



2016 CCIC Legislative Update

This update summarizes legislation passed this year that impacts CCIC member institutions as well as highlights other relevant actions taken during the 2016 regular legislative session and the subsequent Special Session. The regular legislative session ended on May 4, 2016. A special session to adopt the budget and the budget implementer was held on May 12-13, 2016.

Budget Overview

Public Act 16-2: AN ACT ADJUSTING THE STATE BUDGET FOR THE BIENNIUM ENDING JUNE 30, 2017

The \$19.76 billion budget adopted by the legislature on May 13th and subsequently signed by the Governor contained no tax increases, large budget cuts and significant state employee layoffs.

When the Governor **proposed his budget** at the start of the session in February, the FY 17 budget deficit was estimated around \$570 million. The Governor proposed across the board cuts of most line items of approximately 5.75% and consolidated a significant number of line items within each agency to a single “agency operations” fund in an effort to give Commissioners more discretion to control spending and costs.

Unfortunately the budget deficit projections increased during the session to \$960 million. The current fiscal year budget also required adjustments as shortfalls kept widening and continue to do so due to eroding state income tax receipts.

The final version of the **FY 17 budget signed into law** includes \$830 million in cuts and \$100 million in fund transfers plus some expected revenue from judicial settlements. The Governor’s proposal to consolidate agency line items was not adopted.

Some specific budget line items of note are below. Click [here](#) to view the complete bill summary of the budget.

Budget Item	FY 16 Appropriation	FY 17 Original Appropriation	FY 17 Adjusted Appropriation
Reimbursements to Towns for Private Tax- Exempt Property (PILOT)	\$125,431,737	\$125,431,747	\$114,950,770
Minority Advancement Program	\$2,188,526	\$2,188,526	\$1,845,041
Governor’s Scholarship Program	\$39,638,381	\$41,023,498	\$37,363,944

Key Legislation that Passed

Impacting Connecticut Independent Colleges and Universities

Public Act 16-36: AN ACT CONCERNING PROGRAM APPROVAL FOR INDEPENDENT INSTITUTIONS OF HIGHER EDUCATION

- This bill exempts nonprofit independent higher education institutions from program approval under the Office of Higher Education (OHE) effective July 1, 2016 for two years that: 1) are eligible to

participate in federal student aid programs; 2) have been located in Connecticut and accredited as degree-granting institutions for at least 10 years by a regional accrediting association recognized by the U. S. education secretary; and 3) has a financial responsibility score greater than 1.5 as determined by the U.S. Department of Education.

- Exempt institutions must file with OHE, annually by July 1: 1) a list and brief description of any new programs introduced and existing programs discontinued in the preceding academic year; 2) a description of the institution's current program approval process; and 3) the institution's financial responsibility composite score, as determined by the U.S. Department of Education, for the most recent fiscal year for which the data necessary for determining the score is available.
- The bill further requires OHE, by December 31, 2017, to report to the Governor and Higher Education and Employment Advancement Committee on the appropriate roles and responsibilities of a state higher education regulatory agency in protecting student interests and outcomes. The report must include the agency's role in implementing the state's higher education strategic master plan, goals, and policies.

Public Act 16-3: AN ACT CONCERNING REVENUE AND OTHER ITEMS TO IMPLEMENT THE BUDGET FOR THE BIENNIUM ENDING JUNE 30, 2017.

This is the large budget implementer bill that contained a wide array of provisions related to the budget. Of interest to independent colleges, the bill:

- Authorizes an *option* for a municipality to impose a surcharge, by ordinance, on the admissions charge on any events held at a facility in town for up to 5% of the price of admission. (§186)
- The “admissions charge” is defined in [statute](#) as the amount paid for the right or privilege to have access to a place or location where amusement, entertainment or recreation is provided. It excludes any charges for instruction. Places of amusement, entertainment or recreation include, but are not limited to, theaters, motion picture shows, auditoriums where lectures and concerts are given, amusement parks, fairgrounds, race tracks, dance halls, ball parks, stadiums, amphitheaters, convention centers, golf courses, miniature golf courses, tennis courts, skating rinks, swimming pools, bathing beaches, gymnasiums, auto shows, boat shows, camping shows, home shows, dog shows and antique shows.
- No municipality may impose a surcharge on a facility if: 1) the proceeds inure entirely to a non-profit entity; and 2) that entity assumes all financial risk for the event.
- For a complete bill summary, click [here](#).

