

## AMENDMENTS TO HOUSE BILL NO. 2171

Sponsor: SENATOR TOMLINSON

Printer's No. 3915

1 Amend Bill, page 1, lines 1 through 11, by striking out all  
2 of said lines and inserting

3 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An  
4 act relating to the public school system, including certain  
5 provisions applicable as well to private and parochial  
6 schools; amending, revising, consolidating and changing the  
7 laws relating thereto," in the State System of Higher  
8 Education, further providing for definitions, for  
9 establishment of the State System of Higher Education and its  
10 institutions, for purposes and general powers, for project  
11 contracts, for board of governors, for the chancellor, for  
12 powers and duties of the board of governors, for councils of  
13 trustees, for powers and duties of councils of trustees and  
14 for power and duties of institution presidents, for rental  
15 fees and other charges, for annual report and for campus  
16 police powers and duties and providing for student records.

17 Amend Bill, page 1, lines 14 through 20; pages 2 through 13,  
18 lines 1 through 30; page 14, lines 1 through 24; by striking out  
19 all of said lines on said pages and inserting

20 Section 1. Section 2001-A(1) of the act of March 10, 1949  
21 (P.L.30, No.14), known as the Public School Code of 1949, is  
22 amended and the section is amended by adding paragraphs to read:

23 Section 2001-A. Definitions.--The following words and  
24 phrases when used in this article shall, for the purpose of this  
25 article, have the following meanings, respectively, except in  
26 those instances where the context clearly indicates a different  
27 meaning:

28 (1) "Affiliated entity" shall mean a private nonprofit  
29 corporation with the sole purpose of benefiting the State System  
30 of Higher Education or a State-owned university.

31 [(1)] (1.1) "Board" shall mean the Board of Governors of the  
32 State System of Higher Education.

33 \* \* \*

34 (6.1) "Education record" shall have the same meaning as in  
35 the Family Educational Rights and Privacy Act of 1974 (Public

1 Law 90-247, 20 U.S.C. § 1232g).

2 \* \* \*

3 Section 2. Section 2002-A of the act is amended to read:

4 Section 2002-A. Establishment of the State System of Higher  
5 Education and its Institutions.--(a) Subject to the regulatory  
6 powers conferred by law upon the State Board of Education, there  
7 is hereby established a body corporate and politic constituting  
8 a public corporation and government instrumentality [which  
9 shall] to be known as the State System of Higher Education,  
10 independent of the Department of Education, hereinafter referred  
11 to as the system, which is granted sovereign immunity and  
12 official immunity pursuant to 1 Pa.C.S. § 2310 (relating to  
13 sovereign immunity reaffirmed and specific waiver) and which  
14 shall consist of the following institutions and such other  
15 institutions, presently existing [or newly created, as may  
16 hereafter be admitted by the board in concurrence with other  
17 agencies as required by law] or until changed as provided under  
18 subsections (a.1), (a.2), (a.3), (a.4), (a.5) and (a.6):

- 19 (1) Bloomsburg State College;
- 20 (2) California State College;
- 21 (3) Cheyney State College;
- 22 (4) Clarion State College;
- 23 (5) East Stroudsburg State College;
- 24 (6) Edinboro State College;
- 25 (7) Indiana University of Pennsylvania;
- 26 (8) Kutztown State College;
- 27 (9) Lock Haven State College;
- 28 (10) Mansfield State College;
- 29 (11) Millersville State College;
- 30 (12) Shippensburg State College;
- 31 (13) Slippery Rock State College; and
- 32 (14) West Chester State College.

33 (a.1) In accordance with section 2006-A(a)(18), the board  
34 shall develop policies and procedures by which the board may  
35 create, expand, consolidate, transfer or affiliate an  
36 institution. Before the creation, expansion, consolidation,  
37 transfer or affiliation of an institution, the board shall  
38 direct the chancellor, in consultation with the board, to  
39 conduct a review of the financial stability of any impacted  
40 institution utilizing student support metrics, student success  
41 metrics and other financial metrics and develop a report and  
42 recommendations related to the need for the board to exercise  
43 the board's powers under section 2006-A(a)(18). The report and  
44 recommendation shall include, but not be limited to, an analysis  
45 of the following:

- 46 (1) Enrollment trends.
- 47 (2) Projections of revenues and expenditures for the current  
48 year and the next five (5) years, both assuming the continuation  
49 of present operations and as impacted by any recommendation for  
50 the board to exercise the board's powers under section 2006-A(a)  
51 (18).

