



## 2018 Legislative Update

This update summarizes legislation passed that impacts CCIC member institutions during the 2018 regular legislative session, which ended on May 9, 2018.

### Budget Overview

Legislators came to a bi-partisan agreement on adjustments to the FY 19 budget which passed on the last day of the legislative session, May 9th.

The budget bill that passed, [Public Act 18-81](#), restores funding for the core functions of government and does not implement any new tax increases. The \$20.85 billion budget agreement increases spending 2.1 percent over the current year budget. The deal does not implement any new tax increases; lawmakers achieved this through an unexpected \$1.3 billion windfall in state income tax receipts. The compromise plan eliminates the projected budget shortfall in fiscal year 2019 and restores funding for the Medicare Savings Program and the Medicaid HUSKY A program, which provides health insurance for low income adults. It also funds the Retired Teachers' healthcare, restores municipal aid and speeds up the payments to the Special Transportation Fund so that it doesn't become insolvent. The sales tax on new car purchases is accelerated with additional revenue being directly deposited in the special transportation fund to ensure funding for bus and rail service and road projects are funded.

As to budget matters impacting the independent colleges, no changes were made in funding levels for the PILOT for Colleges and Hospitals or the Roberta Willis Scholarship Program, from what passed in the biennium budget last October. A slight cut to the Scholarship Program will occur and PILOT for C&H will increase slightly in FY 19. The Minority Advancement Program run out of the Office of Higher Education did receive an additional cut for FY 19.

PROGRAM	FY 17 Actual	Estimated FY 18	FY 19 Budgeted Oct. 2017	FY 19 Budgeted May 2018
Roberta Willis Scholarship Program	\$36 million	\$35,345,804	\$33,388,637	\$33,388,637
Minority Advancement Program	\$1,845,041	\$1,789,690	\$1,789,690	\$1,610,721
Reimbursement for Private Tax-Exempt Property (PILOT)	\$114,950,767	\$100,900,058	\$105,889,432	\$105,889,432

### Impacting Connecticut Independent Colleges and Universities

---

#### PA 18-33: AN ACT EXTENDING THE MORATORIUM ON APPROVAL OF A CERTAIN NUMBER OF PROGRAMS OF INDEPENDENT INSTITUTIONS OF HIGHER EDUCATION

This act extends for another two years (until 2020) the exemption from **academic program approval** by the Office of Higher Education for non-profit institutions of higher education meeting specific standards laid out in statute. This act also makes minor changes to the exemption, as follows:

1. each institution may only introduce 12 new programs a year that are exempt from academic program approval; after 12, the programs must go through the traditional approval process; and
2. institutions must share with the Office any new programs or program modifications prior to students enrolling, via a “Programs Action Form.”
3. institutions must file must annually file with OHE a description of any new programs and the institution's current program approval process. The act requires exempt institutions to also include in this filing all actions the institution's governing board took concerning approving the new programs.

### Impacting Higher Education Generally

---

#### SA 18-24: AN ACT CONCERNING A REQUEST FOR PROPOSALS FOR THE OPERATION OF MOBILE MANUFACTURING TRAINING LABS

This act requires DECD, in collaboration with the Labor Commissioner and the Manufacturing Innovation Advisory Board, to develop and issue a request for proposals for the operation of one or more mobile manufacturing training labs that shall support manufacturing careers by providing services that may include, but need not be limited to, continuing education for manufacturing employees and demonstration of advanced manufacturing to middle and high school students. Any proposal selected by the Commissioner of DECD and subsequently approved by the Manufacturing Innovation Advisory Board shall be paid for from the Connecticut Manufacturing Innovation Fund.

#### PA 18-2: AN ACT ASSISTING STUDENTS WITHOUT LEGAL IMMIGRATION STATUS WITH THE COST OF COLLEGE

This act extends eligibility for institutional financial aid to attend a state public higher education institution (i.e., UConn and the Connecticut State Colleges and Universities) to certain students, including honorably discharged veterans, who lack legal immigration status, if they (1) meet certain residency, age, and criminal history requirements and (2) file an affidavit about their intent to legalize their immigration status with the institution they are attending. Under the bill, veterans are eligible for institutional financial aid upon the bill's passage, while non-veterans are eligible on the earlier of January 1, 2020 or when Congress provides a “pathway to citizenship” for students without legal immigration status. The bill does not define “pathway to citizenship.”

See a complete summary [here](#).

## **PA 18-103: AN ACT CONCERNING THE LEGISLATIVE COMMISSIONERS' RECOMMENDATIONS FOR TECHNICAL REVISIONS TO THE HIGHER EDUCATION STATUTES**

This act makes technical and grammatical changes in the statutes affecting higher education.