Impacting Higher Education Generally

Public Act 16-3: AN ACT CONCERNING REVENUE AND OTHER ITEMS TO IMPLEMENT THE BUDGET FOR THE BIENNIUM ENDING JUNE 30, 2017.

This bill is the large budget implementer bill that contained a wide array of provisions related to the budget. Of interest to higher education institutions in Connecticut generally, this bill contains a number of provisions seeking to promote innovation and entrepreneurship in Connecticut that were originally proposed in SB 1. In particular, the provisions in this bill:

- Require Connecticut Innovations (“CI”) to create a new subsidiary called **CT Next** with the purpose of:
 - fostering innovation, start-up and growth stage businesses and entrepreneur community building; serving as a catalyst to protect and enhance the innovation ecosystem;

- connecting start-up and growth stage entrepreneurs with other start-up and growth stage entrepreneurs and with state, federal and private resources;
- facilitating the establishment of innovation places;
- facilitating mentorship for start-up and growth stage entrepreneurs;
- providing technical training and resources to start-up and growth stage businesses and entrepreneurs; and
- facilitating innovation and entrepreneurship at institutions of higher education.
- Establish an **innovation place program** to foster innovation and entrepreneurship in compact, mixed use geographic areas with start-ups, “growth stage businesses,” “anchor institutions,” and access to public transit (§§5-9) (\$29.5 in bond funds (over five years) is earmarked for this purpose);
- Establish a **Technology Talent Advisory Committee** to work to address shortages of qualified employees in specific technology sectors (§23) (\$10 million in bond funds (\$2 million a year for five years) are earmarked for this purpose);
- Authorizes the DECD commissioner to establish up to 10 **knowledge center enterprise zones** in the state's distressed municipalities based on proposals submitted by higher education institutions (§24);
- Establishes a **Higher Education Innovation and Entrepreneurship Working Group** to develop a master plan for fostering innovation and entrepreneurship at higher education institutions in the state (§27); and
- Establishes a **Higher Education Entrepreneurship Advisory Committee** to review applications for higher education entrepreneurship grants-in-aid that higher education institutions, or a partnership of one or more institutions, submit (§28) (\$10 million in bond funds (\$2 million a year for five years) are earmarked for this purpose).

Public Act 16-120: AN ACT CONCERNING PARTICIPATION IN THE STANDARD AUTHORIZATION RECIPROCITY AGREEMENT REGARDING DISTANCE LEARNING PROGRAMS.

- This bill requires OHE, by January 1, 2017, to enter into a multistate or regional reciprocity agreement to allow Connecticut and its higher education institutions to participate in a nationwide state authorization reciprocity agreement on distance learning programs (e.g., SARA).
- The bill requires Connecticut higher education institutions that seek to participate in the nationwide agreement to submit an application to OHE on a form prescribed by the office.
- OHE is authorized to establish a schedule of application and renewal fees. The schedule must be graduated based on the number of full-time equivalent students at each Connecticut higher education institution.
- Under the bill, an institution's authorization is valid for one year and is renewable for additional one-year periods.

Public Act 16-44: AN ACT CONCERNING HIGHER EDUCATION CERTIFICATE PROGRAMS.

- This bill requires the Board of Regents for Higher Education (BOR) and OHE to define and monitor sub-baccalaureate certificate programs offered by higher education institutions and private occupational schools. Under the bill, private occupational schools include hospital-based occupational schools or any program, school, or entity offering postsecondary instruction in barbering or hairdressing.
- In collaboration with OHE, BOR must (1) create written definitions for all sub-baccalaureate certificates earned on a for-credit or noncredit basis and awarded by higher education institutions and private occupational schools and (2) report the completed definitions to the Higher Education and Employment Advancement Committee by January 1, 2017.

