



General Assembly

January Session, 2019

**Committee Bill No. 81**

LCO No. 4022



Referred to Committee on HIGHER EDUCATION AND  
EMPLOYMENT ADVANCEMENT

Introduced by:  
(HED)

***AN ACT MAKING CERTAIN INSTITUTIONS OF HIGHER EDUCATION  
AND PRIVATE OCCUPATIONAL SCHOOLS INELIGIBLE FOR PUBLIC  
FUNDS AND LICENSURE.***

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

1 Section 1. (NEW) (*Effective July 1, 2019*) (a) On and after January 1,  
2 2020, any for-profit institution of higher education licensed to operate  
3 in the state that requires any student, as a condition of enrollment, to  
4 enter into an agreement that (1) limits participation in a class action  
5 against such institution, (2) limits any claim the student may have  
6 against such institution or the damages for such claim, or (3) requires  
7 the student to assert any claim against such institution in a forum that  
8 is less convenient, more costly or more dilatory for the resolution of a  
9 dispute than a judicial forum established in the state where the student  
10 may otherwise properly bring a claim, shall include in its application  
11 to the Office of Higher Education for initial or renewed institutional  
12 licensure or accreditation pursuant to section 10a-34 of the general  
13 statutes, a statement (A) disclosing the number of claims made against  
14 the institution, including claims made against a parent organization or  
15 subsidiary of the institution, by a student currently or formerly

16 enrolled at the institution, (B) a description of the nature of the rights  
17 asserted, and (C) the status of such claims. The institution shall submit  
18 additional details regarding such claims as the executive director of the  
19 Office of Higher Education may require.

20 (b) The executive director of the Office of Higher Education may (1)  
21 deny the application for initial or renewed license or accreditation of a  
22 for-profit institution of higher education if (A) such institution fails to  
23 include the statement required under subsection (a) of this section in  
24 its application, or (B) upon review of such statement, the executive  
25 director determines that the public policy of protecting the interests of  
26 students in the state requires such denial, or (2) consider the institution  
27 ineligible to receive any public funds, including, but not limited to,  
28 federal funds administered by the office pursuant to section 10a-45 of  
29 the general statutes. For the purpose of this subsection, the executive  
30 director may deny the accreditation of an institution of higher  
31 education by refusing to accept or withdrawing any previous  
32 acceptance of regional accreditation made pursuant to subsection (i) of  
33 section 10a-34 of the general statutes.

34 (c) The executive director of the Office of Higher Education shall  
35 have the authority granted under sections 10a-34a, 10a-34b and 10a-34e  
36 of the general statutes, as amended by this act, to investigate and  
37 enforce the provisions of subsections (a) and (b) of this section.

38 Sec. 2. (NEW) (*Effective July 1, 2019*) (a) On and after January 1, 2020,  
39 any private occupational school, as defined in section 10a-22a of the  
40 general statutes, that requires any student, as a condition of  
41 enrollment, to enter into an agreement that (1) limits participation in a  
42 class action against such school, (2) limits any claim the student may  
43 have against such school or the damages for such claim, or (3) requires  
44 the student to assert any claim against such school in a forum that is  
45 less convenient, more costly or more dilatory for the resolution of a  
46 dispute than a judicial forum established in the state where the student  
47 may otherwise properly bring a claim, shall include in its application

48 to the Office of Higher Education for initial or renewed certificate of  
49 authorization pursuant to sections 10a-22b and 10a-22d of the general  
50 statutes, a statement (A) disclosing the number of claims made against  
51 the school, including claims made against a parent organization or  
52 subsidiary of the school, by a student currently or formerly enrolled at  
53 the school, (B) a description of the nature of the rights asserted, and (C)  
54 the status of such claims. The school shall submit additional details  
55 regarding such claims as the executive director of the Office of Higher  
56 Education may require.

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

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

71 Sec. 3. Subsection (a) of section 10a-34a of the general statutes is  
72 repealed and the following is substituted in lieu thereof (*Effective July*  
73 *1, 2019*):

74 (a) The executive director of the Office of Higher Education may  
75 assess any person, school, board, association or corporation which  
76 violates any provision of section 10a-34, [or] 10a-35 or section 1 of this  
77 act an administrative penalty in an amount not to exceed five hundred  
78 dollars for each day of such violation.