(3) Assets, liabilities and institutional reserves.

(4) Actions undertaken to improve the financial stability of the institution and the financial impact of those actions.

(5) Additional actions that could be taken to improve the financial stability of the institution, the projected financial impact of those actions and whether those actions would alleviate the need for the board to exercise the board's powers under section 2006-A(a)(18).

(6) The financial impact on the institution and the system if no action is taken by the board to exercise the board's powers under section 2006-A(a)(18).

(7) The financial impact on the surrounding community of the institution if action is taken by the board to exercise the board's powers under section 2006-A(a)(18).

(8) Impacts on affiliated entities and any donor restrictions on the use of non-State-appropriated funds.

(a.2) Upon the board's receipt of the report and recommendation, the chancellor shall develop a proposed implementation plan. The proposed implementation plan shall include the following information:

(1) Description of the proposal to exercise powers under section 2006-A(a)(18).

(2) Rationale, goals and objectives of the proposal to exercise powers under section 2006-A(a)(18).

(3) Method for evaluating achievement of goals and objectives.

(4) Relation of the proposal to the mission and strategic plan of the institution and system as a whole.

(5) Impacts on academic programs, nonacademic units and accreditation.

(6) Impacts on students, faculty and staff.

(7) Impacts on the community.

(8) Impacts on shared governance.

(9) Before and after organizational charts for all impacted institutions.

(10) Information included in the chancellor's report and recommendation under subsection (a.1).

(11) Timeline for the implementation plan.

(a.3) The proposed implementation plan shall be approved by a majority vote of the board. If the board rejects the proposed implementation plan, the chancellor may amend the proposal and present it to the board for reconsideration and approval by a majority vote of the board. Within fourteen (14) days after approval of the proposed implementation plan, the board shall do the following:

(1) Transmit a copy of the proposed implementation plan to the following:

(i) chairperson and minority chairperson of the Appropriations Committee of the Senate;

(ii) chairperson and minority chairperson of the Education Committee of the Senate;

1 (iii) chairperson and minority chairperson of the  
2 Appropriations Committee of the House of Representatives; and  
3 (iv) chairperson and minority chairperson of the Education  
4 Committee of the House of Representatives.

5 (2) Make the proposed implementation plan available for  
6 review and solicit public comment for a period of not less than  
7 sixty (60) days.

8 (a.4) The board shall consult with stakeholders, including  
9 faculty, staff, students and administrators, and hold at least  
10 two (2) public hearings as part of the public comment period  
11 under subsection (a.3)(2). After the public comment period and  
12 before any action may be taken pursuant to section 2006-A(a)  
13 (18), the board shall consider comments made by stakeholders  
14 during the public comment period and present an implementation  
15 plan at a public meeting subject to the approval by two-thirds  
16 of the board. If the board votes to approve the implementation  
17 plan, the board shall, within fourteen (14) days, transmit a  
18 copy of the final implementation plan to the following:

19 (1) Chairperson and minority chairperson of the  
20 Appropriations Committee of the Senate.

21 (2) Chairperson and minority chairperson of the Education  
22 Committee of the Senate.

23 (3) Chairperson and minority chairperson of the  
24 Appropriations Committee of the House of Representatives.

25 (4) Chairperson and minority chairperson of the Education  
26 Committee of the House of Representatives.

27 (a.5) The timeline for implementation to be completed as  
28 described in the final implementation plan shall be no earlier  
29 than twelve (12) months from the date of the issuance of the  
30 proposed implementation plan.

31 (a.6) For any final implementation plan approved by the  
32 board under subparagraph (a.4), the chancellor shall report on a  
33 quarterly basis in person to the chairperson and minority  
34 chairperson of the Appropriations Committee of the Senate, the  
35 chairperson and minority chairperson of the Education Committee  
36 of the Senate, the chairperson and minority chairperson of the  
37 Appropriations Committee of the House of Representatives and the  
38 chairperson and minority chairperson of the Education Committee  
39 of the House of Representatives information detailing the  
40 actions taken, actions planned to be taken in the next quarter  
41 and progress made toward implementing the goals of the plan on  
42 the respective universities. Within fifteen (15) days of the  
43 issuance of a report to the chairpersons, the chancellor shall  
44 present the report at a joint public hearing of the  
45 Appropriations Committee of the Senate and the Education  
46 Committee of the Senate and a joint public hearing of the  
47 Appropriations Committee of the House of Representatives and the  
48 Education Committee of the House of Representatives. A report  
49 under this subsection shall continue until the plan has been  
50 fully implemented. A report shall include, but is not limited  
51 to, the following information:

1     (1) An overview of the financial position of the respective  
2 universities at the time of plan approval and at the time of the  
3 report.

