

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 662 Session of
2007

INTRODUCED BY WOZNIAK, C. WILLIAMS, COSTA, FONTANA, ERICKSON,
O'PAKE, WASHINGTON, STOUT, WONDERLING, RHOADES, EARLL,
MELLOW, FUMO AND BROWNE, MARCH 22, 2007

REFERRED TO EDUCATION, MARCH 22, 2007

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," providing for technical college
6 programs.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
10 as the Public School Code of 1949, is amended by adding an
11 article to read:

12 ARTICLE XIX-F.

13 TECHNICAL COLLEGE PROGRAMS.

14 Section 1901-F. Definitions.

15 The following words and phrases when used in this article
16 shall have the meanings given to them in this section unless the
17 context clearly indicates otherwise:

18 "Area vocational technical school" or "AVTS." The term as it
19 is defined under 22 Pa. Code § 4.3 (relating to definitions).

1 "Community education council." The term as it is defined
2 under section 1901-D.

3 "Department." The Department of Education of the
4 Commonwealth.

5 "Educationally underserved area." An area designated by the
6 Secretary of Education as an adult education, continuing
7 education and postsecondary education shortage area using
8 criteria which take into account special barriers to the
9 provision of education services.

10 "Eligible applicant." Any of the following:

11 (1) An institution of higher education.

12 (2) An institution of higher education in partnership
13 with any of the following:

14 (i) Another institution of higher education.

15 (ii) An AVTS.

16 (iii) A community education council.

17 (iv) An eligible private licensed school.

18 (v) Any combination of the entities listed under
19 this paragraph that partner with an institution of higher
20 education.

21 "Eligible private licensed school." A private licensed
22 school as the term is defined under section 2 of the act of
23 December 15, 1986 (P.L.1585, No.174), known as the Private
24 Licensed Schools Act, that is authorized to confer the degree of
25 Associate in Specialized Technology or Associate in Specialized
26 Business and is accredited by the Accrediting Commission of
27 Career Schools and Colleges of Technology or the Accrediting
28 Council for Independent Colleges and Schools.

29 "Institution of higher education." Any of the following:

30 (1) An institution of the State System of Higher

1 Education created under Article XX-A.

2 (2) A community college created under Article XIX-A.

3 (3) The Pennsylvania State University, the University of
4 Pittsburgh, Temple University, Lincoln University and their
5 branch campuses.

6 (4) An institution as the term is defined under 24
7 Pa.C.S. § 6501(a) (relating to applicability of chapter) that
8 is accredited by the Middle States Commission on Higher
9 Education.

10 The term does not include an institution which is determined by
11 the Department of Education to be a theological seminary or
12 school of theology or a sectarian and denominational
13 institution.

14 "Lead sponsor." An institution of higher education which as
15 an eligible applicant receives approval to establish a technical
16 college program.

17 "Secretary." The Secretary of Education of the Commonwealth.
18 Section 1902-F. Establishment.

19 Technical college programs are established to create economic
20 opportunity by providing postsecondary occupational education
21 and training in educationally underserved areas of this
22 Commonwealth. Technical college programs shall prepare students
23 for occupations that require a postsecondary certificate or
24 associate degree and that demonstrate a high level of current
25 and projected work force demand in fields that require technical
26 knowledge and skill.

27 Section 1903-F. Procedures.

28 (a) Approval.--An eligible applicant may seek approval to
29 establish a technical college program in accordance with
30 policies, standards, rules and regulations developed and

1 promulgated by the department.

2 (b) Contents of application.--The eligible applicant shall
3 submit its application in a form and manner prescribed by the
4 department. Each application shall include all of the following:

5 (1) Each program of study the eligible applicant seeks
6 to offer, along with the credential or credentials associated
7 with each.

8 (2) The projected enrollment for each program, both on a
9 head count and full-time equivalent basis.

10 (3) Designation of the educationally underserved area
11 the technical college program intends to serve.

12 (4) Evidence of collaboration with partners in industry,
13 elementary and secondary education and the community.

14 (5) Evidence of planning that includes a regional needs
15 analysis of postsecondary education and training.

16 (6) The results of a regional economic demand analysis
17 covering a five-year period that demonstrates the projected
18 need for the program or programs included in the application.

19 (7) Evidence of the ability to offer local support for
20 the program. Local support shall include use of building
21 space.

22 (8) Evidence of fiscal stability based on State payment
23 as provided under section 1907-F, student tuition as provided
24 under section 1906-F and other revenue available to the
25 eligible applicant, which shall be detailed in the
26 application.

27 (9) Evidence of the ability to provide academic support
28 necessary to maximize student success.

29 (10) If applicable, status of program accreditation or
30 approval by appropriate professional entity.

1 (c) Priority criteria.--The department shall establish
2 priority criteria for evaluating the merit of technical college
3 program applications. Among other priorities established by the
4 department, priority in the selection process shall be given to
5 applicants who:

6 (1) Demonstrate a plan for and ability to serve
7 educationally and economically disadvantaged students,
8 including one or more of the following groups:

9 (i) Students with family income equal to or less
10 than 300% of the Federal poverty level.

