1) a  
1402 special "work" permit to operate a motor vehicle to and from such  
1403 person's place of employment or, if such person is not employed at a  
1404 fixed location, to operate a motor vehicle only in connection with, and  
1405 to the extent necessary, to properly perform such person's business or  
1406 profession, (2) a special "education" permit to operate a motor vehicle to  
1407 and from an institution of higher education or a private [occupational]  
1408 career school, as defined in section 10a-22a, as amended by this act, in  
1409 which such person is enrolled, provided no such special "education"  
1410 permit shall be issued to any student enrolled in a high school under the  
1411 jurisdiction of a local or regional board of education, a high school under  
1412 the jurisdiction of a regional educational service center, a charter school,  
1413 a regional agricultural science and technology education center or a

1414 technical education and career school, or (3) a special "medical" permit  
1415 to operate a motor vehicle to and from any ongoing medically necessary  
1416 treatment, available upon adoption by the commissioner of regulations  
1417 pursuant to chapter 54, that describe qualifications for such permit. Such  
1418 application shall be accompanied by an application fee of one hundred  
1419 dollars.

1420 Sec. 36. Subsection (a) of section 17b-749 of the 2022 supplement to  
1421 the general statutes is repealed and the following is substituted in lieu  
1422 thereof (*Effective October 1, 2022*):

1423 (a) The Commissioner of Early Childhood shall establish and operate  
1424 a child care subsidy program to increase the availability, affordability  
1425 and quality of child care services for families with a parent or caretaker  
1426 who (1) is (A) working or attending high school, or (B) subject to the  
1427 provisions of subsection (d) of this section, is enrolled or participating  
1428 in (i) a public or independent institution of higher education, (ii) a  
1429 private [occupational] career school authorized pursuant to sections  
1430 10a-22a to 10a-22o, inclusive, as amended by this act, (iii) a job training  
1431 or employment program administered by a regional workforce  
1432 development board, (iv) an apprenticeship program administered by  
1433 the Labor Department's office of apprenticeship training, (v) an  
1434 alternate route to certification program approved by the State Board of  
1435 Education, (vi) an adult education program pursuant to section 10-69 or  
1436 other high school equivalency program, or (vii) a local Even Start  
1437 program or other adult education program approved by the  
1438 Commissioner of Early Childhood; or (2) receives cash assistance under  
1439 the temporary family assistance program from the Department of Social  
1440 Services and is participating in an education, training or other job  
1441 preparation activity approved pursuant to subsection (b) of section 17b-  
1442 688i or subsection (b) of section 17b-689d. Services available under the  
1443 child care subsidy program shall include the provision of child care  
1444 subsidies for children under the age of thirteen or children under the  
1445 age of nineteen with special needs. The Office of Early Childhood shall  
1446 open and maintain enrollment for the child care subsidy program and  
1447 shall administer such program within the existing budgetary resources

1448 available. The office shall issue a notice on the office's Internet web site  
1449 any time the office closes the program to new applications, changes  
1450 eligibility requirements, changes program benefits or makes any other  
1451 change to the program's status or terms, except the office shall not be  
1452 required to issue such notice when the office expands program  
1453 eligibility. Any change in the office's acceptance of new applications,  
1454 eligibility requirements, program benefits or any other change to the  
1455 program's status or terms for which the office is required to give notice  
1456 pursuant to this subsection, shall not be effective until thirty days after  
1457 the office issues such notice.

1458 Sec. 37. Subsection (a) of section 31-11ss of the 2022 supplement to the  
1459 general statutes is repealed and the following is substituted in lieu  
1460 thereof (*Effective October 1, 2022*):

1461 (a) As used in this section:

1462 (1) "Advanced manufacturing" means a manufacturing process that  
1463 makes extensive use of computer, high-precision or information  
1464 technologies integrated with a high-performance workforce in a  
1465 production system capable of furnishing a heterogeneous mix of  
1466 products in small or large volumes with either the efficiency of mass  
1467 production or the flexibility of custom manufacturing in order to  
1468 respond quickly to customer demands. "Advanced manufacturing"  
1469 includes newly developed methods to manufacture existing products  
1470 and the manufacture of new products emerging from new advanced  
1471 technologies;

