

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1000 Session of
2013

INTRODUCED BY SCARNATI, RAFFERTY, GREENLEAF, WAUGH, HUTCHINSON,
MENSCH, BAKER, WHITE, GORDNER, VOGEL, STACK, YUDICHAK,
BREWSTER, COSTA, BRUBAKER, DINNIMAN AND WILEY, JUNE 28, 2013

AS AMENDED ON SECOND CONSIDERATION, MARCH 18, 2014

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 rural regional
6 community college for underserved counties.

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:

ARTICLE XIX-GRURAL REGIONAL COMMUNITY COLLEGEFOR UNDERSERVED COUNTIES

15 Section 1901-G. Scope of article.

16 This article provides for the establishment of a rural
17 regional community college in a multicounty rural area that is
18 underserved by comprehensive community college education and
19 work force development.

20 Section 1902-G. Definitions.

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

"Annual." A 12-month period coterminous with the Commonwealth's fiscal year beginning July 1 and ending June 30.

"Board of trustees." The board of trustees of a rural regional community college established under this article.

"County." Any county in this Commonwealth.

"Certified public accountant." A member of the American Institute of Certified Public Accountants who has a minimum of five years' verifiable experience in performing audits of government funds for nonprofit organizations with a comparable or larger annual budget.

"Middle States." The Middle States Association of Colleges and Schools.

"Partner institution." One or more Middle States-accredited institutions of higher education.

"Rural regional community college." A public institution OF ~~HIGHER EDUCATION~~ which is established in a rural area and operated in accordance with the provisions of this article as a ~~nonprofit organization~~ COLLEGE which provides up to a two-year, postsecondary education not to exceed the level of an associate of arts or sciences degree and which is active in work force development. <--

"Rural regional community college plan" or "plan." A plan for the establishment and operation of a rural regional community college under this article.

"Secretary." The Secretary of Education of the Commonwealth or such person as the secretary may designate to act on behalf of the secretary with regard to any of the duties and

1 prerogatives imposed by this article.

2 "State Board." The State Board of Education.

3 Section 1903-G. Designations by the secretary.

4 (a) Duties of secretary.--

5 (1) Within 30 days of the effective date of this
6 section, the secretary shall designate an established
7 nonprofit organization as defined under section 501(c)(3) of
8 the Internal Revenue Code of 1986 (Public Law 99-514, 26
9 U.S.C. § 501(c)(3)), which organization represents a rural
10 multicounty region underserved by a comprehensive community
11 college program, including work force development, to assist
12 the secretary with the designation under paragraph (2).

13 (2) Within 30 days of the designation under paragraph
14 (1), the secretary shall, in consultation with the nonprofit
15 organization, designate contiguous counties or parts of
16 contiguous counties to be served by establishment of a rural
17 regional community college.

18 (b) Changes.--No sooner than four years after the effective
19 date of this section, the secretary, with approval of the board
20 of trustees, may add counties or parts of counties to be served
21 by the rural regional community college.

22 Section 1904-G. Designation; board of trustees.

23 Within 60 days of the secretary's designation under section
24 1903-G(a)(2), a board of trustees shall be appointed to
25 establish a rural regional community college. The board of
26 trustees shall consist of not fewer than seven members nor more
27 than 15 members appointed by the secretary in consultation and
28 jointly with the nonprofit organization designated under section
29 1903-G(a)(1). The following shall apply to the board of trustees
30 established under this section:

1 (1) Members of the board of trustees shall be
2 representative of the area designated under section 1903-G(a)
3 (2) and may include school administrators, community
4 education council officials, business leaders and government
5 officials.

6 (2) Members of the board of trustees shall be appointed
7 for terms of three years each, except that those persons
8 initially appointed shall draw lots to determine which
9 trustees shall serve for a term of three years, which
10 trustees shall serve for a term of two years and which
11 trustees shall serve for a term of one year. TO THE EXTENT <--

12 PRACTICABLE, FROM THOSE TRUSTEES INITIALLY APPOINTED, AN
13 EQUAL NUMBER SHALL DRAW LOTS TO SERVE FOR A TERM OF THREE
14 YEARS, FOR A TERM OF TWO YEARS AND FOR A TERM OF ONE YEAR.
15 Thereafter, all members shall be appointed for terms of three
16 years each.

17 (3) Vacancies on the board shall be filled by the
18 existing board. A trustee may succeed himself, provided that
19 no member shall serve for longer than ten years.

