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Organizational Description and Rules of Practice

ARTICLE ONE

Description of Organization

Sec. 10a-5-1. Organizational structure and division of responsibilities

The Board of Governors for Higher Education, created under Section 10a-2 of the General Statutes, derives its duties and authority from Chapter 185 of the General Statutes. The Board, consisting of eleven voting members, carries out its responsibilities in accordance with its bylaws and under the applicable provisions of Chapter 3 of the General Statutes. The Board serves as the central policy-making authority for public higher education in Connecticut. The Board, pursuant to Section 10a-5 of the General Statutes, appoints a Commissioner responsible for implementing the policies and directives of the Board. The Commissioner employs the staff for the Department of Higher Education, the administrative arm of the Board. The staff, which collects information and prepares studies, analyses and recommendations for the Board's review and action, is organized into four areas: the Office of the Commissioner; the Division of Financial Affairs; the Division of Academic Affairs; and the Division of Research and Information Services.

The areas of major responsibility within the Department of Higher Education are generally as follows:

The Office of the Commissioner: The Commissioner of Higher Education provides executive leadership and overall direction to all segments of the Department. In articulating and implementing the policies and recommendations of the Board, the Commissioner represents the Board before the Governor, the General Assembly, higher education constituencies and the general public. The responsibility for educational opportunity is within the Commissioner's office and includes (a) assisting the Board in statewide efforts to increase enrollment, retention, and graduation of disadvantaged students; and (b) helping ensure that the staffs of the state's public higher education institutions are representative of the diversity of the total population of the state.

The Division of Financial Affairs: The division consists of three offices: the Office of Budget and Financial Planning, the Office of Facilities Planning, and the Office of Student Financial Assistance. The major functions of the division include financial planning, preparation of operating and capital public higher education budget requests, taking into account budget requests submitted to the Board by the constituent units; facilities planning; development of statewide tuition, fee, and student financial aid policies; and administration of numerous state and federal financial aid programs. Functions related to the internal administration of the Department (purchasing, payroll, budgeting, and accounting) also are performed within this division.

The Division of Academic Affairs: The major tasks performed by this division are those related to academic planning and the assessment of applications for program and institutional licensure and accreditation; the review of unit mission and institutional role and scope statements; and the review of existing academic programs offered by public colleges and universities. In addition, staff of the division are involved in coordination of programs financed through the federal Vocational Education Act, coordination of job training programs under the federal Job Training Partnership Act and review of proposals submitted under the Board's program for contracting with independent colleges.

The Division of Research and Information Services: This division coordinates legislative activities, public information, research and computer services for the Department. Key responsibilities of the division include the preparation of an annual legislative package, administrative regulations and special reports to the General Assembly; liaison to the various committees of the General Assembly; production and dissemination of research reports on issues of concern to the Connecticut higher education system; research support to other areas of the Department; dissemination of information through media to increase community awareness of issues and decisions affecting the Connecticut higher education system; and overseeing the development of a management information system for higher education to provide access to information required for higher education planning, budgeting, and research.

(Effective March 25, 1986)

Sec. 10a-5-2. Commissioner of higher education

The Commissioner is appointed by the Board and serves as the Chief Executive Officer of the Department. The Commissioner is responsible for implementing the policies and directives of the Board and has additional responsibilities as prescribed by the Board. The Commissioner administers, coordinates and supervises the activities of the Department staff in accordance with policies established by the Board. In the discharge of statutory responsibilities, the Commissioner may designate an alternate to serve on any commission, foundation or committee.

(Effective March 25, 1986)

Sec. 10a-5-3. Official address

All communications should be addressed to the Commissioner of Higher Education, Department of Higher Education, 61 Woodland Street, Hartford, Connecticut 06105.

(Effective March 25, 1986)

Sec. 10a-5-4. Maintenance of records; public inspection

The records of the Board are maintained at the Department of Higher Education at 61 Woodland Street and are available for inspection and copying during business hours. Published regulations, policy statements, administrative rulings, decisions, orders, interpretations, and findings are available through the Commissioner's office. The Board complies with all state and federal laws regarding both disclosure of public records and protection of personal records of a confidential or private nature.

(Effective March 25, 1986)

Sec. 10a-5-5. Petition requesting the promulgation, amendment, or repeal of regulations

Any person may at any time petition the Board to promulgate, amend or repeal any regulation. All petitions relating to regulations must be addressed to the Board and transmitted through the Office of the Commissioner. Petitions shall be in writing, shall be signed by the petitioner and shall set forth clearly and concisely the text of the proposed regulation, amendment or repeal. The petition also shall state the facts and arguments that favor the action proposed by including such facts and arguments in the petition or in a brief annexed thereto. Upon receipt of a petition the Board shall within thirty (30) days determine whether to deny the petition or to initiate regulation-making procedures. The Board shall follow the procedures established under Chapter 54 of the General Statutes for the issuance, amendment or repeal of a regulation.

(Effective March 25, 1986)

ARTICLE TWO

Rules of Practice

Part 1

General Provisions

Sec. 10a-5-6. Procedures governed

These rules govern practices and procedures for the Board of Governors for Higher Education and the Department of Higher Education under the applicable laws of the State of Connecticut except where otherwise provided by statute.

(Effective March 25, 1986)

Sec. 10a-5-7. Definitions

As used in these rules and except as otherwise required by the context or provided by law:

(a) “Board” means the Board of Governors for Higher Education created by Public Act 82-218 and, where applicable, its predecessor agencies.

(b) “Department” means the Commissioner and the Department of Higher Education as described in the General Statutes, specifically Section 10a-5.

(c) “Advisory Committee” means the Advisory Committee to the Board of Governors as described in the General Statutes, specifically Section 10a-3.

(d) “Executive Committee” means the Executive Committee of the Advisory Committee to the Board of Governors as described in the General Statutes, specifically Section 10a-4.

(e) “Commissioner” means the Commissioner of Higher Education as described in the General Statutes, specifically Section 10a-5.

(f) “Constituent Units” means the units of the state system of public higher education as described in the General Statutes, specifically Section 10a-1.

(g) “Hearing Panel” means the one or more members of the Board or other duly designated individual or group of individuals sitting or chosen to sit as the presiding leader over a hearing in lieu of the full Board.

(h) “Intervenor” means each person, other than a party, admitted by the Board or hearing panel as a participant in a contested case.

Other definitions applicable to these rules are found in Chapter 54 and Title 10a of the General Statutes.

(Effective March 25, 1986)

Sec. 10a-5-8. Construction

These rules shall be construed by the Board, the Department, and any hearing panel to secure just, speedy and inexpensive determination of the issues presented.

(Effective March 25, 1986)

Sec. 10a-5-9. Waiver of rules

Where good cause appears, the Board, Department or hearing panel may permit deviation from these rules, except where precluded by statute.

(Effective March 25, 1986)

Part 2

Formal Requirements as to Documents and Other Papers Filed in Proceedings

Sec. 10a-5-10. General

Every application, notice, motion, petition, complaint, brief and memorandum filed in proceedings governed by these regulations shall be signed by the filing person or by one or more attorneys in their individual names on behalf of the filing person. Communications should embrace only one matter and, when the subject matter pertains to a pending proceeding, the title of the proceeding and the number, if any, should be given.

(Effective March 25, 1986)

Sec. 10a-5-11. Copies

Except as may be otherwise required by these rules or by any other rules or regulations of the Board or Department or ordered or expressly requested by the Board or hearing panel there shall be filed with the Department an original and fifteen copies of all motions, petitions, applications, documents or other papers.

(Effective March 25, 1986)

Sec. 10a-5-12. Date of filing

All correspondence, motions, petitions, orders, decisions, findings of fact, applications and any other documents governed by these rules shall be deemed to have been filed or received on the date on which they are issued or received by the Department at its official address.

(Effective March 25, 1986)

Sec. 10a-5-13. Effect of filing

The filing with the Department of any petition, complaint, request for a declaratory ruling, or any other request of any nature whatsoever shall not relieve any person of the obligation to comply with any statute, or with any regulation or order of the Board or hearing panel.

(Effective March 25, 1986)

Sec. 10a-5-14. Service

(a) **General rule.** Service of all documents and other papers filed in all proceedings, including petitions, applications, complaints, motions, notices, briefs, and exhibits but not limited to those categories, shall be by personal delivery or by first class mail, except as otherwise provided.

(b) **On whom served.** In the case of proceedings in which there are two or more parties, all such documents and other papers shall be served by the person filing the same on every person who has theretofore been designated a party or intervenor in the proceeding. Certification of such service shall be endorsed on all documents and other papers filed with the Department.

(c) **Service by the Board.** A copy of any document or other paper served by the Department on behalf of the Board or a hearing panel, showing the addresses to whom the document or other paper was mailed, shall be placed in the Department's files and shall be prima facie evidence of such service and the date thereof.

(d) **Service as written notice.** Written notice of all decisions, orders, or authorizations issued by the Board or hearing panel shall be given to the person affected

thereby by personal service upon such person or by first class mail, unless the Board or hearing panel orders some other form of service.

(Effective March 25, 1986)

Sec. 10a-5-15. Extension of time

Except as otherwise provided, the Board or a hearing panel may, for good cause shown, extend any time limit prescribed or allowed by these rules. All requests for extension shall be made before the expiration of the period originally prescribed or as previously extended.

(Effective March 25, 1986)

Sec. 10a-5-16. Consolidation of proceedings

Proceedings involving related questions of law or fact may be consolidated at the discretion of the Board.

(Effective March 25, 1986)

Sec. 10a-5-17. Rules of conduct

Where applicable, the canons of professional ethics and the canons of judicial ethics adopted and approved by the judges of the superior court govern the conduct of the Board and hearing panel members, state employees, and all attorneys, agents, representatives, and any other persons who shall appear in any proceeding or in any contested case on behalf of any public or private person, firm, corporation or association.

(Effective March 25, 1986)

ARTICLE THREE

Contested Cases

Part 1

General

Sec. 10a-5-18. Description

The rules in this Article set forth procedures to be followed by the Board, Department and any hearing panel in contested cases as defined in Chapter 54 of the General Statutes, specifically Section 4-166(2).

(Effective March 25, 1986)

Part 2

Parties, Intervenor and Participation

Sec. 10a-5-19. Designation of parties

In issuing the notice of hearing the Department on behalf of the Board or hearing panel will name as parties those persons whose participation as a party is necessary to the proper disposition of a contested case. All other persons proposing to be named or admitted as parties shall apply for such designation in the manner hereinafter described.

(Effective March 25, 1986)

Sec. 10a-5-20. Application to be designated as party

(a) **Filing of petition.** Any other person who proposes to be named or admitted as a party shall file a written petition to be so designated not later than ten (10) days before the date of the hearing.

(b) **Contents of petition.** The petition shall state the name and address of the petitioner. It shall describe the manner in which the petitioner claims to be substantially and specifically affected by the proceeding. It shall state issues to be decided, the relief sought by the petitioner, and the statutory or other authority therefor, and the nature of the evidence, if any, that the petitioner intends to present in the event that the petition is granted.

(c) **Designation as party.** The Board or hearing panel with the advice of the Department shall consider all such petitions and will name or admit as a party any person or entity whose legal rights, duties or privileges will be determined by the decision of the Board or hearing panel in a contested case or if the Board or hearing panel finds that the participation of such person or entity as a party is necessary to the proper disposition of said contested case.

(Effective March 25, 1986)

Sec. 10a-5-21. The department as a party

The Department may upon the request of the Commissioner be designated by the Board or the hearing panel as a party to any contested case. In the event the Department is designated as a party, the Commissioner shall select one or more members of the Department, not involved in the preparation or the presentation of the Department's position on the contested case, and direct that member or members to provide or arrange such technical assistance as the Board or hearing panel may require. In all other contested cases when the Department is not named as a party the Department shall limit its involvement in the contested case to providing or arranging such technical assistance as the Board or hearing panel may need and offering such information and recommendation as the Board or hearing panel upon notice to the party to the contested case may request. Whether designated as a party or not the staff of the Department shall, in any communications with the Board or hearing panel, conduct themselves in accordance with the applicable requirements of the law regarding notice and opportunity to be heard.

(Effective March 25, 1986)

Sec. 10a-5-22. Application to be an intervenor

(a) **Request to participate.** At least three business days prior to the commencement of oral testimony in any hearing on a contested case, any person may request that the Board or hearing panel permit that person to participate in the hearing as an intervenor.

(b) **Contents of request.** In so requesting, the proposed intervenor shall state the person's name and address and shall specifically describe the manner in which said person is affected by the contested case. The proposed intervenor shall further state in what way and to what extent that person proposes to participate in the hearing.

(c) **Designation as intervenor.** The Board or hearing panel will determine the proposed intervenor's participation in the hearing, taking into account whether or not such participation will furnish assistance to the Board or hearing panel in resolving the issues of the contested case.

(Effective March 25, 1986)

Sec. 10a-5-23. Participation by intervenor

The intervenor's participation shall be limited to those particular issues, that state of the proceedings, and that degree of involvement in the presentation of evidence and argument that the Board or hearing panel shall expressly permit at the time such intervention is allowed.

(Effective March 25, 1986)

Part 3**Notice of Hearings****Sec. 10a-5-24. Place of hearings**

Unless by statute or by direction of the Board or hearing panel a different place is designated, all hearings shall be held at the official office of the Department.

(Effective March 25, 1986)

Sec. 10a-5-25. Notice of hearings

(a) **Persons notified.** The Department shall give written notice of a hearing in any contested case to all parties, to all persons who have become intervenors, to all persons otherwise required by statute to be notified, and to such additional persons as the Board or hearing panel shall direct. The Department may give notice by newspaper publication and by such other means as the Board or hearing panel may deem appropriate.

(b) **Contents of notice.** The notice shall contain the items of information required by law in contested cases as set forth in Section 4-177(b) and elsewhere in the General Statutes.

(c) **Length of notice.** Unless otherwise provided by statute, or unless the Board or hearing panel finds that a shorter period of notice is reasonable and consistent with the public interest, notice of a hearing shall be given at least fourteen (14) days prior thereto.

(d) **Continuances.** For good cause shown, the Board or hearing panel may grant a continuance.

(Effective March 25, 1986)

Sec. 10a-5-26. Bill of particulars

Not later than ten (10) days after service of the initial notice of hearing in a contested case, any party may apply to the Department for a bill of particulars containing more definite and detailed statement of any facts. If the Department finds that a more definite and detailed statement of any facts is necessary and appropriate, a bill of particulars shall be prepared as directed by the Commissioner and a copy served on each person theretofore named or admitted as a party or intervenor.

(Effective March 25, 1986)

Part 4**Hearing Procedures****Sec. 10a-5-27. Witnesses and subpoena**

The Board or hearing panel may, if it is necessary for a just resolution of a contested case, cause subpoenas to be issued directing any person whose testimony may be related to the matters before the Board or hearing panel to appear and give such evidence as is necessary. Said subpoena may direct the production for

examination of any records or documents or other evidence relating to the issues before the Board or hearing panel.

(Effective March 25, 1986)

Sec. 10a-5-28. Conduct of hearing

(a) **Purpose of hearing.** The purpose of any hearing in a contested case is to provide all parties an opportunity to present evidence and argument on all issues to be considered by the Board or hearing panel.

(b) **Order of procedure.** The order of procedure at hearings shall be determined by the Board or hearing panel and communicated to the parties at the beginning of the hearing.

(c) **Limiting number of witnesses.** To avoid unnecessary cumulative evidence, the Board or hearing panel may limit the number of witnesses or the time for testimony upon a particular issue in the course of any hearing.

(d) **Written testimony.** The Board or hearing panel may permit any party or witness to offer testimony in written form. Such written testimony shall be received in evidence with the same force and effect as though it were stated orally by the party or witness who has given the evidence, provided that each such party or witness shall be present at the hearing at which testimony is offered, shall adopt the written testimony under oath, and shall be made available for cross examination as directed by the Board or hearing panel. Prior to its admission such written testimony shall be subject to objections by parties.

(Effective March 25, 1986)

Sec. 10a-5-29. Rules of evidence

(a) **General.** Any oral or documentary evidence may be received, but it shall be the policy of the Board and any hearing panel to exclude irrelevant, immaterial or unduly repetitious evidence.

(b) **Documentary evidence, copies.** Documentary evidence may be received at the discretion of the Board or hearing panel in the form of copies or excerpts, if the original is not found readily available. Upon request by any party an opportunity shall be granted to compare the copy with the original.

(c) **Cross examination.** Such cross examination may be conducted as the Board or hearing panel shall find to be required for a full and true disclosure of the facts.

(d) **Facts noticed, Board records.** The Board or hearing panel may take administrative notice of judicially cognizable facts, including the records and the prior decisions and orders of the Board.

(e) **Facts noticed, scope and procedure.** The Board or hearing panel may take administrative notice of generally recognized technical or scientific facts within the Board's specialized knowledge. Parties shall be afforded an opportunity to contest the material so noticed by being notified before or during the hearing, or by an appropriate reference in preliminary reports or otherwise of the material noticed. The Board or hearing panel shall employ the Board's experience, technical competence, and specialized knowledge in evaluating the evidence presented at the hearing for the purpose of making its finding of facts and arriving at a final decision.

(Effective March 25, 1986)

Sec. 10a-5-30. Rule of privilege

The Board or hearing panel shall give effect to the rules of privilege recognized by law in Connecticut where appropriate to the conduct of the hearing.

(Effective March 25, 1986)

Sec. 10a-5-31. Stipulations

Parties may by stipulation in writing filed with the Department agree upon the facts or any portion thereof, which stipulation may be regarded and used as evidence at the hearing. The Board or hearing panel may in such cases require such additional evidence as may be necessary.

(Effective March 25, 1986)

Sec. 10a-5-32. Filing of added exhibits

(a) **Additional evidence.** At any stage of the hearing the Board or hearing panel may call for further evidence upon any issue, and require such evidence to be produced by the party or parties concerned or by the Department, either at that hearing or adjournments thereof. At the hearing, the Board or hearing panel may authorize any party to file specific documentary evidence as a part of the record within a specified time, provided that every other party shall be afforded a reasonable opportunity to review and rebut said evidence.

(b) **Filing of documents subsequent to hearing.** The Board or hearing panel may order or may, for good cause shown, allow the parties to file evidentiary documents of any kind, or exhibits, at a time subsequent to the completion of the hearing, such time to be determined by the Board or hearing panel. If a request for such subsequent filing is granted, the requesting party shall on or before the date set for filing, send to the Department copies of all documents or exhibits which are the subject of the request. If such requirement for copies is impracticable, the Board or hearing panel may suspend the above provisions; in such cases, the Department shall allow reasonable inspection of the original by all parties. Other parties may file additional documentary evidence to rebut or explain such late filed exhibit.

(Effective March 25, 1986)

Sec. 10a-5-33. Oral argument, when made

When, in the opinion of the Board or the hearing panel, time permits and the nature of the proceedings, the complexity or importance of the issues of fact or law involved and the public interest warrant, the Board or hearing panel may, either on its own motion or at the request of a party, at or before the close of the taking of testimony, allow and fix a time for the presentation of oral argument, imposing such limits of time on the argument as deemed appropriate in the proceeding.

(Effective March 25, 1986)

Sec. 10a-5-34. Briefs

(a) **General.** Briefs may be filed by a party either before or during the course of a hearing, or within such time thereafter as the Board or hearing panel shall designate. Failure to file a brief shall in no way prejudice the rights of any party. The order of filing briefs after the hearing including reply briefs will be designated by the Board or hearing panel.

(b) **Contents and scope of briefs, proposed findings and order.** Briefs may contain: (1) a concise statement of the case, (2) an abstract of the evidence relied upon by the party filing, with reference to the pages of record, if available, or exhibits where the evidence appears, (3) argument and authorities, and (4) proposed findings and conclusions and, if desired, a proposed form of order or rule.

(Effective March 25, 1986)

Part 5

Dispositions and Decisions

Sec. 10a-5-35. Disposition without hearing

Unless precluded by law, any contested case may be resolved by stipulation, agreed settlement, consent order or default, provided that the Board after seeking the advice of the Department approves the same.

(Effective March 25, 1986)

Sec. 10a-5-36. Proposal for decision by hearing panel

(a) The decision by a hearing panel shall be treated as a proposal for decision within the meaning of that term as it is used in Chapter 54 of the General Statutes, and as it is specifically used in Section 4-179.

(b) The hearing panel's proposal for decision shall not be adopted by the Board until it has been served upon all parties, and until an opportunity has been afforded to each party adversely affected by the proposed decision to file exceptions, to present briefs, and to make oral argument before the Board. The Board may limit the period of time for argument by serving notice of such limitation upon all of the parties simultaneously with the proposal for decision. For good cause shown, the Board may enlarge the period of time for argument if the request is made in writing, stating the reasons therefor, and filed with the Department at least five business days prior to the proceeding at which such proposal for decision is scheduled to be discussed or acted upon by the Board.

(c) In the proposal for decision to be served upon the parties, the hearing panel will set forth its summary of each issue of fact or law that it finds necessary to reach the conclusion contained in the proposed decision.

(d) Compliance with the above stated requirement concerning the proposal for decision may be waived by a written stipulation of the parties.