1472 (2) "Eligible business" means a business that (A) has operations in  
1473 Connecticut, (B) has been registered to conduct business for not less than  
1474 twelve months, and (C) is in good standing with respect to the payment  
1475 of all state and local taxes. "Eligible business" does not include the state  
1476 or any political subdivision thereof;

1477 (3) ["Private occupational school"] "Private career school" has the  
1478 same meaning as provided in section 10a-22a, as amended by this act;

1479 (4) "Public institution of higher education" means any of the  
1480 institutions of higher education identified in subdivision (2) of section  
1481 10a-1;

1482 (5) "Qualifying advanced manufacturing certificate program" means  
1483 a for-credit or noncredit sub-baccalaureate advanced manufacturing  
1484 certificate program offered by a public institution of higher education  
1485 or a private [occupational] career school in which at least seventy-five  
1486 per cent of the graduates of such certificate program are employed in a  
1487 field related to or requiring such certificate in the year following  
1488 graduation; and

1489 (6) "Veteran" has the same meaning as provided in section 27-103.

1490 Sec. 38. Section 46b-56c of the 2022 supplement to the general statutes  
1491 is repealed and the following is substituted in lieu thereof (*Effective*  
1492 *October 1, 2022*):

1493 (a) For purposes of this section, an educational support order is an  
1494 order entered by a court requiring a parent to provide support for a  
1495 child or children to attend for up to a total of four full academic years  
1496 an institution of higher education or a private [occupational] career  
1497 school for the purpose of attaining a bachelor's or other undergraduate  
1498 degree, or other appropriate vocational instruction. An educational  
1499 support order may be entered with respect to any child who has not  
1500 attained twenty-three years of age and shall terminate not later than the  
1501 date on which the child attains twenty-three years of age.

1502 (b) (1) On motion or petition of a parent, the court may enter an  
1503 educational support order at the time of entry of a decree of dissolution,  
1504 legal separation or annulment, and no educational support order may  
1505 be entered thereafter unless the decree explicitly provides that a motion  
1506 or petition for an educational support order may be filed by either  
1507 parent at a subsequent date. If no educational support order is entered  
1508 at the time of entry of a decree of dissolution, legal separation or  
1509 annulment, and the parents have a child who has not attained twenty-  
1510 three years of age, the court shall inform the parents that no educational

1511 support order may be entered thereafter. The court may accept a  
1512 parent's waiver of the right to file a motion or petition for an educational  
1513 support order upon a finding that the parent fully understands the  
1514 consequences of such waiver.

1515 (2) A waiver of the right to file a motion or petition for an educational  
1516 support order may be made in writing by either parent and accepted by  
1517 the court, provided the parent making the writing attests, under oath,  
1518 that the parent fully understands the consequences of such waiver, and  
1519 that no restraining order issued pursuant to section 46b-15 or protective  
1520 order issued pursuant to section 46b-38c, between the parties is in effect  
1521 or pending before the court. The provisions of this subdivision shall not  
1522 preclude the court from requiring that the parties attend a hearing and  
1523 that findings be made on the record.

1524 (3) On motion or petition of a parent, the court may enter an  
1525 educational support order at the time of entry of an order for support  
1526 pendente lite pursuant to section 46b-83.

1527 (4) On motion or petition of a parent, the court may enter an  
1528 educational support order at the time of entering an order of support  
1529 pursuant to section 46b-61 or 46b-171, or similar section of the general  
1530 statutes, or at any time thereafter.

1531 (5) On motion or petition of a parent, the court may enter an  
1532 educational support order at the time of entering an order pursuant to  
1533 any other provision of the general statutes authorizing the court to make  
1534 an order of support for a child, subject to the provisions of sections 46b-  
1535 301 to 46b-425, inclusive.

1536 (c) The court may not enter an educational support order pursuant to  
1537 this section unless the court finds as a matter of fact that it is more likely  
1538 than not that the parents would have provided support to the child for  
1539 higher education or private [occupational] career school if the family  
1540 were intact. After making such finding, the court, in determining  
1541 whether to enter an educational support order, shall consider all  
1542 relevant circumstances, including: (1) The parents' income, assets and

1543 other obligations, including obligations to other dependents; (2) the  
1544 child's need for support to attend an institution of higher education or  
1545 private [occupational] career school considering the child's assets and  
1546 the child's ability to earn income; (3) the availability of financial aid from  
1547 other sources, including grants and loans; (4) the reasonableness of the  
1548 higher education to be funded considering the child's academic record  
1549 and the financial resources available; (5) the child's preparation for,  
1550 aptitude for and commitment to higher education; and (6) evidence, if  
1551 any, of the institution of higher education or private [occupational]  
1552 career school the child would attend.