- Further, each in-state institution or school must annually submit data to OHE from the previous academic year about its for-credit and noncredit sub-baccalaureate programs and the types of certificates these programs offer.
- Annually, beginning January 1, 2020, OHE must compile the collected data in order to compare various types of sub-baccalaureate programs to determine similarities to other programs, student interest in each program and similar programs, and the necessity of each program. By July 1, 2020, and annually thereafter, OHE must post the compiled data on its website so that students and prospective students can make informed decisions about enrollment in and choice of sub-baccalaureate certificate programs.
- The bill also requires:
 - OHE to develop and post on its website one-page fact sheets for each sub-baccalaureate certificate program offered by Connecticut institutions,
 - Such institutions to post these fact sheets on their own websites,
 - BOR to establish a working group to review all noncredit sub-baccalaureate certificate programs offered by each regional community-technical college (CTC), and
 - OHE to create an annual review program for data samples submitted by institutions and schools.

Public Act 16-114: AN ACT ENCOURAGING MIDDLE SCHOOL AND HIGH SCHOOL STUDENTS TO CONSIDER CAREERS IN MANUFACTURING AND CONCERNING INFORMATION POSTED ON THE LABOR DEPARTMENT'S APPRENTICESHIP WEB SITE

- This bill requires the Commissioner of Education, in collaboration with BOR, to establish a committee to coordinate efforts to educate middle and high school students about manufacturing careers.
- The committee must annually (1) compile a catalog of manufacturing training programs at public and private educational institutions in the state and (2) analyze, in consultation with the manufacturing industry, whether current programs available to Connecticut students are meeting workforce needs. It must annually report its findings to the Commerce and Higher Education committees, with the first report due February 1, 2017.
- The bill also requires the Education Commissioner to develop (1) a program, in consultation with the committee, to introduce middle and high school students to manufacturing careers and (2) a best practices guide, in consultation with representatives from the manufacturing industry and the Connecticut Center for Advanced Technology (CCAT), to help local and regional boards of education incorporate relationships with the manufacturing industry in their middle school and high school curricula.
- Finally, the bill requires the Department of Labor (DOL) to update its apprenticeship website, by March 1, 2017, with certain information, such as a list of occupations in which apprentices are employed and apprenticeship coursework and cost.

Public Act 16-179: AN ACT CONCERNING THE GOVERNOR'S SCHOLARSHIP PROGRAM

This bill makes numerous changes to the Governor's Scholarship Program including:

- Establishes a maximum award amount of \$4,500 for the need-based award and authorizes institutions to award "up to" that amount;
- Requires that the maximum need-based award amount for part-time students be proportional to the maximum amount for full-time students;
- Eliminates requirements that the need-based awards be made according to sliding scales annually determined by the OHE;
- Revises the formula for allocations to higher education institutions for the need-based awards;

- Prohibits OHE from making merit award determinations based on the order of institutions provided by a student on the FAFSA (Free Application for Federal Student Aid);
- Eliminates the incentive award;
- Earmarks 2.5% of the program's appropriation for use by the community-technical colleges for financial aid purposes;
- Caps the percentage of the program's appropriation that must be allocated to the merit award;
- Modifies the program's compliance requirements;
- Extends, from February 15 until May 1, the annual deadline by which higher education institutions must return unspent scholarship funds to OHE; and
- Renames the program the Roberta B. Willis Scholarship Program.

Public Act 16-106: AN ACT CONCERNING AFFIRMATIVE CONSENT

- This bill requires all institutions of higher education to adopt an affirmative consent standard as part of their sexual violence policies for the purpose of determining whether sexual activity is consensual.
- The affirmative consent standard does not need to mirror the one in the bill as long as it is “substantially similar” as determined by the institution.
- The bill requires higher education institutions to include, in the awareness programming they offer to students and employees, an explanation of the affirmative consent standard.
- It also replaces references to “victim” and “accused” in current law. Generally, it replaces references to (1) “victim” with “student or employee who reports or discloses the alleged violation” and (2) “accused” with “student or employee responding to such report or disclosure.”
- For more detailed information, view the complete bill summary [here](#).