(Effective March 25, 1986)

Sec. 10a-5-37. Final decisions in a contested case

All decisions and orders of the Board concluding a contested case shall be in writing and shall be made part of the record of such case. The Board will serve a copy of its decision on each party in the manner required by Chapter 54 of the General Statutes and these regulations.

(Effective March 25, 1986)

Part 6

Miscellaneous

Sec. 10a-5-38. Maintenance of record

The Department shall be responsible for keeping the record in all contested cases. The record shall consist of the notice of the hearing, the return receipt for any decisions or orders sent to the parties by registered mail and those items designated as part of the record by Chapter 54 of the General Statutes, specifically Section 4-177(e).

(Effective March 25, 1986)

Sec. 10a-5-39. Transcripts

(a) **Transcript and Record.** A transcript of all hearings in a contested case shall be taken. The Department shall require any party or other person requesting a copy

of the transcript to pay the reasonable cost of preparing such copy before the Department makes a copy available to such party or other person.

(b) **Transcript Corrections.** Corrections in the official transcript may be made only to make it conform to the evidence presented at the hearing. Transcript corrections agreed to may be incorporated into the record, if and when approved by the Board or hearing panel, at any time during the hearing, or after the close of evidence. The Board or hearing panel may call for the submission of proposed corrections and may make disposition thereof at appropriate times during the course of the proceeding.

(Effective March 25, 1986)

Sec. 10a-5-40. Participation of the executive committee in contested cases

The Executive Committee shall be permitted to participate in all proceedings before the Board relating to contested cases, provided that the participation does not offend the right of any party to due process, that said participation comports with the orderly disposition of the business of the Board, and that the Executive Committee members shall not have the power to vote on any decision the Board must make.

(Effective March 25, 1986)

ARTICLE FOUR

Declaratory Ruling

Sec. 10a-5-41. Purpose

The purpose of this article is to define procedures for handling petitions for declaratory rulings made pursuant to Chapter 54 of the General Statutes, specifically Section 4-175. Where appropriate the procedures set forth in Article Three of these regulations relating to contested cases are applicable to petitions for declaratory rulings.

(Effective March 25, 1986)

Sec. 10a-5-42. Form of petition for declaratory ruling

The Department will accept a petition for a declaratory ruling on behalf of the Board if it is in the following form:

(a) The petition must be in writing and must include the factual background of the issue. It shall be mailed to the Board or delivered in person during normal business hours at the Department's official office.

(b) It shall be signed by the petitioner and shall include his or her address for purpose of reply.

(c) A copy has been sent by the petitioner by first class mail to any person whom the petitioner has reason to believe may fairly have an interest therein.

(d) The petition shall state clearly the question of applicability upon which a ruling is sought.

(e) The petition shall state the position of the petitioner with respect to the question of applicability.

(f) If desired the petitioner may include argument in support of the petitioner, with such legal citations as are considered appropriate.

(Effective March 25, 1986)

Sec. 10a-5-43. Procedure after petition for declaratory ruling filed

(a) The Board in consultation with the Department shall determine whether it will issue a declaratory ruling within forty-five days after the petition has been received.

(b) If the Board decides that it will not issue a declaratory ruling it will notify the petitioner that the request has been denied and furnish a statement of the reasons for said denial to the petitioner.

(c) If the Board decides to issue a declaratory ruling the Board may give notice to any other person that such a declaratory ruling has been requested and may receive and consider facts, arguments, and opinions from persons other than the petitioner.

(d) If the Board deems it necessary or helpful to conduct a hearing on any issue related to the request for a declaratory ruling, it will schedule such hearing and give such notice as is appropriate. The Board may conduct the hearing itself or authorize a hearing panel of less than the majority of the Board to hear the matters and prepare a proposal for decision for consideration by the full Board.

(e) A copy of any declaratory ruling issued by the Board shall be sent to the petitioner and any other interested parties.

(Effective March 25, 1986)

Sec. 10a-5-44. Record of declaratory ruling

The Department shall maintain a record of all declaratory rulings issued by the Board which is appropriately indexed and available for public inspection.

(Effective March 25, 1986)

ARTICLE FIVE

Resolution of Disputes Between Governing Boards

Sec. 10a-5-45. Purpose

Pursuant to Section 10a-19 of the General Statutes the Board is authorized to resolve disputes between two or more boards of trustees of the constituent units upon written request by one such board. The decision of the Board is binding on the affected boards of trustees unless modified by legislative action. The purpose of this Article is to set forth the procedures for resolving disputes between two or more boards of trustees.

(Effective March 25, 1986)

Sec. 10a-5-46. Procedures

To the extent deemed appropriate by the Board, Article Three of these regulations, pertaining to contested cases, shall constitute the procedures to be followed by the Board for resolving disputes between two or more boards of trustees.

(Effective March 25, 1986)

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Personal Data Systems

ARTICLE ONE

Purpose, Authority and Definitions

Sec. 10a-6-1. Purpose and authority

The purpose of these regulations is to implement the requirements of Section 4-196 of the Connecticut General Statutes, herein after referred to as the Personal Data Act, pertaining to the protection and maintenance of personal data systems maintained by state and municipal agencies and to protect the right of an individual to see his or her own record. These regulations conform to the uniform standards promulgated by the Attorney General as required by Subsection (b) of Section 4-196 of the Connecticut General Statutes.

(Effective July 21, 1986)

Sec. 10a-6-2. Definitions

The definition of terms as used in these regulations, except as otherwise required by context or provided by law, include those set forth in the Personal Data Act and the Attorney General's Standards and are as follows:

(a) "Agency" means each state or municipal board, commission, department or officer, other than the legislature, courts, governor, lieutenant governor, attorney general or town or regional boards of education, which maintains a personal data system.

(b) "Attorney" means an attorney at law empowered by a person to assert the confidentiality of or right of access to personal data under these regulations.

(c) "Authorized representative" means a parent, or a guardian or conservator, other than an attorney, appointed to act on behalf of a person and empowered by such person to assert the confidentiality of or right of access to personal data under these regulations.

(d) "Automated personal data system" means a personal data system in which data are stored, in whole or part, in a computer or in computer accessible files.

(e) "Computer accessible files" means any personal data which are stored on-line or off-line which can be identified by use of electronic means, including but not limited to microfilm and microfilm devices, which includes but is not limited to magnetic tape, magnetic film, magnetic disks, magnetic drums, internal memory utilized by any processing device, including computer or telecommunications control units, punched cards, optically scanable paper or film.

(f) "Maintain" means collect, maintain, use or disseminate.

(g) "Manual personal data system" means a personal data system other than an automated personal data system.

(h) "Person" means an individual of any age concerning whom personal data is maintained in a personal data system, or a person's attorney or authorized representative.

(i) "Personal data" means any information about a person's education, finances, medical or emotional condition or history, employment or business history, family or personal relationships, reputation or character which because of name, identifying number, mark or description can be readily associated with a particular person. "Personal data" shall not be construed to make available to a person any record described in subdivision (3) of subsection (b) of section 1-19 of the Connecticut General Statutes.

(j) "Personal data system" means a collection of records containing personal data.

(k) "Record" means any collection of personal data, defined in subsection (i) above, which is collected, maintained or disseminated.

(l) "Category of personal data" means the classifications of personal information set forth in subsection (i) above.

(m) "Other Data" means any information which because of name, identifying number, mark or description can be readily associated with a particular person.

(n) "Board" means the Board of Governors for Higher Education as established by Section 10a-2 of the General Statutes and, where applicable, its predecessor agencies.

(o) "Department" means the Commissioner and the Department of Higher Education as described in the General Statutes, specifically Section 10a-5.

(p) "Commissioner" means the Commissioner of Higher Education as described in the General Statutes, specifically Section 10a-5.

(Effective July 21, 1986)

ARTICLE TWO

General Nature and Purpose of Personal Data Systems

Sec. 10a-6-3. Location of systems

All personal data systems operated or maintained by the Board or Department are located at the Board's official address, which is 61 Woodland Street, Hartford, Connecticut 06105.

(Effective July 21, 1986)

Sec. 10a-6-4. Responsible official

The Commissioner of Higher Education is the responsible official for Board and Department personal data systems. All requests for disclosure or amendment of such records by the individual to whom the data pertains should be directed to the Commissioner at the address specified in Section 3.

(Effective July 21, 1986)

Sec. 10a-6-5. Personal data systems

The Board of Governors for Higher Education and the Department of Higher Education maintain eight (8) personal data systems, the general nature and purposes of which are specified in subsections (a) through (h) below. In accordance with the Attorney General Standards, the following information is provided for each personal data system: (1) Name of system; (2) Type of system (automated, manual or combination of both); (3) Purpose of system; (4) Routine sources of data for system; (5) Legal authority to collect, maintain and use personal data in system; (6) Categories of personal data maintained; (7) Categories of other data maintained; (8) Categories of persons on whom records are maintained, (9) Routine use of records, including types of users and purpose of use; and (10) Retention schedule adopted pursuant to Section 11-8a of the General Statutes, if applicable.

The eight systems are:

(a) 1. Name: STUDENT FILE

2. Type: Automated

3. Purpose: To allow the Board of Governors to meet the requirements of Section 10a-9 of the General Statutes to develop a comprehensive management

information system for planning and budget purposes. This system will support the research necessary to assess programmatic, financial, demographic, academic and other trends necessary to effectively coordinate higher education in Connecticut.

4. Source of Data: Data collected by institutions within the state system of higher education and transmitted to the Department of Higher Education.

5. Legal Authority: Section 10a-9 of the General Statutes.

6. Categories of Personal Data: Education, including semester standing, degrees earned, registration date, institutions attended, residential status, general credits earned, remedial credits earned, extension credits earned, credits transferred, program of study, major, level of study, degree sought, date of high school graduation, high school rank and SAT scores; Finances, including type of tuition paid (in-state, out-of-state, general fund, extension fund) and financial aid received (type and amount); and whether or not a student has a graduate assistantship.

7. Categories of Other Data: Social security number; gender; racial/ethnic origin; date of birth; permanent address and current address.

8. Category of Person: Undergraduate and graduate students attending or who have attended institutions within the state system of higher education.

9. Use of Records: This system is routinely used by the research and budget staffs to generate descriptive statistical reports to support budget development, academic program review and legislative initiatives. It also allows for students to be tracked through college, thus providing greater understanding of transfer trends, dropout and reentry patterns and longitudinal changes in student choice.

10. Retention Schedule: For ten years, or for the period of time required by applicable state retention schedules, whichever is longer.

(b) 1. Name: STATE SCHOLASTIC ACHIEVEMENT GRANT FINANCIAL AID FILE (SSAG)

2. Type: Automated

3. Purpose of System: To assist the Department of Higher Education in administering the SSAG program. This program provides to Connecticut resident high school seniors or graduates, scholarships based on need and previous high school academic achievement or performance on standardized academic aptitude tests.

4. Source of Data: Data provided by students on their application or by the College Scholarship Service based upon data supplied to them by the student and authorized by the student to be transferred to the Department.

5. Legal Authority: Sections 10a-169 and 10a-170 of the General Statutes.

6. Categories of Personal Data: Education, including high school attended, graduation date, class rank, class size, SAT scores, college attended, type and address; finances, including, family income, possible family contribution to college costs and level of award.

7. Categories of Other Data: Name, address and social security number.

8. Category of Person: Data collected only on those high school students who apply to or continue in the SSAG program.

9. Use of Records: Records are used by the Student Financial Aid Division to select SSAG recipients and to monitor the program.

10. Retention Schedule: In accordance with applicable state retention schedules.

(c) 1. Name: TEACHER INCENTIVE LOAN PROGRAM FINANCIAL FILE (TILP)

2. Type: Automated

3. Purpose: To aid the Department in administering the TILP program. TILP is a program which provides academic loans to students who enroll in teacher education programs and plan to teach in disciplines where there is a declared shortage of teachers. Students who become teachers in shortage areas in Connecticut have a portion of their loans forgiven for each year of service to the state. This system allows the Department to screen applicants, select award recipients, monitor student status and track loan repayment should a student decide not to teach.

4. Source of Data: Information provided by students on application form and follow-up verification forms.

5. Legal Authority: Section 10a-163 to 10a-163a inclusive of the General Statutes as amended by Public Act 85-479.

6. Categories of Personal Data: Education, including college name, type and location, level of study and major; Finances, including amount of loan awarded, interest rate, forgiveness provisions, repayment activity and loan deferments; Family, including parental names, addresses and telephone numbers; Employment, including school of employment if teaching, grade level taught, name of superintendent, employer address and telephone number.

7. Categories of Other Data: Name, social security number, date of birth and permanent address.

8. Category of Person: Data collected only on high school students, undergraduates, or graduate students who apply for TILP loans.

9. Use of Records: Records are used by the Student Financial Aid Division to determine award recipients, payback provisions and to monitor student progress.

10. Retention Schedule: In accordance with applicable state retention schedules.

(d) 1. Name: EDUCATION LOANS TO ENCOURAGE EXCELLENCE IN TEACHING FINANCIAL AID FILE (ELEET)

2. Type: Automated

3. Purpose: To aid the Department in administering the ELEET program. ELEET is a program which provides academic loans to students of higher academic ability who enroll in teacher education programs. Students who subsequently teach in Connecticut have a portion of their loan forgiven for each year of service rendered. This system allows the Department to screen applicants, select award recipients, monitor student status and track loan repayments should a student decide not to teach.

4. Source of Data: Information provided by students on application and renewal form.

5. Legal Authority: Section 10a-170e to 10a-170m inclusive of the General Statutes as amended by Public Act 85-479.

6. Categories of Personal Data: Education, including college name, type and location, level of study, major, high school attended, class rank and SAT scores; Finances, including amount of loan awarded, interest rate, forgiveness provisions, repayment activity, loan deferments and family contribution; Family, including parental names, addresses and telephone numbers; Employment, including school of employment if teaching, grade level taught, name of superintendent, employer address and telephone number.

7. Categories of Other Data: Name, social security number, date of birth and permanent address.

8. Category of Person: Data collected only on high school students or undergraduates who apply for an ELEET loan.

9. Use of Records: Records are used by the Student Financial Aid Division to determine award recipients, payback provisions and to monitor student progress.

10. Retention Schedule: In accordance with applicable state retention schedules.

(e) 1. Name: STUDENT TRANSCRIPTS FROM DEFUNCT INSTITUTIONS

2. Type: Automated (Microfiche)

3. Purpose: To maintain transcripts of students who attended Connecticut institutions of higher education which ceased to exist after September 1, 1969.

4. Source of Data: Institutions which cease to operate.

5. Legal Authority: Section 10a-6a-(17) of the General Statutes.

6. Categories of Personal Data: Education, including school name, level of study, grade and credits earned by course by semester.

7. Categories of Other Data: Student name, address, date of birth and social security number.

8. Category of Person: Any student who has attended a Connecticut institution which no longer operates.

9. Use of Records: Records can be released only to the student or to a person or organization which receives written authority from the student to receive the record.

10. Retention Schedule: In accordance with applicable state retention schedules.

(f) 1. Name: DEPARTMENT OF HIGHER EDUCATION TIME AND ATTENDANCE FILE

2. Type: Automated

3. Purpose: To assist the Department in carrying out its business functions of payroll, budgeting and evaluation.

4. Source of Data: Bi-weekly attendance sheets completed and signed by all employees.

5. Legal Authority: Section 10a-5 of the General Statutes.

6. Categories of Personal Data: Employment, including vacation, sick and personal days accrued and utilized.

7. Categories of Other Data: Name, social security number and employee number.

8. Category of Person: All classified and unclassified employees of the Department.

9. Use of Records: Records are used by the Business Office staff to plan payroll, calculate budgets and to provide staff with monthly summaries of attendance.

10. Retention Schedule: In accordance with applicable state retention schedules.

(g) 1. Name: DEPARTMENT OF HIGHER EDUCATION PERSONNEL FILE

2. Type: Manual at the Department Level, Automated within the Comptroller's Office.

3. Purpose: To assist the Department in carrying out its business functions of payroll, budgeting and evaluation.

4. Sources of Data: Contracts and other forms completed by the employees.

5. Legal Authority: Section 10a-5 of the General Statutes.

6. Categories of Personal Data: Financial, including salary, longevity payments, compensation plan, and payroll deductions; Employment, including starting date, title and previous state service.

7. Categories of Other Data: Name, address, social security number, telephone number, date of birth, designation if a veteran, racial/ethnic designation and designation if handicapped.

8. Category of Person: All classified and unclassified employees of the Department.

9. Use of Records: Records are used by the Business Office staff to plan payroll and to calculate budget.

10. Retention Schedule: In accordance with applicable state retention schedules.

(h) 1. Name: DEPARTMENT OF HIGHER EDUCATION EMPLOYEE APPRAISAL FILE

2. Type: Manual

3. Purpose: To maintain records regarding employee performance.

4. Source of Data: Supervisor's employee appraisals.

5. Legal Authority: Section 10a-5 of the General Statutes.

6. Categories of Personal Data: Employment history.

7. Categories of Other Data: Name

8. Category of Person: All classified and unclassified employees of the Department.

9. Use of Records: Records are used as part of salary decisions.

10. Retention Schedule: In accordance with applicable state retention schedules.

(Effective July 21, 1986)

ARTICLE THREE

Maintenance and Other Provisions

Sec. 10a-6-6. Relevance, accuracy of data and waiver of access

(a) Personal data will not be maintained unless relevant and necessary to accomplish the lawful purposes of the Department. Where the Department finds irrelevant or unnecessary public records in its possession, it shall dispose of the records in accordance with its records retention schedule and with the approval of the Public Records Administrator as per Section 11-8a of the Connecticut General Statutes, or, if the records are not disposable under the records retention schedule, request permission from the Public Records Administrator to dispose of the records under Section 11-8a of the General Statutes.

(b) The Department will collect and maintain all records with accurateness and completeness. Insofar as it is consistent with the needs and mission of the Department, the Department, wherever practical, shall collect personal data directly from the person to whom a record pertains.

(c) Any waiver of access given by an affected individual to a constituent unit of the state system of higher education or institution therein pursuant to state or federal law, also shall waive the right of access to the same records held by the Department.

(Effective July 21, 1986)

Sec. 10a-6-7. Internal distribution of policy

Department employees involved in the operations of personal data systems will be informed of the provisions of the (a) personal data act, (b) the Department's regulations adopted pursuant to Section 4-196 of the General Statutes, (c) the

Freedom of Information Act and (d) any other state or federal statute or regulations concerning maintenance or disclosure of personal data kept by the Department.

(Effective July 21, 1986)

Sec. 10a-6-8. Protection of data

All Department employees shall take reasonable precautions to protect personal data under their custody from the danger of fire, theft, flood, natural disaster and other physical threats.

(Effective July 21, 1986)

Sec. 10a-6-9. Incorporation into agency contracts

The Department shall incorporate by reference the provisions of the Personal Data Act and regulations promulgated thereunder in all contracts, agreements or licenses for the operation of a personal data system or for research, evaluation and reporting of personal data for the Department or on its behalf.

(Effective July 21, 1986)

Sec. 10a-6-10. Unnecessary duplication

The Department will insure against unnecessary duplication of personal data records. In the event it is necessary to send personal data records through interdepartmental mail, such records will be sent in envelopes or boxes sealed and marked "confidential."

(Effective July 21, 1986)

Sec. 10a-6-11. Protecting records

(a) The Department will insure that all records in manual personal data systems are kept under lock and key and, to the greatest extent practical, are kept in controlled access areas.

(b) With respect to automated personal data systems:

(1) The Department shall, to the greatest extent practical, locate automated equipment and records in a limited access area;

(2) To the greatest extent practical, the Department shall require visitors to such area to sign a visitor's log and permit access to said area on a bona-fide need-to-enter basis only.

(3) The Department, to the greatest extent practical, will insure that regular access to automated equipment is limited to operations personnel.

(4) The Department shall utilize appropriate access control mechanisms to prevent disclosure of personal data to unauthorized individuals.

(Effective July 21, 1986)

Sec. 10a-6-12. Disclosure of personal data

The Department shall not disclose to the public personal records of a confidential or private nature except as allowable under state and federal law.

(a) Within four business days of receipt of a written request therefor, the Department shall mail or deliver to the requesting individual a written response in plain language, informing him/her as to whether or not the Department maintains personal data on that individual, the category and location of the personal data maintained on that individual and procedures available to review the records.

(b) Except where nondisclosure is required or specifically permitted by law, the Department shall disclose to any individual upon written request all personal data concerning that individual which are maintained by the Department. The procedures for disclosure shall be in accordance with Connecticut General Statutes Section 1-

15 through 1-21k. If the personal data are maintained in coded form, the Department shall transcribe the data into a commonly understandable form before disclosure.

(c) The Department is responsible for verifying the identity of any person requesting access to his/her own personal data.

(d) The Department is responsible for ensuring that disclosure made pursuant to the Personal Data Act is conducted so as not to disclose any personal data concerning persons other than the person requesting the information.

(e) The Department may refuse, unless prohibited under the Buckley Amendment (34 C.F.R., Sec. 99.21), to disclose to a person medical, psychiatric or psychological data pertaining to that person if the agency determines that such disclosure would be detrimental to that person. In any case, where the Department refuses disclosure, it shall advise that person of his/her right to seek judicial relief pursuant to the Personal Data Act.