4     (2) The operating budget and total budget for each  
5 university at the time of plan approval and at the time of the  
6 report.

7     (3) The estimated amount of expenditures needed to support  
8 plan implementation at the time of plan approval and the  
9 cumulative amount of expenditures made to support plan  
10 implementation at the time of the report.

11     (4) The applicable organizational charts at the time of plan  
12 approval and at the time of the report.

13     (5) Full-time enrollments at the time of plan approval and  
14 at the time of the report.

15     (6) Graduation outcomes at the time of plan approval and at  
16 the time of the report.

17     (7) The cost of tuition, room and board and fees at the time  
18 of plan approval and at the time of the report.

19     (8) The average cost of attendance at the time of plan  
20 approval and at the time of the report.

21     (9) The number of faculty and nonfaculty employees at the  
22 time of plan approval and at the time of the report.

23     (10) The number of faculty and nonfaculty employees by  
24 location at the time of plan approval and at the time of the  
25 report.

26     (11) Each impact to faculty and nonfaculty employee staffing,  
27 including, but not limited to, separations, reductions in force,  
28 reclassifications of job responsibilities or roles or  
29 reassignments to other universities within the system. The  
30 notification under this paragraph shall include an estimated  
31 financial impact for the current and subsequent two fiscal  
32 years.

33     (12) The faculty to student ratio and the faculty and  
34 nonfaculty employee to student ratio at the time of plan approval  
35 and at the time of the report.

36     (13) A list of academic programs that have been terminated  
37 or consolidated and an explanation of the reasons for  
38 termination or consolidation.

39     (14) A list of new academic programs that have been approved  
40 and an explanation of the need for the programs.

41     (15) The number of academic programs by location at the time  
42 of plan approval and at the time of the report.

43     (16) A list of property that is for sale or has been sold  
44 and the value of the proceeds from the sale.

45     (17) A list of administrative service consolidations and the  
46 value of savings resulting from the consolidations.

47     (18) A list outlining concerns related to the implementation  
48 of the plan on the community and affiliated organizations.

49     (19) Any other information as requested by the chairpersons  
50 enumerated under this subsection.

51     (b) Each of the said institutions shall hereafter be known

1 as the (Name) University of Pennsylvania of the State System of  
2 Higher Education, except for Indiana University of Pennsylvania,  
3 which shall retain its name. As successor institutions to the  
4 State Normal Schools, appropriations for their operation are  
5 ordinary expenses of government, requiring only a majority vote  
6 of each House of the General Assembly. The State System of  
7 Higher Education shall have the same preferred status for  
8 appropriations as is enjoyed by its constituent institutions.

9 State funds appropriated to the system shall be allocated to the  
10 individual institutions on a formula based on, but not limited  
11 to, such factors as enrollments, degrees granted and programs.

12 Section 3. Sections 2003-A(a) and (d) and 2003-A.1(d) and  
13 (f) of the act are amended to read:

14 Section 2003-A. Purposes and General Powers.--(a) The State  
15 System of Higher Education shall be part of the Commonwealth's  
16 system of higher education. Its purpose shall be to provide high  
17 quality education at the lowest possible cost to [the] students.  
18 The primary mission of the system is the provision of  
19 instruction for undergraduate and graduate students to and  
20 beyond the master's degree in the liberal arts and sciences and  
21 in applied fields, including the teaching profession. Graduate  
22 instruction at the doctoral level, except for doctoral programs  
23 provided for in the act of December 16, 1965 (P.L.1113, No.430),  
24 known as the "Indiana University of Pennsylvania Act," only may  
25 be offered jointly with Indiana University or an institution  
26 chartered to offer work at the doctoral level. Programs of  
27 research and service may be provided which are approved by the  
28 Board of Governors, and which are consistent with the primary  
29 mission of the system. Each institution shall provide  
30 appropriate educational facilities, student living facilities  
31 and such other facilities as deemed necessary by the board.

