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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2551 Session of  
2018

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INTRODUCED BY ORTITAY, BERNSTINE, ENGLISH AND RADER,  
JULY 6, 2018

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REFERRED TO COMMITTEE ON EDUCATION, JULY 6, 2018

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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," repealing provisions relating to the  
6 State System of Higher Education and providing for the State  
7 System of Higher Education.

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

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12 repealed:

13 [ARTICLE XX-A.

14 THE STATE SYSTEM OF HIGHER EDUCATION.

15 Section 2001-A. Definitions.--The following words and  
16 phrases when used in this article shall, for the purpose of this  
17 article, have the following meanings, respectively, except in  
18 those instances where the context clearly indicates a different  
19 meaning:

20 (1) "Board" shall mean the Board of Governors of the State

1 System of Higher Education.

2 (2) "Chancellor" shall mean the chief executive officer of  
3 the State System of Higher Education.

4 (3) "Coalition bargaining" shall mean two (2) or more  
5 employers bargaining jointly with all of their employes in a  
6 particular category or bargaining unit so that one collective  
7 process would determine the conditions of employment for all  
8 employers in the appropriate units involved.

9 (4) "Commission" shall mean the presidents of the several  
10 institutions.

11 (5) "Council" shall mean the council of trustees of the  
12 individual institutions.

13 (6) "Deferment" shall mean any authorized delay in the  
14 payment by a student of all or part of his tuition fee, charges  
15 for room and board, application fee, student activity fee, or  
16 any other charge or fee.

17 (7) "Employer" shall mean the Board of Governors of the  
18 State System of Higher Education as the successor employer to  
19 the Commonwealth of Pennsylvania.

20 (8) "Graduate assistant" means a graduate student appointed  
21 by the president and assigned to a faculty or staff member to  
22 assist in research, instruction and other related professional  
23 duties.

24 (9) "Higher education" shall include any organized program  
25 of instruction, research or service primarily concerned with a  
26 field of organized knowledge, related theory, and associated  
27 practice or application of skills and which leads to a degree;  
28 that is, the work is creditable toward a degree.

29 (10) "Institution" shall mean each of the State-owned  
30 colleges and university on the effective date hereof, or

1 hereafter created, and including its personnel, and its physical  
2 plant, instructional equipment, records and all other property  
3 thereof.

4 (11) "Professional employe" for the purposes of this act,  
5 professional employe means any employe whose work:

6 (i) is predominately intellectual and varied in character;

7 (ii) requires consistent exercise of discretion and  
8 judgment;

9 (iii) requires knowledge of an advanced nature in the field  
10 of science or learning customarily acquired by specialized study  
11 in an institution of higher learning or its equivalent; and

12 (iv) is of such character that the output or result  
13 accomplished cannot be standardized in relation to a given  
14 period of time.

15 (12) "Refund" shall mean any return payment, or remission,  
16 by an institution to a student of all or part of any sum he has  
17 paid for tuition, room and board, application or student  
18 activity fee or any other charge or fee.

19 (13) "Secretary" shall mean the Secretary of Education of  
20 the Commonwealth of Pennsylvania or such person as the secretary  
21 may designate to act on behalf of the secretary with regard to  
22 any of the duties and prerogatives imposed by this act.

23 (14) "State board" shall mean the State Board of Education.

24 (15) "Student" shall mean a person who is enrolled in a  
25 course of study in any institution which is subject to the  
26 provisions hereof.

27 (16) "Student association" shall mean the officially  
28 recognized representative body of the student population of each  
29 institution.

30 (17) "System" shall mean the State System of Higher

1 Education.

2 (18) "Waiver" shall mean any release from initial payment by  
3 a student of all or part of his tuition, charge for room and  
4 board, application or student activity fee or any other charge  
5 or fee.

6 (19) "Maintenance projects" shall mean those activities,  
7 materials, labor and contracts necessary to replace, restore,  
8 refurbish or enhance real property which do not alter the  
9 architectural or engineering characteristics of the structure,  
10 as follows: painting; window repair and replacement; roof repair  
11 and replacement; repointing and masonry repair; downspout and  
12 gutters; landscaping; roadways, parking facilities, track and  
13 athletic court resurfacing and reconstruction; sidewalk and  
14 curbing reconstruction and replacement; asbestos abatement (in  
15 accordance with all State and Federal statutes and regulations);  
16 caulking and insulation; and replacement, reconstruction and  
17 construction of non-load bearing interior walls. No such project  
18 shall affect the structural integrity of any existing facility  
19 or utility system.

20 (20) "Campus police" shall mean all law enforcement  
21 personnel employed by the system who have successfully completed  
22 a campus police course of training approved under 53 Pa.C.S. Ch.  
23 21 Subch. D (relating to municipal police education and  
24 training).

25 (21) "Grounds" shall mean all lands and buildings owned,  
26 controlled, leased or managed by the system and all highways,  
27 trafficways and bicycle and pedestrian facilities that traverse  
28 or abut such lands and buildings.