20 (4) The secretary shall convene an initial meeting of
21 the board of trustees within 30 days of the secretary's
22 appointment of a board of trustees under this section. After
23 the initial meeting, the board of trustees shall meet at such
24 times each year as the board of trustees determines to be
25 necessary to satisfy the requirements of this article.

26 (5) The board of trustees shall adopt standing operating
27 rules and procedures, by laws and articles of incorporation.

28 (6) The board of trustees shall establish an advisory
29 council of presidents, or their designees, from institutions
30 with postsecondary education programs within the region

1 designated under section 1903-G(a)(2). The advisory council
2 shall meet quarterly to discuss employer and work force
3 needs, new educational offerings and general coordination of
4 service and facilities. One advisory council member
5 representing a community college and one advisory council
6 member that is a president of a college or university shall
7 serve as co-chairs.

8 (7) The board of trustees shall choose from among its
9 members a chairman, vice chairman and secretary.

10 (8) A majority of the members of the board of trustees
11 shall constitute a quorum.

12 (9) Trustees shall serve without compensation, except
13 that they shall be reimbursed BY THE RURAL REGIONAL COMMUNITY <--
14 COLLEGE for their actual and necessary expenses incurred in
15 the performance of their duties.

16 Section 1905-G. Establishment.

17 (a) General rule.--Within one year of its initial meeting,
18 the board of trustees appointed under section 1904-G shall
19 submit to the secretary a proposed rural regional community
20 college plan in such form and containing such information as the
21 secretary may require. In addition to other information which
22 may be required by the secretary, the plan shall include the
23 following:

24 (1) A designation of the name of the proposed rural
25 regional community college which shall be the "Regional
26 Community College of _____ " or "
27 Regional Community College."

28 (2) A survey of the educational, vocational and
29 occupational needs of the area and the means by which the
30 proposed rural regional community college will meet those

1 needs, re-engage high school dropouts to earn their secondary
2 credentials and postsecondary credentials or industry
3 certification, reduce unemployment and improve the employable
4 skills of residents of the area to be served by the rural
5 regional community college.

6 (3) An operating and financial plan for the proposed
7 rural regional community college, including a plan for the
8 capital needs and expenses of the proposed rural regional
9 community college.

10 (4) A plan by which the rural regional community college
11 shall seek accreditation by an accrediting association which
12 is recognized by the United States Department of Education.

13 (b) Submission of plan.--Within 60 days of the submission of
14 the rural regional community college plan to the secretary, the
15 secretary shall issue an approval or rejection of the plan. A
16 rejection of the plan shall be accompanied by a written
17 statement of the reasons for the rejection of the plan. If the
18 plan is rejected, the board of trustees shall submit a revised
19 plan to the secretary within 60 days of the plan's rejection.

20 (c) Plan approval.--Upon the approval of the plan by the
21 secretary, the rural regional community college shall be
22 considered established.

23 Section 1906-G. Powers and duties of board of trustees.

24 (a) General rule.--The board of trustees appointed under
25 section 1904-G shall administer and supervise the affairs of the
26 rural regional community college established under this article.
27 Subject to any other law and to any regulations promulgated by
28 the State Board pertaining to rural regional community colleges,
29 the board of trustees shall have the following powers and
30 duties:

1 (1) To advance the mission of the rural regional
2 community college in service to residents of the region
3 designated under section 1903-G(a) (2).

4 (2) To appoint and fix the salary of a president of the
5 rural regional community college.

6 (3) To appoint and fix the salary of a chief financial
7 officer of the rural regional community college.

8 (4) To hold, rent, lease, sell, purchase and improve
9 land, buildings, furnishings, equipment, materials, books and
10 supplies.

11 (5) To enter into contracts for services with community
12 education councils, schools, colleges or universities, or
13 with school districts or municipalities, and other applicable
14 or appropriate agencies and organizations, to effectuate the
15 purposes of this article.

16 (6) To accept and receive gifts of real and personal
17 property and Federal, State and local moneys, loans and
18 grants, and to expend the same.

19 (7) To make policies providing for the admission and
20 expulsion of students, the courses of instruction, the
21 tuition and fees to be charged and for all matters related to
22 the government and administration of the rural regional
23 community college, provided that policies related to
24 admission, tuition and fees give preference to residents of
25 the area designated by the secretary pursuant to section
26 1903-G(a) (2).

27 (8) To submit to the secretary for approval proposed
28 amendments to the rural regional community college plan.

29 (9) To enter into contracts for services to high schools
30 located in the area designated by the secretary under section

1 1903-G to provide services, including, but not limited to,
2 area vocational-technical education services.

3 (10) To approve an annual budget to be submitted to the
4 secretary for funding.