32 \* \* \*

33 (d) The system may [enter into an agreement with any entity  
34 for the cooperative use of supplies or services.] participate  
35 in, sponsor, conduct or administer cooperative use or purchasing  
36 agreements. All purchases and agreements made pursuant to this  
37 subsection shall [be the result of a system of competitive  
38 bidding and in accordance with the laws of this Commonwealth.]  
39 be made in accordance with 62 Pa.C.S. § 1902 (relating to  
40 cooperative purchasing authorized).

41 Section 2003-A.1. Project Contracts.--\* \* \*

42 [(d) The power and authority granted by this section shall  
43 not be exercised by the system, the board or an institution for  
44 a project to modify, repair or renovate any facility erected by  
45 the Department of General Services unless prior written notice  
46 setting forth the nature, scope, extent and description of such  
47 project has been given to the Department of General Services.]

48 (f) The system is authorized to transfer and convey any  
49 easements or licenses [necessitated by any construction project  
50 which has been previously authorized by the board] as necessary.

51 Section 4. Section 2004-A(a) (7) and (b) of the act are

1 amended, subsection (a) is amended by adding a paragraph and the  
2 section is amended by adding a subsection to read:

3 Section 2004-A. Board of Governors.--(a) The system shall  
4 be governed and all of its corporate powers exercised by the  
5 Board of Governors, which shall consist of twenty (20) members  
6 to be appointed as follows:

7 \* \* \*

8 (7) [Fourteen (14) members shall be appointed by the  
9 Governor with the advice and consent of the Senate of which six  
10 (6) shall be selected from the citizens of the Commonwealth.  
11 Three (3) members of the fourteen (14) shall be students whose  
12 terms shall expire upon graduation, separation or failure to  
13 maintain good academic standards at their institution and five  
14 (5) of the fourteen (14) shall be trustees of constituent  
15 institutions, however, no more than one trustee representing a  
16 constituent institution. The student members shall be selected  
17 from the presidents of the local campus student government  
18 associations, or their local equivalent.] Eleven (11) members  
19 shall be appointed by the Governor with the advice and consent  
20 of the Senate of which six (6) members shall be selected from  
21 the residents of this Commonwealth and five (5) members shall be  
22 selected from trustees of constituent institutions, except that  
23 no more than one trustee may represent a constituent  
24 institution.

25 (8) Three (3) of the members shall be students appointed by  
26 the board under section 2006-A(a)(17). The student members shall  
27 be selected with the advice and consent of institution  
28 presidents. A student's term shall expire upon graduation,  
29 separation or failure to maintain good academic standing at the  
30 institution in which the student is enrolled.

31 (b) All members of the board appointed by the Governor[,  
32 except for the students,] shall serve for terms of four (4)  
33 years. The Governor and Secretary of Education shall serve so  
34 long as they continue in office. Members of the board appointed  
35 from the General Assembly shall serve a term of office  
36 concurrent with their respective elective terms as members of  
37 the General Assembly.

38 \* \* \*

39 (d.1) A student board member appointed under subsection (a)  
40 (8) may be removed by the board.

41 \* \* \*

42 Section 5. Section 2005-A(4) of the act is amended to read:

43 Section 2005-A. The Chancellor.--The chief executive officer  
44 of the system shall be a chancellor, who shall be employed by  
45 the board in accordance with clause (1) of section 2006-A. In  
46 addition to those prescribed by the board, the chancellor shall  
47 have the following duties:

48 \* \* \*

49 (4) The chancellor shall assist the board in its appointment  
50 of the presidents for the constituent institutions by submitting  
51 to the board the name or names of individuals recommended by the

1 council of trustees [of the appropriate constituent institution  
2 who shall involve students, faculty and alumni in the interview  
3 and selection process used to formulate their recommendation].  
4 The chancellor shall submit to the board the recommended salary  
5 and other proposed terms of each such appointment. The board  
6 shall have the right to refuse the recommendation of the local  
7 council and to request that additional recommendations be  
8 submitted by the council.

9 \* \* \*

10 Section 6. Section 2006-A(a) introductory paragraph, (5),  
11 (14) and (15) of the act are amended and the subsection is  
12 amended by adding paragraphs to read:

13 Section 2006-A. Powers and Duties of the Board of  
14 Governors.--(a) The Board of Governors shall have overall  
15 responsibility for planning and coordinating the development and  
16 operation of the system. The powers and duties of the Board of  
17 Governors shall be:

18 \* \* \*

19 (5) To [create] approve new undergraduate and graduate  
20 degree programs, which shall not be subject to the rules and  
21 regulations of the State Board of Education; to approve  
22 extension campuses and new external degree programs subject to  
23 the rules and regulations of the State Board of Education; to  
24 promote cooperation among institutions, including the  
25 development of consortia within the system and other educational  
26 institutions and agencies.