1553 (d) Any finding required to be made by the court, pursuant to this  
1554 section may be made on the basis of an affidavit, made under oath, by  
1555 either party, provided that the party making the affidavit attests that no  
1556 restraining order issued pursuant to section 46b-15 or protective order,  
1557 issued pursuant to section 46b-38c, between the parties is in effect or  
1558 pending before the court. Nothing in this subsection shall preclude the  
1559 court from requiring that the parties attend a hearing and that findings  
1560 be made on the record.

1561 (e) At the appropriate time, both parents shall participate in, and  
1562 agree upon, the decision as to which institution of higher education or  
1563 private [occupational] career school the child will attend. The court may  
1564 make an order resolving the matter if the parents fail to reach an  
1565 agreement.

1566 (f) To qualify for payments due under an educational support order,  
1567 the child must (1) enroll in an accredited institution of higher education  
1568 or private [occupational] career school, as defined in section 10a-22a, as  
1569 amended by this act, (2) actively pursue a course of study  
1570 commensurate with the child's vocational goals that constitutes at least  
1571 one-half the course load determined by that institution or school to  
1572 constitute full-time enrollment, (3) maintain good academic standing in  
1573 accordance with the rules of the institution or school, and (4) make  
1574 available all academic records to both parents during the term of the  
1575 order. The order shall be suspended after any academic period during



1576 which the child fails to comply with these conditions.

1577 (g) The educational support order may include support for any  
1578 necessary educational expense, including room, board, dues, tuition,  
1579 fees, registration and application costs, but such expenses shall not be  
1580 more than the amount charged by The University of Connecticut for a  
1581 full-time in-state student at the time the child for whom educational  
1582 support is being ordered matriculates, except this limit may be exceeded  
1583 by agreement of the parents. An educational support order may also  
1584 include the cost of books and medical insurance for such child.

1585 (h) The court may direct that payments under an educational support  
1586 order be made (1) to a parent to be forwarded to the institution of higher  
1587 education or private [occupational] career school, (2) directly to the  
1588 institution or school, or (3) otherwise as the court determines to be  
1589 appropriate.

1590 (i) On motion or petition of a parent, an educational support order  
1591 may be modified or enforced in the same manner as is provided by law  
1592 for any support order.

1593 (j) This section does not create a right of action by a child for parental  
1594 support for higher education.

1595 (k) An educational support order under this section does not include  
1596 support for graduate or postgraduate education beyond a bachelor's  
1597 degree.

1598 (l) The provisions of this section shall apply only in cases when the  
1599 initial order for parental support of the child is entered on or after  
1600 October 1, 2002.

1601 Sec. 39. Subsection (a) of section 10a-55i of the 2022 supplement to the  
1602 general statutes is repealed and the following is substituted in lieu  
1603 thereof (*Effective October 1, 2022*):

1604 (a) There is established a Higher Education Consolidation Committee  
1605 which shall be convened by the chairpersons of the joint standing