29 Section 2002-A. Establishment of the State System of Higher  
30 Education and its Institutions.--(a) Subject to the regulatory

1 powers conferred by law upon the State Board of Education, there  
2 is hereby established a body corporate and politic constituting  
3 a public corporation and government instrumentality which shall  
4 be known as the State System of Higher Education, independent of  
5 the Department of Education, hereinafter referred to as the  
6 system, which shall consist of the following institutions and  
7 such other institutions, presently existing or newly created, as  
8 may hereafter be admitted by the board in concurrence with other  
9 agencies as required by law:

- 10 (1) Bloomsburg State College;
- 11 (2) California State College;
- 12 (3) Cheyney State College;
- 13 (4) Clarion State College;
- 14 (5) East Stroudsburg State College;
- 15 (6) Edinboro State College;
- 16 (7) Indiana University of Pennsylvania;
- 17 (8) Kutztown State College;
- 18 (9) Lock Haven State College;
- 19 (10) Mansfield State College;
- 20 (11) Millersville State College;
- 21 (12) Shippensburg State College;
- 22 (13) Slippery Rock State College; and
- 23 (14) West Chester State College.

24 (b) Each of the said institutions shall hereafter be known  
25 as the (Name) University of Pennsylvania of the State System of  
26 Higher Education, except for Indiana University of Pennsylvania,  
27 which shall retain its name. As successor institutions to the  
28 State Normal Schools, appropriations for their operation are  
29 ordinary expenses of government, requiring only a majority vote  
30 of each House of the General Assembly. The State System of

1 Higher Education shall have the same preferred status for  
2 appropriations as is enjoyed by its constituent institutions.  
3 State funds appropriated to the system shall be allocated to the  
4 individual institutions on a formula based on, but not limited  
5 to, such factors as enrollments, degrees granted and programs.

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

24 (b) The system is hereby granted and shall have and may  
25 exercise all the powers necessary or convenient for the carrying  
26 out of the aforesaid purposes, including, but without limiting  
27 the generality of the foregoing, the following rights and  
28 powers:

29 (1) To have perpetual existence as a corporation.

30 (2) To adopt, use and alter at will a corporate seal.

1 (3) To acquire, purchase, hold, lease as lessee and use any  
2 property, real, personal or mixed, tangible or intangible, or  
3 any interest therein, lease as lessor any property, real,  
4 personal or mixed, tangible or intangible, necessary or  
5 desirable for carrying out the purposes of the system, and to  
6 sell, transfer and dispose of any property acquired by gift,  
7 grant, devise or bequest, whether the property is real, personal  
8 or mixed, tangible or intangible, or any interest therein; to  
9 take, demand, receive and possess all moneys, real property and  
10 goods which shall be appropriated, given or granted to for the  
11 use of the system and to apply the same according to the will of  
12 the donors; to sell, transfer and dispose of real property  
13 acquired by and titled to the system upon approval by the  
14 General Assembly as provided in section 2018-A; and by gift,  
15 purchase or devise to receive, possess, enjoy and retain forever  
16 any and all real and personal estate and funds, of whatsoever  
17 kind, nature or quality the same may be, in special trust and  
18 confidence that the same, and the profits thereof, shall be  
19 applied to and for the use and purpose of endowing the system,  
20 and shall have power to receive donations from any source  
21 whatever, to be exclusively devoted to the purposes of the  
22 system or according to the terms of donation: Provided, however,  
23 That the system shall have no power at any time or in any  
24 manner, to pledge the credit or taxing power of the  
25 Commonwealth, nor shall any of its obligations or debts be  
26 deemed to be obligations of the Commonwealth, nor shall the  
27 Commonwealth be liable for the payment of principal or interest  
28 on such obligations. Nothing herein shall empower the Board of  
29 Governors or the chancellor to take or receive any moneys, goods  
30 or other property, real or personal, which is given or granted

1 to specific institutions.

2 (c) Collective bargaining agreements in force at the time of  
3 enactment of this act shall remain in force for the term of the  
4 contract. New collective bargaining agreements with professional  
5 employes shall be negotiated on behalf of the system by the  
6 chancellor. The board shall make a coalition bargaining  
7 arrangement with the Commonwealth for the negotiation of new  
8 collective bargaining agreements with noninstructional employes.

9 (d) The system may enter into an agreement with any entity  
10 for the cooperative use of supplies or services. All purchases  
11 and agreements made pursuant to this subsection shall be the  
12 result of a system of competitive bidding and in accordance with  
13 the laws of this Commonwealth.

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

18 (1) The Governor, or his designee.

19 (2) The Secretary of Education, or his designee.

20 (3) One (1) Senator appointed by the President pro tempore  
21 of the Senate.

22 (4) One (1) Senator appointed by the Minority Leader of the  
23 Senate.

24 (5) One (1) Representative appointed by the Speaker of the  
25 House of Representatives.

26 (6) One (1) Representative appointed by the Minority Leader  
27 of the House of Representatives.

28 (7) Fourteen (14) members shall be appointed by the Governor  
29 with the advice and consent of the Senate of which six (6) shall  
30 be selected from the citizens of the Commonwealth. Three (3)

1 members of the fourteen (14) shall be students whose terms shall  
2 expire upon graduation, separation or failure to maintain good  
3 academic standards at their institution and five (5) of the  
4 fourteen (14) shall be trustees of constituent institutions,  
5 however, no more than one trustee representing a constituent  
6 institution. The student members shall be selected from the  
7 presidents of the local campus student government associations,  
8 or their local equivalent.

9 (b) All members of the board appointed by the Governor,  
10 except for the students, shall serve for terms of four (4)  
11 years. The Governor and Secretary of Education shall serve so  
12 long as they continue in office. Members of the board appointed  
13 from the General Assembly shall serve a term of office  
14 concurrent with their respective elective terms as members of  
15 the General Assembly.