27 \* \* \*

28 (14) To make all reasonable [rules and regulations] policies  
29 and procedures necessary to carry out the purposes of this  
30 article and the duties of the board.

31 (15) To do and perform generally all of those things  
32 necessary and required to accomplish the role and objectives of  
33 the system, unless otherwise delegated by the board to the  
34 chancellor.

35 (16) To require institutions to share services and to  
36 participate in collaborations when the system has shown evidence  
37 in writing of cost reductions and improved efficiencies across  
38 the system. For a new, altered or eliminated shared service,  
39 collaboration or contract, the institution's council of trustees  
40 may reject it by a two-thirds majority vote with written notice  
41 provided to the board within ten (10) days of the council of  
42 trustees' decision. This paragraph shall not be construed to  
43 allow an institution's council of trustees retroactive  
44 discretion over a shared service or collaboration already in  
45 effect prior to the effective date of this paragraph.

46 (17) To appoint student members to the board and councils.

47 (18) In accordance with section 2006-A (a.1), to make, issue  
48 and enforce board policies, procedures and standards for the  
49 management and conduct of the instructional, administrative and  
50 financial affairs of the system. This paragraph shall not be  
51 construed to include the power to close an institution. Except



1 for an institution with a Fall 2019 headcount enrollment greater  
2 than 10,000 students, this paragraph shall include powers and  
3 duties to create, expand, consolidate, transfer or affiliate an  
4 institution.

5 (19) Any action taken under the final implementation plan  
6 involving the movement of money from an account of the system or  
7 an institution to another account or institution shall be  
8 documented and include a plan for repayment. Repayment shall be  
9 given priority when any new Federal or State money is  
10 appropriated.

11 (20) To make, issue and enforce board policies, procedures  
12 and standards for the management and conduct of the  
13 instructional, administrative and financial affairs of the  
14 system.

15 \* \* \*

16 Section 7. Sections 2008-A, 2009-A and 2010-A introductory  
17 paragraph, (1), (5), (10.1), (11), (12), (13) and (14) of the  
18 act are amended to read:

19 Section 2008-A. Councils of Trustees.--(a) The council of  
20 each of the institutions shall consist of eleven (11) members  
21 who, except for student members, shall be nominated and  
22 appointed by the Governor with the advice and consent of the  
23 Senate. At least two (2) members of the eleven (11) member  
24 council of trustees shall be alumni of the institution.

25 (b) [Ten (10) members of each council shall serve terms of  
26 six (6) years, respectively, and until their respective  
27 successors are duly appointed and qualified. One (1) member of  
28 each council shall be a full-time undergraduate student in good  
29 academic standing, other than freshman, enrolled for at least  
30 twelve (12) semester hours at the institution of which he is a  
31 trustee. The student member shall serve a term of four (4) years  
32 or for so long as he is a full-time undergraduate student in  
33 attendance at the institution of which he is a trustee,  
34 whichever period is shorter, and is in good academic standing.  
35 Vacancies occurring before the expiration of the term of any  
36 member shall be filled in like manner for the unexpired term.  
37 Student members of the Council of Trustees shall be appointed by  
38 the Governor and shall not be subject to Senate confirmation. If  
39 a student member is temporarily unable, for medical or valid  
40 academic reasons, to fulfill the responsibilities of office, the  
41 Council of Trustees may request that the Governor appoint an  
42 otherwise qualified student to serve as an alternate until the  
43 return of the student member.

44 (c) The members of each board of trustees of a former State  
45 college or university serving in such capacity on the effective  
46 date of this act shall continue to serve for the balance of  
47 their respective terms.] Ten (10) members of each council shall  
48 serve terms of six (6) years, respectively and until their  
49 respective successors are duly appointed.

50 (b.1) One (1) member of each council shall be a student  
51 appointed by the board under section 2006-A(a)(17). The student

1 member shall serve a term of four (4) years or for so long as  
2 the student is a full-time student in attendance at the  
3 institution of which the student is a trustee, whichever period  
4 is shorter, and is in good academic standing. If a student  
5 member is temporarily unable, for medical or valid academic  
6 reasons, to fulfill the responsibilities of office, the Council  
7 of Trustees may appoint an otherwise qualified student to serve  
8 as an alternate until the return of the student member.

