AN ACT

Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," in State System of Higher Education, further providing for annual report, and providing for emergency powers due to COVID-19 disaster emergency.

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

Section 1. Section 2017-A of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, is repealed:

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

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

(i) The definitions and numbers of faculty members employed full time, of faculty members employed part time, of full-time students enrolled in graduate courses, of full-time students enrolled in undergraduate courses, of part-time students enrolled in graduate courses, and of part-time students enrolled in undergraduate courses.

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

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

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

(2) For the summer term and the following academic year in total and for each two digit CIP program category, a classification of faculty members or other professional employees by title, including: professor, associate professor, assistant professor, instructor, lecturer, research associate, librarian and academic administrator; faculty members or other professional employees under each title to be subdivided by type of assignment: teaching and nonteaching, and each such set of faculty members or other professional employees to be further subdivided by type of employment: full time or part time; and the following aggregates for each subdivided classification:
(i) The number of faculty and other professional employees and their full-time equivalence in instructional and noninstructional functions.

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

(iii) The sum of credits assigned to undergraduate individual instruction courses and the sum of credits assigned to graduate individual instruction courses taught, divided into lower division, upper division, master's, first professional and doctoral course levels.

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

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

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

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

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

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

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

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

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

Section 2. The act is amended by adding a section to read:

Section 2021-A. Emergency powers due to COVID-19 disaster
emergency.

(a) This section provides temporary authority to the system
to deal with system and institution sustainability resulting from multiyear enrollment declines and disruptions related to the COVID-19 disaster emergency.

(b) As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"COVID-19 disaster emergency." The proclamation of disaster emergency issued by the Governor on March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020), and any renewal of the state of disaster emergency.

(c) In addition to the powers granted under section 2006-A, the board shall have temporary plenary power to make, issue and enforce board policies, procedures and standards for the management and conduct of the instructional, administrative and financial affairs of the system, including:

(1) To pursue and implement any measures, such as granting an institution independence, reorganization, affiliation, integration, suspension or merger of the system or any one or more institutions necessary to ensure the educational integrity and financial sustainability of the system or of any one or more institutions. This paragraph shall not be construed to include the power to close an institution.

(2) To integrate key functions across institutions including, but not limited to, facilities, human resources and information technology into centralized shared services. Participation in these functions by an institution shall be at the discretion of the institution's council of trustees, if the institution is found to be sustainable as determined under subsection (d)(2).

(3) To make all reasonable policies and procedures necessary
to carry out the purposes of this section.

(4) To do and perform generally all of those things necessary and required to accomplish the role and objectives of the system under this section, unless otherwise delegated by the board to the chancellor.

(d) In the event of imminent financial emergency at an institution, the chancellor shall:

(1) Review the budgetary documentation for the system and the institutions.

(2) Assess whether the imminent financial emergency would impair the financial condition of the system or of any institution as to threaten the ability to maintain sustainability or render the system or an institution unable to meet its obligations to the public. An institution shall be deemed sustainable if it had a minimum of five thousand (5,000) students enrolled in the fall 2019 semester and a three (3) year moving average for the primary reserve ratio above twenty-five (25%) percent.

(3) Ascertain the extent to which consolidation or elimination of some administrative offices and services or reductions in operating and equipment budgets would alleviate the imminent financial emergency and have an effect upon students.

(4) Ascertain the extent to which voluntary mechanisms would alleviate the imminent financial emergency.

(5) Present to the board a proposal for an institution determined to be unsustainable under clause (2) to ameliorate the emergency.

(e) (1) The board shall consider the chancellor's proposal under subsection (d)(5) and may, by a majority vote, approve the
proposal.

(2) If the board rejects the proposal, the chancellor may amend the proposal and present it to the board for reconsideration.

(f) If the proposal is approved, the board shall allow for an opportunity of thirty (30) calendar days for public comment and fifteen (15) days to respond to public comments.

(g) The chancellor may amend the proposal in response to public comment and present the amended proposal to the board for approval as provided under subsection (e).

(h) The final responsibility for the implementation of the approved proposal shall remain with the board, unless otherwise delegated to the chancellor.

(i) The proposal, upon approval by the board, shall be implemented within two years.

(j) Modification to the proposal may be made by the chancellor, subject to approval by the board as provided under subsection (e), but may not extend the two (2) year implementation period.

(k) Any action taken under the approved proposal involving the movement of money from an account of the system or an institution to another account shall be documented and include a plan for repayment. Repayment shall be given priority when any new Federal or State money is appropriated to the institution subject to the approved proposal.

(l) Any action taken under an approved proposal involving an institution determined to be sustainable under subsection (d)(2) may not be implemented without approval from the council of trustees of the sustainable institution.

(m) This section shall expire three (3) years from the
1 effective date of this section.
2 Section 3. This act shall take effect immediately.