16 (c) (1) The Governor or his designee, and the Secretary of  
17 Education or his designee, and the members of the General  
18 Assembly shall be members of the board and shall be entitled to  
19 attend all meetings of the board and shall have the right to  
20 speak on all matters before the board, and to vote, but shall  
21 not be elected as an officer of the board.

22 (2) A member of the General Assembly appointed under  
23 subsection (a) may designate an official representative to  
24 attend any meetings of the board, the executive committee of the  
25 board and any committee to which the member of the General  
26 Assembly is assigned. Such official representative shall have  
27 the right to speak on all matters before the board, the  
28 executive committee and any committee to which the member of the  
29 General Assembly is assigned but shall not have the right to  
30 vote on behalf of the member of the General Assembly.

1 (d) The board shall elect one (1) of its members to serve as  
2 its chairperson at the pleasure of the board. Members shall  
3 receive no compensation for their services but shall be  
4 reimbursed for the expenses necessarily incurred by them in the  
5 performance of their duties. The board shall meet quarterly and  
6 additionally at the call of the chairperson, or upon request of  
7 six (6) members of the board.

8 (e) The chancellor shall be the chief executive officer of  
9 the board and shall have the right to speak on all matters  
10 before the board, but not to vote.

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

16 (1) The chancellor shall be responsible for the  
17 administration of the system under policies prescribed by the  
18 board.

19 (2) The chancellor shall advise the board on the formulation  
20 of policies, shall see that the board's policies are carried out  
21 and shall supervise the board's studies.

22 (3) The chancellor shall recommend to the board the system's  
23 overall budget and shall review and recommend undergraduate and  
24 graduate academic programs to meet the needs of the system's  
25 student population.

26 (4) The chancellor shall assist the board in its appointment  
27 of the presidents for the constituent institutions by submitting  
28 to the board the name or names of individuals recommended by the  
29 council of trustees of the appropriate constituent institution  
30 who shall involve students, faculty and alumni in the interview

1 and selection process used to formulate their recommendation.  
2 The chancellor shall submit to the board the recommended salary  
3 and other proposed terms of each such appointment. The board  
4 shall have the right to refuse the recommendation of the local  
5 council and to request that additional recommendations be  
6 submitted by the council.

7 (5) The chancellor shall prepare an evaluation procedure for  
8 adoption by the board. The chancellor shall forward the results  
9 of the evaluation conducted by the local council of trustees  
10 with his comments to the board.

11 (6) The chancellor is empowered to employ central office  
12 professional and staff employees appropriate for the efficient  
13 discharge of the chancellor's duties.

14 (7) The chancellor shall be responsible for the  
15 administration of the central office, systemwide business  
16 procedures and for the overall organization of maintenance of  
17 the physical plants and security at all institutions.

18 (8) The chancellor shall conduct comprehensive planning in  
19 consultation with representatives of the trustees, presidents,  
20 faculties, students and alumni and within the policies  
21 established by the board to establish priorities and procedures  
22 for the operation and development among the institutions, with  
23 respect to the role and scope of each institution, instructional  
24 programs, research programs and public service programs.

25 (9) The chancellor shall have the right to require of the  
26 presidents any and all information necessary for the performance  
27 of his duties. The chancellor shall perform such other duties as  
28 the board may designate.

29 (10) The chancellor shall serve as an ex officio member of  
30 the council of each institution in the system.

1 (11) The chancellor shall negotiate or cause to be  
2 negotiated on behalf of the board and subject to its final  
3 approval collective bargaining agreements pursuant to the act of  
4 July 23, 1970 (P.L.563, No.195), known as the "Public Employe  
5 Relations Act," in accordance with section 2003-A of this act.

6 (12) To enter into multiparty contractual relationships, in  
7 accordance with the Procurement Code or direct negotiation, with  
8 businesses, industries, organizations, State and local  
9 governments and the Federal Government to provide economic and  
10 work force development.

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

16 (1) To employ the chancellor to serve at the board's  
17 pleasure under fixed term or contract of fixed duration of not  
18 longer than five (5) years; to fix his salary; to prescribe and  
19 delineate his duties and responsibilities; prior to the renewal  
20 of such term or contract, the board shall conduct an evaluation  
21 of the chancellor's service to determine whether such term or  
22 contract should be renewed and for what period of time.

23 (2) To appoint from the list submitted by the chancellor,  
24 pursuant to section 2005-A(4), presidents of the constituent  
25 institutions to serve at the board's pleasure under fixed terms  
26 or contracts of fixed duration, to fix the salaries and other  
27 terms of appointment of each president and prior to renewal of  
28 such term or contract consider the results of the evaluation of  
29 each president's service submitted by the chancellor.

30 (3) To establish policies and procedures to be applied by

1 the chancellor, the board and each local council in evaluating  
2 the president and recommending the selection, retention and  
3 dismissal of the president of its respective institution.

4 (4) To establish broad fiscal, personnel and educational  
5 policies under which the institutions of the system shall  
6 operate.

7 (5) To create new undergraduate and graduate degree  
8 programs, which shall not be subject to the rules and  
9 regulations of the State Board of Education; to approve  
10 extension campuses and new external degree programs subject to  
11 the rules and regulations of the State Board of Education; to  
12 promote cooperation among institutions, including the  
13 development of consortia within the system and other educational  
14 institutions and agencies.