9 (b.2) Vacancies occurring before the expiration of the term  
10 of any member shall be filled in like manner for the unexpired  
11 term.

12 (d) Six (6) members of a council shall constitute a quorum.  
13 Each council shall select from its members a chairperson and a  
14 secretary to serve at the pleasure of the council. Each council  
15 shall meet at least quarterly, and additionally at the call of  
16 the president, or its chairperson, or upon request of three (3)  
17 of its members.

18 Section 2009-A. Powers and Duties of Councils of Trustees.--  
19 (a) In accordance with [the rules and regulations] policies,  
20 procedures and standards adopted by the board, the council of  
21 each institution shall have the power and its duty shall be:

22 (1) To make recommendations to the chancellor for the  
23 appointment[,] and retention [or dismissal] of the president  
24 following [consultation with] input by students, faculty, staff  
25 and alumni.

26 (1.1) To make recommendations to the chancellor for the  
27 dismissal of the president.

28 (2) To assist the president in developing proper relations  
29 and understanding between the institution and its programs and  
30 the public, in order to serve the interests and needs of both.

31 [(3) To review and approve the recommendations of the  
32 president as to standards for the admission, discipline and  
33 expulsion of students.]

34 (4) To review and [approve the recommendations of] provide  
35 input to the president pertaining to policies and procedures  
36 governing the use of institutional facilities and property.

37 (5) To approve schools and academic programs.

38 (6) To review and approve the recommendations of the  
39 president pertaining to annual operating and capital budget  
40 requirements for forwarding to the board.

41 (7) To review and approve recommendations for charges for  
42 tuition, and to approve room and board and other fees except  
43 student activity fees and any fees related to the provision of  
44 contracted health services.

45 [(8) To conduct an annual physical inspection of facilities  
46 and make recommendations regarding maintenance and construction  
47 to the board.]

48 (9) To review [and approve all] contracts and purchases  
49 negotiated or awarded by the president, including any contract  
50 or purchase reports, with or without competitive bidding and all  
51 contracts for consultative services entered by the president.

1 (10) To represent the institution at official functions of  
2 the Commonwealth.

3 (11) To take such other action as may be necessary to  
4 effectuate the powers and duties herein delegated.

5 (12) In accordance with the evaluation procedure established  
6 by the board each council shall conduct an evaluation of the  
7 president and forward the results of that evaluation with  
8 recommendation to the chancellor for submission to the board.

9 (13) By resolution adopted by the council to authorize  
10 campus police who have completed firearms training in accordance  
11 with 53 Pa.C.S. § 2167(a) (relating to police training) to carry  
12 firearms in the course of duty for any institution whose campus  
13 police are authorized to carry firearms on the effective date of  
14 this paragraph, the authority to carry firearms shall remain in  
15 effect unless the council by resolution dissolves such  
16 authority.

17 Section 2010-A. Power and Duties of Institution  
18 Presidents.--The president of each institution shall be  
19 appointed by the board. The president shall be the chief  
20 executive officer of that institution. [He] The president shall  
21 have the right to attend all meetings of the council of that  
22 institution and shall have the right to speak on all matters  
23 before the council but not to vote. Subject to the stated  
24 authority of the board and the council, each president shall  
25 have the following powers and duties:

26 (1) Except insofar as such matters are governed by  
27 collective bargaining agreements entered pursuant to the act of  
28 July 23, 1970 (P.L.563, No.195), known as the "Public Employee  
29 Relations Act," and subject to the policies of the board, to  
30 appoint such employees, professional and noninstructional,  
31 graduate assistants, etc. as necessary, to fix the salaries and  
32 [benefits of employees, professional and noninstructional, and to  
33 establish policies and procedures governing employment rights,  
34 promotion, dismissal, tenure, leaves of absence, grievances and]  
35 salary schedules.

36 \* \* \*

37 (5) To establish policies and procedures governing the use  
38 of institutional facilities and property in [accordance with  
39 guidelines established by] consultation with the local council.