Special Act 16-9: AN ACT ESTABLISHING A TASK FORCE TO STUDY ISSUES RELATING TO THE RECRUITMENT OF MANUFACTURING TEACHERS AND ESTABLISHING A TASK FORCE TO STUDY PROFESSIONAL DEVELOPMENT AND IN-SERVICE TRAINING REQUIREMENTS FOR EDUCATORS

- This bill establishes a task force to study issues relating to the recruitment of manufacturing teachers including (1) the need for manufacturing teachers at various grade levels in schools, (2) the interest among persons employed in manufacturing in teaching a manufacturing course or program in schools, (3) obstacles and constraints that exist in the law and collective bargaining agreements, or at the technical high schools, Board of Regents for Higher Education and private education institutions, that inhibit the recruitment of persons to teach manufacturing in schools, and (4) potential state actions to improve and increase the recruitment of manufacturing teachers.
- The bill also establishes an additional task force to study issues relating to the professional development requirements and the in-service training requirements for educators. The task force must: (1) examine (A) how the professional development and in-service training requirements prescribed by law are being implemented by local and regional boards of education, (B) the content prescribed by such requirements, including, but not limited to, any duplicative training or instruction requirements, and the frequency with which educators are completing the same training or instruction, (C) the time required each year to complete the professional development and in-service training requirements, and, after completing such training and instruction, how much time remains to address issues and topics specific to the school district, (D) the direct and indirect costs of such requirements to local and regional boards of education, and (E) the effect such requirements have on the provision of instruction in the public schools, and (2) make recommendations for the streamlining of such requirements, including, but not limited to, the frequency of the provision of the requirements and the combination or elimination of duplicative requirements.

Special Act 16-10: AN ACT ESTABLISHING A PILOT PROGRAM FOR MINORITY STUDENTS IN HIGH SCHOOL TO PURSUE A COLLEGE DEGREE IN EDUCATION

- This bill establishes an educator pathways pilot program beginning in the fall of 2017 for minority students in grades eleven and twelve to take college courses in the field of education at the four state universities.
- The following school districts and state universities shall be partners in the pilot program: (1) The boards of education for the New Haven school district and the West Haven school district and Southern Connecticut State University, (2) the board of education for the New Britain school district and Central Connecticut State University, (3) the board of education for the Windham school district and Eastern Connecticut State University, and (4) the board of education for the Danbury school district and Western Connecticut State University.

Public Act 16-154: AN ACT CONCERNING SPECIAL POLICE FORCES ON COLLEGE CAMPUSES

- This bill establishes special police forces on all Connecticut regional community technical college campuses, subject to the Board of Regents for Higher Education's approval. Officers on these forces generally have the same powers as municipal police officers.
- State law requires armed special police force members to be certified by the Police Officer Standards and Training Council, which establishes minimum qualifications for municipal police officers and enforces professional standards for certifying and decertifying them.

Public Act 16-155: AN ACT CONCERNING PRIVATE OCCUPATIONAL SCHOOLS

- This bill makes various changes to laws governing private occupational schools that are regulated by OHE.
- The bill, among other things: 1) requires any entity that wishes to offer instruction through a private occupational school or establish new school branches to meet additional application and evaluation requirements; 2) specifies that private occupational schools include hospital-based occupational schools, hairdressing schools, and barbering schools; and 3) allows OHE's executive director to accept programmatic accreditation for hospital-offered occupational instruction to satisfy authorization renewal requirements, unless she finds reasonable cause not to rely upon such accreditation.
- To read a complete summary, click [here](#).

Public Act 16-15: AN ACT CONCERNING REVISIONS TO THE HIGHER EDUCATION STATUTES

- This bill changes the title of the Connecticut State University System leader from "President of the Board of Regents for Higher Education" to "President of the Connecticut State Colleges and Universities."
- The bill also makes various technical, grammatical, and conforming changes, including grammatical changes to postsecondary academic degree titles.

Impacting Teacher Preparation Programs (Public and Private)

Public Act 16-41: AN ACT CONCERNING THE RECOMMENDATIONS OF THE MINORITY TEACHER RECRUITMENT TASK FORCE

This bill:

- Extends, from February 1, 2016 to June 30, 2017, the report deadline for the minority teacher recruitment task force, expands its mission to include an analysis of the causes of minority teacher shortages in Connecticut and extends the task force's duration until January 1, 2026.