15 (6) To establish general policies for the admission of  
16 students and to assure procedural protection for the discipline  
17 and expulsion of students. The actual admission of students  
18 shall remain the province of the individual institutions.

19 (7) To coordinate, review, amend and approve the annual  
20 capital budget requirements of the system, the annual operating  
21 budgets of the individual institutions and the operating budget  
22 of the chancellor and the board. The board shall present these  
23 annual budgets with comments to the secretary for presentation  
24 to the State board. The State board shall return such budget  
25 requests, recommending approval or disapproval with comments, if  
26 any, to the secretary prior to their submission to the Secretary  
27 of Budget and Administration. The board may also submit its  
28 budget recommendations and findings to the General Assembly  
29 subsequent to the submission of the Governor's budget to the  
30 General Assembly. For the purpose of administration, the system

1 shall be subject to Article VI of the act of April 9, 1929  
2 (P.L.177, No.175), known as "The Administrative Code of 1929,"  
3 except for section 615.

4 (8) To establish general personnel policies under which the  
5 institutions shall operate consistent with merit principles; to  
6 determine equivalent degree and teaching experience  
7 qualifications for appointment or promotion of faculty employes  
8 within the classifications enumerated in the act of January 18,  
9 1952 (1951 P.L.2111, No.600), referred to as the State College  
10 Faculty Compensation Law, to include, but not be limited to, the  
11 Degrees of Juris Doctor and Master of Fine Arts; and to enter  
12 into collective bargaining agreements pursuant to the act of  
13 July 23, 1970 (P.L.563, No.195), known as the "Public Employe  
14 Relations Act," in accordance with section 2003-A of this act.

15 (9) To recommend approval or disapproval of all system  
16 building projects to the Secretary of the Budget which are not  
17 within the contracting authority of the system under section  
18 2003-A.1.

19 (10) To represent the system before the General Assembly,  
20 the Governor and the State board.

21 (11) To fix the levels of tuition fees, except student  
22 activity fees. Tuition fees shall include a differential for  
23 such charges between students who are residents of the  
24 Commonwealth and students who are nonresidents.

25 (12) To adopt general policies with regard to student  
26 activity fees and to provide for student participation in the  
27 formulation of these policies.

28 (13) To establish policies regarding waiver, deferment and  
29 refund of tuition fees and other charges and fees.

30 (13.1) To set the amounts for fines for violations of rules

1 respecting the use, parking and operation of motor vehicles on  
2 system facilities, which may be established to exceed the  
3 amounts which municipalities are authorized to assess for such  
4 offenses under 75 Pa.C.S. (relating to vehicles).

5 (14) To make all reasonable rules and regulations necessary  
6 to carry out the purposes of this article and the duties of the  
7 board.

8 (15) To do and perform generally all of those things  
9 necessary and required to accomplish the role and objectives of  
10 the system.

11 (b) The Board of Governors shall provide for the holding of  
12 regular and special meetings. Eleven (11) governors attending  
13 shall constitute a quorum for the transaction of any business  
14 and, unless a greater number is required by the bylaws of the  
15 board, the act of a majority of the governors present at any  
16 meeting shall be deemed the act of the board.

17 Section 2007-A. Commission of Presidents.--The commission of  
18 presidents of the system shall consist of the presidents of the  
19 several institutions who shall annually select one (1) of their  
20 members as chairperson. The commission shall recommend policies  
21 for the institutions and shall act in an advisory capacity to  
22 the chancellor and the governors. The commission shall meet  
23 quarterly and additionally at the call of its chairperson or the  
24 chancellor. A majority of the presidents shall constitute a  
25 quorum.

26 Section 2008-A. Councils of Trustees.--(a) The council of  
27 each of the institutions shall consist of eleven (11) members  
28 who, except for student members, shall be nominated and  
29 appointed by the Governor with the advice and consent of the  
30 Senate. At least two (2) members of the eleven (11) member

1 council of trustees shall be alumni of the institution.

2 (b) Ten (10) members of each council shall serve terms of  
3 six (6) years, respectively, and until their respective  
4 successors are duly appointed and qualified. One (1) member of  
5 each council shall be a full-time undergraduate student in good  
6 academic standing, other than freshman, enrolled for at least  
7 twelve (12) semester hours at the institution of which he is a  
8 trustee. The student member shall serve a term of four (4) years  
9 or for so long as he is a full-time undergraduate student in  
10 attendance at the institution of which he is a trustee,  
11 whichever period is shorter, and is in good academic standing.  
12 Vacancies occurring before the expiration of the term of any  
13 member shall be filled in like manner for the unexpired term.  
14 Student members of the Council of Trustees shall be appointed by  
15 the Governor and shall not be subject to Senate confirmation. If  
16 a student member is temporarily unable, for medical or valid  
17 academic reasons, to fulfill the responsibilities of office, the  
18 Council of Trustees may request that the Governor appoint an  
19 otherwise qualified student to serve as an alternate until the  
20 return of the student member.

21 (c) The members of each board of trustees of a former State  
22 college or university serving in such capacity on the effective  
23 date of this act shall continue to serve for the balance of  
24 their respective terms.