5 (11) To exercise such other powers and perform such
6 other duties as are necessary to effectuate the purposes of
7 this article.

8 (b) Duties of board.--The board of trustees shall enter into
9 contracts, hold property and take other actions in the name of
10 the rural regional community college.

11 (c) Initial partnership.--

12 (1) The board of trustees shall select initially a
13 partner institution to develop and offer accredited courses
14 and programs of study at the approved sites of operation.

15 (2) The partner institution shall select programs only
16 with approval of the board of trustees and consistent with
17 the partner institution's accreditation and shall be
18 responsible for staffing and evaluation and provision of
19 other support services as may be required for students.

20 (3) The board of trustees may contract with other
21 colleges to provide curricula not available through the
22 partner institution.

23 (4) As the rural regional community college is able to
24 operate on its own, a transition plan and budget shall be
25 included in the contract between the rural regional community
26 college and the partner institution to efficiently expedite
27 the transition.

28 (5) Nothing in this article shall be construed to
29 preclude the board of trustees from contracting for specific
30 services or programs following the transition from the

1 initial partner institution.

2 Section 1907-G. Officers of rural regional community college.

3 (a) President.--The president shall be the chief executive
4 and administrative officer of the rural regional community
5 college and shall perform all duties which the board of trustees
6 may prescribe. The president shall have the right to attend
7 meetings of the board of trustees and to be heard on all matters
8 before it, but shall have no right to vote on any matter.

9 (b) Chief financial officer.--The chief financial officer of
10 the rural regional community college shall give a proper bond in
11 such amount and with such corporate surety as is approved by the
12 board of trustees. The chief financial officer shall file the
13 bond with the board of trustees. The account of the chief
14 financial officer shall be audited ~~biannually~~ ANNUALLY by a <--
15 certified public accountant or other qualified public accountant
16 selected by the board of trustees.

17 Section 1908-G. Students.

18 Any individual may apply for admission to the rural regional
19 community college established under this article, provided that
20 preference in admissions, tuition and fees may be given to
21 residents of the multicounty area designated by the secretary
22 pursuant to section 1903-G(a)(2). In considering applicants for
23 admission, the rural regional community college shall not
24 discriminate on the basis of race, color, gender, marital
25 status, ethnic group or religion.

26 Section 1909-G. Tuition.

27 The tuition and fees charged by the rural regional community
28 college shall be an amount determined by the board of trustees,
29 in accordance with the budget submitted to the secretary. The
30 board of trustees shall annually establish a separate schedule

of tuition and fees for students that reside inside the region
designated under section 1903-G(a)(2) and students that reside
outside said region.

Section 1910-G. Dissolution and transition of rural regional
community college.

The rural regional community college established under this
article may not be dissolved without the approval of the
secretary. Upon dissolution of the rural regional community
college, the Commonwealth shall assume all assets and
liabilities of the rural regional community college, except that
such assets that are the property of any partner institution
that may be operating for and within the rural regional
community college shall remain the property of the partner
institution.

Section 1911-G. Degrees.

~~The rural regional community college established under this~~ <--
~~article may award any type of diploma, technical or career~~
~~training certificate or degree not to exceed the level of an~~
~~associate of arts or sciences degree.~~ THE RURAL REGIONAL <--

COMMUNITY COLLEGE ESTABLISHED UNDER THIS ARTICLE MAY AWARD ANY
TYPE OF DIPLOMA, TECHNICAL OR CAREER TRAINING CERTIFICATE OR
ASSOCIATE DEGREES IN THE ARTS, SCIENCES, TECHNOLOGIES OR GENERAL
EDUCATION UPON SUCCESSFUL COMPLETION OF PROGRAMS AUTHORIZED BY
THE BOARD OF TRUSTEES. As long as the partner institution
provides the accredited curricula and courses under contract to
the rural regional community college, the requirements of the
accrediting agency shall pertain to the granting of such awards.

Section 1912-G. Funding.

The rural regional community college established under this
article shall be funded by tuition and fees established by the

board of trustees, and may accept appropriations from the
General Assembly, grants from the Federal Government, grants
from the Commonwealth, grants from private foundations or any
combination thereof.

Section 1913-G. Financial aid.

