

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1205 Session of 2013

INTRODUCED BY FOLMER, BLAKE, DINNIMAN, PILEGGI, YUDICHAK, VULAKOVICH AND BAKER, DECEMBER 4, 2013

AS AMENDED ON THIRD CONSIDERATION, MARCH 17, 2014

AN ACT

1 Amending Title 24 (Education) of the Pennsylvania Consolidated
2 Statutes, IN PRIVATE COLLEGES, UNIVERSITIES AND SEMINARIES, <--
3 FURTHER PROVIDING FOR CERTIFICATION OF INSTITUTIONS; AND
4 providing for change of designation to university AND FOR <--
5 CHANGE OF DESIGNATION TO COLLEGE.

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

8 Section 1. Title 24 of the Pennsylvania Consolidated <--
9 Statutes is amended by adding a section to read:

10 SECTION 1. SECTION 6503(E.1) OF TITLE 24 OF THE PENNSYLVANIA <--
11 CONSOLIDATED STATUTES IS AMENDED TO READ:

12 § 6503. CERTIFICATION OF INSTITUTIONS.

13 * * *

14 (E.1) ADDITIONAL DEGREES, PROGRAMS OR MAJORS.--SUBJECT TO
15 THE AUTHORITY OF THE STATE BOARD TO REGULATE TEACHER EDUCATION
16 PROGRAMS UNDER SECTION 2603-B OF THE ACT OF MARCH 10, 1949
17 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949, AND
18 THE AUTHORITY OF THE DEPARTMENT TO REGULATE TEACHER EDUCATION
19 PROGRAMS UNDER 22 PA. CODE CH. 49 (RELATING TO CERTIFICATION OF

1 PROFESSIONAL PERSONNEL), A PRIVATE, NONPROFIT COLLEGE OR
2 UNIVERSITY OR SEMINARY MAY OFFER AN ADDITIONAL DEGREE THAT IS
3 NOT SPECIFIED IN A CERTIFICATE RECEIVED UNDER SUBSECTION (A) OR
4 MAY INSTITUTE AN ADDITIONAL MAJOR OR PROGRAM IF EITHER OF THE
5 FOLLOWING APPLIES:

6 (1) THE COLLEGE [OR], UNIVERSITY OR SEMINARY SATISFIES
7 BOTH OF THE FOLLOWING:

8 (I) THE COLLEGE [OR], UNIVERSITY OR SEMINARY HAS
9 OPERATED CONTINUOUSLY IN THIS COMMONWEALTH FOR THE
10 IMMEDIATELY PRECEDING TEN YEARS.

11 (II) THE COLLEGE [OR], UNIVERSITY OR SEMINARY IS
12 ACCREDITED BY A REGIONAL ACCREDITING AGENCY RECOGNIZED BY
13 THE UNITED STATES DEPARTMENT OF EDUCATION.

14 (2) THE DEPARTMENT APPROVES THE ADDITIONAL DEGREE, MAJOR
15 OR PROGRAM PURSUANT TO THE PROCEDURE FOR ISSUING A
16 CERTIFICATE PROVIDED IN SUBSECTION (E).

17 * * *

18 SECTION 2. TITLE 24 IS AMENDED BY ADDING SECTIONS TO READ:

19 § 6503.1. Change of designation to university.

20 (a) General rule.--Notwithstanding the provisions of this
21 chapter or other law or regulation to the contrary, a private
22 nonprofit institution, as defined under section 501(c)(3) of the
23 Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. §
24 501(c)(3)), holding a certificate of authority that authorizes
25 the conferral, at a minimum, of bachelor's degrees or graduate
26 degrees and using the designation of "college" may, on and after
27 the effective date of this subsection, use the designation of
28 "university" if the institution submits a notarized affidavit to
29 the department stating:

30 (1) As of the date of the affidavit the institution

1 fulfills at least two of the three units necessary for an
2 institution to be designated as a university, as defined in
3 this section.