- Establishes the Minority Teacher Recruitment Policy Oversight Council (“council”) within the State Department of Education and requires the council to advise the commissioner on ways to: 1) encourage minority middle and secondary school students to attend institutions of higher education and enter teacher preparation programs, 2) recruit minority students already attending institutions of higher education to enroll in teacher preparation programs and pursue teaching careers, 3) recruit and retain minority teachers in Connecticut schools, 4) recruit minority teachers from other states to teach in Connecticut, and 5) recruit minority professionals in other fields to enter teaching.
- Requires SDE to conduct an annual survey of students on the effectiveness of minority teacher recruitment programs at regional education service centers and public institutions of higher education in the state;
- Eliminates a satisfactory score on the Praxis competency exam for reading, writing, and math as an entrance requirement for teacher preparation programs and instead requires the score to be used for diagnostic purposes in those programs;
- Requires SDE to report annually on the effectiveness of minority teacher recruitment programs using results-based accountability methods;
- Requires SDE to review and approve proposals to create alternative route to certification (ARC) programs for school support staff and to award educator certificates to qualified applicants who successfully complete the programs;
- Modifies the criteria for awarding an educator certificate to out-of-state teachers and makes the certification awarded a provisional rather than a professional certification; and
- Modifies the criteria for teacher certification interstate agreements.
- For a complete bill summary, click [here](#).

Special Act 16-22: AN ACT CONCERNING TEACHER PREPARATION PROGRAMS.

- This bill requires the State Department of Education and the Office of Higher Education to enter into an agreement with the Council for the Accreditation of Educator Preparation (CAEP) for the purposes of accrediting and establishing standards for programs of educator preparation leading to professional certification, offered at public and independent institutions of higher education in the state by December 31, 2016.

Impacting Economic Development

Public Act 16-204: AN ACT CONCERNING THE CONNECTICUT BIOSCIENCE INNOVATION FUND AND INVESTMENTS BY CONNECTICUT INNOVATIONS, INCORPORATED.

- This bill allows Connecticut Innovations, Inc. (CI) to use its unrestricted funds and funds in the Connecticut Bioscience Innovation Fund (CBIF) to invest in private equity investment funds under certain conditions.
- In addition, it makes the following changes to CBIF administration and eligibility:
 - crediting to CI's unrestricted funds any income or earnings in excess of the original award amount that result from CBIF financial assistance awards;
 - making businesses' eligibility for CBIF funding contingent on annual commercial revenue, rather than the age of the business and current activity; and
 - allowing CI to provide, through CBIF, additional funding to eligible recipients that have already received financial assistance from CI or CBIF (“follow-on funding”).
- To read a complete bill summary, click [here](#).

Special Act 16-20: AN ACT ESTABLISHING A BIOSCIENCE AND HEALTH DATA COLLABORATIVE TASK FORCE

- This bill requires the chairpersons of the [Commission for Economic Competitiveness](#) to appoint and convene a health data collaborative working group. The group shall convene by August 6, 2017 and shall submit a report on its findings and recommendations no later than January 15, 2017.
- The purpose the group is to examine and make recommendations regarding: 1) The anticipated digital infrastructure needs of the health care industry, the insurance industry, public and private universities and research institutions, including, but not limited to, access to data centers and private sector high-speed broadband networks; 2) The potential economic and employment benefits that may result from the development of such digital infrastructure; and 3) Means to encourage the development of such digital infrastructure, which may include, but not be limited to, the enactment of statutory and regulatory changes or the implementation of other approaches to support private, not public, investment in and development of such digital infrastructure.

Impacting Labor & Employment

Public Act 16-83: AN ACT CONCERNING FAIR CHANCE EMPLOYMENT

- This bill prohibits employers from asking about a prospective employee's prior arrests, criminal charges, or convictions on an initial employment application unless (1) the employer must do so under state or federal law or (2) the prospective employee is applying for a position for which the employer must obtain a security or fidelity bond or equivalent bond.
- To read the complete bill summary, click [here](#).

Other Bills of Interest

Public Act 16-79: AN ACT CONCERNING A TWO-GENERATION INITIATIVE FOR FAMILIES

- The bill makes revisions to the interagency working group that oversees the state's two-generational school readiness and workforce development pilot program.
- In addition, it defines "Greater Hartford" as Hartford, East Hartford and West Hartford and makes some changes to the reporting requirements of the working group.