~~Students enrolled in the rural regional community college~~ <--
~~established under this article shall be eligible for financial~~
~~aid to the extent permitted under Federal and State law.~~

(A) INITIAL PARTNERSHIP PERIOD.--DURING THE RURAL REGIONAL <--
COMMUNITY COLLEGE'S INITIAL PARTNERSHIP WITH A PARTNER
INSTITUTION, A STUDENT ENROLLED IN THE RURAL REGIONAL COMMUNITY
COLLEGE SHALL BE ELIGIBLE FOR CONSIDERATION FOR A PENNSYLVANIA
STATE GRANT AND OTHER COMMONWEALTH-FUNDED FINANCIAL AID
ADMINISTERED BY THE PENNSYLVANIA HIGHER EDUCATION ASSISTANCE
AGENCY, PROVIDED THAT THE PARTNER INSTITUTION IS AN INSTITUTION
OF HIGHER EDUCATION AS APPROVED BY AND IN ACCORDANCE WITH RULES
AND REGULATIONS OF THE PENNSYLVANIA HIGHER EDUCATION ASSISTANCE
AGENCY.

(B) POST-TRANSITION PERIOD.--UPON THE RURAL REGIONAL
COMMUNITY COLLEGE OPERATING ON ITS OWN WITHOUT A PARTNER
INSTITUTION, A STUDENT SHALL ONLY BE ELIGIBLE FOR CONSIDERATION
FOR A PENNSYLVANIA STATE GRANT AND ANY OTHER COMMONWEALTH-FUNDED
FINANCIAL AID IF THE RURAL REGIONAL COMMUNITY COLLEGE IS
APPROVED BY THE DEPARTMENT OF EDUCATION AND IS ACCREDITED OR A
RECOGNIZED CANDIDATE FOR ACCREDITATION WITH AN ACCREDITING BODY
RECOGNIZED UNDER RULES AND REGULATIONS OF THE PENNSYLVANIA
HIGHER EDUCATION ASSISTANCE AGENCY AND SATISFIES ANY OTHER
INSTITUTIONAL AND ADMINISTRATIVE PROGRAM REQUIREMENTS AS THE
PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY MAY REQUIRE.

Section 1914-G. Regulations.

The State Board may promulgate regulations pursuant to the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, as necessary to implement this article.

Section 1915-G. Reports.

The Legislative Budget and Finance Committee shall prepare and submit to the General Assembly written interim and final reports evaluating the operation of this article. The interim report shall be submitted by June 30, 2018, and the final report shall be submitted by June 30, 2022. Each report shall include, but may not be limited to, the following:

(1) A review of the success of the rural regional community college established under this article in satisfying the goals set forth in the rural regional community college plan approved by the secretary and in satisfying the needs of the multicounty area the rural regional community college was established to serve.

(2) Demographic and program data, including the following:

(i) Numbers of full-time and part-time faculty and student enrollments, in total and within curricular areas.

(ii) Dual enrollment participation.

(iii) Credit hours taught by faculty.

(iv) Distance learning courses offered.

(v) Articulation agreements with higher education institutions.

(vi) Lists of courses with fewer than 20 students.

(vii) Lists of courses with more than 50 students.

Where available, student data shall be disaggregated by categories, including gender, race and age.

1 (3) Student progress and achievement measures, including
2 the following:

3 (i) Retention rates related to student goals.

4 (ii) Graduation and completion rates after two,
5 three and four years.

6 (iii) Passing rates on certification and licensure
7 examinations.

8 (iv) Number of students employed within one year of
9 program completion.

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

12 Where available, data shall be disaggregated by categories,
13 including gender, race and age.

14 (4) Economic and work force development measures,
15 including:

16 (i) Employer satisfaction.

17 (ii) Customized job training offerings.

18 (iii) Employment status.

19 (iv) Numbers of businesses and organizations served.

20 (5) Recommendations for future legislation.

21 SECTION 1916-G. TRANSFERS OF CREDITS.

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22 FOR PURPOSES OF FACILITATING THE TRANSFER OF CREDITS ATTAINED
23 BY STUDENTS OF THE REGIONAL COMMUNITY COLLEGE, THE REGIONAL
24 COMMUNITY COLLEGE SHALL BE CONSIDERED A PUBLIC INSTITUTION OF
25 HIGHER EDUCATION AS DEFINED IN SECTION 2001-C AND, UPON THE
26 REGIONAL COMMUNITY COLLEGE BEING ABLE TO OPERATE ON ITS OWN,
27 SHALL BE REQUIRED TO FULFILL ALL THE DUTIES AND OBTAIN FOR ITS
28 STUDENTS ALL THE BENEFITS OF ARTICLE XX-C WITHIN TWO YEARS OF
29 OPERATION OF THE ESTABLISHED REGIONAL COMMUNITY COLLEGE.

30 Section 2. This act shall take effect immediately.