

Higher Education and Employment Advancement Committee

JOINT FAVORABLE REPORT

Bill No.: SB-105
AN ACT CONCERNING RECOMMENDATIONS BY THE OFFICE OF HIGHER
Title: EDUCATION.
Vote Date: 3/17/2022
Vote Action: Joint Favorable
PH Date: 3/8/2022
File No.:

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SPONSORS OF BILL:

Higher Education and Employment Advancement Committee

REASONS FOR BILL:

To make policy and language recommendations of the Office of Higher Education (OHE).

RESPONSE FROM ADMINISTRATION/AGENCY:

[Timothy Larson, Executive Director, Office of Higher Education \(OHE\)](#): In support of [S.B. 105](#), Mr. Larson offers testimony on behalf of the Office of Higher Education, stating that the bill "reflect[s] changes necessary to facilitate...regulatory updates." Connecticut stakeholders from public and private institutions of higher education, as well as "executive offices and the General Assembly," were invited to meet with OHE and NCHEMS representatives to discuss Connecticut's higher education regulations. From these discussions, "It became clear that in order to properly revise the regulations, we would need to also have statute changes that would enable us to have the updated regulations." [S.B. 105](#) would "allow for more specific procedures in...regulations, create more meaningful oversight within OHE's capacity, and...complement accreditors' quality assurance expertise and activities instead of duplicating them."

[Colleen Murphy, Executive Director and General Counsel, Freedom of Information Commission \(FOI\)](#): The Freedom of Information Commission suggests changes to the language of [S.B. 105](#), specifically, the FOI Commission is concerned "that the proposed language of 'any other information' is vague and broad, would be subject to varying interpretations, and may be applied overbroadly to preclude from disclosure information that is important to the public." Instead, the Freedom of Information Commission recommends that "language be drafted which more specifically identifies what information will be deemed

'not a public record' and urges an amendment to the proposal to include more narrow and specific language."

NATURE AND SOURCES OF SUPPORT:

[Brian Prescott, Vice President, National Center for Higher Education Management Systems \(NCHEMS\)](#): Mr. Prescott offers testimony in support of [S.B. 105](#), maintaining that the bill will "create greater clarity in the language to be used for regulatory postsecondary institutions; to improve processes related to OHE's carrying out of its regulatory duties; and to clarify the OHE's authority to carry out key regulatory functions needed to ensure that the interests of students and of the state are adequately protected."

NATURE AND SOURCES OF OPPOSITION:

See agency response.

[Jennifer Widness, President, Connecticut Conference of Independent Colleges \(CCIC\)](#): The CCIC "has some concerns" regarding [S.B. 105](#), "and would ask the Committee not to move forward with the bill until changes are made to revise the language." More specifically, changes should be made to the bill's language regarding "'Licensure and Accreditation' vs. 'Authorization,'" "Expanding OHE's mission to explicitly include the collection and provision of consumer information to support the Office's consumer protection role," "New Advisory Council to OHE," "Monitoring the Fiscal Health of Private Institutions," and "Exempt Independent Institutions from Program Approval."

[Sacred Heart University](#): It is the understanding of Sacred Heart University that [S.B. 105](#) will "update state statute to take the first steps towards updating outdated regulations," and therefore, "We do not oppose this portion of the bill." Sacred Heart University also doesn't oppose "the idea that the state may have some role in knowing if an institution is facing fiscal stress and at risk of imminent closure, for consumer protection purposes." However, the University does oppose "the manner in which the OHE seeks to accomplish this goal in the current iteration of this bill." The University suggests that the Office of Higher Education adopt a "similar approach to the Massachusetts early warning system such that OHE can enter into an MOU with NECHE for information sharing regarding the fiscal health of the institutions NECHE regulates in Connecticut." For institutions of higher education that aren't "regionally accredited, OHE shall create a process for determining fiscal health" through regulations, not "dictated in statute."

[University of Saint Joseph](#): The University of Saint Joseph does "not oppose" [S.B. 105](#)'s intent "to update state statute in an effort to take the first steps towards updating outdated regulations." The University also does not oppose "the idea that the state may have some role and interest if an institution is facing fiscal stress and at risk of imminent closure, for consumer protection purposes." However, the University opposes "the manner in which OHE seeks to accomplish this goal in the current iteration of this bill," and suggests that the Committee revises the bill "to follow the approach adopted in Massachusetts after the sudden closure of Mt. Ida College." This will allow [S.B. 105](#) to better "protect student and consumer interests, while at the same time ensuring the security and appropriate use and interpretations of sensitive financial data."

Yale University: Yale University "supports the general direction of" [S.B. 105](#), and "commends the Office of Higher Education (OHE) for assessing whether its statutory authorities reflect the best practices across states in oversight of higher education." The University hopes that the Committee will "improve" [S.B. 105](#) by designing "a data collection model that serves the state's interests in oversight and informing prospective students while doing so in the most efficient way possible that avoids unnecessary burden on colleges and universities." Yale University also wishes "to remind Members of the Committee that OHE does not have jurisdiction over the four independent institutions in the state whose charters predate the establishment of the state of Connecticut," nor does it have jurisdiction over the University of Connecticut and the Connecticut State College University system. Finally, the University joins with the Connecticut Conference of Independent Colleges in supporting a similar approach "adopted in Massachusetts following the closure of Mount Ida College."

Reported by: Austin Hyatt

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