(f) Unless covered by the Buckley Amendment (34 C.F.R., Sec. 99.21), if the Department refuses to disclose medical, psychiatric or psychological data to a person based on its determination that disclosure would be detrimental to that person and nondisclosure is not mandated by law, the Department shall, at the written request of such person, permit a qualified medical doctor to review the personal data contained in the person's record to determine if the personal data should be disclosed. If disclosure is recommended by the person's medical doctor, the Department shall disclose the personal data to such person; if nondisclosure is recommended by such person's medical doctor, the Department shall not disclose the personal data and shall inform such person of the judicial relief provided under the Personal Data Act.

(g) The Department shall maintain a complete log of each person, individual, agency or organization who has obtained access or to whom disclosure has been made of personal data under the Personal Data Act, together with the reason for each such disclosure or access. This log must be maintained for not less than five years from the date of such disclosure or access or for the life of the personal data record, whichever is longer.

(Effective July 21, 1986)

Sec. 10a-6-13. Procedures for contesting the content of personal data records

(a) Any person who believes that the Department is maintaining inaccurate, incomplete or irrelevant personal data concerning him/her may file a written request with the Department for correction of said personal data;

(b) Within 30 days of receipt of such request, the Department shall give written notice to that person that it will make the requested correction, or if the correction is not to be made as submitted, the Department shall state the reason for its denial of such request and notify the person of his/her right to add his/her own statement to his/her personal data records and to meet with the Commissioner or the Commissioner's designee regarding the requested correction.

(c) Following a denial by the Department of a correction, the person requesting such correction shall be permitted to add a statement to his or her personal data record setting forth what that person believes to be an accurate, complete and relevant version of the personal data in question. Such statements shall become a permanent part of the Department's personal data system and shall be disclosed to any individual, agency or organization to which the disputed personal data are disclosed.

(d) If personal data are covered by the Buckley Amendment (34 C.F.R., Sec. 99.21), the hearing requirements of the Buckley Amendment shall be applicable.

(Effective July 21, 1986)

Sec. 10a-6-14. Other provisions

(a) If the Department requests personal data from any other state agency it shall have an independent obligation to insure that the personal data is properly maintained.

(b) Only Department employees who have a specific need to review personal data records for lawful purposes of the Department will be entitled access to such records under the Personal Data Act.

(c) The Department will keep a written up-to-date list of individuals entitled access to each of the Department's personal data systems.

(d) When an individual is asked to supply personal data to the Department, the Department shall disclose to that individual, upon request:

(1) The name of the division within the Department requesting the personal data;

(2) The legal authority under which the Department is empowered to collect and maintain the personal data;

(3) The individual's rights pertaining to such records under the Personal Data Act and Department regulations;

(4) The known consequences arising from supplying or refusing to supply the requested personal data;

(5) The proposed use to be made of the requested personal data.

(Effective July 21, 1986)

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State Tuition Waivers for Needy Students

Sec. 10a-16-1. Definitions

When used in Sections 10a-16-1 through 10a-16-5 of these regulations,

(a) "Tuition" means the tuition which would be payable by the tuition waiver recipient each term.

(b) "Academic year" means the period July 1 through June 30.

(c) "Financial need" means the difference between the expected annual family contribution for educational costs (using a needs analysis formula which has been approved by the federal government for campus-based federal student aid programs) and the college's total cost of attendance (which has been documented with the U.S. Department of Education).

(d) "Substantial financial need" means a financial need greater than the tuition costs of the college or university.

(e) "Full-time student" is an undergraduate student who is enrolled for at least twelve (12) semester hours or the equivalent thereof or a graduate student whose registration in credit-bearing courses or their equivalent is equal to or greater than nine credit hours per academic term.

(f) "Part-time student" is an undergraduate student who is enrolled for less than twelve (12) semester hours or the equivalent thereof or a graduate student who is enrolled in less than the equivalent of nine credit hours per academic term.

(g) "Resident" is defined as an in-state student for purposes of these regulations according to the determination of student status set forth in the Connecticut General Statutes Section 10-329e.

(h) "Nonresident" is defined as an out-of-state student for purposes of these regulations according to the determination of student status set forth in Connecticut General Statutes Section 10-329e.

(Effective February 24, 1983)

Sec. 10a-16-2. University of Connecticut. Tuition waivers for needy students

Tuition waivers may be granted to Connecticut residents and nonresidents, full-time and part-time undergraduate and graduate students. The total amount waived shall not exceed the amount authorized by statute. Tuition waiver recipients are to be certified by an institutional financial aid officer as having substantial financial need and approved for the waiver by the Board of Trustees of the University of Connecticut. There shall be maintained a file of documentation which supports the determination of eligibility for each recipient. These files shall be retained by the institution for three years subsequent to the tuition waiver tender.

(Effective February 24, 1983)

Sec. 10a-16-3. Board of trustees of the state technical colleges. Tuition waiver for needy students

Tuition waivers may be granted to full-time and part-time students who are Connecticut residents. The total amount waived shall not exceed the amount authorized by statute. Tuition waiver recipients are to be certified by an institutional financial aid officer as having substantial financial need and approved by the Board of Trustees of the State Technical Colleges. There shall be maintained a file of documentation which supports the determination of eligibility for each recipient. These files shall be retained by the institution for three years subsequent to the tuition waiver tender.

(Effective February 24, 1983)

Sec. 10a-16-4. Board of trustees of the regional community colleges. Tuition waiver for needy students

Tuition waivers may be granted to full-time and part-time students who are Connecticut residents. The total amount waived shall not exceed the amount authorized by statute. Tuition waiver recipients are to be certified by an institutional financial aid officer as having substantial financial need and approved by the Board of Trustees of the Regional Community Colleges. There shall be maintained a file of documentation which supports the determination of eligibility for each recipient. These files shall be retained by the institution for three years subsequent to the tuition waiver tender.

(Effective February 24, 1983)

Sec. 10a-16-5. Board of trustees of the state colleges. Tuition waiver for needy students

Tuition waivers may be granted to full-time and part-time undergraduate students who are Connecticut residents and to full-time and part-time graduate students regardless of the student's place of residence. The total amount waived shall not exceed the amount authorized by statute. Tuition waiver recipients are to be certified by an institutional financial aid officer as having substantial financial need and approved by the Board of Trustees of the State Colleges. There shall be maintained a file of documentation which supports the determination of eligibility for each recipient. These files shall be retained by the institution for three years subsequent to the tuition waiver tender.

(Effective February 24, 1983)

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Approval of Private Occupational Schools Requiring Certification

(Transferred from §§ 10-71-1—10-71-15, July 25, 1997)

Sec. 10a-22k-1. Authority

These regulations are authorized by Section 10a-22k of the general statutes.

(Effective October 10, 1984; transferred and amended July 25, 1997)

Sec. 10a-22k-2. Definitions

(a) “Applicant” means a person, board, association, partnership, corporation or other entity applying for authorization to operate a school or provide occupational instruction qualifying an individual for employment.

(b) “Board” means the State Board of Governors of Higher Education.

(c) “Branch or extension” means a subdivision of a school located at a different facility and geographical site from the school, but does not include an additional classroom site. Such “branch or extension” shall include, but is not necessarily limited to, such characteristics as:

(1) offering one or more complete programs leading to a diploma or certificate; (2) operating under the school’s certificate of authorization; (3) the ability to meet the same conditions of authorization as the school; and (4) responsibility for the administrative control and academic affairs at the site. The commissioner or his designee shall determine whether a site is a “branch or extension” or an additional classroom site.

(d) “Certification” means the formal action of the commissioner authorizing a program of occupational instruction.

(e) “Commissioner” means the commissioner of higher education.

(f) “Condition of Authorization” means the statutory and regulatory requirements that an applicant or approved school must be in compliance with in order to be authorized or continue to be authorized by the commissioner.

(g) “Course” means a component of a program in a particular subject area.

(h) “Days” means calendar days except where otherwise expressed.

(i) “Enrollment Agreement” means a written contract between the school and student which states the terms and conditions of a student’s enrollment in the school and the obligations of the school to an enrolled student.

(j) “Letter of Financial Commitment and Responsibility” means a legally binding instrument, including any necessary material documents, by which a private occupational school either increases the school’s net worth consisting of liquid assets or provides other evidence of fiscal soundness sufficient to operate the school during the period of authorization or for the period of authorization sought.

(k) “Other evidence of fiscal soundness” means, but is not necessarily limited to, documentation as to the school’s solvency, or documentation as to the sufficiency of the school’s working capital, or documentation of available funds for the subsequent financial reporting period as substantiated by a financial forecast, including actuals as deemed necessary, prepared by the management of the school and, if necessary, examined by a licensed certified public accountant or licensed public accountant.

(l) “Parent or Guardian” means the mother or father of a person under eighteen years of age or one who is legally appointed to the care and management of a person under eighteen years of age or of a person incapable of managing his or her own affairs.

(m) "Private occupational school" means a person, board, association, partnership, corporation or other entity offering instruction in any form or manner in any trade, industrial, commercial or service occupation for any remuneration, consideration, reward or promise of whatever nature, except

- (1) instruction offered under public supervision and control;
- (2) instruction conducted by a firm or organization solely for the training of its own employees or members; or
- (3) instruction offered by a school authorized by the general assembly to confer degrees.

(n) "Program" means occupational instruction, in any form or manner, in any particular trade, industrial, commercial or service occupation, which is designed to provide skills for employment in any particular trade, industrial, commercial or service occupation.

(o) "Proposed School" means an applicant seeking initial authorization to operate as a private occupational school.

(p) "School" means a private occupational school.

(q) "Student" means a person who has made a tuition payment or for whom a tuition payment has been made; except, that in the case of a correspondence or home study school authorized in accordance with the provisions of section 10a-22b of the general statutes, "student" shall mean only a person who is a Connecticut resident enrolled in such school. If any such person is under eighteen years of age or is legally adjudged incapable of managing his or her own affairs, then it shall mean the parent or guardian of that person and such person.

(Effective May 23, 1990; transferred and amended July 25, 1997)

Sec. 10-a-22k-3. Application for a proposed school

(a) No proposed school shall offer any program until a certificate of authorization is issued by the commissioner. A completed application for a certificate of authorization shall be filed with the commissioner not less than 120 days prior to the date on which the proposed school intends to offer its instructional programs.

(b) Application for a proposed school shall be made on such forms as the commissioner shall prescribe. An application for a proposed school shall include, but not be limited to, the following information:

- (1) the proposed name of the school;
- (2) ownership and organization of the school including the names and addresses of all principals, officers and directors;
- (3) names and addresses of all stockholders of the school, except for applicants listed on a national securities exchange;
- (4) addresses of any building or premises on which the school shall be located;
- (5) a detailed description of the program to be offered and a statement of the goals and objectives of the school;
- (6) the proposed student enrollment agreement;
- (7) the proposed school catalog;
- (8) financial statements detailing the financial condition of the applicant prepared by the management of the proposed school and reviewed or audited by a licensed certified public accountant or licensed public accountant in accordance with standards as established by the American Institute of Certified Public Accountants and a financial forecast prepared by the management of the proposed school detailing how the proposed school shall have a net worth consisting of sufficient liquid assets or other evidence of fiscal soundness sufficient to operate the proposed school for the period of authorization sought; in the absence of reviewed or audited financial

statements of the applicant, a financial forecast prepared by the management of the proposed school and examined by a licensed certified public accountant or licensed public accountant which details how the proposed school shall have a net worth consisting of sufficient liquid assets or other evidence of fiscal soundness sufficient to operate the proposed school for the period of authorization sought;

(9) a letter of financial commitment and responsibility in the case of a proposed school whose projected financial condition the commissioner has determined to be not fiscally sufficient to operate for the period of authorization sought;

(10) a copy of the applicant's certificate of incorporation or other business registration on file with the secretary of the state;

(11) a statement indicating any record or prior involvement by any principal, officer or director with a school whose certificate has been revoked;

(12) evidence of on-site inspection of existing facilities or review of plans for proposed facilities by the fire marshal and zoning enforcement officer for the municipality in which the school shall be located indicating that the premises of such school and all other facilities the proposed school shall utilize for program purposes meet all applicable state and local fire and zoning requirements;

(13) a letter of credit for new private occupational schools as required by section 10a-22c of the general statutes, as amended; and

(14) a certificate of insurance issued by a company authorized to do business in this state and in the amounts of at least standard underwriting limits against liability to protect students in all school-related activities and property damage, and for workers' compensation insurance pursuant to chapter 568 of the general statutes.

(c) A nonrefundable application fee of five hundred dollars shall be filed with the application for a proposed school.

(d) The commissioner or his designee shall review all applications and may require the filing of additional information by the applicant.

(Effective May 23, 1990; transferred and amended July 25, 1997)

Sec. 10a-22k-4. Evaluation procedures for initial or renewal of authorization

(a) Upon receipt of a completed application, the commissioner shall cause an evaluation to be conducted and shall notify the applicant, in writing, of the initiation of such evaluation. A private occupational school which has been authorized for at least three consecutive years and is seeking renewal of authorization may be subject to an evaluation pursuant to this section and Section 10a-22k of these regulations provided no private occupational school shall operate for more than three additional years from the date of any renewal without the completion of an evaluation pursuant to said sections.

(b) Within thirty days following receipt of a completed application, the commissioner or a designee of the commissioner shall appoint an evaluation team. The composition of the evaluation team shall be as follows:

(1) at least two members representing the board; and

(2) at least one member for each of the areas of occupational instruction for which authorization is sought who shall be experienced in such occupation. A person shall be deemed to be experienced pursuant to subdivision (2) of this subsection who is currently employed in the occupation to be evaluated and who has been so employed for at least two years.

(3) Employees of the state or any political subdivision of the state may be members of evaluation teams. The commissioner, or the designee of the commissioner, shall not appoint any person to an evaluation team unless the commissioner, or such designee, has received from such person a statement that the person has no interest

which is in conflict with the proper discharge of the duties of evaluation team members as described in section 10a-22k-5 of the regulations and sections 10a-22b and 10a-22c of the Connecticut General Statutes. The statement shall be on a form prescribed by the commissioner and shall be signed under penalty of false statement.

(c) The commissioner shall notify the applicant, in writing, of the appointment of the evaluation team within five days following such appointment. The applicant may challenge any member of the evaluation team for good cause shown. The challenge shall be in writing setting forth the reasons therefor and shall be filed with the commissioner within ten business days following appointment of the evaluation team. The commissioner shall render a decision within ten business days following the date such challenge is filed, and if the challenge is upheld, the commissioner shall appoint a replacement. The commissioner shall appoint a chairperson from the membership of the evaluation team.

(d) The applicant for certification shall provide each member of the evaluation team with a copy of the application submitted pursuant to section 10a-22k-3 or section 10a-22k-7 of these regulations. A statement of evaluation procedures and information to be required shall be sent to the applicant by the commissioner or his designee prior to the on-site evaluation. The on-site inspection made by the evaluation team shall not exceed two days unless extended by a majority vote of the evaluation team. The evaluation team shall also conduct an exit conference with the applicant or his designee concerning the various aspects of the school's operation or proposed operation. Except for state employees, actual travel expenses, meals, and overnight accommodations, if needed, for each member of the evaluation team shall be paid by the applicant subject to approval by the commissioner or his designee and shall in no event exceed state government published travel and per diem limits. Such charges shall be paid by the applicant prior to completion of the on-site inspection.

(e) The report of the evaluation team, pursuant to section 10a-22k-5 of these regulations, shall be prepared by the chairperson based on evaluation members' individual reports. The report shall include the findings of the evaluation team, recommendations for improvement, if any, and a recommendation for authorization or nonauthorization. The report shall be submitted to the commissioner within ten days following the completion of the on-site visitation, but in no event later than seventy-five days following the completed appointment of the evaluation team, except for those instances where an extension of the school's most recent certificate of authorization, pursuant to subsection (c) of section 10a-22k-7 of these regulations, has been granted.

(f) The commissioner shall review the report of the evaluation team and may consult any state agency for assistance. Within ninety days following the completed appointment of the evaluation team, except for those instances where an extension of the school's most recent certificate of authorization, pursuant to subsection (c) of section 10a-22k-7 of these regulations, has been granted, the commissioner shall, in writing, advise the applicant of authorization or nonauthorization. In the event of nonauthorization, the reasons therefor shall be given and the applicant may request in writing of the board a hearing pursuant to chapter 54 of the general statutes. The chairperson of the board may designate a hearing officer or subcommittee of the board to serve as a hearing panel pursuant to section 4-176e of the general statutes. The commissioner shall not grant authorization if:

(1) any principal, officer or director of the school has acted in a similar capacity for a school which has had its authorization revoked because the applicant (1) ceased to meet the conditions of authorization; (2) committed a material or substantial

violation of sections 10a-22a through 10a-22k, inclusive, and sections 10a-22u through 10a-22x, inclusive, of the general statutes, as amended, or regulations promulgated thereunder; (3) made a false statement about a material fact in an application for authorization; or (4) failed to make a required payment to the private occupational school student protection fund pursuant to section 10a-22u of the general statutes, as amended;

(2) the applicant does not have a net worth consisting of sufficient liquid assets or other evidence of fiscal soundness sufficient to operate for the period of time for which authorization is sought;

(3) the applicant or any of its agents engages in advertising sales, collection, credit or other practices which are false, deceptive, misleading or unfair; or

(4) the applicant school has any policy or practice which discourages or prohibits the filing of inquiries or complaints regarding the operation of the school with the commissioner of higher education.

(Effective April 26, 1991, amended September 30, 1992; transferred and amended July 25, 1997)

Sec. 10a-22k-5. Evaluation criteria for initial or renewal of authorization

All schools must meet the following conditions for authorization and the evaluation team shall review and report to the commissioner, pursuant to section 10a-22k-4 of these regulations, on the following minimum requirements:

(a) **Program and courses:** The program provided shall be supported by a proper organizational structure and, where appropriate, consist of laboratory and field work. The quality and content of each course or program of instruction, training or study shall reasonably and adequately achieve the stated objective for which such course or program is offered. The program description shall be published in the school's catalog and shall be clearly stated in units of credit or clock hours. One credit hour shall consist of a minimum of fifteen clock hours of instruction. A "clock hour" or "hour" of instruction shall be defined as a period of sixty minutes with a minimum of fifty minutes of instruction. In the case of home study, the number of lessons needed to reasonably and adequately achieve the stated objective for which the program is offered shall be stated. The program content and length shall be not less than the education and training essential for employment in the field for which the program is offered.

(b) **Instruction:** Instruction shall include defined instructional outcomes; systematic planning by teachers; the selection and use of appropriate and varied types of learning materials and experiences; and the use of valid and reliable evaluation instruments and procedures.

A uniform system of grading criteria shall be used by the school and published in its catalog. Students shall be informed of their grades or standing, in writing, at the completion of each course or, for home study schools, each lesson. Students who are performing unsatisfactorily shall be informed of their grade or standing at least half way through the course or at least every four months, whichever is less. In the case of minors, grade reports shall be sent to parents or guardians. Certificates of graduation, diplomas or certificates covering completion of a specific program shall be issued to students when all the requirements of the course or program are met. The program shall include a fixed number of credits or clock hours or in the case of home study, lessons of instruction required to be satisfactorily completed before program completion certificates or certificates of graduation may be issued to students. Any applicant intending to charge fees for services or products of students or instructors shall provide in its application information indicating that such service or production is necessary to provide adequate experience in the area

in which instruction is offered. A schedule of such fees shall be included with the application.

(c) **Class size and facilities:** Class size shall not exceed the capacity of instructional equipment, materials and facilities and reasonable standards of safety and supervision. Equipment and other instructional materials shall be sufficient in quality, quantity and variety to assure safety and to provide the training specified in a course. The school shall maintain a library adequate for the purposes and objectives of the school. Student housing owned, leased, rented or otherwise maintained by the school shall meet all state and local fire, health and zoning requirements. Each housing unit shall not exceed reasonable standards of occupancy. No student shall be required to sign a lease for a period of time greater than needed to fulfill requirements for graduation or certification.

(d) **Admission of students:** A school shall admit only those students whose educational background and abilities qualify them to pursue the particular program, course or lesson for which enrollment is sought. In no event shall enrollment be solicited in lieu of compulsory elementary or secondary school attendance.

(e) **Tuition and enrollment agreement:** A school and its approved branch facilities shall charge students a uniform rate of tuition and other fees for the same program, provided nothing herein shall prevent a school from making a uniform change in tuition or other fees in new enrollment agreements or shall prevent a school from negotiating with state or federal governmental agencies for group training contracts and charging at lower individual rates for tuition or other fees for students participating in such programs under such contracts. There shall be a standard written enrollment agreement between the school and each student which shall conform to all requirements of federal and state law. In the case of home study schools, such written enrollment agreement shall conform, at the minimum, to all requirements of federal law where the student is not a resident of the state of Connecticut. The enrollment agreement shall include, but not be limited to:

- (1) Title: identification of document as a contract or agreement.
- (2) School: name and address of the school to be attended.
- (3) Course or program: course or program title as identified in the school catalog.
- (4) Time required: number of clock hours and number of weeks or months normally required for completion as stated in school catalog. In the case of home study, the number of lessons required for completion as stated in school catalog.
- (5) Certificate, diploma: identification of type of document to be received by student upon successful completion of the course or program.
- (6) Costs: tuition, books and supplies and other costs.
- (7) Payment: method and terms of payments. Must comply with federal truth-in-lending and state retail installment requirements. In the case of home study schools, must comply, at the minimum, with federal truth-in-lending requirements where the student is not a resident of the state of Connecticut.
- (8) Starting and ending dates: scheduled class starting and ending dates. In the case of home study schools, the scheduled class starting and ending dates may be done through an addendum so long as such addendum is incorporated and attached as part of the enrollment agreement.
- (9) Class schedule: all day, morning, afternoon, evening or other time of class attendance. In the case of home study schools, the schedule of when lessons received by mail are to be completed and returned by mail must be stated.
- (10) Termination by school: grounds for termination by the school prior to completion (such as insufficient academic progress, nonpayment, failure to comply with published school rules and regulations).

