



General Assembly

January Session, 2019

Raised Bill No. 7088

LCO No. 3501



Referred to Committee on HIGHER EDUCATION AND
EMPLOYMENT ADVANCEMENT

Introduced by:
(HED)

***AN ACT CONCERNING PROGRAM APPROVAL AT INDEPENDENT
INSTITUTIONS OF HIGHER EDUCATION.***

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

1 Section 1. Subsection (l) of section 10a-34 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July*
3 *1, 2019*):

4 (l) Notwithstanding the provisions of subsections (b) to (j),
5 inclusive, of this section and subject to the authority of the State Board
6 of Education to regulate teacher education programs, up to twelve new
7 programs of higher learning in any academic year and any program
8 modifications proposed by an independent institution of higher
9 education, as defined in section 10a-173, shall not be subject to
10 approval by the Office of Higher Education, until July 1, 2020, or until
11 the adoption by the office of regulations pursuant to subsection (m) of
12 this section, as amended by this act, that provide exemption from
13 program approval, whichever is earlier, provided (1) the institution
14 maintains eligibility to participate in financial aid programs governed

15 by Title IV, Part B of the Higher Education Act of 1965, as amended
16 from time to time, (2) the United States Department of Education has
17 not determined that the institution has a financial responsibility
18 composite score that is less than 1.5 for the most recent fiscal year for
19 which the data necessary for determining the score is available, and (3)
20 the institution has been located in the state and accredited as a degree-
21 granting institution in good standing for ten years or more by a
22 regional accrediting association recognized by the Secretary of the
23 United States Department of Education and maintains such
24 accreditation status. Each institution that is exempt from program
25 approval by the Office of Higher Education under this subsection shall
26 file with the office (A) an application for approval of any new program
27 of higher learning in excess of twelve new programs in any academic
28 year, (B) a program actions form, as created by the office, prior to
29 students enrolling in any new program of higher learning or any
30 existing program subject to a program modification, and (C) not later
31 than July first, and annually thereafter, (i) a list and brief description of
32 any new programs of higher learning introduced by the institution in
33 the preceding academic year and any existing programs of higher
34 learning discontinued by the institution in the preceding academic
35 year, (ii) the institution's current program approval process and all
36 actions of the governing board concerning approval of any new
37 program of higher learning, and (iii) the institution's financial
38 responsibility composite score, as determined by the United States
39 Department of Education, for the most recent fiscal year for which the
40 data necessary for determining the score is available.

41 Sec. 2. Section 10a-34 of the general statutes is amended by adding
42 subsection (m) as follows (*Effective July 1, 2019*):

43 (NEW) (m) (1) Not later than July 1, 2020, the Office of Higher
44 Education shall adopt regulations, in accordance with chapter 54,
45 establishing qualifications and an application process by which
46 independent institutions of higher education, as defined in section 10a-
47 173, may be exempt from the requirement to apply for the approval of
48 the office for new programs of higher learning and program

49 modifications proposed by such institution. Such qualifications shall
50 include, but need not be limited to, the following: (A) The institution
51 maintains eligibility to participate in financial aid programs governed
52 by Title IV, Part B of the Higher Education Act of 1965, as amended
53 from time to time; (B) the United States Department of Education has
54 not determined that the institution has a financial responsibility
55 composite score that is less than 1.5 for the most recent fiscal year for
56 which the data necessary for determining the score is available; (C) the
57 institution has been located in the state and accredited as a degree-
58 granting institution in good standing for ten years or more by a
59 regional accrediting association recognized by the Secretary of the
60 United States Department of Education and maintains such
61 accreditation status; and (D) the institution maintains student
62 graduation rates, graduate employment rates and student loan default
63 rates at a threshold established by the office.

64 (2) The Office of Higher Education shall review all applications for
65 exemption from program approval by independent institutions of
66 higher education, as defined in section 10a-173, that it receives
67 pursuant to subdivision (1) of this subsection, provided such
68 applications are filed in accordance with the regulations adopted by
69 the office.

70 (3) Notwithstanding the provisions of subsections (b) to (j),
71 inclusive, of this section and sections 10a-34a to 10a-35, inclusive, the
72 governing board of an independent institution of higher education that
73 is exempted from program approval pursuant to subdivision (2) of this
74 subsection, shall (A) have the authority, in accordance with the
75 provision of said sections and the standards set forth in any
76 regulations promulgated thereunder, to review and approve
77 recommendations for the establishment of new programs of higher
78 learning and program modifications at such institution, provided the
79 discontinuation of any existing program of higher learning shall
80 require the approval of the Office of Higher Education, and (B) shall
81 file with the Office of Higher Education (i) a notice of any new or
82 modified programs of higher learning not later than thirty days after

83 the date of approval of such program by the governing board of such
84 institution, (ii) a program actions form, as developed by the office,
85 prior to students enrolling in any new or modified program of higher
86 learning, and (iii) not later than July first annually, (I) a list and brief
87 description of any new programs of higher learning introduced by the
88 institution in the preceding academic year and any existing programs
89 of higher learning discontinued by the institution in the preceding
90 academic year, (II) the institution's current program approval process
91 and all actions of the governing board concerning approval of any new
92 program of higher learning, and (III) the institution's financial
93 responsibility composite score, as determined by the United States
94 Department of Education, for the most recent fiscal year for which the
95 data necessary for determining the score is available.

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| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>July 1, 2019</i> | 10a-34(l) |
| Sec. 2 | <i>July 1, 2019</i> | 10a-34 |

Statement of Purpose:

To allow independent institutions of higher education to be exempt from the requirement to apply to the Office of Higher Education for approval of new or modified programs.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]