## **PA 18-178: AN ACT AUTHORIZING AND ADJUSTING BONDS OF THE STATE FOR CAPITAL IMPROVEMENTS, TRANSPORTATION AND OTHER PURPOSES, CONCERNING THE BOND CAPS, ESTABLISHING THE APPRENTICESHIP CONNECTICUT INITIATIVE AND CONCERNING THE FUNCTIONS OF CTNEXT AND CONNECTICUT INNOVATIONS, INCORPORATED**

Among other things, this act:

- Establishes a new \$50 million **Apprenticeship Connecticut** initiative to fund short term (less than 26 consecutive weeks long) work-force pipeline programs developed through regional partnerships that train qualified entry-level workers for job placement with manufacturers and employers in other industry sectors in the state that are experiencing sustained work force shortages. Eligible partnerships must include at least one educational institution such as a vocational-technical school or an institution of higher education or at least one employer located in the work force region. (§ 45)
- Expands the purpose and programs of **CTNext** to include:
  - facilitating innovation and entrepreneurship at institutions of higher education; and
  - to identify areas in which current practices and policies to promote innovation and entrepreneurship at institutions of higher education are not realizing their full potential. (§ 46)
- Authorizes \$10 million for a new Proof of Concept fund for CTNext to fund grants up to \$100,000 to support commercialization activities that are relevant to key industries in the state. Preference may be given to such activities that are a) based on research conducted at institutions of higher education in the state, b) making investments in companies involved in such research or commercialization efforts or c) both. (§ 48)

### **Impacting Teacher Preparation Programs (Public and Private)**

---

## **PA 18-34: AN ACT CONCERNING MINORITY TEACHER RECRUITMENT AND RETENTION**

This act makes a number of changes to the teacher certification laws to make it easier, in certain areas, to obtain certification or cross endorsement (§§ 4 & 8).

In addition, it also:

1. requires the State Department of Education (SDE), by January 1, 2019 and in consultation with the [Minority Teacher Policy Oversight Committee](#), to:
  - a) identify relevant research and successful practices to enhance minority teacher recruitment throughout the state;
  - b) identify and establish public, private and philanthropic partnerships to increase minority teacher recruitment;
  - c) utilize, monitor and evaluate innovative methods to attract minority candidates to the teaching profession, particularly in subject areas in which a teacher shortage exists, as determined by the Commissioner of Education pursuant to section 10-8b of the general statutes;
  - d) modernize the process for educators to obtain educator certification under chapter 166 of the general statutes by eliminating obstacles to certification to increase competitiveness with other states;

- e) identify and utilize high-quality, affordable and bias-free educator assessments,
  - f) adopt cut scores for educator assessments, that do not exceed the multistate cut scores, to increase competitiveness with surrounding states,
  - g) support new and existing educator preparation programs that commit to enrolling greater numbers of minority teacher candidates in a manner that supports interstate reciprocity,
  - h) monitor, advise and support, and intervene in when necessary, local and regional boards of education's efforts to prioritize minority teacher recruitment and develop innovative strategies to attract and retain minority teachers within their districts, and
  - i) (A) on and after July 1, 2019, include a question regarding the demographic data of applicants for positions requiring educator certification in the department's annual hiring survey distributed to local and regional boards of education, and (B) not later than July 1, 2020, and annually thereafter, submit a report, in accordance with the provisions of section 11-4a of the general statutes, on the applicant demographic data collected pursuant to subparagraph (A) of this subdivision to the minority teacher recruitment task force, established pursuant to section 10-156aa of the general statutes, as amended by this act, and to the joint standing committee of the General Assembly having cognizance of matters relating to education. (§ 1)
2. requires SDE to develop or review and approve a new alternate route to certification (ARC) program for people in certain professions to be teachers, including paraeducators, charter school teachers, veterans, and others (§ 2);
  3. adds a new member to the Teacher Performance Evaluation Advisory Council (PEAC) and requires the council to work collaboratively with the Minority Teacher Recruitment Task Force (§ 3);
  4. authorizes (a) the chairpersons of the Minority Teacher Recruitment Task Force to appoint a new member to the task force who will serve as the third chairperson and (b) the Commission on Equity and Opportunity executive director to appoint three members of the task force, instead of the executive director, or her appointee, serving on the task force (§ 5);
  5. requires the State Board of Education's (SBE) five-year education plan to include a statement that the state's teacher workforce should reflect the racial and ethnic diversity of the state (§ 6);
  6. limits local and regional boards' of education's minority recruitment plans to educators, rather than staff (§ 7); and
  7. requires SDE to enter into a memorandum of understanding (MOU) with teacher licensure test vendors to allow some test takers to get a free retake of the exam under certain conditions (§ 9).