4 (2) The institution's commitment to meet any additional
5 unit or other requirement necessary to achieve full
6 compliance with the definition contained in this section
7 within a five-year period.

8 (3) If the institution cannot satisfy the provisions of
9 paragraphs (1) and (2), in lieu thereof, that the institution
10 fulfills one of the three units necessary for the institution
11 to be designated as a university as defined in this section
12 and the institution provides a specialized type of
13 educational program that would be enhanced by having the
14 designation of "university."

15 (4) That the institution has been in continuous
16 operation in this Commonwealth for the ten years preceding
17 the date of the notarized affidavit.

18 (5) That during the preceding ten years, the institution
19 has maintained accreditation by the Middle States Commission
20 on Higher Education or another regional accrediting body
21 recognized by the United States Department of Education.

22 (6) That the accreditation status of the institution is
23 in good standing and is in compliance with all standards
24 imposed by the Middle States Commission on Higher Education
25 or other regional accrediting body, including, but not
26 limited to, periodic reviews and evaluations.

27 (7) The intended effective date of the change in
28 designation.

29 (8) That the institution's board of trustees or similar
30 governing body has approved the change in designation.

1 (b) Documentation.--The institution seeking the change in
2 designation shall include any and all documentation necessary to
3 verify the representations contained in the notarized affidavit.

4 (c) Time period to submit affidavit.--The institution must
5 submit the notarized affidavit to the department no later than
6 90 days before the effective date of the change in designation.
7 The notarized affidavit shall be subject to the penalties of 18
8 Pa.C.S. § 4904 (relating to unsworn falsification to
9 authorities).

10 (d) Review by department.--

11 (1) The department shall review the affidavit and
12 complete its review within 60 days of receipt of the
13 affidavit.

14 (2) If the affidavit complies with the requirements of
15 this section, the department shall accept the affidavit and
16 publish the acceptance as a notice in the Pennsylvania
17 Bulletin. The notice shall include the effective date of the
18 change in designation.

19 (3) If the department fails to complete its review of
20 the affidavit within the 60-day time period, the affidavit
21 shall be deemed accepted and the department shall publish the
22 acceptance as a notice in the Pennsylvania Bulletin.

23 (4) If the affidavit does not comply with the
24 requirements of this section, the department shall reject the
25 affidavit for noncompliance by returning the affidavit to the
26 institution, together with any documentation submitted, and
27 shall state the basis for the rejection.

28 (5) An institution which receives a rejection of its
29 affidavit may submit a corrected or new affidavit for review
30 and acceptance by the department at any time.

1 (e) Five-year plan.--

2 (1) Within 90 days of the effective date of the change
3 in designation, the institution must submit to the department
4 a five-year plan to fulfill any additional unit or other
5 requirement needed for compliance with the definition of
6 "university."

7 (2) Failure of the institution to complete the plan
8 within five years from the effective date of the change in
9 designation shall result in the institution losing its
10 university status. The department may extend the time,
11 provided that the institution demonstrates progress toward
12 fulfillment of the plan.

13 (f) Definitions.--The following words and phrases when used
14 in this section shall have the meanings given to them in this
15 subsection unless the context clearly indicates otherwise:

16 "Institution." An institution of higher education in this
17 Commonwealth.

18 "University." A multiunit institution with a complex
19 structure and diverse educational functions, including
20 instruction, promotion of scholarship, preservation and
21 discovery of knowledge, research and service, that:

22 (1) Consists of a minimum of three units, except as
23 provided in subsection (a) (3), as follows:

24 (i) The first unit provides for at least one major
25 in both the arts and sciences at the undergraduate level.

26 (ii) The second unit provides for advanced degree
27 programs in the arts and sciences with at least one major
28 in both the arts and sciences at the undergraduate level.

29 (iii) The third unit provides for any combination of
30 at least five advanced degrees or professional programs