79 Sec. 4. Section 10a-34b of the general statutes is repealed and the  
80 following is substituted in lieu thereof (*Effective July 1, 2019*):

81 The executive director, through the Attorney General, may seek an  
82 order from the [superior court] Superior Court to prevent any violation  
83 of sections 10a-34, [and] 10a-35 and section 1 of this act through the use  
84 of an injunction in accordance with the provisions of chapter 916.

85 Sec. 5. Subsection (a) of section 10a-34e of the general statutes is  
86 repealed and the following is substituted in lieu thereof (*Effective July*  
87 *1, 2019*):

88 (a) The Office of Higher Education may conduct any necessary  
89 review, inspection or investigation regarding applications for licensure  
90 or accreditation or possible violations of this section, [and] sections  
91 10a-34 to 10a-34d, inclusive, as amended by this act, section 1 of this  
92 act or [of] any applicable regulations of Connecticut state agencies. In  
93 connection with any investigation, the executive director or the  
94 executive director's designee, may administer oaths, issue subpoenas,  
95 compel testimony and order the production of any record or  
96 document. If any person refuses to appear, testify or produce any  
97 record or document when so ordered, the executive director may seek  
98 relief pursuant to section 10a-34d.

99 Sec. 6. Subsection (a) of section 10a-22i of the general statutes is  
100 repealed and the following is substituted in lieu thereof (*Effective July*  
101 *1, 2019*):

102 (a) The executive director may assess any person, board,  
103 partnership, association, corporation, limited liability company or  
104 other entity which violates any provision of sections 10a-22a to 10a-  
105 22o, inclusive, as amended by this act, sections 10a-22u to 10a-22w,  
106 inclusive, section 2 of this act or regulations adopted pursuant to  
107 section 10a-22k an administrative penalty in an amount not to exceed  
108 five hundred dollars for each day of such violation.

109 Sec. 7. Section 10a-22j of the general statutes is repealed and the  
110 following is substituted in lieu thereof (*Effective July 1, 2019*):

111 The executive director, through the Attorney General, may seek an  
112 order from the Superior Court to prevent any violation of sections 10a-  
113 22a to 10a-22o, inclusive, as amended by this act, [or] sections 10a-22u  
114 to 10a-22w, inclusive, or section 2 of this act.

115 Sec. 8. Subsection (b) of section 10a-22o of the general statutes is  
116 repealed and the following is substituted in lieu thereof (*Effective July*  
117 *1, 2019*):

118 (b) The executive director, or the executive director's designee, may  
119 conduct any necessary review, inspection or investigation regarding  
120 applications for certificates of authorization or possible violations of  
121 sections 10a-22a to 10a-22o, inclusive, as amended by this act, section 2  
122 of this act or [of] any applicable regulations of Connecticut state  
123 agencies. In connection with any investigation, the executive director  
124 or the executive director's designee, may administer oaths, issue  
125 subpoenas, compel testimony and order the production of any record  
126 or document. If any person refuses to appear, testify or produce any  
127 record or document when so ordered, the executive director may seek  
128 relief pursuant to subsection (a) of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2019</i>	New section
Sec. 2	<i>July 1, 2019</i>	New section
Sec. 3	<i>July 1, 2019</i>	10a-34a(a)
Sec. 4	<i>July 1, 2019</i>	10a-34b
Sec. 5	<i>July 1, 2019</i>	10a-34e(a)
Sec. 6	<i>July 1, 2019</i>	10a-22i(a)
Sec. 7	<i>July 1, 2019</i>	10a-22j
Sec. 8	<i>July 1, 2019</i>	10a-22o(b)

**Statement of Purpose:**

To prevent for-profit colleges and occupational schools that require students to waive certain rights, as a condition of enrollment, from receiving public funds or licensure from the Office of Higher Education.

*[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.]*

Co-Sponsors: SEN. LESSER, 9th Dist.

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