(11) Cancellation or termination by student: how to cancel or voluntarily terminate.

(12) Refund policy: details of how the school's tuition and other fees refunded prior to completion of the program or course are computed.

(13) Employment assistance: employment guarantee disclaimer.

(14) Acknowledgments: acknowledgment that the student has read and received a completed copy of the enrollment agreement and such other documents as appended thereto. In the case of home study schools, an enrollment agreement shall not be deemed completed until the authorized school official has signed the student submitted enrollment agreement and has sent to the student a copy of the enrollment agreement duly signed by both the student and the school official.

(15) Signatures: date and signature of student and acceptance date and signature of appropriate school official authorized to sign enrollment agreement. A copy of the school's enrollment agreement shall be filed with the application.

(f) **Student records:** A school shall maintain student records which include:

(1) admission and cumulative records of students including the results of achievement tests if any, academic grades and attendance showing the name and permanent address of each student;

(2) the date the student began instruction at the school;

(3) a copy of the individual enrollment agreement;

(4) information about each program in which the student is or was enrolled, including name of program, length of program in clock hours or credit hours, or, for home study schools, number of lessons, tuition paid, attendance, number of clock hours or credit hours of instruction or where appropriate, lessons completed by the student; and

(5) date of last instruction or of course completion.

Each student shall be provided appropriate educational credentials or statement of achievement by the school upon completion of the courses of studies or withdrawal in good standing from the school. Student records are to be maintained or protected in a manner approved by the commissioner or his designee.

If a school discontinues operation, it shall keep the commissioner advised as to the location and availability of student records or shall file all such records with the commissioner.

(g) **Catalog:** A school shall publish a catalog stating:

(1) the purposes and objectives of the school;

(2) description of facilities;

(3) admission requirements;

(4) placement and other student services;

(5) graduation requirements;

(6) curricula offered and course descriptions;

(7) tuition and other fees;

(8) cancellation and refund policies;

(9) sources of student financial assistance, if any;

(10) length of each approved program in credit or clock hours, or in the case of home study, number of lessons;

(11) student conduct policy and grading policy;

(12) room and board accommodations, if any;

(13) the period of time the catalog covers; and

(14) full legal name, address and telephone number of the school and, if applicable, its branches.

The tuition, other fees and refund policy shall be clearly stated in the catalog or in a comparable publication readily available to students and the general public. Any supplemental publication indicating tuition rates, other fees, refund policy and other financial policies of the school shall be referenced specifically in the catalog of the school.

(h) **Advertising:** Advertising for the school shall be under the complete and correct name and address of the school as listed on its certificate of authorization and shall conform to all requirements of the federal and state Unfair Trade Practices Acts. If training is to be given at a location other than the location of the school itself, such location shall be identified. School advertisements, of any type, shall not indicate or imply the availability of programs at schools or branch facilities where such programs of instruction are not available. If any of the training is other than residential training, advertisements shall so indicate. Advertising shall be factual and shall meet generally accepted standards for professional conduct. No school shall use "blind," "help wanted" or employment columns for advertising. Illustrations in all advertising matter shall relate solely to the school or be clearly designated otherwise. If in its advertising a school includes endorsements by manufacturers, business firms, organizations or individuals, the school shall be able to present written evidence of such endorsement and shall include the date of such endorsement in printed advertising. Only members of the faculty and the officers of the school shall be named in the advertising except that special lecturers or demonstrators may be mentioned in the advertising, if such persons are clearly identified as such. If a course prepared by a person is offered by someone other than such person, it shall clearly be so advertised. No school shall advertise that it operates under state supervision or is recommended by any agency of the state. However, the words "approved by the Connecticut Commissioner of Higher Education" may be used.

(i) **Finances:** Financial resources shall be adequate for the effective achievement of the purposes and objectives of the school, and for meeting all obligations including staff and students. The school shall have a net worth consisting of sufficient liquid assets or other evidence of fiscal soundness sufficient to operate the school during the period of authorization. Financial records shall be kept by the school in conformity with generally accepted accounting principles. Annual financial statements, which detail the financial condition of the school, shall be prepared by school management and reviewed or audited by a licensed certified public accountant or licensed public accountant in accordance with standards established by the American Institute of Certified Public Accountants. A copy of the school's annual financial statements shall be filed each year with the commissioner on or before the last day of the fourth month following the end of the school's fiscal year. Upon a school's written request, the commissioner may authorize a filing extension for a period not to exceed sixty days for good cause shown. The financial statements shall include, but not be limited to:

- (1) income statement;
- (2) balance sheet;
- (3) statement of change in equity or fund balance;
- (4) statement of cash flows;
- (5) footnotes or notes to financial statements;
- (6) cover letter prepared by the licensed certified public accountant or licensed public accountant stating the scope of the review or audit, any opinions, and standards and principles followed;
- (7) school management affirmation statement and, when applicable, a program compliance statement; and

(8) school management statement on fiscal position of the school.

In the case of corporate ownership or partnership of one or more schools or branches the parent organization shall submit an annual reviewed or audited consolidated financial report which must include, but not be limited to: Annual report of the consolidated parent organization or financial statements of the consolidated parent organization and separate financial statements for each Connecticut school. The Commissioner or his designee shall determine whether the separate financial statements for each Connecticut school, submitted in the case of corporate ownership or partnership of one or more schools, has met the requirements of this subsection.

If the commissioner or his designee determines, based upon the annual reviewed or audited financial statements, that the school does not have a net worth consisting of sufficient liquid assets or other evidence of fiscal soundness sufficient to operate, the school shall submit a letter of financial commitment and responsibility in an amount specified by the Commissioner or his designee for the school and branches operating under the certificate of authorization within the state.

(j) **Insurance:** The school shall, in the amounts of at least standard underwriting limits, carry insurance with a company authorized to do business in this state against (1) liability to protect students in all school related activities and (2) property damage. Workers' compensation insurance shall be carried pursuant to chapter 568 of the general statutes. A certificate of issuance of said insurance shall be filed with the commissioner annually in such manner as he shall prescribe.

(k) **Personnel:**

(1) The director of a school shall:

(A) hold a high school diploma, or other equivalency recognized by the board, and

(B) have a minimum of five years experience in the area for which training is offered, or hold an undergraduate diploma from a four-year college and have a minimum of three years of experience in the area of training being offered. The director of the school shall also be experienced in administration. The commissioner shall have the authority, where there is other evidence of qualification, to waive the educational and other requirements for a director. If the school offers instruction in an area in which the director is not qualified, the department head or supervising instructor shall have the above qualifications.

(2) Any person who gives instruction for a school shall:

(A) be at least eighteen years of age;

(B) hold a high school diploma, or other equivalency recognized by the board; and

(C) have not less than two years of experience in the skill or subject to be taught within ten years immediately preceding employment by the school or the equivalent in teacher training approved by the board in the skill or subject taught. The commissioner shall have the authority, where there is other evidence of qualification, to waive the educational and other requirements for an instructor. Persons who have served as assistants to qualified instructors for at least two years may satisfy the experience requirement for instructors. All instructors hired after the date of October 10, 1984 who are required to be holders of state special permits or licenses to practice their trades shall be holders of such permits or licenses and provide evidence thereof to the commissioner or his designee prior to instructing in the practical application of the trade and shall maintain such license or permit during the period for which such instruction is given.

(3) Recruiters representing schools shall be thoroughly familiar with the school and its offerings. The school shall furnish recruiters with identification which shall be available for inspection by prospective students, their parents or guardians, law

enforcement agents and state officials. Recruiters shall refrain from exaggeration, misleading statements, or misrepresentation of any kind. All recruiters shall be agents of the school they represent and the school shall be responsible for their actions regarding recruitment.

(4) Upon application for authorization, a school shall furnish a roster of all school employees having contact with students and shall attest that:

(A) the list is complete and accurate; and

(B) each employee listed meets the minimum requirements for the position for which he is employed. The commissioner or his designee shall be informed promptly of any changes in school personnel.

(Effective May 23, 1990; transferred and amended July 25, 1997)

Sec. 10a-22k-6. Certificate of authorization

Upon approval of authorization of a school, the commissioner shall issue a certificate of authorization stating (1) the specific area or areas of authorization and (2) the duration of the certificate. Within seven days following receipt of a certificate of authorization, the school shall clearly display the certificate in a location visible to students and the public.

(Effective October 10, 1984; transferred and amended July 25, 1997)

Sec. 10a-22k-7. Renewal of authorization

(a) A school which has been authorized for less than three consecutive years shall annually make application for renewal of authorization to the commissioner at least 120 days prior to the date of termination of the most recent certificate of authorization. A nonrefundable renewal fee of one hundred dollars shall be submitted with each application for renewal. Renewal shall not be approved if the commissioner determines that the school fails to meet the conditions of its most recent authorization.

(b) A school which has been authorized for at least three consecutive years may make application for renewal of authorization for a period of up to three years to the commissioner at least 120 days prior to the date of termination of its most recent certificate of authorization. A nonrefundable renewal fee of one hundred dollars shall be submitted with the application. Such authorization of renewal shall not be approved if, upon completion of an evaluation, pursuant to sections 10a-22k-4 and 10a-22k-5 of these regulations, the commissioner determines that the school fails to meet the conditions of its most recent authorization. Schools receiving multi-year renewals shall annually submit, to the board, a one hundred dollar nonrefundable renewal payment which is a condition of continued authorization.

(c) Notwithstanding the provisions of subsections (a) and (b) of this section, the commissioner may authorize, at the request of the school or on his own motion, the extension of the most recent certificate of authorization for a period not to exceed sixty days for good cause shown. If a school seeks an extension of its most recent certificate of authorization for a period not to exceed sixty days for good cause shown, the school shall file a written request for such an extension with the commissioner or his designee. The written request shall include, but not be limited to:

(1) the reasons for such a request;

(2) any supporting documentation for such a request; and

(3) the requested number of days of such extension.

Within fourteen days from the receipt of such request the commissioner or his designee may grant or deny such request. The granting of such extension shall not change the date of the original certificate's issuance or the date for each renewal.

(d) An application for renewal of authorization shall include, but not be limited to, the following information:

- (1) the current name of the school;
 - (2) ownership and organization of the school including the names and addresses of all principals, officers and directors;
 - (3) names and addresses of all stockholders of the school, except for applicants listed on a national securities exchange;
 - (4) addresses of any building or premises on which the school is located;
 - (5) a detailed description of the occupational instruction to be offered and a statement of the goals and objectives of the school;
 - (6) the current student enrollment agreement;
 - (7) the current school catalog;
 - (8) financial statements detailing the financial condition of the school prepared by school management and reviewed or audited by a licensed certified public accountant or licensed public accountant in accordance with standards as established by the American Institute of Certified Public Accountants;
 - (9) a letter of financial commitment and responsibility in the case of a school whose financial condition the commissioner has determined to be not fiscally sufficient to operate for the period of authorization sought;
 - (10) a copy of the applicant's certificate of good standing or other business registration on file with the secretary of state;
 - (11) a statement indicating any record of prior involvement by any principal, officer or director with a school whose certificate has been revoked;
 - (12) evidence of on-site inspection of existing facilities or review of plans for proposed facilities by the fire marshal and zoning enforcement officer for the municipality in which the school is located indicating that the premises of such school and all other facilities the school utilizes for program purposes meet all applicable state and local, fire and zoning requirements;
 - (13) if applicable, a letter of credit required by section 10a-22c of the general statutes, as amended; and
 - (14) a certificate of insurance issued by a company authorized to do business in this state and in the amounts of at least standard underwriting limits against liability to protect students in all school-related activities and property damage, and for Workers' Compensation Insurance pursuant to chapter 568 of the general statutes.
- (e) Renewal of authorization for a school which the commissioner has authorized to establish and operate extension or branch schools shall be made and continued only upon the annual payment to the State Board of Education of the fee required under subsection (b) of section 10a-22k-8 of these regulations.
- (f) The commissioner or his designee shall review all applications and may require the filing of additional information by the applicant.

(Effective May 23, 1990, amended September 30, 1992; transferred and amended July 25, 1997)

Sec. 10a-22k-8. Revision

(a) During any period of authorization, a school may revise the conditions of authorization provided written notice of such revision shall be given to the commissioner at least thirty days prior to implementation of any intended revision. If the revision request is not denied by the commissioner, the revision shall be deemed approved for the same period as the current authorization. Such revision may include, but need not be limited to, changes in (1) courses or programs; (2) ownership of the school; (3) name of the school; or (4) location of the school or its branches or its classroom sites. In the event of a proposed additional program, on-site inspection

may be required by the commissioner. The commissioner may issue an order prohibiting such revision if it would constitute a material or substantial deviation from the conditions of the most recent authorization. The school may appeal, in writing, the order of the commissioner by filing an appeal with the board setting forth the grounds for appeal. A hearing shall be held within fourteen working days following receipt of such complaint to be conducted pursuant to chapter 54 of the general statutes. The chairperson of the board may designate a hearing officer or subcommittee to serve as a hearing panel pursuant to section 4-176e of the general statutes.

(b) A school may establish and operate extension or branch schools or additional classroom sites for the purpose of offering the occupational instruction for which the school is authorized. Notice of the location of the extension or branch school or additional classroom site and the course or program instruction to be offered shall be filed with the commissioner at least thirty days prior to the offering of such instruction. Certificates signed by the local fire marshal and zoning enforcement officer attesting that the buildings and premises for such extension or branch or additional classroom operation meet all applicable state and local fire and zoning requirements shall be filed with the commissioner prior to the commencement of instruction. A nonrefundable fee, in the amount of \$50.00, shall be paid annually to the state board of governors of higher education for each branch or extension school operated. The commissioner may issue an order prohibiting operation of extension or branch schools or additional classroom sites if it would constitute a material or substantial deviation from the conditions of the most recent authorization. In the event of such an order, the applicant may request in writing a hearing by the Board, such hearing to be held within fourteen working days following receipt of such request and to be conducted pursuant to chapter 54 of the general statutes. The chairperson of the board may designate a hearing officer or subcommittee to serve as a hearing panel pursuant to section 4-176e of the general statutes.

(Effective May 23, 1990, amended September 30, 1992; transferred and amended July 25, 1997)

Sec. 10a-22k-9. Revocation and emergency action

(a) The commissioner may revoke a certificate of authorization issued to a school if such school:

- (1) ceases to meet the conditions of authorization;
- (2) has committed a material or substantial violation of any provisions of sections 10a-22a through 10a-22k, inclusive, or sections 10a-22u through 10a-22x, inclusive, of the general statutes, as amended, or of regulations promulgated thereunder;
- (3) has made false statement about a material fact on its application; or
- (4) fails to make required payment to the private occupational school student protection account pursuant to section 10a-22u of the general statutes, as amended.

(b) The commissioner shall serve written notice upon such school indicating that revocation of authorization is under consideration.

Upon receipt of such notice with the reasons set forth for the consideration of revocation of authorization, a school may file within seven days a written request for administrative review by the commissioner or his designee. Within twenty-one days after the receipt of such request, the commissioner or his designee shall begin an administrative review and shall complete the review within twenty-one days after beginning such review. Within twenty-one days after the completion of such review, the commissioner or his designee shall give written notice of the conclusions of the review to the school. A school aggrieved by the decision of the commissioner or his designee may, within fourteen days following its receipt of official notice of the completion and conclusions of such administrative review, appeal, in writing

setting forth the reasons thereof, to the board. The board shall hold a hearing within twenty business days following receipt of such appeal to be conducted pursuant to chapter 54 of the general statutes. The chairperson of the board may designate a hearing officer or subcommittee to serve as a hearing panel pursuant to section 4-176e of the general statutes.

(c) If the commissioner finds that the public health, safety or welfare imperatively requires emergency action, and incorporates a finding to that effect in his order, summary suspension of authorization may be ordered, pursuant to section 4-182 of the general statutes, pending proceedings for revocation or other action. Such proceedings shall be promptly instituted and determined.

(d) The board may seek to prevent or remedy any violation of these regulations through the use of an injunction pursuant to chapter 916 of the general statutes.

(Effective May 23, 1990; transferred and amended July 25, 1997)

Sec. 10a-22k-10. School facilities and records

(a) Approval of occupancy attested to by the building official and fire marshal for the municipality in which the school is located shall be filed with the Commissioner prior to occupancy by students of any school building of student housing owned, rented, leased or otherwise maintained by the school. Evidence of continuing compliance with state and local fire and health requirements shall be filed annually with the commissioner in such manner as he shall prescribe.

(b) The commissioner or his designee may at any time during regular business or school hours, with or without notice, visit a school. During such visitation, the commissioner or his designee may request of an officer or director of the school and shall be provided with immediate access to such records or information as are required to verify that the school continues to meet the conditions of authorization.

(Effective October 10, 1984; transferred and amended July 25, 1997)

Sec. 10a-22k-11. Out-of-state school representatives

Any representative of an out-of-state private occupational school, not authorized pursuant to sections 10a-22a through 10a-22k, inclusive, of general statutes, as amended, and these regulations shall not visit the residence of any prospective student, solicit enrollments, sell occupational instruction in any form or manner, make representations or give counsel to prospective students until obtaining a permit from the commissioner. Application for such permit shall be in writing and shall include the following information:

(1) name, resident address, business address and telephone number of the representative;

(2) name and address of the school or schools he or she represents;

(3) evidence that the school is authorized to give instruction by the state wherein the school is located and is in good standing;

(4) evidence that the school, if a corporation, is in good standing where incorporated, and is registered in good standing to do business in Connecticut; and

(5) copies of the school catalog, sales literature, and enrollment agreement.

Upon application and submission of a fee of twenty-five dollars, the commissioner shall, if all requirements are met, issue a permit to the school representative valid for a period of one year following the date of issuance. The issuance of a permit shall not be represented to indicate that the school or its courses of instruction are approved by the commissioner.

(Effective October 10, 1984, amended September 30, 1992; transferred and amended July 25, 1997)

Sec. 10a-22k-12. Assessment of administrative penalty

(a) The commissioner shall serve written notice upon a school indicating that an assessment of an administrative penalty, not to exceed five hundred dollars for each day of such violation, is under consideration. The commissioner shall set forth the reason such administrative penalty is being considered. Upon receipt of such notice, a school may file within seven days a written request for administrative review by the commissioner or his designee. Within forty-five days after the receipt of such request, the commissioner or his designee shall complete an administrative review and give written notice of the determination of the review to the school. A school aggrieved by the decision of the commissioner or his designee may, within fourteen days following its receipt of official notice of the completion and determination of such administrative review, appeal, in writing, setting forth the reasons thereof to the board. The board shall hold a hearing within twenty business days following receipt of such appeal to be conducted pursuant to chapter 54 of the general statutes. The chairperson of the board may designate a hearing officer or subcommittee to serve as a hearing panel pursuant to Section 4-176e of the General Statutes.

(b) The total amount of an administrative penalty that a school shall be assessed shall be calculated in accordance with the following formula:

(1) The number of days that a school is in violation shall be the difference between the day on which the school is notified, by receipt of certified letter, that it is in violation and the day on which the commissioner or his designee notifies said school that the violation has been corrected.

(2) The penalty shall not exceed five hundred dollars for each day of such violation.

(3) The total amount of an administrative penalty shall be the product of the number of days that a school is in violation times the dollar amount per day penalty.

The commissioner may assess an administrative penalty for each violation in accordance with the above formula whenever there exists one or more violations. If a school appeals an administrative penalty in accordance with section 10a-22k-12(a), payment of the administrative penalty shall not be due until seven days after the determination of the appeal if said determination finds that the school was in violation. If a school does not appeal an administrative penalty provided under section 10a-22k-12(a), payment of the administrative penalty shall be due no later than seven days after the receipt of the certified letter containing a notice of assessment. The total amount of an administrative penalty shall be calculated on the number of days that a school is in violation notwithstanding any appeals initiated by a school.

(c) In imposing the administrative penalty, the commissioner shall consider all factors which he deems relevant, including, but not limited to, the following:

(1) the amount of administrative penalty necessary to insure immediate compliance and to assure the school's continued compliance with statutes and regulations;

(2) the conduct of the school in taking all reasonable steps or procedures necessary and appropriate to comply with statutes and regulations and to correct the violation; and

(3) any prior violations by the school of statutes, regulations or orders administered, adopted or issued by the commissioner.

(d) The commissioner shall, for the purposes of determining and assessing an administrative penalty, use the following tables and classifications:

Class #1 Violation

Category	Violation	Penalty
New School	Operating without a certificate	Not less than \$100 nor more than \$500 per day.
Existing School	Operating without a certificate	Not less than \$100 nor more than \$500 per day.
	Operating without applicable state and local fire certificates	Not less than \$100 nor more than \$500 per day.
Extension or Branch School	Operating without liability, property damage or worker's compensation insurance	Not less than \$100 nor more than \$500 per day.
	Operating without an amended certificate	Not less than \$100 nor more than \$500 per day.
Revision	Operating without an amended certificate which affects original ownership or location of school	Not less than \$100 nor more than \$500 per day.