40 \* \* \*

41 (10.1) Within the limitations of the operating budget and  
42 other available funds in accordance with the procedures  
43 established by the board [and with the approval of the local  
44 council,] to negotiate and award all contracts for equipment,  
45 services and supplies in excess of a cost of a base amount of  
46 eighteen thousand five hundred dollars (\$18,500), subject to  
47 adjustment under section [120] 2003-A.1(c.3), on a competitive  
48 bid basis [and]. Contracts to purchase instructional,  
49 educational, extracurricular, technical, administrative,  
50 custodial and maintenance equipment and supplies not in excess  
51 of a cost of a base amount of eighteen thousand five hundred

1 dollars (\$18,500), subject to adjustment under section [120]  
2 2003-A.1(c.3), may be procured, without competitive bidding,  
3 except that such items shall not be bought in series to avoid  
4 the dollar ceiling.

5 (11) To cooperate with and accept grants and assistance from  
6 Federal and State agencies, local governments or other political  
7 subdivisions, foundations, corporations, or any other source for  
8 any of the lawful purposes of the institution. Each institution  
9 shall have the power to bank and use such grants as directed by  
10 the grantor and subject to the limitations of this act[, except  
11 that grants and assistance from sources other than State  
12 agencies, local governments or other political subdivisions  
13 shall not be subject to the provisions of clause (10)]. All  
14 moneys received from sources authorized by this section are  
15 hereby appropriated to each of the several institutions granted  
16 such moneys. All such moneys shall be subject to audit by the  
17 Auditor General.

18 (12) To authorize personnel to travel within or without the  
19 Commonwealth at institutional expense [in accordance with  
20 regulations of the council].

21 (13) Within the limitations of the operating budget and  
22 other available funds, to enter into contracts for consultative  
23 service [not to exceed five thousand dollars (\$5,000) per  
24 contract].

25 (14) To enter into contracts [in accordance with policies of  
26 the council,] to enable students to engage in student teaching  
27 or other training in order to obtain experience in a particular  
28 field.

29 \* \* \*

30 Section 8. Sections 2011-A and 2017-A of the act are amended  
31 to read:

32 Section 2011-A. Rental Fees and Other Charges.--(a) In  
33 addition to rental fees fixed, charged and collected in the  
34 manner provided by law from each student residing in State-owned  
35 or State-leased residential facilities at an institution for the  
36 maintenance and operation of such facilities, a sum shall be  
37 fixed by the president, with approval of the Council of  
38 Trustees, and charged and collected from each such person as an  
39 additional rental fee. Such additional rental fees shall be  
40 credited to a Reserve Fund for contingencies and capital  
41 replacements.

42 [(b) In addition to the other fees from time to time fixed,  
43 charged and collected in the manner provided by law, a fee of  
44 ten dollars (\$10) per semester of eighteen (18) weeks and a  
45 proportionate fee for each trimester, quarter, term and summer  
46 sessions of six (6) weeks or three (3) weeks shall be fixed,  
47 charged and collected from each student while in attendance at a  
48 university for which the General State Authority has taken title  
49 to a student community building, which fee shall be credited to  
50 the Department of General Services and shall be fixed by the  
51 council of trustees in amounts sufficient to meet rentals due to

1 the General State Authority, pursuant to contracts to lease  
2 student community buildings constructed by the said authority  
3 for the use of the system universities.

4 Section 2017-A. Annual Report.--(a) An annual report shall  
5 be submitted in electronic format by each institution to the  
6 Department of Education and the Joint State Government  
7 Commission, which shall include data for all programs of the  
8 institution. Each such report, to be submitted prior to  
9 September 1, shall cover the 12-month period beginning with the  
10 summer term of the preceding year and shall include:

11 (1) The following counts and distributions for each term  
12 during the period:

13 (i) The definitions and numbers of faculty members employed  
14 full time, of faculty members employed part time, of full-time  
15 students enrolled in graduate courses, of full-time students  
16 enrolled in undergraduate courses, of part-time students  
17 enrolled in graduate courses, and of part-time students enrolled  
18 in undergraduate courses.

19 (ii) The total numbers of undergraduate student credit  
20 hours, divided into lower division and upper division course  
21 levels, and of graduate student credit hours divided into three  
22 course levels--master's, first professional and doctoral.

23 (iii) The number of different courses scheduled by level of  
24 instruction and the number of sections of individual instruction  
25 scheduled by level of instruction, each further subdivided by  
26 two digit Classification of Instructional Program (CIP)  
27 categories of instructional programs of higher education as  
28 defined by the National Center for Education Statistics, United  
29 States Department of Education.

30 (iv) The number of terms scheduled and the dates thereof.