#### **PA 18-125: AN ACT CONCERNING REVISIONS TO THE STUDENT DATA PRIVACY ACT**

This act makes numerous changes in the student data privacy law which restricts how website, online service, and mobile application (i.e., “online service”) operators and consultants who contract with local and regional boards of education to process and access student data. Among other things, this act:

- requires the Commission for Educational Technology (CET) to develop a student data privacy terms-of-service agreement addendum that may be used in contracts entered into pursuant to the student data privacy law.
- creates certain exceptions for contractors and operators from requirements for deleting student data at a board of education's, student's, parents', or guardian's request;

- creates an exception, under certain conditions, for boards when they have special education students using a particular online service that is necessary, but unable to meet the contract requirements;
- eliminates a requirement that boards electronically notify students and parents of new contracts; and
- requires the State Department of Education (SDE) to add more information to the guidance it must already provide school districts;

To read a complete summary of this act, click [here](#).

### **PA 18-123: AN ACT CONCERNING THE STAFF QUALIFICATIONS REQUIREMENT FOR EARLY CHILDHOOD EDUCATORS**

Current law requires state-funded early childhood education program staff to meet an increasingly advanced level of educational attainment by 2021. This act pushes that deadline out until 2023. The act also requires the Office of Early Childhood to conduct an analysis of the staff qualifications requirement. Such analysis shall include, but need not be limited to:

1. a review of the goals of the requirement that those individuals with the primary responsibility for a classroom of children hold at least a bachelor's degree with a concentration in early childhood education, and an assessment of the results of evaluations of the effectiveness of a bachelor's degree requirement at achieving such goals;
2. an examination of the effectiveness of the state's implementation process for bringing early childhood education programs into compliance with the staff qualifications requirement,
3. an assessment of the effect of the staff qualifications requirement on the field of early childhood education, including its effects on educators, program providers, children, parents and families;
4. a cost-benefit analysis of the staff qualifications requirement with respect to the state, early childhood education program providers and educators and children and families; and
5. a consideration of alternative approaches to achieving (A) the bachelor's degree requirement of the staff qualifications requirement, or (B) the goals of the bachelor's degree requirement.

### **SA 18-25: AN ACT ESTABLISHING A TASK FORCE TO STUDY THE PROCESSING AND RETENTION OF FINGERPRINT RECORDS AND CRIMINAL HISTORY RECORDS FOR EDUCATORS**

This act establishes a task force to (1) examine the state's system for **fingerprinting** and processing of state and national criminal history records checks for employees, applicants for employment, substitute teachers and volunteers of local and regional boards of education, interdistrict magnet school operators and regional educational service centers, and (2) make recommendations for the improvement of such system. A representative from the RESC Alliance will serve as the chair of the task force.

### **PA 18-51: AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE DEPARTMENT OF EDUCATION**

This act makes a number of changes to state education statute including:

- authorizing the State Board of Education (SBE) to suspend a teacher's certificate, permit, or authorization ("credential") or to place a teacher's credential on probation in certain discipline cases, as outlined in the act. Previously, the SBE could only revoke a credential. (§ 5)
- authorizes the education commissioner to allow a teacher with a **teacher certification endorsement for grades one through six** to teach kindergarten for one year if (1) the teacher

holds the grades one through six endorsement issued on or after July 1, 2017 and (2) the superintendent requests the change to the commissioner. The commissioner may allow use of the exception for one additional school year if the teacher can demonstrate that he or she is enrolled in a program to meet the requirements for the appropriate endorsement to teach kindergarten. (§ 6)

- extends the temporary non-renewable certification from one to three years and the eligibility requirements to obtain it. (§ 7)
- amends the requirements for teacher credential regulations that SDE is required to adopt (1) for an initial education certificate with an elementary endorsement, an applicant must have completed at least three semester hours of a U.S. history survey course and (2) for an initial educator with an early childhood through grade three or an elementary endorsement, an applicant must have completed at least six semester hours of a comprehensive reading instruction course. The act allows regulations to be adopted with the equivalent of the history and reading instruction courses to be substituted for these requirements. (§ 8)
- exempts from criminal history and child abuse and registry background checks any person employed by a board of education as a teacher for a noncredit adult class or adult education activity who is not required to hold a teaching certificate for his or her position. (§ 9)

To see a complete summary of this act, click [here](#).