Class #2 Violation

Category	Violation	Penalty
Existing School	Operating without irrevocable letter of credit	Not less than \$50 nor more than \$250 per day.
	Operating without sufficient liquid assets or other evidence of fiscal soundness	Not less than \$50 nor more than \$250 per day.
	False statement about a material fact in application for authorization	Not less than \$50 nor more than \$250 per day.
	Failure to make required payment to default assurance fund	Not less than \$50 nor more than \$250 per day.
	Failure to file annual financial report	Not less than \$50 nor more than \$250 per day.
	Operating without a certificate of "good standing" on file with Secretary of State	Not less than \$50 nor more than \$250 per day.
Revision	Operating without an amended certificate which affects courses or programs	Not less than \$50 nor more than \$250 per day.

Class #3 Violation

Category	Violation	Penalty
Existing School	Operating without applicable zoning certificate	Not less than \$50 nor more than \$100 per day.
	Advertising, sales, collection, credit or other practices which are false, deceptive, misleading or unfair.	Not less than \$50 nor more than \$100 per day.
	Policy or actions which discourage or prohibit the filing of inquiries or complaints regarding the school's operation with the Commissioner	Not less than \$50 nor more than \$100 per day.
Miscellaneous	Failure of a school not authorized under Connecticut Statutes and Regulations to file application and to pay fee for their representatives to operate within State of Connecticut	Not less than \$50 nor more than \$100 per day per representative.

(e) The absence of a particular violation and assessment penalty from the above tables and classifications shall not preclude the commissioner from classifying any violation and determining, assessing and imposing an administrative penalty in accordance with subsections (a) through (d), inclusive, of this section.

(f) The assessment of an administrative penalty shall not preclude the commissioner from revoking a school's certificate of authorization.

(Effective April 26, 1991; transferred and amended July 25, 1997)

Sec. 10a-22k-13. Complaints and inquiries

(a) No school shall have any policy nor shall act in any manner which discourages or prohibits the filing of inquiries or complaints regarding the school's operation with the commissioner.

(b) The school shall clearly display in a location visible to students and the public:

(1) The statement that the school does not have any policy nor acts in any manner which discourages or prohibits the filing of inquiries or complaints regarding the school's operation with the commissioner; and

(2) the school's procedures for resolving complaints regarding the school's operation, including the filing of inquiries or complaints with the commissioner.

(c) Any complaint regarding the school's operation shall be submitted in writing to the commissioner. Upon receipt of such written complaint the commissioner or his designee shall inform in writing both the school and the complainant regarding said receipt and shall give both parties twenty days to resolve the complaint.

If the complaint is resolved within the twenty-day period, both parties shall inform the commissioner or his designee. If the complaint is not resolved within the twenty-day period, the complainant shall inform the commissioner or his designee.

In unresolved cases, the commissioner or his designee shall attempt to mediate the complaint which includes the evaluation of the complaint, the determination whether there is any violation of existing statutes or regulations which may be cause for revocation or emergency action as provided under Section 10a-22k-9 or administrative penalties as provided under Section 10a-22k-12, and the submission of a written proposed resolution of the complaint to both parties. If either party does not accept the proposed resolution of the complaint, the commissioner or his designee shall inform both parties concerning their right to pursue a resolution of the complaint in Connecticut Superior Court or through other legal means. The evaluation procedures in unresolved cases shall include, but not to be limited to the following: (1) interview with the complainant unless waived by the complainant, (2) review of all pertinent documents, and (3) visit to the school against which the written complaint has been filed.

(Effective August 24, 1987; transferred and amended July 25, 1997)

Sec. 10a-22k-14. Refund or cancellation policy

(a) A school shall have a reasonable and equitable written policy for refund or cancellation of tuition or other fees and shall make said policy available to all prospective students, their parents or guardians, or interested public. A school shall state its policy and schedule of refunds in clear language that can be easily understood. The policy shall apply to all terminations, for any reason, by either the school or the student.

(b) In all instances, the refund shall be based on and computed from the last day of actual verifiable attendance. A school shall not require written notification of withdrawal as a condition for making refunds. A school shall uniformly apply the

refund or cancellation policy and shall incorporate said policy within its enrollment agreement and catalog.

(Effective August 24, 1987; transferred and amended July 25, 1997)

Sec. 10a-22k-15. Forms

The commissioner or his designee may prescribe for applicants and schools the use of such forms as may be necessary to carry out the duties required by statutes and regulations.

(Effective August 24, 1987; transferred and amended July 25, 1997)

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Private Occupational School Student Protection Account

(Transferred from §§ 10-14l-1—10-14l-5, July 25, 1997)

Sec. 10a-22x-1. Authority

The following regulations are promulgated under the authority established by Section 10a-22x of the general statutes.

(Effective July 31, 1984; transferred and amended July 25, 1997)

Sec. 10a-22x-2. Definitions

(a) “Commissioner” means the commissioner of higher education.

(b) “Deduction,” for the purpose of determining a school’s net income for calculating payment to the account, means the exclusion of amounts paid to a school by or on behalf of a student from the total amount received by a school for such student or on behalf of such student. Such “deduction” includes, but is not limited to:

(1) Amounts paid for expendable materials or equipment which becomes the property of the student.

(2) Amounts paid for services other than instructional services, such as nonrefundable application and registration fees which are not applied to tuition.

(3) Money refunded by a school to students who do not complete their instruction or training as provided by Section 10a-22x of the General Statutes.

Specific amounts, in addition to the above, to be excluded must be identified by the school and must receive advanced approval from the commissioner or his designee.

(c) “Direct Expenses” means all necessary expenditures incurred by the state treasurer and state comptroller for keeping records for the account, all necessary expenditures for brokerage commissions and other investment expenses for maintenance of said account, and direct expenses of the commissioner for the determination of insolvency and processing of applications for payments from said account and state department of higher education direct expenses which are in excess of its normal expenditures for accounting, auditing and clerical services required to administer and monitor the account.

(d) “Account” means the private occupational school student protection account for private occupational schools provided for in section 10-14i of the general statutes.

(e) “Insolvent” means when the aggregate of a school’s property shall not, at a fair valuation, be sufficient in amount to pay its debts, provided such debts are owing in excess of \$1,000 and it is unable to pay said debts as they mature.

(f) “Net Tuition Income” means monies paid to a school for tuition and fees less allowable deductions pursuant to subsection (b) of this section.

(g) “Parent or guardian” means the mother or father of a person under eighteen years of age or one who is legally appointed to the care and management of a person under eighteen years of age or of a person incapable of managing his or her own affairs.

(h) “Program” means occupational instruction in any trade, industrial, commercial or service occupation, which is designed to provide skills for employment in any trade, industrial, commercial or service occupation.

(i) “School” means a private occupational school.

(j) “Student” means a person who has made a tuition payment or for whom a tuition payment has been made; except, that in the case of a correspondence or home study school authorized in accordance with the provisions of Section 10-7b of the General Statutes, “Student” shall mean only a person who is a Connecticut resident enrolled in such school. If such person is under eighteen years of age or

is incapable of managing his or her own affairs, then it shall mean the parent or guardian of that person and such person.

(k) "Tuition" means money or other compensation paid or credited to a school by a student or on behalf of a student which is applied to the costs of instruction and training actually received or to be received by the student. Money or other compensation paid or credited to a school on behalf of a student includes such individual student financial aid as grants, scholarships or loans. Fees paid by or on behalf of a student to a school for instructional services or for instructional use of equipment and other instructional related materials and supplies are considered to be tuition. Tuition is limited to payments made by or on behalf of students for enrollment in programs approved by the commissioner under the authority of Section 10a-22b of the General Statutes.

(Effective August 24, 1987; transferred and amended July 25, 1997)

Sec. 10a-22x-3. Payments to the account

(a) Forms developed and provided by the commissioner shall be completed by the school and submitted with quarterly account payments. The correctness and completeness of information provided on such form shall be attested to by the school director or person authorized to sign on his or her behalf.

(b) A school's quarterly account payments shall be the product of the total net tuition income for such quarter times one-half of one percent. A school's quarterly account payments shall be calculated on a cash basis.

(c) A school shall maintain adequate financial records evidencing all amounts paid to such school by or on behalf of each student.

(Effective August 24, 1987; transferred and amended July 25, 1997)

Sec. 10a-22x-4. Payments from the account

(a) A school shall keep records of: (1) the name and permanent address of each student; (2) the date each student began instruction at the school; (3) the enrollment agreement of each student; (4) information about each program in which the student was or is enrolled, including the name of the program, length in clock hours or credit hours, where applicable, or for home study schools, program length in lessons, tuition paid in each calendar quarter, number of clock hours or credit hours, where applicable, of instruction or where appropriate, lessons, completed by the student at the end of each calendar quarter, date of last instruction or of program completion, and (5) other such information as required by the commissioner. These records shall be kept current and on file at the school and be available for inspection by the commissioner or his designee upon request. In the event of insolvency or cessation of operation, these records shall be transferred to the commissioner within 10 days of such insolvency or cessation of operation. In the event of seizure or confiscation of records by those legally authorized, a copy of all records of students affected by the insolvency or cessation of operation shall be sent to the commissioner.

(b) A school shall inform its students of their rights under the provisions governing the account.

(c) Application for refund shall be made on forms provided by the commissioner after determination of insolvency or cessation of operation of the school.

(d) A student in applying for a refund under the provisions of these regulations, must specify any and all sources and amounts of tuition which were paid on student's behalf. The commissioner shall direct the state treasurer to pay, per order of the comptroller, pro rata refunds to the student or appropriate individuals or organizations which paid tuition on behalf of the student.

(e) A student, as a condition of accepting the refund payment, must sign such forms as prescribed by the commissioner that subrogate to the state of Connecticut all rights of action, claims and demands which the student may have against the school for tuition reimbursement to the extent of the refund the student receives from the state.

(f) If a school's insolvency or cessation of operation renders eligible a student, governmental agency or other organization, or any person for a refund, reasonable effort must be made to acquire such a refund from such school and any refund payments for tuition from any other source made to a student as a result of this insolvency or cessation of operation shall be deducted from the obligation of the account.

(Effective August 24, 1987; transferred and amended July 25, 1997)

Sec. 10a-22x-5. Hearing to determine insolvency

No school shall be declared insolvent until a hearing has been held pursuant to Sections 4-177 through 4-181, inclusive, of the General Statutes. A determination of insolvency of a school shall be a contested case.

(Effective July 31, 1984; transferred and amended July 25, 1997)

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High Technology Project and Program Grants

Sec. 10a-25g-1. Definitions

When used in Sections 10a-25g-2 through 10a-25g-5 of these regulations,

(a) “Department” means the Department of Economic Development

(b) “High Technology Project” or “High Technology Program” means a project or program which requires or provides technological knowledge and skill, usually acquired through, or associated with, formal post-secondary education, instruction, or research in such fields as mathematics, science, and engineering.

(c) “Public Institution of Higher Education” or “Public Institution” means an institution so designated as part of the state system of public higher education under Section 10a-1 of the Connecticut General Statutes.

(Effective January 8, 1992)

Sec. 10a-25g-2. Purpose

Grants under this program shall encourage, promote, develop and assist high technology projects and programs at public institutions. Emphasis shall be placed on such projects and programs which enhance quality at the institutions and respond to the economic needs of the state. Grant funds shall provide to public institutions state financial assistance in situations where such aid would not otherwise reasonably be available from other sources and shall be used by one or more public institutions for equipment purchases, contractual services and supplies which directly support or upgrade high technology instruction or research. The use of grant funds as seed money to attract additional non-state funding is encouraged, provided that grant funds and funds from non-state sources are used to supplement rather than supplant any other existing state funds.

(Effective April 27, 1984)

Sec. 10a-25g-3. Application process

(a) The Department may circulate a Request for Proposal (RFP) to all public institutions to make application for grant funds in support of projects and activities identified by the institution(s) as consistent with the purpose of the grant program.

(b) The Department also may identify specific opportunities or activities which relate to the purpose of this grant program and invite public institutions to make application for grant funds in support of those specific opportunities or activities.

(Effective April 27, 1984)

Sec. 10a-25g-4. Review/award process

(a) The Department shall evaluate all applications for grant funds. Department staff may call upon outside reviewers to assist in the evaluation of applications.

(b) The criteria to be employed in the evaluation include, but are not limited to, the extent to which an application:

- (1) addresses the purpose of the grant program, and
- (2) represents the most cost-effective use of grant funds.

(c) If the Department determines that one or more applications or RFPs merit approval, the applicant institution(s) will be notified of a contingent award, pending allocation of necessary funds by the State Bond Commission. The Department, in turn, will request the State Bond Commission to allocate such funds.

(Effective April 27, 1984)

Sec. 10a-25g-5. Report

Public institutions receiving funds under this grant program shall submit to the Department periodic reports on the activity funded.

(Effective April 27, 1984)

High Technology Cooperative Research and Development Grant Program

Sec. 10a-25g-6. Definitions

When used in Sections 10a-25g-6 through 10a-25g-9 of these regulations.

(a) "Board" means the Board of Governors for Higher Education.

(b) "Department" means the Department of Economic Development.

(c) "Cooperative Research and Development Project or Program" means a joint research or development project or program in a high technology field between an eligible institution and an eligible business or industry.

(d) "Eligible Business or Industry" means a duly incorporated, for profit business or industry with a significant presence in Connecticut.

(e) "Eligible Institution" means a Connecticut college or university offering programs approved by the Board in fields designated as high technology fields meeting statewide economic needs.

(f) "High Technology Fields" means those fields designated by the Board as being in a high technology area meeting statewide economic needs.

(g) "Matching Funds," "Matching Requirement" or "Match" means a cash or in-kind business or industry contribution to the total cost of the cooperative research or development project or program. Matching funds are required to be at least equal to the amount provided to the eligible institution through this grant program.

(Effective January 8, 1992)

Sec. 10a-25g-7. Purpose

Grants under this program are to encourage cooperative research and development efforts between Connecticut business and industry and institutions of higher education. Projects or programs in basic research as well as those with more immediate economic potential are encouraged. Such efforts should improve the transfer of basic research results to practical applications; allow industrial and academic scientists to improve their skills and remain current with research and development trends in their disciplines; provide additional resources to enhance and expand institutional research opportunities; and stimulate economic development in the state.

(Effective August 28, 1984)

Sec. 10a-25g-8. Application process

(a) The Department shall circulate a High Technology Cooperative Research and Development Grant Program announcement to all eligible institutions to make application for grant funds in support of projects or programs to be jointly entered into by the institution and an eligible business or industry. Applicants shall submit to the Department, in a form prescribed by the Department, information deemed necessary to evaluate the merits of each application. At a minimum such applications shall include:

(1) A detailed description of the proposed project and the role of each participant;

(2) A description of the business mission of each participating business or industry partner, and how this relates to the proposed project;

(3) Vitae of all senior project personnel and the designation of those who will serve as project managers;

(4) Evidence that all parties are capable of carrying out the project;

(5) Letters of commitment from persons authorized to commit the institution and the business or industry partner to the project;

(6) Information regarding present and pending grants and contracts of the principal investigator(s) and the commitments of the collaborators from business or industry;

(7) Affirmative action, human safety and other compliance forms deemed necessary by the Department or evidence that these are on file with the cognizant state or federal agency;

(8) Copies of policies agreed to by the institution and the collaborating business or industry concerning ownership and other rights associated with publications, patents, licensure and confidentiality;

(9) A detailed budget for each year of the project outlining proposed grant expenditures for direct costs including a clearly delineated disposition of matching funds and an explanation of the basis for indirect cost calculations.

(b) Completed applications shall be due annually at the Department by 4:30 p.m. on December 1, or the next regular business day.

(Effective August 28, 1984)

Sec. 10a-25g-9. Review/award process

(a) Each complete application shall be reviewed by a six member panel which will in turn make recommendations for funding to the Department. Said panel shall be appointed by the Commissioner of Economic Development and shall consist of four representatives from institutions of higher education and two representatives from business and industry. Panel members will exclude themselves from evaluating a particular proposal where a potential conflict of interest may exist. For each application, the commissioner or the commissioner's designee, with the advice of appropriate review panel members and/or other individuals with relevant expertise, shall select two experts to conduct a comprehensive review. Said reviewers shall report, in writing, to the panel on the merits of the project in terms of its purpose, design, feasibility, staffing, and other elements relevant to a fair evaluation.

(b) The criteria to be employed in the evaluation shall include, but not be limited to, the following:

(1) The extent to which the proposed project addresses the purpose of the program;

(2) The demonstrated competencies of the parties involved to conduct the proposed project as well as evidence of adequate research facilities and instrumentation;

(3) The intrinsic merit of the proposed project;

(4) Potential impact on high technology development in Connecticut.

(c) Special consideration will be given to those applications which address new research projects and collaborative arrangements; projects involving participation by more than one business or industry; and projects in which there is evidence that the project or program will be effectively continued after termination of the grant period.

(d) Within two weeks of the completion of the work of the review panel, applicant institutions shall be notified of the status of their applications. It is the intent of the Department to encourage completion of the review panel evaluation by April 1 of each year.

(e) The applicant institution(s) whose projects are approved for funding will be notified of a contingent award, pending allocation of necessary funds by the State Bond Commission. A request will be made to the State Bond Commission to allocate the necessary funds.

(Effective January 8, 1992)

Sec. 10a-25g-10. Funding

(a) Grant applicants may request funding for a period not to exceed two years. An interim report outlining expenditures and research progress to date shall be submitted for review by the Department prior to disbursement of funding for the second year. If unexpended funds remain in a project and, provided a grantee makes application at least thirty days before the termination of the funding period, permission may be granted by the Department for a six month extension of the project without additional funding.

(b) The Department shall annually designate within the program announcement the total amount of funds available for cooperative grants.

(c) Any equipment purchased or donated under this program shall be the property of the institution at the conclusion of the grant.

(Effective August 28, 1984)

Sec. 10a-25g-11. Reporting

In addition to the annual activity report, institutions receiving funds under this program shall, at the termination the funding period, submit to the Department a final report in a form and at a time prescribed by the Department.

(Effective August 28, 1984)

Sec. 10a-25g-12. Other administrative responsibilities

(a) The Department shall establish appropriate mechanisms to facilitate contact between business and industry and institutions of higher education.

(b) Summaries of research results included in any publication of the Department shall be first submitted to the project co-sponsors for verification of factual accuracy.

(Effective August 28, 1984)

Collaborative High Technology Grants

Sec. 10a-25g-13. Definitions

When used in Sections 10a-25g-14 through 10a-25g-17, inclusive of these regulations:

(a) “Department” means the Department of Higher Education.

(b) “Collaborative High Technology Project” or “Collaborative High Technology Program” means a project or program, authorized in subsection 29 (d) of special act 87-77, jointly undertaken by a minimum of one public and one independent institution which requires or provides technological knowledge and skill, usually acquired through, or associated with, formal postsecondary education, instruction, or research in such fields as are designated by the Board of Governors of Higher Education.

(c) “Public Institution of Higher Education” or “Public Institution” means an institution so designated as part of the state system of public higher education under Section 10a-1 of the Connecticut General Statutes.

(d) “Independent College or University” or “Independent Institution” means an institution so designated under Section 10a-37 of the Connecticut General Statutes.

(Effective July 1, 1988)

Sec. 10a-25g-14. Purpose

Grants under this program shall encourage, promote, develop and assist collaborative high technology projects and programs between public and independent institutions. Emphasis shall be placed on such projects and programs which enhance quality at the collaborating institutions and respond to the economic needs of the state. Grant funds shall provide state financial assistance in situations where such aid would not otherwise reasonably be available from other sources and shall be used for one or more collaborations between public and independent institutions for equipment purchases, supplies and other related research costs which directly support or upgrade high technology instruction or research. The use of grant funds as seed money to attract additional non-state funding is encouraged, provided that grant funds and funds from non-state sources are used to supplement rather than supplant state funds.

(Effective July 1, 1988)

Sec. 10a-25g-15. Application process

(a) The Department may circulate a Request for Proposal (RFP) to all public and independent institutions to make application for grant funds in support of projects and activities jointly identified by an eligible public and an eligible independent institution as consistent with the purpose of the grant program.

(b) The Department also may identify specific opportunities or activities which relate to the purpose of this grant program and invite public and independent institutions to make application for grant funds in support of those specific opportunities or activities.

(Effective July 1, 1988)

Sec. 10a-25g-16. Review/award process

(a) The Department shall review all applications for grant funds. Department staff may call on outside reviewers to assist in the evaluation of applications.

(b) The criteria to be employed in the evaluation include, but are not limited to, the extent to which an application:

(1) addresses the purposes of the grant program,

(2) demonstrates meaningful collaboration between public and independent institutions, and

(3) represents the most cost effective use of grant funds.

(c) If the Department determines that one or more joint applications or RFPs merit approval, the applicant institutions will be notified of a contingent award and presented with a contractual agreement specifying individual grant responsibilities. After completion of the contractual agreement, the Department will request the State Bond Commission to allocate funds.