11 (ii) Unemployed workers or displaced homemakers.

12 (iii) Individuals receiving or having received in
13 the last six months prior to the effective date of this
14 section temporary assistance for needy families.

15 (iv) Students who require assistance in meeting
16 entry requirements for offered programs.

17 (v) Working students, including full-time and part-
18 time workers.

19 (2) Provide access to remedial and developmental
20 coursework or that provide accelerated remediation.

21 Section 1904-F. Credentials and programs offered.

22 (a) Credentials.--Each technical college program shall
23 award, through the lead sponsor, credit-bearing certificates and
24 associate degrees. A technical college program shall award no
25 other degree or credential. Associate degrees awarded through a
26 technical college program shall be limited to one of the
27 following:

28 (1) An associate of arts degree.

29 (2) An associate of sciences degree.

30 (3) An associate of applied sciences degree, if an

1 articulation agreement exists to enable the bearer of the
2 associate of applied sciences degree to transfer the degree
3 for full credit to an institution of higher education in
4 pursuit of a bachelor degree.

5 (b) Program of study.--Each credential must be associated
6 with an approved program of study. Programs of study shall be
7 based on Statewide and regional work force needs and shall be
8 selected from the list of eligible programs of study issued by
9 the department under section 1911-F. Each program shall be
10 designed to be completed in no more than two years for a full-
11 time student or an equivalent period for a part-time student.

12 (c) Expiration of program approval.--The department shall
13 grant approval for a technical college program to offer the
14 program of study for a period of five years. Prior to expiration
15 of program approval, a technical college program may seek
16 reapproval from the department or may seek approval for an
17 alternative program of study. All such requests shall be made in
18 accordance with the policies, standards, rules and regulations
19 prescribed by the department.

20 (d) Courses.--Each course included in an approved program
21 shall be offered for credit. No student that has met entrance
22 requirements shall be required to take courses separate from the
23 technical college program in order to complete the certificate
24 or associate degree. Courses may be offered by distance learning
25 to the extent that distance learning is an appropriate method of
26 delivering the content of the specific course, as described in
27 the application of an eligible applicant.

28 Section 1905-F. Enrollment.

29 (a) Eligibility.--Persons who have earned a high school
30 diploma or equivalent and who meet the eligibility requirements

established for the technical college program under section 1910-F shall be eligible for enrollment if they have been residents of this Commonwealth for at least 18 months prior to enrollment. The department may prescribe standards for determining the place of residence of students and applicants for admission to technical college programs. Students who wish to enroll in a technical college program but do not meet the entrance requirements shall be referred to or offered the remedial or developmental coursework necessary to meet the entrance requirements and may be granted admission upon meeting the entrance requirements as determined by the technical college program.

(b) Priority.--Priority for enrollment shall be given to residents of the educationally underserved area the technical college program has been approved to serve.

(c) Limits on enrollment.--The full-time equivalent number of enrolled students on whose behalf the technical college program is eligible to receive State funding shall be limited to the amount approved by the department.

Section 1906-F. Tuition and fees.

(a) Affordability.--A technical college program may charge tuition and fees to enrolled students. The maximum tuition and fees that a technical college program may charge shall be set by the department and adjusted annually and shall be limited to ensure the affordability of technical college programs for students in educationally underserved areas.

(b) Limits on student charges.--A technical college program shall not require any student charges, including application fees, lab fees and the like, beyond those approved by the department.

1 (c) Financial aid.--A student enrolled in a technical
2 college program shall be eligible for publicly funded financial
3 aid opportunities in the same manner as similarly situated
4 students enrolled in the lead sponsor institution.

5 Section 1907-F. State payment.

6 (a) Payment.--The department shall make payment on behalf of
7 technical college programs to the extent funds are appropriated
8 by the General Assembly.

9 (b) Operating support.--The department shall, out of funds
10 appropriated for technical college programs, annually provide
11 each lead sponsor with operating funding for students enrolled
12 in the technical college program on a per-student basis. The
13 department shall be responsible for the allocation and
14 distribution of State funding among technical college programs.

15 (c) Grants for industry-specified equipment.--The department
16 shall, out of funds appropriated for technical college programs,
17 award grants for the purchase or lease of equipment that is
18 essential to the approved program, that will prepare students
19 for jobs in the field of study and that meet the requirements of
20 the department.

21 (d) Prohibition.--Payments made under this section shall not
22 be used for construction or purchase of space.

23 Section 1908-F. Transferability of credits.

24 (a) Programs offered.--Each program of study offered by a
25 technical college program shall be designed to maximize the
26 student's ability to transfer credits earned through a
27 certificate or associate degree program to another institution
28 of higher education.

29 (b) Denial of transferability.--An institution of higher
30 education may not refuse to recognize and award credit based

solely upon the fact that the credit was earned through a technical college program.