## Impacting Economic Development

---

### SA 18-21: AN ACT ESTABLISHING A TASK FORCE TO STUDY METHODS OF DEVELOPING, EXPANDING AND IMPROVING THE INSURANCE INDUSTRY WORKFORCE IN THIS STATE

This act establishes a task force to study and develop strategies to develop, expand and improve the insurance industry workforce in this state by January 1, 2019. Such study shall include, but need not be limited to, (1) an evaluation and analysis of the status of the insurance industry workforce in this state, (2) the employment needs of the insurance industry in this state, and (3) methods of developing, expanding and improving the insurance industry workforce in this state.

### SA 18-23: AN ACT CONCERNING A STRATEGIC PLAN FOR THE BIOSCIENCE SECTOR IN CONNECTICUT

This special act requires Connecticut Innovations (CI) to develop (1) a short-term and long-term strategic plan to develop and grow the bioscience sector in Connecticut; and (2) a marketing and promotional strategy to complement such strategic plan. CI must submit a report about such strategic plan to the committees of cognizance and other stakeholders by January 1, 2019.

### PA 18-46: AN ACT AUTHORIZING ADDITIONAL USES OF FUNDS AVAILABLE TO CTNEXT

This act authorizes CTNext to use unexpended bond funds for additional activities when such funds are available in fiscal years subsequent to their deposit.

### PA 18-81: AN ACT CONCERNING REVISIONS TO THE STATE BUDGET FOR FISCAL YEAR 2019 AND DEFICIENCY APPROPRIATIONS FOR FISCAL YEAR 2018

Beyond the appropriations for the Roberta Willis Scholarship Program and PILOT C&H this act, among other things, establishes a panel to study and make recommendations regarding the proposals made by the **Commission on Fiscal Stability and Economic Growth** in its final report concerning the rebalancing of state taxes to better stimulate economic growth without raising net

new taxes. Such study shall include, but not be limited to, reviews of (1) options for expanding revenue sources for municipalities, and (2) base-broadening methodologies for the sales and use taxes, taking into account the work of said commission and the 2015 State Tax Panel. Such panel shall make recommendations to the Finance Committee by January 1, 2019. (§ 56)

## Other Bills of Interest

---

### PA 18-5: AN ACT CONCERNING DUAL ARRESTS AND THE TRAINING REQUIRED OF LAW ENFORCEMENT PERSONNEL WITH RESPECT TO DOMESTIC VIOLENCE

This act requires a peace officer, in responding to a family violence complaint made by two or more opposing parties, to arrest the person the officer believes is the dominant aggressor. The act does not prohibit dual arrests, but discourages it when appropriate. It does not apply to (1) college and university students who live together in on-campus housing and (2) tenants who live together in a residential rental property, who are not in a dating relationship. To learn more, click [here](#).

### PA 18-8: AN ACT CONCERNING PAY EQUITY

This act generally prohibits employers, including the state and its political subdivisions, from asking, or directing a third-party to ask, about a prospective employee's wage and salary history, beginning January 1, 2019. The prohibition does not apply (1) if the prospective employee voluntarily discloses his or her wage and salary history or (2) to any actions taken by an employer, employment agency, or its employees or agents under a federal or state law that specifically authorizes the disclosure or verification of salary history for employment purposes. The act also allows an employer to ask about the other elements of a prospective employee's compensation structure (e.g., stock options), but the employer may not ask about their value.

The act allows prospective employees to bring a lawsuit within two years after an alleged violation of the act's prohibition on asking about salary histories. Employers can be found liable for compensatory damages, attorney's fees and costs, punitive damages, and any legal and equitable relief the court deems just and proper.

To read more about the **implications of this act on higher education institutions**, click [here](#).

### PA 18-19: AN ACT CONCERNING A TWO-GENERATIONAL INITIATIVE

This act makes several changes related to data sharing in the statewide Two-Generational Initiative:

- By September 1, 2018, the act requires the Two-Generational Advisory Council to consult with the Attorney General's Office, the Office of Policy and Management, and the Connecticut Preschool through Twenty and Workforce Information Network (P20 WIN) to develop a uniform approach to facilitate data sharing among the initiative's partner agencies in accordance with state and federal law.
- The act also requires the Council to consider recommendations to improve data sharing among partner agencies, specifies that OEC's responsibilities include coordinating the initiative's agency efforts and data sharing, and also the Department of Social Services commissioner to disclose certain information to the labor and OEC commissioners for initiative-related purposes.