(d) Both public and independent institutions are eligible to receive funds under this program.

(Effective July 1, 1988)

Sec. 10a-25g-17. Reports

Institutions receiving funds under this grant program shall submit to the Department periodic reports responding to informational requirements described in the RFP announcing the program competition.

(Effective July 1, 1988)

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High Technology Doctoral Fellowship Program

Sec. 10a-25p-1. Definitions

When used in Sections 10a-25p-2 through 10a-25p-9 of these regulations,

(a) "Department" means the Department of Higher Education.

(b) "Eligible University" or "Institution" means an institution of higher learning located in Connecticut which offers doctoral programs approved and designated by the Board of Governors for Higher Education as programs in high technology fields which meet statewide economic needs.

(c) "Full-Time Student" means a graduate student whose registration in credit-bearing courses or their equivalent is equal to or greater than nine semester credit hours in each of the fall and spring semesters per academic year.

(d) "High Technology Fields" or "High Technology Field" means those fields designated by the Board of Governors for Higher Education as being in a high technology area meeting statewide economic needs.

(e) "Matching Fellowship" means a high technology doctoral fellowship supported by corporate or non-state funds received by the eligible institution after July 1, 1987 and established under the terms described in Section 10a-25p-4 of these regulations:

(f) "Resident" means a person so designated under Section 10a-28 of the Connecticut General Statutes.

(g) "State Fellowship" means a High Technology Doctoral Fellowship.

(Effective September 29, 1989)

Sec. 10a-25p-2. Purpose

The High Technology Doctoral Fellowship Program seeks to attract residents to state doctoral programs in high technology fields and to encourage them to teach subsequently in a college or university in the state.

(Effective September 29, 1989)

Sec. 10a-25p-3. Establishment of state fellowships

The Department, upon certification by an eligible university of the receipt of a matching fellowship, shall fund a state fellowship at that university. For each new state fellowship at an eligible university in the independent sector the Department shall establish two new state fellowships at an eligible university in the public sector and shall reserve from available appropriations funds sufficient to support such fellowships.

(Effective September 29, 1989)

Sec. 10a-25p-4. Terms of state fellowships

State fellowships shall consist of an annual award of \$10,000, plus an additional amount of up to \$3,000 annually for public university recipients and up to \$12,250 annually for independent university recipients for tuition and fees. Fellowships shall be awarded for one academic year, but may be renewed, subject to the continued eligibility of the recipient and the availability of appropriated funds. In no case shall a student be eligible for a fellowship for more than four years of study. Each fellowship recipient shall have a teaching assignment equivalent to a minimum of one three-credit hour course per semester for three years of the maximum four year fellowship period. Fellowship funds may be used as salary stipends for these teaching assignments. The teaching assignment may be carried out at the eligible institution or at any public higher education institution in the state of Connecticut subject to

the approval of both institutions and any other restrictions imposed by statute, regulation, or collective bargaining agreement. An equivalent research assistant assignment may be substituted for one of these annual teaching assignments. The fellowship award shall be disbursed by the institution in equal payments at the beginning of the fall and spring academic semesters if the student continues in good academic standing in the designated program. One-half of the fellowship award shall be a grant; the remaining one-half shall be a loan. The loan component is subject to the forgiveness provisions described in Sec. 10a-25p-8 of these regulations.

(Effective September 29, 1989)

Sec. 10a-25p-5. Selection of state fellowship recipients

In selecting fellowship recipients the institution shall consider affirmative action and equal opportunity goals and shall utilize the following additional criteria:

The applicant must:

- (1) be a Connecticut resident;
- (2) be enrolled or accepted for enrollment at an eligible university with the intent to pursue a doctoral program in one of the high technology fields; and
- (3) demonstrate strong academic skills as evidenced by:
 - (A) scores on a nationally standardized exam appropriate for graduate admission to a doctoral program in a high technology field;
 - (B) undergraduate and, if applicable, graduate academic transcripts; and
 - (C) recommendations from two faculty members, one of whom must be from the applicant's graduate program major.

(Effective September 29, 1989)

Sec. 10a-25p-6. Renewal awards

A fellowship recipient is eligible for a renewal award for up to three additional years of study if the institution determines that the recipient:

- (a) is maintaining Connecticut residency; and
- (b) is in good academic standing and making satisfactory progress toward completion of degree requirements.

(Effective September 29, 1989)

Sec. 10a-25p-7. Loan provisions

The institution is responsible for executing the necessary loan documents and promissory notes for each fellowship recipient, for monitoring the status of program participants and for servicing loans which must be repaid. All such documents and notes shall comply with the relevant provisions of applicable state and federal truth-in-lending statutes and shall be accompanied by any disclosure forms required by those statutes. All such documents and notes shall include or be based on the following provisions:

(a) **Loan repayment.** The entire principal amount of the loan, together with accrued interest, is to be repaid to the institution and is to be used for financial assistance for graduate students enrolled in high technology fields. Repayment must be completed within a ten-year period, which shall begin on the first day of the fourth calendar month following the month in which a determination is made by the institution that a recipient has left the state fellowship program. A recipient shall be deemed to have left the program if the recipient:

- (1) ceases to be a full-time student in a doctoral program in a high technology field prior to completion of study except that if a recipient leaves the program but

remains a full-time student at the institution, the start of the repayment period may be delayed, but in no event may it be delayed for more than six years following the anniversary of the date the recipient initially enrolled as a graduate student in program of study in a high technology field.

(2) does not complete the doctoral program of study in a high technology field within six years of beginning graduate study in that field; or

(3) does not meet the qualifications for loan forgiveness as described in Sec. 10-25p-8 of these regulations.

(b) **Repayment schedule.** The repayment schedule is to be determined by the institution, and interest shall begin to accrue on the first day of the repayment period, as defined in subsection (a) of this section. A fixed-rate interest charge on the loan balance shall be set by the institution at a rate one percent above the prevailing prime interest rate as listed in the first Federal Reserve Bulletin published for the calendar year in which awards are made. This interest rate shall remain fixed for the recipient for all subsequent loans received under the state fellowship program.

(c) **Deferments.** The institution may grant to a recipient a deferment from repaying the loan during the period the recipient is meeting the qualifications for loan forgiveness as described in Sec. 10a-25p-8 of these regulations. The institution also may grant to a recipient a hardship deferment on loan repayment for no more than twelve months, during which time no interest shall accrue and no repayment shall be required, if the institution determines that the recipient is:

(1) actively seeking but unable to find employment;

(2) suffering from a disabling physical or mental illness;

(3) on parental leave which has been approved by the recipient's employer;

(4) experiencing a personal financial crisis;

(Effective September 29, 1989)

Sec. 10a-25p-8. Loan forgiveness

State fellowship recipients who, upon completion of their doctoral program, teach in their field shall have the loan forgiven in equal amounts over a period of three years if they teach at a college or university in the state for three years and in equal amounts over a period of five years if they teach at an accredited out-of-state college or university for five years. The institution shall establish application and certification procedures for administering the loan forgiveness. The institution also may forgive the loan component in the event of the death or disability of the recipient.

(Effective September 29, 1989)

Sec. 10a-25p-9. Reporting requirement

Institutions participating in the state fellowship program shall provide annual reports to the Department on the status of the fellowship participants and the operation of the program, including information concerning the collection of principal and interest.

(Effective September 29, 1989)

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Licensure and Accreditation of Institutions and Programs of Higher Learning

ARTICLE ONE

Policies and Procedures

Sec. 10a-34-1. Introduction

(a) **Purpose.** The Board of Governors for Higher Education is responsible for initial and continuing review and approval of all institutions and programs of higher learning operating in the State of Connecticut that are subject to Section 10a-34 and subsections (a) (8) and (a) (9) of Section 10a-6, Connecticut General Statutes. The purpose of these regulations is to provide procedures and criteria for institutional and program review and approval.

(b) **Intent.** (1) It is the intent of the Board to ensure acceptable standards of quality among the institutions and programs of higher learning identified in subsection (a) above and, where possible, to promote the highest standards of quality. No such institution or program shall receive initial or continuing approval from the Board unless and until the Board is satisfied that the institution or program is in substantial compliance with the Board's approval standards as specified in Sections 10a-34-9 through 10a-34-24, inclusive, of these regulations.

(2) It also is the intent of the Board to encourage institutions and programs that are responsive to state priorities and demonstrated needs; to promote the effective use of state resources; and to provide appropriate access to higher education. Every proposed public institution shall be reviewed by the Board in regard to the need for the institution; the potential for duplicating the programs and services of existing institutions; and adequacy of resources. Every public institution proposing to initiate or continue a program shall be required to demonstrate to the satisfaction of the Board that the program is within the institution's role and mission; that there is a need for the program; that the program does not unnecessarily duplicate other programs in the same field and geographical area; and that there are adequate resources available to support the program.

(c) **Persons and groups affected.** These regulations shall apply to any person, school, board, association or corporation that operates or intends to operate an institution or program of higher learning, as defined in Section 10a-34 of the General Statutes.

(Effective March 7, 1986)

Sec. 10a-34-2. Definitions

The definitions set forth in this section are intended to supplement the definitions in Section 10a-34 of the General Statutes and shall apply throughout the Regulations of Connecticut State Agencies.

(a) "Board" means the Board of Governors for Higher Education.

(b) "Commissioner" means the Commissioner of Higher Education or the Commissioner's designee.

(c) "Advisory Committee on Accreditation" means a committee composed of representatives of accredited public and independent institutions and of the public at large, appointed by the Board to advise the Board and the Commissioner on matters relating to licensure and accreditation.

(d) "Licensure" means approval by the Board to operate an institution or program of higher learning at a specific location(s) for a specified period. Licensure does not provide authority to confer degrees.

(e) “Accreditation” means approval by the Board to operate an institution or program of higher learning at a specific location(s) for a specified period and to confer specified degrees.

(f) “Approval” means a formal action by the Board to grant either licensure or accreditation or both.

(g) “Institution” or “institution of higher learning” means any organization, school, board, association or corporation which is licensed or accredited to offer one or more programs of higher learning leading to one or more degrees.

(h) “Accredited institution” means an institution of higher learning that is accredited by the Board.

(i) “Evaluation” means a review of an institution or program by competent educators approved by the Commissioner or the Board, for purposes of verifying compliance with the standards in Sections 10a-34-9 through 10a-34-24, inclusive, of the Regulations of Connecticut State Agencies.

(j) “New program” means any degree program, major, specialization or concentration not previously approved by the Board.

(k) “Nonsubstantive change” means (1) an undergraduate certificate program of no more than 30 semester credit hours which fall within an approved program, (2) a new baccalaureate minor of no more than 18 semester credit hours, (3) a new undergraduate option or certificate program of no more than 15 semester credit hours, or (4) a new graduate option or certificate program of no more than 12 semester credit hours.

(l) “Program modification” means a programmatic change that does not clearly qualify as a new program or a nonsubstantive change, including but not limited to a new program consisting primarily of course work from a previously approved program; an approved program to be offered at an off-campus location; a change in the title of a degree; and a change in the title of a program. Review procedures for program modifications are outlined in subsection (c) of Section 10a-34-3.

(m) “Off-campus program” means any program offered by an accredited institution in which students may complete more than 50 percent of the requirements for a degree through resident instruction at a location other than the primary campus of the institution offering the program, or through distance education.

(n) “Regional accreditation” means full accreditation by a commission of the New England Association of Schools and Colleges in accordance with approval standards for accreditation of degree granting institutions, provided that such commission and standards are recognized by the U.S. Secretary of Education.

(o) “National accreditation” means full accreditation of a program at an accredited Connecticut institution by an accrediting association in the United States in accordance with approval standards for programs of higher education, according to a listing of associations recognized by the Commissioner as having standards comparable to those of the Board of Governors, provided that such associations are recognized by the U.S. Secretary of Education.

(p) “Resident instruction” means direct contact instruction which involves the physical presence of both the learner and the instructor at the same regularly scheduled location. Resident instruction also may involve independent study and clinical activities with characteristics similar to distance education.

(q) “Distance education” means media related instruction, which does not require the physical presence of both the learner and the instructor at the same regularly scheduled location.

(Effective May 27, 1993; amended December 2, 1999)

Sec. 10a-34-3. Procedures—general

(a) **New institutions and programs.** The procedures for licensure of new institutions and programs are specified in Section 10a-34-4 of these regulations.

(b) **Nonsubstantive changes.** Programmatic changes that qualify as nonsubstantive changes shall not require prior review and approval by the Board. However, all credit instruction in Connecticut is subject to the standards specified in Sections 10a-34-9 through 10a-34-24, inclusive, of these regulations. All new options and certificate programs that qualify as nonsubstantive changes shall be reported to the Department of Higher Education for informational purposes.

(c) **Program modifications.** An institution proposing a program modification shall submit a prospectus, in a format developed by the Commissioner. The Commissioner shall review the proposal and request any additional information needed. If the Commissioner determines that the proposed change represents a new program, the Commissioner shall request a full application for licensure. If the Commissioner determines that the proposed change is nonsubstantive, the Commissioner shall so notify the institution and no further action shall be required. If the Commissioner determines that the proposed change is a substantive change but not a new program, the Commissioner shall make a recommendation for approval or disapproval to the Board. The institution shall be notified of the Commissioner's determination within 45 days of receipt of the prospectus.

(d) **Discontinued programs.** Institutions shall notify the Commissioner within 60 days of any programs which are being phased out or to which new students have not been admitted for a period of 12 months. At the request of the institution, a program will be classified as being phased out for a period of two years, after which it will be removed from the inventory of approved programs, unless the institution requests an extension. The Commissioner may grant an extension for a maximum of two years.

(e) **Accreditation.** The procedures for institutional and program accreditation are specified in Section 10a-34-5 of these regulations.

(f) **Applications pending.** Completed institutional and program applications received in the Board office prior to the effective date of these regulations shall be subject to Sections 10-330-1 through 10-330-10, inclusive, of the regulations of state agencies in effect at the time of receipt of such application, except that the Advisory Committee on Accreditation as established in Section 10a-34-7 of these regulations, shall assume the responsibilities of the Standing Committee on Accreditation immediately.

(Effective March 7, 1986)

Sec. 10a-34-4. Licensure

(a) **Purpose.** The purpose of the licensure process is (1) to ensure that proposed institutions and programs comply substantially or have the potential to comply with the quality standards specified in Sections 10a-34-9 through 10a-34-24, inclusive, of these regulations, and (2) to ensure that nonaccredited institutions and programs continue to comply with these standards. The purpose of the licensure process also is to ensure that each proposed program complies with the requirements of subsection (b) (2) of Section 10a-34-1 of these regulations.

(b) **Applications.** An application for licensure or relicensure of an institution or program shall be filed in a format developed by the Commissioner. Applications for licensure of a new institution or degree program should be filed at least nine months in advance of the date on which the institution or program is to begin operating or the date that current licensure expires.

(c) **Circulation.** A summary of each new institutional and program proposal shall be circulated to all institutions of higher learning in Connecticut and to other interested parties, for review and comment regarding the need for the institution or program. The applicant institution shall be given an opportunity to respond to all comments. Circulation shall not be required for undergraduate certificate and associate degree programs that are judged by the commissioner to be closely related to existing approved programs.

(d) **Completeness.** The Commissioner shall be responsible for determining within 25 working days of receipt whether an application is complete and for requesting from the applicant institution additional information required, so that the assessment can continue.

(e) **Planning Assessment.**

(1) Public institutions. (A) Proposals for new public institutions shall be reviewed by the Commissioner in regard to mission, role and scope; need for the institution and its curricula; unnecessary duplication of existing institutions and programs; cost effectiveness; and availability of adequate resources. (B) Program proposals submitted by public institutions shall be reviewed by the Commissioner in regard to conformance with the institution's role and mission; need for the program; unnecessary duplication of existing programs; cost effectiveness; and availability of adequate resources. (C) In the event that planning assessment results in a positive finding, the Commissioner shall proceed with quality assessment. In the event that planning assessment results in a negative finding, the Commissioner shall offer the institution the option of withdrawing. If the application is not withdrawn, the Commissioner shall refer the results of the planning assessment to the Board for a determination as to whether to proceed with quality review.

(2) Independent institutions: Proposals for new independent institutions and program proposals submitted by independent institutions shall be reviewed on an advisory basis by the Commissioner in regard to need and adequacy of resources. In the event that planning assessment results in a positive finding, the Commissioner shall proceed with quality assessment. In the event that the planning assessment results in a negative finding, the Commissioner shall offer the institution the option of withdrawing the proposal. In the absence of a withdrawal, the Commissioner shall initiate quality assessment of the proposal.

(3) In the case of a proposed undergraduate degree or certificate program judged by the commissioner to be closely related to existing approved programs, the assessment of need and resources may be based on a certification of need and resources from the chief executive officer of the constituent unit or independent institution, in a format developed by the Commissioner.

(f) **Quality assessment.** Evaluation of institutions and programs for compliance with the approval standards in Sections 10a-34-9 through 10a-34-24, inclusive, of these regulations, shall be conducted in accordance with the provisions of Section 10a-34-6, of these regulations. Planning assessment and quality assessment shall proceed concurrently, except that an evaluation visit shall not be conducted prior to completion of planning assessment.

(g) **Duration of approval.** Licensure of a new institution or program may be granted for a period not to exceed three years, thereafter renewable for periods not to exceed three years.

(h) **Simultaneous licensure and accreditation.** The Board may grant simultaneous licensure and accreditation for programs proposed by accredited institutions that demonstrate substantial compliance with the approval of standards in Sections

10a-34-9 through 10a-34-24, inclusive, of these regulations, at the time of initial application.

(Effective September 25, 1990)

Sec. 10a-34-5. Accreditation

(a) **Purpose.** The purpose of the accreditation process is to ensure that continuing institutions and programs offered by such institutions comply substantially with the quality standards in Sections 10a-34-9 through 10a-34-24, inclusive, of the Regulations of Connecticut State Agencies. Accreditation carries with it authorization to award a specified degree(s). Institutional accreditation is a prerequisite for accreditation of a program. The Board shall accept regional accreditation in satisfaction of the requirements of this section for institutions seeking reaccreditation unless the board finds cause not to rely upon such regional or national accreditation based on the criteria described in section 10a-34-6(c) of the Regulations of Connecticut State Agencies.

(b) **Applications.** An application for accreditation or reaccreditation shall be filed in a format developed by the Commissioner. Applications shall be filed at least nine months in advance of the date that current licensure or accreditation expires. Institutions that receive reaccreditation or continuing accreditation by a commission of the New England Association of Schools and Colleges shall notify the Commissioner within thirty days of receiving notice of such action in lieu of filing the application referred to in this subsection.

(c) **Completeness.** The Commissioner shall be responsible for determining whether the application is complete and for requesting from the institution any additional information required. Once an application is complete, assessment shall proceed.

(d) **Quality assessment.** All institutions and programs being considered for accreditation or reaccreditation, as required by the board, shall be evaluated for compliance with the approval standards in Sections 10a-34-9 through 10a-34-24, inclusive, of these regulations and in accordance with the provisions of Section 10a-34-6 of the Regulations of Connecticut State Agencies.

(e) **Duration of approval.** Accreditation of an institution or program by the Board may be granted for a fixed term not to exceed five years. Reaccreditation by the board of regionally accredited institutions with their previously accredited programs, shall be concurrent with the action of a commission of the New England Association of Schools and Colleges to continue regional accreditation.

(Effective March 7, 1986; amended December 2, 1999)

Sec. 10a-34-6. Quality assessment

(a) **Methods of quality assessment.** Depending on the nature and scope of the proposal, an institution or program may be evaluated by any of the following means: (1) Any institution or program may be evaluated by means of a site visit by an evaluation committee, in accordance with the provisions of subsection (b) of this section of these regulations.

(2) Institutions accredited by the Board which have regional accreditation shall be reaccredited by the Board on the basis of an evaluation visit conducted by the New England Association of Schools and Colleges or another recognized accrediting association or on the basis of a progress report to such an association, in accordance with the provisions of subsection (c) of this section of the Regulations of Connecticut State Agencies.

(3) Applications for licensure or accreditation of a program at an accredited institution may be evaluated by means of a focused site visit, in accordance with the provisions of subsection (d) of this section of the Regulations of Connecticut State Agencies.

(4) Applications for licensure or accreditation of a program at an accredited institution may be evaluated by the Advisory Committee on Accreditation on the basis of the written application, in accordance with the provisions of subsection (e) of this section of the Regulations of Connecticut State Agencies. The Commissioner shall determine the method of quality assessment. If the Commissioner determines that an evaluation visit is needed, the evaluation shall proceed as provided in subsections (b), (c) or (d) of this section of the Regulations of Connecticut State Agencies. If the Commissioner determines that an evaluation visit is not needed, the application shall be forwarded to the Advisory Committee on Accreditation for review in accordance with subsection (e) of this section of the Regulations of Connecticut State Agencies.

(b) **Evaluation visits.** An evaluation visit shall be conducted in accordance with the following procedures: (1) The Commissioner shall be responsible for selection and appointment of a committee of qualified evaluators, in consultation with the chairperson of the Advisory Committee on Accreditation. Prior to appointment of the evaluation committee, the Commissioner shall provide the applicant institution with a list of potential evaluators. The applicant institution shall have an opportunity to state any objections regarding individuals identified in the list. The recommendations and objections of the applicant institution shall be taken into consideration in the appointment of the committee.