1606 committee of the General Assembly having cognizance of matters  
1607 relating to higher education or such chairpersons' designee, who shall  
1608 be a member of such joint standing committee. The membership of the  
1609 Higher Education Consolidation Committee shall consist of the higher  
1610 education subcommittee on appropriations and the chairpersons, vice  
1611 chairpersons and ranking members of the joint standing committees of  
1612 the General Assembly having cognizance of matters relating to higher  
1613 education and appropriations. The Higher Education Consolidation  
1614 Committee shall establish a meeting and public hearing schedule for  
1615 purposes of receiving updates from (1) the Board of Regents for Higher  
1616 Education on the progress of the consolidation of the state system of  
1617 higher education pursuant to this section, section 4-9c, subsection (g) of  
1618 section 5-160, section 5-199d, subsection (a) of section 7-323k, subsection  
1619 (a) of section 7-608, subsection (a) of section 10-9, section 10-155d,  
1620 subdivision (14) of section 10-183b, sections 10a-1a to 10a-1d, inclusive,  
1621 as amended by this act, 10a-3 and 10a-3a, 10a-8, 10a-10a to 10a-11a,  
1622 inclusive, 10a-17d and 10a-22a, as amended by this act, [subsections (f)  
1623 and (h) of] section 10a-22b, as amended by this act, subsections (c) and  
1624 (d) of section 10a-22d, as amended by this act, sections 10a-22h, as  
1625 amended by this act, and 10a-22k, subsection (a) of section 10a-22n, as  
1626 amended by this act, sections 10a-22r, as amended by this act, 10a-22s,  
1627 10a-22u, as amended by this act, 10a-22v, as amended by this act, 10a-  
1628 22x and 10a-34 to 10a-35a, inclusive, as amended by this act, subsection  
1629 (a) of section 10a-48a, sections 10a-71 and 10a-72, subsections (c) and (f)  
1630 of section 10a-77, section 10a-88, subsection (a) of section 10a-89,  
1631 subsection (c) of section 10a-99 and sections 10a-102, 10a-104, 10a-105,  
1632 10a-109e, 10a-143 and 10a-168a, and (2) the Board of Regents for Higher  
1633 Education and The University of Connecticut on the program approval  
1634 process for the constituent units. The Higher Education Consolidation  
1635 Committee shall convene its first meeting on or before September 15,  
1636 2011, and meet not less than once every two months.

1637       Sec. 40. Section 10a-22y of the general statutes is repealed. (*Effective*  
1638 *October 1, 2022*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2022</i>	4-5
Sec. 2	<i>October 1, 2022</i>	10a-1d
Sec. 3	<i>October 1, 2022</i>	10a-34
Sec. 4	<i>October 1, 2022</i>	10a-34c
Sec. 5	<i>October 1, 2022</i>	10a-34e(a)
Sec. 6	<i>October 1, 2022</i>	10a-34g(a)
Sec. 7	<i>October 1, 2022</i>	10-67(4)
Sec. 8	<i>October 1, 2022</i>	12-407(a)(37)(J)
Sec. 9	<i>October 1, 2022</i>	30-22a(k)
Sec. 10	<i>October 1, 2022</i>	10a-22a
Sec. 11	<i>October 1, 2022</i>	10a-22b
Sec. 12	<i>October 1, 2022</i>	10a-22c
Sec. 13	<i>October 1, 2022</i>	10a-22d
Sec. 14	<i>October 1, 2022</i>	10a-22e
Sec. 15	<i>October 1, 2022</i>	10a-22f
Sec. 16	<i>October 1, 2022</i>	10a-22g
Sec. 17	<i>October 1, 2022</i>	10a-22h
Sec. 18	<i>October 1, 2022</i>	10a-22i
Sec. 19	<i>October 1, 2022</i>	10a-22l
Sec. 20	<i>October 1, 2022</i>	10a-22m
Sec. 21	<i>October 1, 2022</i>	10a-22n
Sec. 22	<i>October 1, 2022</i>	10a-22p
Sec. 23	<i>October 1, 2022</i>	10a-22q
Sec. 24	<i>October 1, 2022</i>	10a-22r
Sec. 25	<i>October 1, 2022</i>	10a-22u
Sec. 26	<i>October 1, 2022</i>	10a-22v
Sec. 27	<i>October 1, 2022</i>	10-95r(c)
Sec. 28	<i>October 1, 2022</i>	10a-11b(a)(1)
Sec. 29	<i>October 1, 2022</i>	10a-34h
Sec. 30	<i>October 1, 2022</i>	10a-55a(c)
Sec. 31	<i>October 1, 2022</i>	10a-161a
Sec. 32	<i>October 1, 2022</i>	10a-223(21) and (22)
Sec. 33	<i>October 1, 2022</i>	12-412(109)
Sec. 34	<i>October 1, 2022</i>	13b-38ee(a)(1)
Sec. 35	<i>October 1, 2022</i>	14-37a(a)
Sec. 36	<i>October 1, 2022</i>	17b-749(a)
Sec. 37	<i>October 1, 2022</i>	31-11ss(a)
Sec. 38	<i>October 1, 2022</i>	46b-56c

Sec. 39	<i>October 1, 2022</i>	10a-55i(a)
Sec. 40	<i>October 1, 2022</i>	Repealer section

**HED**      *Joint Favorable*

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*The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.*

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### **OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

### **Explanation**

The bill, which makes various procedural and regulatory changes, does not result in a fiscal impact.