25 (d) Six (6) members of a council shall constitute a quorum.  
26 Each council shall select from its members a chairperson and a  
27 secretary to serve at the pleasure of the council. Each council  
28 shall meet at least quarterly, and additionally at the call of  
29 the president, or its chairperson, or upon request of three (3)  
30 of its members.

1 Section 2009-A. Powers and Duties of Councils of Trustees.--

2 In accordance with the rules and regulations adopted by the  
3 board, the council of each institution shall have the power and  
4 its duty shall be:

5 (1) To make recommendations to the chancellor for the  
6 appointment, retention or dismissal of the president following  
7 consultation with students, faculty and alumni.

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

11 (3) To review and approve the recommendations of the  
12 president as to standards for the admission, discipline and  
13 expulsion of students.

14 (4) To review and approve the recommendations of the  
15 president pertaining to policies and procedures governing the  
16 use of institutional facilities and property.

17 (5) To approve schools and academic programs.

18 (6) To review and approve the recommendations of the  
19 president pertaining to annual operating and capital budget  
20 requirements for forwarding to the board.

21 (7) To review and approve charges for room and board and  
22 other fees except student activity fees.

23 (8) To conduct an annual physical inspection of facilities  
24 and make recommendations regarding maintenance and construction  
25 to the board.

26 (9) To review and approve all contracts and purchases  
27 negotiated or awarded by the president with or without  
28 competitive bidding and all contracts for consultative services  
29 entered by the president.

30 (10) To represent the institution at official functions of

1 the Commonwealth.

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

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

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

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

25 (1) Except insofar as such matters are governed by  
26 collective bargaining agreements entered pursuant to the act of  
27 July 23, 1970 (P.L.563, No.195), known as the "Public Employe  
28 Relations Act," and subject to the policies of the board, to  
29 appoint such employes, professional and noninstructional,  
30 graduate assistants, etc. as necessary, to fix the salaries and

1 benefits of employes, professional and noninstructional, and to  
2 establish policies and procedures governing employment rights,  
3 promotion, dismissal, tenure, leaves of absence, grievances and  
4 salary schedules.

5 (2) To make and implement specific campus policies  
6 pertaining to instructional programs, research programs and  
7 public service programs and define academic standards in  
8 accordance with policies of the board following consultation  
9 with the council, faculty and students.

10 (3) To develop and implement policies and procedures for the  
11 administration of the institution. To develop and implement, in  
12 conjunction with the local campus student government  
13 association, policies and procedures by which student  
14 organizations may be created and operated.

15 (4) To establish policies and procedures for the admission,  
16 discipline and expulsion of students which shall be consistent  
17 with policies of the board and the local council.

18 (5) To establish policies and procedures governing the use  
19 of institutional facilities and property in accordance with  
20 guidelines established by the local council.

21 (6) In cooperation with the student association, to fix  
22 student activity fees and supervise the collection, retention  
23 and expenditure thereof.

24 (7) To waive, defer and refund tuition fees and other  
25 charges and fees consistent with policies established by the  
26 board.

27 (8) To prepare and, after review and action by the council,  
28 submit to the chancellor the annual operating and capital budget  
29 requirements for the institution.

30 (9) To determine from appropriations, tuition fees, charges

1 and other fees and other available funds with the exception of  
2 student activity fees, the expenditures to be made for  
3 instructional, extracurricular, administrative, custodial and  
4 maintenance services, equipment and supplies, and for furniture  
5 for instructional, extracurricular, administrative and service  
6 facilities and to reallocate such sums among the various  
7 expenditure classifications as may be necessary for the  
8 effective management of the institution: Provided, That no such  
9 reallocation shall exceed the total allocations of the  
10 institution.

11 (10.1) Within the limitations of the operating budget and  
12 other available funds in accordance with the procedures  
13 established by the board and with the approval of the local  
14 council, to negotiate and award all contracts for equipment,  
15 services and supplies in excess of a cost of a base amount of  
16 eighteen thousand five hundred dollars (\$18,500), subject to  
17 adjustment under section 120, on a competitive bid basis and to  
18 purchase instructional, educational, extracurricular, technical,  
19 administrative, custodial and maintenance equipment and supplies  
20 not in excess of a cost of a base amount of eighteen thousand  
21 five hundred dollars (\$18,500), subject to adjustment under  
22 section 120, without competitive bidding, except that such items  
23 shall not be bought in series to avoid the dollar ceiling.

24 (11) To cooperate with and accept grants and assistance from  
25 Federal and State agencies, local governments or other political  
26 subdivisions, foundations, corporations, or any other source for  
27 any of the lawful purposes of the institution. Each institution  
28 shall have the power to bank and use such grants as directed by  
29 the grantor and subject to the limitations of this act, except  
30 that grants and assistance from sources other than State

1 agencies, local governments or other political subdivisions  
2 shall not be subject to the provisions of clause (10). All  
3 moneys received from sources authorized by this section are  
4 hereby appropriated to each of the several institutions granted  
5 such moneys. All such moneys shall be subject to audit by the  
6 Auditor General.

7 (12) To authorize personnel to travel within or without the  
8 Commonwealth at institutional expense in accordance with  
9 regulations of the council.

10 (13) Within the limitations of the operating budget and  
11 other available funds, to enter into contracts for consultative  
12 service not to exceed five thousand dollars (\$5,000) per  
13 contract.

14 (14) To enter into contracts in accordance with policies of  
15 the council, to enable students to engage in student teaching or  
16 other training in order to obtain experience in a particular  
17 field.