(2) The evaluation committee shall include at least one out-of-state evaluator, at least one member of the Advisory Committee on Accreditation, and at least one member with teaching experience in the relevant program area(s). A staff member of the Department of Higher Education shall be assigned to coordinate each evaluation visit.

(3) The report of the evaluation committee shall be prepared in accordance with a format developed by the Commissioner. For each standard in Sections 10a-34-9 through 10a-34-24, inclusive, of the Regulations of Connecticut State Agencies, the report shall include (A) a determination of compliance or noncompliance and (B) an explanation of the basis for such determination. The report also shall respond to any specific questions or concerns raised by the Advisory Committee on Accreditation or the Commissioner. The committee shall summarize the report by identifying areas of strength and areas in need of improvement. Copies of the draft report shall be submitted to all committee members for comment, and the report shall be thereupon revised accordingly. A copy of the revised report shall be given to the chief executive officer of the constituent unit, if applicable, and the president of the applicant institution for comment on factual accuracy.

(4) Following institutional review of the report, the Advisory Committee on Accreditation shall review the report and forward a statement to the Board and the Commissioner indicating whether or not the institution or program complies substantially with the approval standards in Sections 10a-34-9 through 10a-34-24, inclusive, of the Regulations of Connecticut State Agencies.

(5) The applicant institution shall be responsible for all expenses relating to the evaluation, including but not limited to travel expenses, meals, overnight accommodations, and, in the case of each out-of-state evaluator, a standard fee to be determined by the Commissioner.

developed by the Commissioner and shall be reviewed by the Commissioner and the Advisory Committee on Accreditation. The Commissioner may, after consulting with the Advisory Committee, accept the report, call for a focused visit, or require an interim evaluation visit in accordance with the provisions of subsection (g) of Section 10a-34-6 of the Regulations of Connecticut State Agencies.

(g) **Interim evaluations.** The Commissioner may initiate a reevaluation of an institution or program at any time provided that for institutions reaccredited by the New England Association of Schools and Colleges one of the following conditions shall be substantiated:

(1) that the institution is in continuing serious financial difficulty which is affecting its ability to carry out its mission. The institution shall share with the Commissioner all information relating to its relationship with the federal government including its eligibility status for federal financial aid.

(2) that the institution has experienced a substantive change in charter and/or mission, ownership, control or governance. Interim evaluations shall be conducted by a staff member of the Department of Higher Education appointed by the Commissioner, a member of the Advisory Committee on Accreditation appointed by the chairperson of the Advisory Committee, and any other person(s) deemed necessary. If the evaluation results in a determination of noncompliance, the Commissioner shall, after consultation with the Advisory Committee, prepare a report and recommendation to the Board. The necessary expenses of the evaluation shall be paid by the institution offering the program.

(Effective May 27, 1993; amended December 2, 1999)

Sec. 10a-34-7. Advisory committee on accreditation

(a) **Purpose.** An Advisory Committee on Accreditation shall advise the Board and the Commissioner on matters relating to licensure and accreditation of institutions and programs of higher learning operating in the State of Connecticut. The primary responsibility of the committee shall be to participate in the quality assessment process, in accordance with the provisions of Section 10a-34-6 of these regulations.

(b) **Membership.** The committee shall consist of at least 12 regular members and 12 alternates appointed by the Board. The committee shall include equal representation of public and independent institutions. Among the representatives of public institutions, there shall be representation from all constituent units. The committee also shall include two representatives of the public at large. Nominees shall be solicited from the Connecticut Council on Higher Education and/or from accredited institutions and public constituent units as defined in Section 10a-1 of the General Statutes and from other appropriate organizations.

(c) **Terms of office.** Each member of the committee shall be appointed to serve for three years. In order to ensure continuity of membership, initial appointments shall be staggered as follows: one-third for one-year terms; one-third for two-year terms; and one-third for three-year terms. No member of the committee may serve more than two consecutive terms.

(d) **Chairperson.** The chairperson of the committee shall be elected by the committee for a one-year term. No chairperson may serve more than two consecutive terms.

(e) No member of the committee shall participate in any deliberations involving an application from his or her institution.

(f) The committee shall receive staff support from Department of Higher Education staff designated by the Commissioner.

(Effective March 7, 1986)

Sec. 10a-34-8. Penalties

Any institution found by the Board, in accordance with due process, to be out of compliance with the provisions of these regulations shall be subject to penalties provided in subsection (g) of Section 10a-34 of the General Statutes. In addition, any program found to be out of compliance with these regulations may be removed from the Board's list of approved programs, and the Board may order such notice of its findings as it deems reasonable to the public and any person(s) or group(s) whom the Board shall designate.

(Effective March 7, 1986)

ARTICLE TWO

Approval Standards

Sec. 10a-34-9. Approval standards—general

(a) **Intent.** It is the intent of the Board of Governors that all institutions and programs of higher learning operating in Connecticut shall be in substantial compliance with the approval standards outlined in Sections 10a-34-9 through 10a-34-24, inclusive, of these regulations. The objective of the Board is to ensure that every institution and program meets acceptable levels of quality. Proposed public institutions and public institutions applying for approval of a new program also must comply with the requirements of subsection (b) (2) of Section 10a-34-1 of these regulations.

(b) **Specialized accreditation.** Where applicable, the institution shall indicate plans concerning regional, specialized or professional accreditation. In any evaluation of a program for licensure or accreditation by the Board, reference may be made to the standards of any applicable nationally recognized accrediting association. If specialized or professional accreditation is required before graduates of an institution or program can qualify to practice the profession for which they are being trained, the institution shall be required to apply for and obtain such accreditation as soon as it meets the eligibility requirements of the accrediting association.

(c) **Existing institutions and programs.** All institutions and programs which are in compliance, on the effective date of Sections 10a-34-11 through 10a-34-24, inclusive, with the provisions of Sections 10-330-1 through 10-330-20, inclusive, in effect immediately prior to the effective date of said Sections 10a-34-1 through 10a-34-24, inclusive, will be allowed two years to come into compliance with the standards in Sections 10a-34-9 through 10a-34-24, inclusive, of these regulations. Any institution adversely affected by this subsection may apply to the Board for a temporary extension. The Board may grant an extension if, in the judgment of the Board, the institution is making substantial progress toward implementation of Board requirements.

(Effective March 7, 1986)

Sec. 10a-34-10. Purposes and objectives

(a) Eligibility for licensure or accreditation of an institution of higher learning shall be based on (1) evidence that the primary purposes of the institution are educational in nature and (2) demonstration that the purposes and objectives of the institution are appropriate to higher education in level, standards, and quality.

(b) The purposes and objectives of an institution or program shall be clear and realistic with reference to both educational outcomes and the clientele to be served (students, employers, professional groups, etc.). Program purposes and objectives also shall be consistent with and clearly related to the purposes and objectives of the institution.

(Effective March 7, 1986)

Sec. 10a-34-11. Administration

(a) **Ownership and control.** The ownership, control and type of legal organization of an institution shall be publicly stated, together with the names of all officers, trustees, owners and administrators.

(b) **Governing board.** (1) There shall be an institutional governing board such as a board of directors or a board of trustees whose powers and duties are outlined in written documents.

(2) There shall be full disclosure of the nature and extent of any direct or indirect financial interest in the institution of each member of the governing board. The membership of the board shall include individuals who represent the public interest and who derive no financial gain from the operation of the institution.

(3) The responsibilities of the board shall include the determination and maintenance of adequate general policies and the appointment of a competent professional staff for administration and teaching. There shall be a distinction among the roles and personnel of the board and the administration to ensure the appropriate separation of these functions.

(c) **Chief executive officer.** There shall be a qualified chief executive officer for each institution whose powers and duties are outlined in written documents. Responsibility for the administration of all institutional policies and programs shall be clearly defined and assigned to qualified persons.

(d) **Parent organizations.** If an institution of higher learning is part of a corporation or organization established for purposes other than or in addition to the offering of higher learning, the institution shall have a charter describing its purposes and objectives, a separate budget, and a qualified chief executive officer whose duties are described in written documents.

(e) **Planning and evaluation.** The institution shall have a planning process for establishing goals and objectives and for identifying the means to achieve its objectives. Planning shall include needs assessment and resource allocation. The institution shall have a review process to determine whether its programs and services are helping it to achieve stated objectives. The institution shall provide the resource and administrative support necessary to make planning and evaluation effective.

(f) **Contractual arrangements.** If the institution contracts for instructional services to be provided by a nonaccredited institution or a noncollegiate organization, these services shall be based on a written contract that provides for institutional control over the quality of the curriculum, instructional staffing, instructional support services, and the integrity of enrollment policies, student fees, refund policies and advertising.

(g) **Ethical and nondiscriminatory practices.** The institution shall adopt policies and procedures that ensure fair and equitable treatment of all those associated with or affected by its programs and services.

(h) **Approval nontransferable.** In the event that the management of an institution is transferred from one governing body to another, or from one owner to another, or both, the licensure or accreditation already granted to the institution shall be reviewed for appropriate action within one year after the date of such transfer. It

shall be the responsibility of the institution's chief executive officer to report such changes to the Commissioner within 30 days of the effective date of such changes.

(i) **Program administration.** Responsibility for all aspects of a program, including but not limited to administration, instruction, advising and clinical supervision, shall be clearly defined and assigned to qualified members of the institution's faculty and staff. There shall be at least one qualified full-time administrator or faculty member directly responsible for the day-to-day operation of the program. There shall be provision for periodic internal evaluation and development of the program.

(Effective March 7, 1986)

Sec. 10a-34-12. Adequacy of resources

(a) **Financial resources.** The financial resources of an institution shall be adequate for the effective achievement of the purposes and objectives of the institution and each of its programs, and for meeting obligations to the staff, students and all persons to be served by the institution.

(b) **Financial management.** An institution applying for approval shall clarify whether it will be operating on a nonprofit or proprietary basis. No part of the income of a nonprofit institution may be distributed to its directors or officers except for payment of reasonable compensation for expenses.

(c) **Financial records.** The financial records of an institution shall be maintained in such form that evaluation of its financial status is possible at any time. There shall be an annual financial statement which shall be audited annually by an independent public accountant authorized to practice under Chapter 389 of the General Statutes or by a state auditor. Copies of financial statements and audit reports shall be made available at the time of each institutional evaluation and otherwise upon request.

(d) **New programs.** An application for a new program shall include a complete and realistic plan for implementing and financing the proposed program during the first cycle of operation, based on projected enrollment levels; the nature and extent of instructional services required; the availability of existing resources to support the program; additional resource requirements; and projected sources of funding. If resources to operate a program are to be provided totally or in part through reallocation of existing resources, the institution shall identify the resources to be employed and explain how existing programs will be affected. Reallocation of resources to meet new and changing needs is encouraged, provided such reallocation does not reduce the quality of continuing programs below acceptable levels.

(e) **Continuing programs.** An application for relicensure or accreditation shall include a copy of the original resource plan and a status report on the implementation of the plan, including but not limited to actual enrollment levels; instructional services provided; resources allocated to the program; and revenues and expenditures.

(Effective March 7, 1986)

Sec. 10a-34-13. Faculty

(a) **General requirement.** Institutions shall employ a sufficient number of qualified faculty to support all areas of instruction required for completion of all programs. Each academic program shall employ at least one full-time faculty member with credentials suited to the field and level of the program. There shall be a reasonable ratio of full-time and part-time and adjunct faculty for each program.

(b) **Qualifications.** Faculty members shall have appropriate degrees from regionally accredited institutions or in accordance with constituent unit or institutional policy they shall demonstrate an equivalent level of competence in the specific

subject areas they are assigned to teach. The master's degree shall be the minimum qualification for teaching undergraduate courses. In the case of graduate programs, each faculty member shall have a terminal degree in an appropriate field of study and at least one full-time faculty member assigned to the program shall have a minimum of three years' experience as a faculty member in a similar program. The application shall include the names of all faculty members assigned to teach in the program, together with their titles, degrees and degree fields, areas of specialization, and course assignments. The application also shall include a statement of the minimum qualifications for faculty who may be assigned to teach in the program.

(c) **Assignments.** Faculty members' responsibilities shall include: broadening professional knowledge, preparing course materials, advising students, and carrying out other academic responsibilities appropriate to their position, in addition to performing assigned teaching, research, and administrative duties. Provision should be made for part-time and adjunct faculty to participate in departmental and general faculty meetings and other activities.

(d) **Academic advising.** Adequate provision shall be made for students to confer with faculty and qualified counseling staff outside of class.

(Effective March 7, 1986; amended December 2, 1999)

Sec. 10a-34-14. Admissions requirements

(a) Published admissions standards shall be so structured that they result in the admission of those qualified to accomplish work at the level at which each program is offered.

(b) Any institution that admits students to an undergraduate program without adequate preparation shall make provision for placement testing, counseling, and compensatory services.

(c) Admission to any undergraduate program shall require, at a minimum, graduation from an accredited secondary school or the equivalent.

(d) Admission to a graduate or first professional master's or doctor's degree program shall require, at a minimum, graduation from an appropriate bachelor's degree program, or the equivalent as determined by the Board.

(Effective March 7, 1986; amended December 2, 1999)

Sec. 10a-34-15. Curriculum and instructions

(a) **General requirement.** The curriculum for each program shall consist of a carefully planned and published sequence of related courses and other appropriate instructional activities that effectively address the stated objectives of the program. The curriculum shall provide evidence of (1) well-defined instructional outcomes; (2) systematic planning by faculty; (3) selection and use of varied types of learning materials and experiences; and (4) use of viable evaluation instruments and procedures.

(b) **General education.** The general education component of associate and baccalaureate degree programs shall include a balanced distribution of required courses or restricted electives in the humanities, arts, natural and physical sciences, mathematics, and social sciences comprising at least 25 percent of the minimum requirements for the degree and, by September 1987, at least 33 percent of the minimum requirements for the baccalaureate degree, as prescribed in subsection (e) of Section 10a-34-17 of these regulations. Institutions are encouraged to define and incorporate in all undergraduate degree programs a substantially larger general education component than is minimally required.

(c) **Field work and research.** Adequate provision shall be made for all required and optional laboratory and field work and student research arrangements. In determining the adequacy of such provisions, reference shall be made to the availability of appropriate facilities, equipment and materials, and qualified faculty or staff to supervise and evaluate student performance.

(d) **Individualized programs.** An individualized program is a program in which each student may design his or her own area of specialization, with guidance from an advisor. Any institution applying for approval of an individualized program shall develop a complete set of written policies and procedures to be used in designing each student program. Areas of specialization shall be limited to combinations of courses available from approved programs offered by the institution.

(e) **General studies programs.** General studies programs are intended to provide a flexible, interdisciplinary program of studies for students who do not desire a specific major. Such programs shall conform to the following requirements.

(1) General studies programs shall not be used to create other options or majors. There shall be a limit to the number of credits a student can take in any one field.

(2) There shall be a general education component, consistent with institution-wide policy.

(3) There shall be written institutional guidelines for the development of individual student programs that provide for a coherent program of study.

(4) There shall be a faculty advisor or committee responsible for assisting each student with the design of his/her program.

(5) There shall be a requirement that students take a minimum number of upper level course credits, consistent with institution-wide policy.

(6) There shall be written policies regarding acceptance of transfer credit and award of credit for experiential learning, consistent with institution-wide policy.

(Effective March 7, 1986)

Sec. 10a-34-16. Credit for prior learning

(a) **Transfer credit and credit for noncollegiate sponsored instruction.** (1) Appropriate allowance of credit to students for relevant subject matter mastered through instruction at institutions of higher learning accredited by the Board or by a regional accrediting association and colleges and universities of known and demonstrable high quality located outside the United States may be given and is encouraged.

(2) Award of credit for studies completed at nonaccredited colleges and universities and noncollegiate institutions shall be based on an evaluation of prior experiential learning pursuant to subsection (b) of Section 10a-34-16 of these regulations or on course evaluation procedures approved by the Department of Higher Education.

(b) **Credit for prior experiential learning.** Prior experiential learning means learning acquired through work or life experience and noncollegiate sponsored instruction which may be recognized for college credit based on verification that learning has occurred that is equivalent in level and nature to learning acquired in approved college programs. An institution proposing to award credit for prior experiential learning shall develop written policies and procedures in accordance with the following standards:

(1) Acceptable methods of assessment include (A) standardized tests, (B) nationally recognized evaluations for credit recommendations accepted by the Board, (C) individualized written or oral tests designed and administered by qualified faculty, and (D) portfolio review, in accordance with subsection (b) (2) of Section 10a-34-16 of these regulations.

(2) Portfolio review policies and procedures shall provide for:

(A) Written procedures for the development and assessment of portfolios.

(B) A process that adequately supports the development of portfolios, such as a credit course or non-credit workshop.

(C) Assessment of each portfolio by institutional faculty members (a minimum of two) qualified in pertinent subject areas.

(D) Verification that learning has occurred and that the learning is equivalent in level and nature to learning acquired in approved college programs.

(E) No credit shall be awarded via portfolio review outside of subject areas encompassed by the approved curricula of the institution.

(3) No more than 50 percent of the credits required for a degree shall be awarded for prior experiential learning.

(4) Comprehensive records of evaluations and credit decisions shall be maintained by the institution. The records shall specify the experience for which credit was awarded, the method(s) of assessment, the names and titles of faculty members and administrators who recommended approval of credit, and the number of credits awarded. Sufficient information shall be entered on the student transcript, or attached to it, to enable registrars at other institutions or employers to understand the basis for the award of credit.

(Effective March 7, 1986)

Sec. 10a-34-17. Graduation requirements

(a) Credit awarded for remedial instruction shall not be applied toward the graduation requirements for a degree.

(b) Undergraduate degree requirements shall include a provision that each student must complete at least 25 percent of the minimum credit requirements for the degree as prescribed in subsection (e) of Section 10a-34-17 of the Regulations of Connecticut State Agencies through course work at the institution awarding the degree. The Board for State Academic Awards is exempted from this requirement.

(c) The requirements for a master's degree shall include at least one of the following: comprehensive examination, writing a thesis based on independent research, or completing an appropriate special project.

(d) Doctoral degree requirements shall include a provision that each student must complete the equivalent of at least one year of full-time study through resident instruction at the institution awarding the degree. (1) Graduate doctor's degree means an award for advanced study beyond the master's degree, including a thesis or dissertation based on original or applied research. (2) First-professional doctor's degree means an award for professional study at the collegiate level including advanced study at the postbaccalaureate level leading to practice in a licensed occupation. (3) The requirements for a graduate doctor's degree shall include a comprehensive examination, completion of a substantial report on original research or an independent investigation of a topic of significance in the field of study and the equivalent of at least three years of full-time graduate-level studies beyond the baccalaureate; (4) The requirements for a first-professional doctor's degree shall include the completion of appropriate academic, preprofessional and clinical prerequisites which, at the minimum, meet the requirements to become licensed in a recognized profession, except that for first professional doctor's programs the total registered time to degree, including both pre-professional and professional study, shall be at least six academic years of which two must be post baccalaureate.

(e) Minimum total credit requirements for each degree level shall conform with the following guidelines: associate degrees—completion of at least 60 semester

hours of college-level work; bachelor's degrees—120 semester hours; master's degrees—30 graduate-level semester hours, or the equivalent of one year of full-time graduate-level study beyond the baccalaureate; doctoral degrees as defined in subsection (d) of this section; and for first professional degree below the doctorate the minimum requirements found acceptable by the Board, after considering practices at other accredited institutions.

(Effective March 7, 1986; amended December 2, 1999)

Sec. 10a-34-18. Library and learning resources

(a) **Adequate resources.** The institution shall be required to demonstrate that its library includes or will include sufficient printed materials and other learning resources to support the needs of each program. The adequacy of library materials and other learning resources shall be determined by reference to the number, variety, currency and suitability of books, periodicals, newspapers, microforms, audiovisual aids and other materials in the collection; library hours, location and accessibility of these materials; the annual budget for purchase of new books and other materials; and the method of selection of new materials. Sufficient budget support shall be available to ensure continuous development of the library collection and the adaptation of library resources to student needs.

(b) **Resource sharing.** Inter-institutional cooperative arrangements for sharing learning resources are encouraged, provided that such arrangements shall be used only to supplement the basic library services provided by the institution. If students enrolled in a program will be required to rely in part upon the library holdings of another institution or organization, the institution offering the program shall be required to (1) demonstrate that such holdings are adequate to support both the program in question and the programs of the cooperating institution and (2) provide written verification from the cooperating institution that students enrolled in the program will have adequate access to these holdings and to the necessary support services of the cooperating library on the same basis as the regular patrons of the library.

(c) **Library personnel.** The planning coordination and direction of library and learning resource activities shall be the responsibility of personnel with appropriate training, including both professional and support staff. Faculty shall be involved in the selection of new library materials and learning resources.

(d) **Off-campus programs.** Library support for off-campus programs is subject to the following requirements:

(1) There shall be provision for a core collection, including both circulating and reference materials sufficient to meet the needs of both students and faculty, to be provided either at the site or via written agreement with a nearby library.

(2) There shall be provision for a reserve reading collection at or near the site.

(3) There shall be provision for professional library staff support for library services at or near the off-campus site.

(4) There shall be provision for additional materials to supplement the core collection, e.g., through computerized bibliographic access and a document delivery system.