31 (2) For the summer term and the following academic year in  
32 total and for each two digit CIP program category, a  
33 classification of faculty members or other professional employees  
34 by title, including: professor, associate professor, assistant  
35 professor, instructor, lecturer, research associate, librarian  
36 and academic administrator; faculty members or other  
37 professional employees under each title to be subdivided by type  
38 of assignment: teaching and nonteaching, and each such set of  
39 faculty members or other professional employees to be further  
40 subdivided by type of employment: full time or part time; and  
41 the following aggregates for each subdivided classification:

42 (i) The number of faculty and other professional employees  
43 and their full-time equivalence in instructional and  
44 noninstructional functions.

45 (ii) The sum of credits assigned to undergraduate classroom  
46 courses and the sum of credits assigned to graduate classroom  
47 courses taught, divided into lower division, upper division,  
48 master's, first professional and doctoral course levels.

49 (iii) The sum of credits assigned to undergraduate  
50 individual instruction courses and the sum of credits assigned  
51 to graduate individual instruction courses taught, divided into

1 lower division, upper division, master's, first professional and  
2 doctoral course levels.

3 (iv) The sum of undergraduate classroom student credit hours  
4 and the sum of graduate classroom student credit hours  
5 generated, divided into lower division, upper division,  
6 master's, first professional and doctoral course levels.

7 (v) The sum of undergraduate individual instruction student  
8 credit hours and the sum of graduate individual instruction  
9 student credit hours generated, divided into lower division,  
10 upper division, master's, first professional and doctoral course  
11 levels.

12 (vi) The total salary paid for instructional functions and  
13 for noninstructional functions and the amount of this salary  
14 paid for each of these functions from university funds, Federal  
15 funds and other funds.

16 (3) For each term of the period covered for each faculty  
17 member employed full time identified by two digit CIP program  
18 category and title, the report shall contain an analysis of the  
19 average hours per week spent in university-related activities,  
20 stating specifically hours spent in undergraduate classroom  
21 contact and graduate classroom contact, hours spent in  
22 preparation, hours spent in research and hours spent in public  
23 service.

24 (b) In addition to the requirements of subsection (a), each  
25 report covering the 12-month period shall include for all  
26 programs of the institution:

27 (1) Minimum number of credits required for a baccalaureate  
28 degree and for a master's degree.

29 (2) Number of bachelor's degrees, master's degrees, first  
30 professional degrees and doctoral degrees awarded in the three  
31 previous years and those estimated for that year.

32 (c) The Joint State Government Commission shall develop a  
33 statistical comparison analysis recognizing differences in  
34 missions from the reports made under this section. The  
35 comparison shall be provided to the Education Committee of the  
36 Senate and the Appropriations Committee of the Senate and the  
37 Education Committee of the House of Representatives and the  
38 Appropriations Committee of the House of Representatives and the  
39 four State regional libraries. The comparative analysis shall be  
40 posted on the Joint State Government Commission's Internet  
41 website for a period of no less than five (5) years from the  
42 date of submission.

43 (d) Each report submitted under subsection (a) shall be  
44 posted by the Department of Education on its Internet website  
45 for a period of no less than five (5) years from the date of  
46 submission.]

47 Section 9. Section 2019-A of the act is amended by adding a  
48 subsection to read:

49 Section 2019-A. Campus Police Powers and Duties.--\* \* \*

50 (d) Campus police may disseminate investigative information  
51 as defined in 18 Pa.C.S. § 9102 (relating to definitions) to

1 university officials for use in student disciplinary matters  
2 subject to 22 Pa. Code Ch. 505 (relating to student personnel).  
3 Notwithstanding this section, all other provisions of 18 Pa.C.S.  
4 Ch. 91 (relating to criminal history record information) shall  
5 apply to campus police.

6 Section 10. The act is amended by adding a section to read:

7 Section 2021-A. Student Records.--Student education records  
8 maintained in connection with a transaction, business or  
9 activity of the system or university shall not be subject to the  
10 provisions of the act of February 14, 2008 (P.L.6, No.3), known  
11 as the "Right-to-Know Law."

12 Section 11. All acts and parts of acts are repealed and all  
13 regulations and parts of regulations are abrogated insofar as  
14 they are inconsistent with this act.

15 Section 12. The powers granted under section 2006-A(a)(18)  
16 of the act shall expire three years from the effective date of  
17 this section.

18 Section 13. This act shall take effect as follows:

19 (1) The addition of section 2006-A(a)(20) of the act  
20 shall take effect in three years.

21 (2) The remainder of this act shall take effect  
22 immediately.