18 (15) To employ or contract for the necessary institutional  
19 services consistent with policies and procedures established by  
20 the board.

21 (16) Consistent with the policies of the board to do and  
22 perform all of those other things necessary and required for the  
23 orderly operation of the institution.

24 Section 2011-A. Rental Fees and Other Charges.--(a) In  
25 addition to rental fees fixed, charged and collected in the  
26 manner provided by law from each student residing in State-owned  
27 or State-leased residential facilities at an institution for the  
28 maintenance and operation of such facilities, a sum shall be  
29 fixed by the president, with approval of the Council of  
30 Trustees, and charged and collected from each such person as an

1 additional rental fee. Such additional rental fees shall be  
2 credited to a Reserve Fund for contingencies and capital  
3 replacements.

4 (b) In addition to the other fees from time to time fixed,  
5 charged and collected in the manner provided by law, a fee of  
6 ten dollars (\$10) per semester of eighteen (18) weeks and a  
7 proportionate fee for each trimester, quarter, term and summer  
8 sessions of six (6) weeks or three (3) weeks shall be fixed,  
9 charged and collected from each student while in attendance at a  
10 university for which the General State Authority has taken title  
11 to a student community building, which fee shall be credited to  
12 the Department of General Services and shall be fixed by the  
13 council of trustees in amounts sufficient to meet rentals due to  
14 the General State Authority, pursuant to contracts to lease  
15 student community buildings constructed by the said authority  
16 for the use of the system universities.

17 Section 2012-A. Diplomas and Certificates.--The board shall  
18 prescribe minimum standards for graduation from the system. Each  
19 graduate shall receive such diploma as the board shall  
20 prescribe. The system shall be authorized to grant  
21 baccalaureate, master's and doctoral degrees as limited by  
22 section 2003-A for successful completion of prescribed courses  
23 of study and such other certificates and degrees as the board  
24 may authorize.

25 Section 2013-A. Teachers' and Employees' Retirement Plans.--  
26 Pursuant to the provisions of 24 Pa.C.S. § 8301 (relating to  
27 mandatory and optional membership), all professional and other  
28 employes of the system and its institutions shall be accorded  
29 the right to elect participation in the Pennsylvania Public  
30 School Employees' Retirement System or the State Employees'

1 Retirement System. Alternatively, eligible employes shall have  
2 the right to elect participation in the Teachers' Insurance and  
3 Annuity Association of America--College Retirement Equities Fund  
4 (TIAA-CREF) retirement plan or in an alternative retirement plan  
5 or plans offered by any insurance company authorized to issue  
6 annuity contracts in this Commonwealth or mutual fund company  
7 with investment options meeting the requirements of a qualified  
8 plan under the Internal Revenue Code of 1986 (Public Law 99-514,  
9 26 U.S.C. § 1 et seq.). The alternative retirement plans shall  
10 be selected by the system pursuant to the request-for-proposal  
11 process.

12 Section 2014-A. Nondiscrimination.--No person shall be  
13 denied matriculation at any system institution or a position as  
14 a governor, trustee, faculty member, or employe of the system,  
15 or the opportunity to contract with the system or its  
16 constituent institutions because of race, color, religion, age,  
17 sex, national origin, handicap or political affiliation. The  
18 board shall develop and promulgate by regulation a plan assuring  
19 equal opportunity in educational access, employment and  
20 contracting. The plan shall provide for nondiscrimination and  
21 compliance with respect to contracting practices for the system,  
22 its constituent institutions and their contractors,  
23 subcontractors, assignees, lessees, agents, vendors and  
24 suppliers.

25 Section 2015-A. Annual Audit.--(a) The activities of the  
26 system under this article shall be subject to the audit of the  
27 Department of the Auditor General, but the system shall not be  
28 required to pay a fee for any such audit. It shall make an  
29 annual report to the State board and to the General Assembly  
30 showing its condition at the end of the Commonwealth's fiscal

1 year.

2 (b) The system shall report its financial statements in  
3 accordance with generally accepted accounting principles as  
4 prescribed by the National Association of College and University  
5 Business Officers, the American Institute of Certified Public  
6 Accountants or any other recognized authoritative body, as well  
7 as applicable policy and standards promulgated by the  
8 Commonwealth and the Federal Government.

9 Section 2016-A. Continuation of Powers and Duties.--All  
10 powers, rights, privileges, duties and obligations, statutory,  
11 contractual or otherwise, of the institutions or their  
12 predecessors and their respective council of trustees and  
13 officers, heretofore existing and not otherwise changed or  
14 repealed by this act, shall continue in full force and effect.

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

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

24 (i) The definitions and numbers of faculty members employed  
25 full time, of faculty members employed part time, of full-time  
26 students enrolled in graduate courses, of full-time students  
27 enrolled in undergraduate courses, of part-time students  
28 enrolled in graduate courses, and of part-time students enrolled  
29 in undergraduate courses.

30 (ii) The total numbers of undergraduate student credit

1 hours, divided into lower division and upper division course  
2 levels, and of graduate student credit hours divided into three  
3 course levels--master's, first professional and doctoral.