Section 1909-F. Annual reporting.

(a) Annual report.--A technical college program shall submit an annual report to the department. The annual report shall include all of the following:

(1) Demographic and program data, including all of the following:

(i) Information on full-time and part-time faculty and student enrollments, in total and within each program of study.

(ii) Credit hours taught by faculty.

(iii) Distance learning courses offered.

(iv) Articulation and course equivalency agreements with higher education institutions.

(2) Student progress and achievement measures, including all of the following:

(i) Retention and completion rates.

(ii) Passing rates on certification and licensure examinations.

(iii) Number of students employed within one year of program completion.

(iv) Placement into additional education or employment in the student's field of study.

(b) Disaggregation.--Where available, data shall be disaggregated by categories, including eligibility for financial aid, part-time and full-time status, gender, race and age.

(c) Submittal.--Reports required under this section shall be submitted prior to September 1, 2008, and September 1 of each year thereafter.

1 Section 1910-F. Duties of lead sponsor.

2 (a) Duties.--A lead sponsor of a technical college program
3 shall be required to do all of the following:

4 (1) Grant certificates and associate degrees to students
5 who have completed a program of study through the technical
6 college program.

7 (2) Provide oversight of the technical college program
8 through the governance entity of the lead sponsor.

9 (3) Establish for students entrance requirements which
10 adhere to guidelines issued by the department.

11 (4) Administer the technical college program on a not-
12 for-profit basis and submit annual financial information as
13 required by the department.

14 (5) Provide for faculty, curriculum and necessary
15 equipment to ensure consistently high quality for each
16 program of study.

17 (b) Partnerships.--A lead sponsor of a technical college
18 program that enters into a partnership with another applicant
19 shall maintain final responsibility for the duties enumerated
20 under subsection (a).

21 Section 1911-F. Duties of department.

22 (a) Powers.--The department shall have the power and its
23 duty shall be to do all of the following:

24 (1) Adopt policies, standards, rules and regulations, in
25 consultation with the Department of Labor and Industry,
26 necessary to establish an application process for technical
27 college programs and a process for approving, reapproving and
28 evaluating on an ongoing basis the technical college
29 programs.

30 (2) In consultation with the Department of Labor and

1 Industry, issue an annual list of approved fields of study
2 for new programs and consider requests for approval of
3 programs of study that are not included on the annual list,
4 if each request includes evidence of collaboration with
5 employers, information as to the nature of the proposed
6 program and evidence as to how the program will increase work
7 force opportunities for participants.

8 (3) In consultation with the Department of Labor and
9 Industry, promulgate guidelines and approve or disapprove
10 applications for the equipment grant program established
11 under section 1907-F(c).

12 (4) Approve or disapprove applications from eligible
13 applicants to establish a technical college program and to
14 establish programs of study.

15 (5) Approve or disapprove applications on behalf of a
16 technical college program to establish new programs of study
17 and to seek reapproval for existing programs of study.

18 (6) Formulate policies, standards, rules and regulations
19 necessary to ensure the academic integrity of the technical
20 college program with respect to curriculum, instruction,
21 faculty and other issues as determined by the department.

22 (7) Formulate policies, standards, rules and regulations
23 necessary to provide for the distribution of State funding,
24 including the setting of a per-student payment rate which may
25 be adjusted annually.

26 (8) Annually evaluate each technical college program and
27 each program of study offered by a technical college.

28 (9) Designate educationally underserved areas.

29 (10) Issue guidelines providing for student entrance
30 requirements.

1 (11) Set limits on enrollment eligible for State funding
2 and establish an annual process for technical college
3 programs to seek adjustments to enrollment limits, which the
4 department shall approve or reject.

5 (12) Set and adjust limits on student tuition and fees.

6 Section 1912-F. Promulgation of standards.

7 Within 30 days of the effective date of this section, the
8 department shall promulgate interim standards necessary to
9 implement this article which shall be published in the
10 Pennsylvania Bulletin. The interim standards shall not be
11 subject to review under the act of June 25, 1982 (P.L.633,
12 No.181), known as the Regulatory Review Act, nor shall they be
13 subject to sections 201 through 205 of the act of July 31, 1968
14 (P.L.769, No.240), referred to as the Commonwealth Documents
15 Law, or section 204 of the act of October 15, 1980 (P.L.950,
16 No.164), known as the Commonwealth Attorneys Act. Within one
17 year of publication of the interim standards in the Pennsylvania
18 Bulletin, the department shall promulgate proposed standards.
19 The interim standards shall remain in effect until the effective
20 date of the final standards.

21 Section 1913-F. Prohibition.

22 A student enrolled in a technical college program shall not
23 count toward the enrollment of the lead sponsor or any other
24 eligible applicant for purposes of State reimbursement or
25 payment under any appropriation for higher education.

26 Section 2. This act shall take effect July 1, 2007, or
27 immediately, whichever is later.