**PA 18-49: AN ACT CONCERNING AN AFFECTED BUSINESS ENTITY TAX, VARIOUS PROVISIONS RELATED TO CERTAIN BUSINESS DEDUCTIONS, THE ESTATE AND GIFT TAX IMPOSITION THRESHOLDS, THE TAX TREATMENT OF CERTAIN WAGES AND INCOME AND A STUDY TO IDENTIFY BEST PRACTICES FOR MARKETING THE BENEFITS OF QUALIFIED OPPORTUNITY ZONES**

This act amends Connecticut's state and local tax laws to lessen the impact of the Tax Cuts and Jobs Act. Among other things it:

- Creates a new pass through entity tax and an additional tax credit to help offset the impact of the federal law on pass-through entities.
- Allows municipalities to provide a property tax credit to eligible taxpayers who make voluntary payments to municipally approved community supporting organizations and extends the phase-in of the new state estate and gift tax threshold by three years.
- Requires the Commissioner of the Department of Economic and Community to study and report on the best practices for marketing the benefits of qualified opportunity zones in order to increase investment in distressed municipalities.

**PA 18-83: AN ACT CONCERNING PROCEDURES RELATED TO COLLECTING AND PROCESSING SEXUAL ASSAULT EVIDENCE COLLECTION KITS**

This act requires health care facilities that collect sexual assault evidence to contact a sexual assault counselor when a person who identifies himself or herself as a sexual assault victim arrives at the facility. It also requires the Department of Emergency Services and Public Protection (DESPP) to implement an electronic tracking system for sexual assault evidence collection kits.

For a complete summary of this act, click [here](#).

**PA 18-175: AN ACT CONCERNING EXECUTIVE BRANCH AGENCY DATA MANAGEMENT AND PROCESSES, THE TRANSMITTAL OF TOWN PROPERTY ASSESSMENT INFORMATION AND THE SUSPENSION OF CERTAIN REGULATORY REQUIREMENTS**

- Among other things, the bill authorizes the Office of Policy and Management (OPM) secretary to appoint a Chief Data Officer (CDO) to direct executive branch agencies (defined by the bill to exempt the Board of Regents of higher education) on data use, management, sharing, coordination, and formulation of the state data plan and transparency plans.
- This act requires the CDO to create the state data plan by which the information technology-related actions and initiatives of all executive branch state agencies must conform. It correspondingly requires executive agencies to annually inventory their data assets, submit the inventory to OPM, and designate an agency data officer; conforming to current practice. It allows other agencies to voluntarily comply with these open data requirements.
- The bill establishes a 16-member Connecticut Data Analysis Technology Advisory Board within the legislative branch to advise the executive, legislative, and judicial branches and municipalities on data policy. It also requires OPM to continue operating and maintaining the Open Data Portal.

To see a complete summary of this act, click [here](#).

## Key Legislation that Died

### **HB 5271: AN ACT REDEFINING “PUBLIC AGENCY” FOR PURPOSES OF THE FREEDOM OF INFORMATION ACT**

This bill sought to expand the definition of “public agency” under the Freedom of Information Act (FOIA) to include an organization established by a commission, task force, working group, or any other body created in statute by the General Assembly, including a 501(c)(3) tax-exempt nonprofit organization. It died without action in either chamber.

### **HB 5371: AN ACT ESTABLISHING THE FREE 2 START SCHOLARSHIP PROGRAM**

This bill proposed to make tuition free for eligible Connecticut residents at our state’s community colleges if certain requirements were met. It died in the Appropriations Committee due to a tie vote.

### **HB 5420: AN ACT REQUIRING ADDITIONAL POLLING PLACES AT INSTITUTIONS OF HIGHER EDUCATION DURING STATE ELECTIONS**

This bill sought to require the legislative body of any municipality in which a public or private nonprofit higher education institution that enrolled 3,000 FTE or more are located to establish a separate voting district containing the institution for state election years. It died without action in either chamber.

### **HB 5467: AN ACT CONCERNING THE RETENTION OF ELECTRONIC SURVEILLANCE RECORDINGS IN CERTAIN PREMISES LIABILITY MATTERS**

This bill required the owners or other parties in control of a retail, business, or commercial premises (“businesses”), including non-profit institutions of higher education, to preserve for two years, surveillance recordings related to “injury-producing events” that occur on the premises. This bill died without action in either chamber.

### **Raised Bill 5591: AN ACT CONCERNING MUNICIPAL REVENUE**

This bill proposed to create a working group to study and develop legislative recommendations for the implementation of a municipal services in lieu of taxes program for nonprofits. Although HB 5591 ultimately became law, it was amended by the Finance Committee and the provision creating the working group was removed from the bill.