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

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

12 (2) For the summer term and the following academic year in  
13 total and for each two digit CIP program category, a  
14 classification of faculty members or other professional employes  
15 by title, including: professor, associate professor, assistant  
16 professor, instructor, lecturer, research associate, librarian  
17 and academic administrator; faculty members or other  
18 professional employes under each title to be subdivided by type  
19 of assignment: teaching and nonteaching, and each such set of  
20 faculty members or other professional employes to be further  
21 subdivided by type of employment: full time or part time; and  
22 the following aggregates for each subdivided classification:

23 (i) The number of faculty and other professional employes  
24 and their full-time equivalence in instructional and  
25 noninstructional functions.

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

30 (iii) The sum of credits assigned to undergraduate

1 individual instruction courses and the sum of credits assigned  
2 to graduate individual instruction courses taught, divided into  
3 lower division, upper division, master's, first professional and  
4 doctoral course levels.

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

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

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

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

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

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

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

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

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

19 Section 2018-A. Method of Disposition; Consideration by the  
20 General Assembly.--(a) Whenever the system deems that it is  
21 necessary or desirable to sell, transfer or dispose of real  
22 property acquired by and titled to it, it shall request  
23 authorization from the General Assembly to sell, transfer or  
24 dispose of said real property; and from time to time, as  
25 necessary, the system shall submit to the Chief Clerk of the  
26 House of Representatives and the Secretary of the Senate  
27 requests to sell, transfer or dispose of real property acquired  
28 by and titled to the system for consideration by the General  
29 Assembly.

30 (b) Each request for authorization to sell, transfer or

1 dispose of real property transmitted to the General Assembly  
2 shall be proposed as a resolution, and shall be placed on the  
3 calendar of each house for the next legislative day following  
4 its receipt, and shall be considered by each house within thirty  
5 (30) calendar days of continuous session of the General  
6 Assembly.

7 (c) Each request for authorization to sell, transfer or  
8 dispose of real property shall take effect if it is approved by  
9 a majority vote of the duly elected membership of each house  
10 during such thirty-day period or may be disapproved by either  
11 house during that period by a majority vote of the duly elected  
12 membership of each house.

13 (d) No resolution shall be effective:

14 (1) unless it designates the number of the request for  
15 authorization to sell, transfer or dispose of real property and  
16 the date on which it was transmitted to the General Assembly; or

17 (2) if it specifies more than one request for authorization  
18 to sell, transfer or dispose of real property except as  
19 otherwise provided by subsection (g) of this section.

20 (e) The effective date of each request for authorization to  
21 sell, dispose or transfer real property shall be the date of  
22 approval of the last of the two houses to act. Upon the  
23 expiration of the thirty-day period after the delivery of the  
24 request for authorization to sell, dispose or transfer real  
25 property to the two Houses of the General Assembly and the  
26 failure to act as provided in subsection (c) of this section,  
27 each request for authorization to sell, dispose or transfer real  
28 property shall become effective.

29 (f) For the purposes of subsection (b) of this section:

30 (1) Continuity of session shall be considered as broken only

1 by an adjournment of the General Assembly sine die.

2 (2) In the computation of the thirty-day period, there shall  
3 be excluded the days on which either house is not in session  
4 because of an adjournment of more than ten (10) days to a day  
5 certain.

6 (g) Any provision of the request for authorization to sell,  
7 dispose or transfer real property may, under provisions  
8 contained therein, be made operative at a time later than the  
9 date on which the request for authorization to sell, transfer or  
10 dispose of real property otherwise takes effect.

11 Section 2020-A. Articulation Agreements.--Funds appropriated  
12 for program initiatives, including performance measurement and  
13 systemwide technology initiatives, shall be contingent upon the  
14 State System of Higher Education making all articulation  
15 agreements with other higher education institutions available on  
16 its Internet website.]

17 Section 2. The act is amended by adding an article to read:

18 ARTICLE XX-A.1

19 THE STATE SYSTEM OF HIGHER EDUCATION

20 Section 2001-A.1. Definitions.

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

24 "Board." The Board of Governors of the State System of  
25 Higher Education.

26 "Campus police." All law enforcement personnel employed by  
27 the system who have successfully completed a campus police  
28 course of training approved under 53 Pa.C.S. Ch. 21 Subch. D  
29 (relating to municipal police education and training).

30 "Chancellor." The chief executive officer of the system.

1       "CIP." Classification of Instructional Program.

2       "Coalition bargaining." Two or more employers bargaining  
3 jointly with all employees in a particular category or  
4 bargaining unit so that one collective process would determine  
5 the conditions of employment for all employers in the  
6 appropriate units involved.

7       "Deferment." An authorized delay in the payment by a student  
8 of all or part of the student's tuition fee, charges for room  
9 and board, application fee, student activity fee or any other  
10 charge or fee.

11       "Employer." The board as the successor employer to the  
12 Commonwealth of Pennsylvania.

13       "Graduate assistant." A graduate student appointed by the  
14 president and assigned to a faculty or staff member to assist in  
15 research, instruction and other related professional duties.

16       "Grounds." All lands and buildings owned, controlled, leased  
17 or managed by the system and all highways, trafficways and  
18 bicycle and pedestrian facilities that traverse or abut the  
19 lands and buildings.

20       "Higher education." An organized program of instruction,  
21 research or service primarily concerned with a field of  
22 organized knowledge, related theory and associated practice or  
23 application of skills that is creditable towards and leads to a  
24 degree.