### **The Out Years**

**State Impact:** None

**Municipal Impact:** None

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**OLR Bill Analysis****SB 105****AN ACT CONCERNING RECOMMENDATIONS BY THE OFFICE OF HIGHER EDUCATION.**

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*Requires OHE to establish certain fees, fines, penalties, and other payments in regulations and eliminates amounts set in statute when the regulations become effective*

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*Requires private occupational schools to request authorization to offer existing or new programs through a distance learning program*

[§ 22 — DISCLOSURE REQUIREMENTS](#)

*Prohibits any private occupational school from imposing disclosure requirements on students requiring them, as a condition of enrollment, to enter into agreements limiting their legal recourse in claims against the school*

**§ 24 — PRIVATE CAREER SCHOOL STUDENT BENEFIT ACCOUNT**

*Requires the advisory committee tasked with assisting the OHE executive director in administering the private career school student benefit account to be established only where there are available funds to award*

**§ 40 — REPEALER**

*Eliminates a requirement that hospital based occupational schools pay annual fees and quarterly assessments into the Private Occupational School Student Protection Account*

**SUMMARY**

This bill makes various changes to the laws governing private occupational schools and higher education institutions overseen by the Office of Higher Education (OHE).

The bill also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2022, except for the provision making the OHE executive director a "department head," which is effective July 1, 2022.

**§ 1 — DEPARTMENT HEAD**

*Makes the OHE executive director a "department head" appointed by the governor and subject to legislative approval*

The bill adds the OHE executive director to the statutory list of "department heads" appointed by the governor and subject to legislative approval. Existing law already requires the governor to appoint the OHE executive director with confirmation by the legislature.

**§ 2 — INFORMATION ON POSTSECONDARY EDUCATION OPPORTUNITIES**

*Requires OHE to provide information on postsecondary education opportunities to prospective students*

The bill requires OHE to provide information to prospective students regarding postsecondary education opportunities in the state. By law, OHE regulates the state's independent colleges and universities, licenses in-state academic programs offered by out-of-state institutions, and regulates postsecondary career schools, among other things.

**§§ 3-9 — OVERSIGHT OF HIGHER LEARNING PROGRAMS**

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*Makes various changes to the academic program approval process for independent higher education institutions administered by OHE*

The bill defines "authorization" as the approval by OHE to operate a higher learning program or higher education institution for subsequent periods and confer specified degrees. The bill replaces references to "licensure" and "accreditation" of higher education institutions with "authorization." Under current law, a "program of higher learning" OHE regulates is any course of instruction for which college or university-level credit may be given or received by transfer. Under the bill, this includes any course offered by dual enrollment.

### ***OHE Advisory Council***

Current law requires OHE to establish academic review commissions to hear each individual appeal of a denial of an application for licensure or accreditation of a higher learning program or higher education institution. Under current law, for each appeal, OHE must select a nine-person commission from a panel of 35 members appointed by legislative leaders and the governor. Current law requires a commission to review the appeal and make a decision on it within 30 days after the applicant submits the appeal.

The bill eliminates this requirement and instead allows OHE to establish an advisory council to advise on issues related to authorizing higher education institutions and private career schools. The bill requires the OHE executive director to appoint council members with:

1. expertise in the quality assurance and relevance of programs of higher learning;
2. knowledge of, and experience in, the business operations and financing of higher education institutions;
3. knowledge of the laws and regulations applicable to higher education institutions; and
4. expertise in consumer protection for students and prospective students.



***Focused and On-Site Reviews***

The bill requires the OHE executive director or his designee to conduct a focused or on-site review of an application for program modifications, nonsubstantive changes, and authorizations if he determines that further review is needed due at least in part to the higher education institution's financial condition. A focused or on-site review is required under existing law if further review of an application is needed due to the applicant offering instruction in a new higher learning program or new degree level.

By law, a "focused review" is one by an out-of-state curriculum expert and an "on-site review" is a full team evaluation by OHE at the higher education institution (CGS § 10a-34(e)).

***Accreditation by Another Entity***

The bill eliminates provisions (1) allowing OHE to deem accredited any program for which evidence of programmatic accreditation is presented (e.g., accreditation by a professional association), and (2) requiring OHE to accept regional accreditation that satisfy its requirements, unless it finds cause not to accept it.