(5) There shall be provision for adequate annual budget support for library resources at or near the site.

(Effective March 7, 1986)

Sec. 10a-34-19. Facilities and equipment

(a) **Physical plant.** The physical plant shall meet the following general tests:

(1) adequate size to accommodate the students enrolled:

- (2) availability at appropriate hours;
- (3) safety and high maintenance standards;
- (4) adequate health standards and lighting.

Physical facilities shall comply with all local and state laws governing such facilities, particularly with respect to fire, safety, and health and access for the handicapped as evidenced by current certifications of such compliance with local, state and federal laws and regulations.

(b) **Facilities and equipment.** Institutions shall be required to demonstrate that adequate facilities and equipment are available to support all programs. In assessing the adequacy of such facilities and equipment, reference shall be made to the quantity and quality of classroom and laboratory facilities and equipment, faculty office space, library equipment and facilities, computer facilities and equipment, clinical training facilities, and all other facilities and equipment required to achieve the objectives of each program.

(Effective March 7, 1986)

Sec. 10a-34-20. Catalogs and program advertising

(a) **Institutional catalog(s).** Each institution shall publish an appropriate catalog, to be updated at least every two years, which includes at least the following information: date of publication; a table of contents; the purposes, objectives and history of the institution; accreditation status; a description of facilities; members of the board of control; the names, positions and earned degrees of all administrators and faculty members; student personnel policies; a calendar; admissions requirements; credit for prior learning; standards of progress; grading policies, graduation requirements; degrees and curricula offered; course descriptions; tuition, fees and other charges; a refund policy; and sources of student financial aid.

(b) **Program requirements.** Catalog descriptions of program offerings shall provide at least the following information: the purposes and objectives of the program; a complete description of all program requirements; a list of faculty members; and a list of courses offered, together with course descriptions, credits and prerequisites.

(c) **Advertising.** All advertising and publications shall describe the programs and services of the institution in language that is accurate, clear and unambiguous. No new program or program modification may be advertised or listed in the institution's catalog until it has received requisite approval from the Board.

(d) **Licensed and certified occupations.** For each program that prepares students for occupations that require licensure or certification, the institution shall include in its publications a statement that indicates whether or not the appropriate agency or association recognizes the program for purposes of licensure or certification in that occupation. If the licensing authority does not review and approve academic institutions or programs, the institution shall provide the name and address of the licensing authority and shall indicate that a license is required to practice in the occupation for which the student is being trained.

(Effective March 7, 1986)

Sec. 10a-34-21. Student services

Institutions shall provide for adequate student access to a well developed program of counseling, testing, advisement, career development, and placement services.

(Effective March 7, 1986)

Sec. 10a-34-22. Transcripts and student records

(a) **Academic records.** For each student who enrolls, the institution shall prepare, permanently file, and have available a transcript or comparable record that specifies all credit instruction attempted or completed by the student. Courses dropped by the student prior to the expiration of the institution's grace period need not be recorded. Each course entry shall include a title, the number of credits awarded, a grade and the year completed. The transcript shall separately identify all credits awarded by transfer and for experiential learning, correspondence courses, and credit by examination. In the case of credit awarded for experiential learning, there shall be supporting documentation on file that specifies the experience for which credit was awarded, the method(s) of assessment, the names of faculty members and administrators who recommended approval of credit, and the number of credits awarded.

(b) **Financial records.** The financial records of the institution shall show clearly the amounts of money paid and the balance due from each student for tuition and other charges.

(c) **Alumni records.** Alumni records should include evidence of job placement, advanced or postgraduate study, and other institutions to which students transfer.

(Effective March 7, 1986)

Sec. 10a-34-23. Off-campus instruction, correspondence courses, and use of electronic media

All credit instruction offered by an accredited institution away from the institution's primary campus or by correspondence, or through the electronic media, or other means of distance education, shall meet the same standards required of instruction offered on campus, including but not limited to the following:

(a) All credit instruction shall be consistent with the overall purposes and objectives of the offering institution.

(b) Standards for admission shall be the same as the standards applicable to students enrolled on the primary campus.

(c) There shall be qualified faculty or staff responsible for the coordination of off-campus instruction.

(d) The quality of off-campus instruction, including faculty selection and course approval, shall be the responsibility of the same academic unit which administers the program on the primary campus.

(e) All curricula shall be derived directly from approved programs. Each course shall be consistent in quality, content and standards with resident courses offered on the primary campus.

(f) Instruction shall be delivered by qualified instructional staff pursuant to Section 10a-34-13 of the Regulations of Connecticut State Agencies.

(g) All students shall have access to adequate facilities, equipment, library resources, academic advising and other necessary instructional support services, in accordance with the provisions of Sections 10a-34-9 through 10a-34-24, inclusive, of the Regulations of Connecticut State Agencies. An institution providing instruction and programs by means of distance education may demonstrate compliance with the Board's approval standards through means equivalent to those used for resident instruction.

(Effective March 7, 1986; amended December 2, 1999)

Sec. 10a-34-24. Programs offered by out-of-state institutions

(a) **Eligibility.** Any institution with a physical presence in the state shall be subject to the requirements of the Regulations of Connecticut State Agencies. To

be eligible for licensure to operate a program in Connecticut, an institution chartered or incorporated in another state must be fully accredited by a nationally recognized regional accrediting association and legally authorized to operate as an institution of higher learning and confer degrees in its home state.

(b) **Licensure requirements.** The institution shall be required to demonstrate compliance with all applicable procedures and standards in Sections 10a-34-9 through 10a-34-24, inclusive, of the Regulations of Connecticut State Agencies as they apply to the program(s) to be offered in Connecticut. In addition, there shall be qualified on-site administrative staff responsible for the overall administrative operation of all educational activities, to include instruction, counseling, advising, library services and maintenance of academic records.

(Effective March 7, 1986; amended December 2, 1999)

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Nursing Scholarship Program

Sec. 10a-162a-1. Definitions

When used in Section 10a-162a-2 through Section 10a-162a-7, inclusive, of these regulations,

(a) "Department" means the Department of Higher Education.

(b) "Eligible Institution" means a Connecticut nonprofit postsecondary institution offering a nursing education program accredited by the National League of Nursing.

(c) "Financial Need" means the difference between educational costs and that amount which can be contributed by the student and his family for education costs, as determined by the eligible institution using the same method the institution uses for determining need with regard to scholarship/grant assistance otherwise provided by the institution.

(d) "Fiscal Year" means the period July 1 through June 30.

(e) "Nursing Education Programs" are those offered by hospital schools of nursing and nonprofit degree-granting institutions in Connecticut and include any program of study and courses taken to enter or to advance in the profession or to upgrade knowledge and skills.

(f) "Registered Nurse" means an individual who is licensed pursuant to Chapter 378 of the Connecticut General Statutes.

(g) "Resident" means a person so designated under Sections 10a-28, 10a-29 and 10a-30 of the Connecticut General Statutes.

(h) "Student" means a Connecticut resident who has been accepted for enrollment on either a part-time or full-time basis in a nursing education program at an eligible institution for the purpose of entering, re-entering, or upgrading skills in the nursing profession.

(Effective January 3, 1989)

Sec. 10a-162a-2. Purpose

The Connecticut Nursing Scholarship Program seeks to meet the need for registered nurses in the state by providing grants for educational costs for Connecticut residents accepted for enrollment at Connecticut postsecondary institutions offering approved nursing education programs.

(Effective January 3, 1989)

Sec. 10a-162a-3. Distribution of Connecticut nursing scholarships

The Department shall annually survey eligible institutions to determine the number of students enrolled in nursing education programs. In calculating the number of students enrolled at each institution, the number of enrollees at each eligible institution which is not constituent a unit of the state system of higher education shall be weighted double that of enrollees at public institutions to address the additional cost of attendance at eligible institutions which are not constituent units of the state system of higher education. Except during the first year of the program, when fall 1988 enrollment shall be used for distribution of scholarships for spring 1989, each institution shall receive during the following fiscal year a percentage of the annual Connecticut Nursing Scholarship Program appropriation to the Department of Higher Education which equates to its adjusted percentage of students enrolled in nursing education programs in Connecticut.

(Effective January 3, 1989)

Sec. 10a-162a-4. Institutional agreements

Institutions eligible to receive Connecticut Nursing Scholarship funds shall sign an institutional agreement delineating the institution's responsibility in the program prior to the disbursement of funds by the Department of Higher Education. A signed institutional agreement will represent an intent by the institution to make these funds available to students. An institution which is unable to encumber its annual allocation of funds will be required to notify the Department by January 1st to enable these funds to be reallocated to another institution.

(Effective January 3, 1989)

Sec. 10a-162a-5. Terms of a Connecticut nursing scholarship

A student who wishes to be considered for a Connecticut nursing scholarship must apply annually to the institution where he is enrolled or accepted for enrollment. Applicants must provide necessary documentation as determined by the institution to be considered for a scholarship.

(Effective January 3, 1989)

Sec. 10a-162a-6. Selection of Connecticut nursing scholarship recipients

In selecting recipients, the institution shall:

- (a) consider affirmative action and equal opportunity goals;
- (b) assure that the student is enrolled or accepted for enrollment and is a Connecticut resident;
- (c) determine that a student applying for a renewal award had been making satisfactory progress;
- (d) calculate student financial need using a consistent and generally accepted needs analysis methodology with awards not to exceed student financial need.

Grants may be applied against justifiable education expenses including tuition, fees, room, board, transportation, books and child care.

(Effective January 3, 1989)

Sec. 10a-162a-7. Reporting requirement

Institutions participating in the Connecticut Nursing Scholarship Program shall provide annual reports to the Department on the operation of the program, which shall include their method of calculating financial need.

(Effective January 3, 1989)

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Student Financial Aid

Sec. 10a-167-1. Veterans scholarship aid to independent colleges. Definitions

As used in Sections 10a-167-2 to 10a-167-7, inclusive:

(a) "Full-time student" means any Vietnam era veteran accepted for admission in any undergraduate or graduate degree granting program on a full-time basis as defined by the institution;

(b) "Independent college" means an independent, degree granting, non-theological college located in this state which is not included in the system of public higher education and whose primary function is not the preparation of students for religious vocation;

(c) "Board" means the board of governors of higher education.

(Effective November 9, 1992)

Sec. 10a-167-2. Military service

(a) Active duty for training in the national guard of the various reserve components of the armed forces shall not be counted for purposes of active duty service;

(b) A copy of the veteran's certificate of separation from active duty (DD214), or, as amended by a correction to the certificate of separation from active duty (DD215) is sufficient proof of veteran's military service.

(Effective November 9, 1992)

Sec. 10a-167-3. Allocation of funds

Funds, as appropriated by the General Assembly, shall be allocated to the colleges entitled to receive such funds upon receipt of proper certification by the department of higher education.

(Effective November 9, 1992)

Sec. 10a-167-4. Certification of receipt of funds

Proper certification for receipt of funds consists of (a) a statement of willingness from the college to award funds to Vietnam era veterans under sections 10a-167-2 to 10a-167-7, inclusive, and (b) a report of the total number of full-time Vietnam era veterans enrolled at the college.

(Effective November 9, 1992)

Sec. 10a-167-5. Making of payments to colleges

(a) The sum a college receives will be proportional to its percentage of eligible veterans to the total number of eligible veterans in all participating colleges. Payments for which colleges are eligible shall be distributed on the basis of numbers of eligible full-time Vietnam era veterans; reported to the department of higher education on or about October 15, who are enrolled in such colleges;

(b) A college eligible for less than one-hundred dollars shall receive no funds under the provisions of this section.

(Effective November 9, 1992)

Sec. 10a-167-6. Colleges report annually to the board

Within sixty days of the end of the academic year, each college shall report to the board the individual names of Vietnam era veterans and amounts of financial aid each Vietnam era veteran received under the provisions of this section.

(Effective November 9, 1992)

Sec. 10a-167-7. Financial aid to be consistent with other college programs

The amount of financial aid awarded to a Vietnam era veteran shall be consistent with the student financial aid program of the college and shall take into consideration the special and financial needs of Vietnam era veterans such as (a) marital status; (b) parental responsibilities; (c) limited sources of support which may not be allowed for by other financial assistance programs, both federal and state.

(Effective November 9, 1992)

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Student Financial Aid

Sec. 10a-169-1. Definitions

When used in Sections 10a-169-2 through 10a-169-4 of these regulations,

(a) “Board” is the Board of Governors of Higher Education.

(b) “Parental contribution” means the amount of money that the parents of a student are expected to annually contribute for educational costs from their annual income and assets based upon the federal needs analysis formula.

(c) “Financial need” means the difference between the cost of an education at a particular institution and the family contribution.

(d) “Full-time student” means a student who is enrolled and matriculated for at least twelve semester hours or the equivalent thereof.

(e) “Part-time student” means a student who is enrolled and matriculated for at least six semester hours or the equivalent but less than twelve semester hours or the equivalent.

(f) “Performance on standardized academic tests” means an applicant’s combined set of scores on tests developed by the college entrance examination board or by the american college testing service.

(g) “Rank in class” means the relative numeric position of a student in a defined population of students based upon grade point averages or some other measure of academic achievement. High school senior applicants will be evaluated by the cumulative rank in class at the conclusion of their junior year. High school graduate applicants will be evaluated by the cumulative rank in class at graduation.

(h) “Resident” means a person with continuous and permanent physical presence within Connecticut, as defined under Sections 10a-28, 10a-29, and 10a-30 of the Connecticut General Statutes.

(i) “Satisfactory progress” means the status of a student who is maintaining satisfactory academic progress toward the completion of program requirements as defined by the institution attended by the applicant.

(j) “Undergraduate student” means a student who has not earned a bachelor’s degree.

(k) “Eligible post-secondary institution” means a post-secondary school, technical institute, college or university located in Connecticut or in a state which permits grants to be carried to Connecticut and is approved by the U.S. Department of Education for participation in the guaranteed student loan program.

(l) “Department” means the Department of Higher Education.

(Effective August 7, 1995)

Sec. 10a-169-2. Scholastic achievement grant program. Eligibility criteria

To be eligible to apply for financial assistance under this program an applicant shall:

(a) Be a secondary school senior or a secondary school graduate who has not earned a baccalaureate degree.

(b) Be accepted for study on a part-time or full-time basis at an eligible postsecondary institution in pursuit of an undergraduate program of study.

(c) Be a citizen of the United States or a resident alien who possesses a valid I-151 card (or its equivalent issued by the U.S. Immigration and Naturalization Service).

(d) Be a legal resident of Connecticut.

(Effective November 9, 1992)

Sec. 10a-169-3. Scholastic achievement grant program. Selection criteria

(a) Criteria to be taken into consideration by the department in processing applicants for financial assistance under this program shall include performance on standardized academic aptitude tests, rank in class, and financial need.

(b) Applicants for financial assistance shall first be screened on the basis of performance on standardized academic aptitude tests or secondary school rank in class.

(c) Priority for awarding financial assistance shall be in the order of parental contribution, starting with those which can contribute the least; the amount of financial assistance shall be based upon a board approved award schedule which is proportionate to financial need.

(Effective November 9, 1992)

Sec. 10a-169-4. Scholastic achievement grant program. Application and award procedure

(a) An applicant for financial assistance under this program shall submit to the Department the appropriate application form provided by the Department.

(b) Individual awards shall not exceed the amount allowed in section 10a-169 of the Connecticut General Statutes. Annual awards to students attending out-of-state institutions shall not exceed the amount allowed in section 10a-169 of the Connecticut General Statutes for such students.

(c) Renewal awards shall depend on eligible applicants maintaining Connecticut residence, satisfactory progress, and continuing financial need.

(d) Award recipients shall be permitted only to choose eligible post-secondary institutions. Eligible states will be listed on the scholastic achievement grant program application.

(e) Annual award stipends shall be remitted in two equal installments directly to the recipient's institution, upon confirmation of attendance each term, to be credited to the recipient's account for payment of tuition, fees, books, room, board, or any legitimate educational expense.

(f) Awards shall be transferable from one eligible post-secondary institution to another only at the end of a given academic year.

(g) Reassessment of financial need of all award recipients shall be made annually, and awards revised accordingly. Students who reapply and who continue to exhibit financial need will receive the same award as they received the previous year.

(h) An applicant who is successful in meeting the academic screening criteria for the scholastic achievement grant program may reapply for an award from this program in subsequent years for the period of time required to complete an undergraduate program of study. That eligibility period is four academic years, but upon request to the Department may be extended for an additional year if the student is enrolled in a program requiring more than four academic years of full-time study to complete.

(Effective August 7, 1995)

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Connecticut High Technology Graduate Scholarship Program

Sec. 10a-170d-1. Definitions

When used in Sections 10a-170d-2 through 10a-170d-5 of these regulations,

- (a) "Academic Year" or "Year" means the period July 1 through June 30.
 - (b) "Board" means the Board of Governors for Higher Education.
 - (c) "Department" means the Department of Higher Education.
 - (d) "High Technology Program," "Designated Program" or "Graduate Program" means an academic program at the graduate level approved by the Board and designated by the Board as a program in a high technology field meeting statewide economic needs.
 - (e) "Full-Time Student" means a graduate student whose registration in credit-bearing courses or their equivalent is equal to or greater than nine credit hours per academic semester.
 - (f) "Matriculated Student" means a graduate student who has been officially accepted into a graduate program leading towards a degree.
 - (g) "Resident" means a person so designated under Sections 10a-28, 10a-29 and 10a-30 of the Connecticut General Statutes.
- (Effective January 23, 1984)

Sec. 10a-170d-2. Criteria for selection of scholarship recipients

(a) Scholarships shall be awarded by the Department only to students at institutions in Connecticut who are enrolled in graduate programs approved by the Board and designated by the Board as programs in high technology fields which meet statewide economic needs.

(b) The Board shall annually appoint a committee of graduate faculty members from public and independent institutions to recommend award recipients to the Commissioner who shall review and approve award recipients. The committee shall utilize the following criteria in making its recommendations:

- (1) The applicant must:
 - (a) be a Connecticut resident;
 - (b) at the time of award, have been a matriculated student for one year and, at the time of application, have successfully completed or be in the process of completing at least eighteen (18) hours of graduate study, or their equivalent, in the graduate program for which the High Technology Scholarship is being sought. A determination as to the successful completion of the 18 hours of study, or their equivalent, will be made prior to disbursement of an award. (Graduate or professional credits earned while enrolled as an undergraduate student shall not be considered in determining eligibility);
 - (c) demonstrate strong academic skills as evidenced by:
 - (1) Scores on a nationally standardized exam appropriate for graduate level admission to a high technology program, as approved by the Department. The Department shall solicit the advice of graduate deans in making this determination.
 - (2) Undergraduate and graduate program transcripts, and
 - (3) Recommendations from two faculty, one of whom must be from the applicants graduate program;
 - (d) have confirmation from the institution of a teaching assignment of at least three credit hours per semester during the academic year for which the High Technology Scholarship is tendered.
 - (e) Agree to complete follow-up surveys from the Department of Higher Education concerning employment.

(2) Institutional and state affirmative action goals shall also be considered.

(c) A student shall be eligible for a renewal award for up to two additional years of study if:

(1) the student submits a renewal application;

(2) the institution the student is attending indicates the student is making satisfactory progress toward completion of the degree and recommends the student for renewal; and

(3) the student continues to be a Connecticut resident.

(Effective January 23, 1984)

Sec. 10a-170d-3. Terms of scholarship

(a) Annual scholarship may not exceed \$10,000.

(Effective January 23, 1984)

Sec. 10a-170d-4. Timetable

(a) Except for its initial year of operation as noted in subsection (b) below, the following timetable will be utilized in administering the High Technology Scholarship Program:

<i>Date</i>	<i>Activity</i>
November 1	Distribution of applications by the Department to eligible Connecticut institutions.
February 1	Completed applications and all supporting material to be submitted to the Department.
April 1	Notification of award made to applicant and institution.
July 1	Receipt of official transcript from student designated to receive an award verifying completion of at least 18 hours of work in the program.
October 1	One-half of award disbursed to recipient prior to this date.
February 1	Balance of award for second semester disbursed to recipient prior to this date.

(b) During the initial year of operation, the following timetable will be followed:

<i>Date</i>	<i>Activity</i>
March 1, 1984 or upon approval of these regulations	Distribution of applications by the Department to eligible Connecticut institutions.
April 1, 1984	Completed applications and all supporting material to be submitted to the Department.
June 1, 1984	Notification of award made to applicant and institution.
July 15, 1984	Receipt of official transcript from student designated to receive an award verifying completion of at least 18 hours of work in the program.
October 1, 1984	One-half of award disbursed to recipient prior to this date.

February 1, 1985

Balance of award for second semester disbursed to recipient prior to this date.

(Effective January 23, 1984)

Sec. 10a-170d-5. Application

Applications for a High Technology Scholarship must submit to the Department the following items no later than the due date specified in Section 3 of these regulations:

(A) Completed application, including:

(1) Two letters of recommendation—at least one from a faculty member in the applicant's department (Forms included with application).

(2) Certification by graduate program Department Head of a teaching assignment (Form included with application).

(B) Official scores on a nationally standardized exam appropriate for graduate level admission to a high technology program as approved by the Department.

(C) Official copy of graduate and undergraduate transcripts.

(Effective January 23, 1984)