Public Act 16-189: AN ACT CONCERNING STUDENT DATA PRIVACY

- This bill restricts how student information may be used by (1) entities that contract to provide educational software and electronic storage of student records ("contractors") and (2) operators of websites, online services, or mobile applications (i.e., apps).
- To review a complete summary of the bill, click [here](#).

Public Act 16-66: AN ACT CONCERNING VARIOUS REVISIONS TO THE PUBLIC HEALTH STATUTES

- This bill makes numerous substantive, minor, and technical changes to Department of Public Health (DPH)-related statutes and programs including changes affecting; various licensed health care professionals including social workers, music or art therapists, and dental assistants.
- The bill repeals an obsolete provision allowing an unlicensed person with a master's or doctoral degree to satisfy the work experience requirement for social work licensure by gaining social work experience under professional supervision. (§ 13)

- The bill establishes a new designation of dental assistant called expanded function dental assistants (“EFDAs”) and changes some of the procedures a dentist can delegate to other dental assistants, allowing a dentist to delegate more procedures if the assistant is an EFDA.
The bill places a number of requirements on EFDAs and the dentists that hire them. It requires dental assistants to receive training in infection control, starting in 2018. It also allows the DPH commissioner to adopt implementing regulations. (§ 38)
- For a complete summary, click [here](#).

Special Act 16-13: AN ACT CONCERNING THE TRAINING CURRICULUM AND EDUCATION OF POLICE OFFICERS

- This bill establishes a task force to examine the education and training of law enforcement officers in the state relative to recognized national best practices. The task force shall examine: (1) The current basic curriculum and practices, (2) the instruction and delivery of the basic curriculum, (3) the feasibility and desirability of offering training at satellite campuses, and (4) such other topics as the task force deems appropriate relating to police training.

Public Act 16-196: AN ACT CONCERNING THE USE OF MICROGRID GRANTS AND LOANS FOR CERTAIN DISTRIBUTED ENERGY GENERATION PROJECTS

- This bill expands the Department of Energy and Environmental Protection's (DEEP) microgrid grant and loan program to include matching funds or low interest loans for energy storage systems or distributed energy generation projects derived from Class I (e.g., solar or wind) or Class III energy sources (e.g., certain cogeneration or energy conservation) placed in service after July 1, 2016 for eligible microgrids.
- Under current law, recipients of grants and loans under DEEP's microgrid program can only use the funds for design, engineering services, and interconnection infrastructure (i.e., not for generation).
- To read a complete summary, click [here](#).

Public Act 16-67: AN ACT CONCERNING THE DISCLOSURE OF CERTAIN EDUCATION PERSONNEL RECORDS, CRIMINAL PENALTIES FOR THREATENING IN EDUCATIONAL SETTINGS AND THE EXCLUSION OF A MINOR'S NAME FROM SUMMARY PROCESS COMPLAINTS

- By law, 1st degree threatening includes threats to commit a violent crime, or a crime using a hazardous substance, with intent to cause, or with reckless disregard of the risk of causing, (1) evacuation of a building, place of assembly, or public transportation facility; (2) serious public inconvenience for hazardous substance crimes; or (3) terror.
- The bill increases the penalty for such 1st degree threatening, from a class D felony to a class C felony, if the threat was made with intent to cause the evacuation of a building or the grounds of a public or private preschool, school, or higher education institution during instructional hours or when the facility or the grounds are being used for school- or institution-sponsored activities.
- To read a complete bill summary, click [here](#).

Key Legislation that Did Not Pass

SB 122: AN ACT CONCERNING SECURITY AT INSTITUTIONS OF HIGHER EDUCATION

SB 413: AN ACT CONCERNING A TAX ON CERTAIN ENDOWMENT FUNDS OF INSTITUTIONS OF HIGHER EDUCATION

SB 414: AN ACT CONCERNING THE TAX ON COLLEGE PROPERTY

HB 5478: AN ACT CONCERNING GRANTS IN LIEU OF TAXES

Public Act 16-98: AN ACT CONCERNING OPERATORS OF ATHLETIC ACTIVITIES, COACHES AND REFEREES AND THE EMPLOYER-EMPLOYEE RELATIONSHIP

(This bill was vetoed by the Governor. Read the veto message [here](#).)