***Financial Conditions***

The bill allows OHE, for any program or institution accredited or authorized to award degrees granted in accordance with law before July 1, 1965, to discontinue the accreditation or authority if OHE finds the institution is in an unsound financial condition or showing financial indicators that it is in danger of closure.

The bill requires, beginning July 1, 2023, each authorized higher education institution to annually submit to OHE, at a time and in a manner the office prescribes, a report that includes certain financial information described below. Under the bill, an "authorized institution of higher education" is any proposed new higher education institution and any higher education institution located in the state or authorized by another state, but does not include any public higher education institution governed by the Board of Regents for Higher Education and

the UConn Board of Trustees or any higher education institution authorized to award degrees prior to July 1, 1965.

The bill requires the report to include:

1. a list of higher learning programs the institution offers;
2. a single point of contact at the institution for student complaints;
3. the schedule of tuition, fees, and all other charges and expenses necessary for completing a higher learning program;
4. any decisions by the institution's accrediting agency or the federal government that adversely affects the institution's status;
5. any change of ownership;
6. a copy of the most recent audited financial statements detailing the institution's status; and
7. the student and graduate retention rates, information concerning graduate employment outcomes, and any other information, as determined by OHE in consultation with the institution, to determine whether the institution is maintaining quality higher learning programs.

The bill also requires the report to include any other information necessary to determine whether the institution is in an unsound financial condition or showing financial indicators that it is in danger of closure. Under the bill, this information is exempt from the state's Freedom of Information Act.

#### **§§ 7, 10-11, 15, 17, 21, 23, 26-39 — PRIVATE CAREER SCHOOLS**

*Renames "private occupational schools" as "private career schools"*

Under current law, a "private occupational school" is a person, board, association, partnership, limited liability company, or other entity offering instruction in any trade or industrial, commercial, service, professional, or other occupation for a remuneration, consideration,

reward, or fee. The bill renames these schools as “private career schools” and makes conforming changes throughout the statutes. Under current law and the bill, these schools do not include (1) publicly supervised and controlled instruction, (2) employee or member training offered by a firm or organization, (3) instruction from a school authorized by the legislature to confer degrees or (4) instruction offered in the arts or recreation.

## §§ 11-13 — APPLICATION PROCESS

*Modifies the application requirements and process; removes time limit on a private occupational school's irrevocable letter of credit; and requires a private occupational school to provide evidence to OHE that it has the financial resources to serve its students in order to renew its authorization certificate*

### **Application Requirements, Fees, and Evaluation Teams (§ 11)**

**Application requirements.** The bill eliminates requirements for specific information on the application for a certificate of authorization, including the names and addresses of all school stockholders and the proposed student enrollment agreement and school catalog. The bill instead requires OHE to prescribe forms. The bill also requires OHE to adopt regulations specifying the initial application fee amount. By law, anyone seeking to offer occupational instruction must submit their application to the OHE executive director or designee.

**Evaluation team.** By law, for applicants seeking to offer occupational instruction, OHE must appoint an evaluation team. Current law establishes the team's membership, procedures for challenging membership, and its duties, which include (1) conducting on-site inspections, (2) submitting noncompliance reports, (3) giving the school 30 days to provide evidence of compliance, and (4) submitting a final recommendation within 120 after the inspection. Under current law, the evaluation team must consider set factors (e.g., whether the school has adequate space, equipment, instructional materials, and personnel for the instruction offered).

The bill eliminates these provisions and instead requires OHE to appoint an evaluation team in accordance with regulations and requires the evaluation team to submit a written report to the OHE executive

director recommending authorization or nonauthorization after an on-site inspection.

***Hospitals and schools offering barbering or hairdressing instruction.***

The bill eliminates provisions requiring that hospitals offering postsecondary career instruction obtain a certificate of authorization and that OHE prioritize hospitals based on the size and scope of instruction offered.

The bill also eliminates provisions requiring that schools offering postsecondary career instruction in barbering or hairdressing get a certificate of authorization.

***Credit Requirement (§ 12)***

By law and unchanged by the bill, a private occupational school must file with the OHE executive director an irrevocable letter of credit, issued by a bank with its main office or branch in Connecticut, guaranteeing the school's payments to the Private Career School Student Protection Account. Under current law, the letter of credit is for \$40,000. Under the bill, OHE must set the amount in regulations.

The Private Career School Student Protection Account is used to refund tuition to students unable to complete a course at a private occupational school because the school goes bankrupt or closes (CGS § 10a-22u).

The bill removes the time limit on the irrevocable letter of credit and requires OHE to set the associated penal amount in regulations. Under current law, the letter of credit is released 12 years after the date of initial approval.

***Renewal Application (§ 13)***

The bill also requires a private occupational school to provide evidence to OHE, as part of its renewal application and at the executive director's discretion, that it has adequate financial resources to serve its current students for OHE to renew its certificate of authorization to operate.

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**§§ 13, 14, 18-20 & 25 — FEES, FINES, AND OTHER PAYMENTS IN REGULATIONS**

*Requires OHE to establish certain fees, fines, penalties, and other payments in regulations and eliminates amounts set in statute when the regulations become effective*

The bill sunsets certain fee, fine, and payment amounts set in statute and instead requires OHE to set them in regulations. Current law sets the following fines, fees, or other payments:

1. renewing a certificate: \$200 for each school and \$200 for each branch;
2. changing ownership: \$2,000, plus \$200 for each in-state branch;
3. penalty for violations of laws or regulations concerning private occupational schools: \$500 per day;
4. operating without a certificate of operation: \$500 per day;
5. failure to comply with school closure requirements: \$500 per day; and
6. underpayment into the Private Career School Student Protection Account: the underpayment amount plus a 10% penalty.

Existing law requires OHE to make regulations to carry out its duties. Under the bill, the statutory amounts described above are only effective until OHE regulations setting amounts for these payments become effective.

**§ 16 — DISTANCE LEARNING PROGRAMS**

*Requires private occupational schools to request authorization to offer existing or new programs through a distance learning program*

The bill requires an OHE-authorized private occupational school to request authorization to offer existing or new programs through a distance learning program at least 60 days before establishing the new program (see BACKGROUND). Existing law already requires an OHE-authorized private occupational school to request authorization to establish and operate additional classroom sites or branch schools at least 60 days before establishing the new location.

By law, a "distance learning program" is 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 (CGS § 10-22h).

## § 22 — DISCLOSURE REQUIREMENTS

*Prohibits any private occupational school from imposing disclosure requirements on students requiring them, as a condition of enrollment, to enter into agreements limiting their legal recourse in claims against the school*

Beginning January 1, 2023, the bill prohibits any private occupational school from imposing disclosure requirements on students that require them, as a condition of enrollment, to enter into agreements limiting their legal recourse in claims against the school.

Under current law, OHE requires private occupational schools, when applying for initial or renewed licensure, accreditation, or certificates of authorization, to make certain disclosures if they require students to enter into an enrollment agreement that contains any provision (1) limiting participation in a class action against the institution, (2) limiting any claim students may have against the institution or the damages associated with the claim, or (3) requiring students to bring claims against the institution in a forum that is less convenient, more costly, or slower-moving than an in-state judicial forum. The bill requires all private career schools to make these disclosures, which include:

1. the number of claims made against the school including claims made against a parent organization or subsidiary, by a current or former student;
2. a description of the rights asserted; and
3. an update on the status of these claims.

## § 24 — PRIVATE CAREER SCHOOL STUDENT BENEFIT ACCOUNT

*Requires the advisory committee tasked with assisting the OHE executive director in administering the private career school student benefit account to be established only where there are available funds to award*

The bill requires the advisory committee tasked with assisting the

OHE executive director in administering the private career school student benefit account to be established only when there are funds available in the account. By law, the account awards financial aid grants to benefit students.

#### **§ 40 — REPEALER**

*Eliminates a requirement that hospital based occupational schools pay annual fees and quarterly assessments into the Private Occupational School Student Protection Account*

The bill eliminates a requirement that hospital based occupational schools pay (1) a \$200 annual fee to the Private Occupational School Student Protection Account for each year after the school's initial period of authorization, (2) quarterly assessments on tuition revenue, and (3) a \$200 certificate renewal fee.

#### **COMMITTEE ACTION**

Higher Education and Employment Advancement Committee

Joint Favorable

Yea 20 Nay 3 (03/17/2022)