25       "Maintenance projects." Activities, materials, labor and  
26 contracts necessary to replace, restore, refurbish or enhance  
27 real property, which do not alter the architectural  
28 characteristics, engineering characteristics or the structural  
29 integrity of any structure or utility system, as follows:

30           (1) painting;

- 1           (2) window repair and replacement;
- 2           (3) roof repair and replacement;
- 3           (4) repointing and masonry repair;
- 4           (5) downspout and gutter repair and replacement;
- 5           (6) landscaping;
- 6           (7) roadways, parking facilities, track and athletic  
7 court resurfacing and reconstruction;
- 8           (8) sidewalk and curbing reconstruction and replacement;
- 9           (9) asbestos abatement in accordance with all State and  
10 Federal statutes and regulations;
- 11           (10) caulking and insulation; and
- 12           (11) replacement, reconstruction and construction of  
13 nonload bearing interior walls.

14       "Member institution." State-owned colleges and universities  
15 and the personnel, physical plant, instructional equipment,  
16 records and all other property of State-owned colleges and  
17 universities.

18       "Professional employee." An employee whose work:

- 19           (1) is predominately intellectual and varied in  
20 character;
- 21           (2) requires consistent exercise of discretion and  
22 judgment;
- 23           (3) requires knowledge of an advanced nature in the  
24 field of science or learning customarily acquired by  
25 specialized study in an institution of higher learning or its  
26 equivalent; and
- 27           (4) is of such character that the output or result  
28 accomplished cannot be standardized in relation to a given  
29 period of time.

30       "Refund." A return payment or remission by an institution to

1 a student of all or part of any sum the student has paid for  
2 tuition, room and board, application or student activity fee or  
3 any other charge or fee.

4 "Secretary." The Secretary of Education of the Commonwealth  
5 or a designee.

6 "State board." The State Board of Education.

7 "Student." An individual who is enrolled in a course of  
8 study in any institution which is subject to this article.

9 "Student association." The officially recognized  
10 representative body of the student population of each  
11 institution.

12 "System." The State System of Higher Education.

13 "Trustees." The council of trustees of a member institution.

14 "Waiver." A release from initial payment by a student of all  
15 or part of the student's tuition, charge for room and board,  
16 application or student activity fee or any other charge or fee.

17 Section 2002-A.1. Structure of the State System of Higher  
18 Education and member institutions.

19 (a) Establishment.--Subject to the regulatory powers  
20 conferred by law upon the board, there is established a body  
21 corporate and politic constituting a public corporation and  
22 government instrumentality which shall be known as the State  
23 System of Higher Education, independent of the Department of  
24 Education, which shall consist of the following member  
25 institutions:

26 (1) Bloomsburg State College.

27 (2) California State College.

28 (3) Cheyney State College.

29 (4) Clarion State College.

30 (5) East Stroudsburg State College.

- 1           (6) Edinboro State College.
- 2           (7) Indiana University of Pennsylvania.
- 3           (8) Kutztown State College.
- 4           (9) Lock Haven State College.
- 5           (10) Mansfield State College.
- 6           (11) Millersville State College.
- 7           (12) Shippensburg State College.
- 8           (13) Slippery Rock State College.
- 9           (14) West Chester State College.

10       (b) Name.--The institutions under subsection (a) shall be  
11 known as the (Name) University of Pennsylvania of the State  
12 System of Higher Education, except for Indiana University of  
13 Pennsylvania, which shall retain its name. State money  
14 appropriated to the system shall be allocated to the board on a  
15 formula based on, but not limited to, factors including  
16 enrollments, degrees granted and programs.  
17 Section 2003-A.1. Board of Governors of the State System of  
18 Higher Education.

19       (a) Board.--The system shall be governed and all corporate  
20 powers exercised by the board, which shall consist of nine  
21 members as follows:

22           (1) Two resident members appointed by the Governor.

23           (2) One resident member appointed by the President pro  
24 tempore of the Senate.

25           (3) One resident member appointed by the Speaker of the  
26 House of Representatives.

27           (4) One resident member appointed by the Minority Leader  
28 of the Senate.

29           (5) One resident member appointed by the minority leader  
30 of the House of Representatives.

1 (6) One student member of a member institution appointed  
2 by the Governor with a term to expire at graduation.

3 (7) One faculty member of a member institution selected  
4 by the faculty member's peers.

5 (8) One council of trustees member of a member  
6 institution appointed by the Governor.

7 (9) (Reserved).

8 (b) Terms.--The appointed members shall serve staggered  
9 seven-year terms. For initial appointments under subsection (a)  
10 beginning July 1, 2019, three members shall serve two-year  
11 terms, three members shall serve three-year terms and three  
12 members shall serve seven-year terms.

13 (c) Compensation.--Members of the board shall receive no  
14 compensation but may be reimbursed for travel and per diem  
15 expenses.

16 (d) Authority.--The board, in exercising authority under the  
17 laws of this Commonwealth, shall exercise authority in a manner  
18 that supports, promotes and enhances the system to provide  
19 affordable access to postsecondary educational opportunities for  
20 residents of this Commonwealth.

21 Section 2004-A.1. Powers and duties of board.

22 (a) General.--The board, or the board's designee, in  
23 consultation with the council of trustees of a member  
24 institution, shall be responsible for cost-effective policy  
25 decisions appropriate to each member institution's mission, the  
26 implementation and maintenance of high-quality education  
27 programs, the measurement of performance, the reporting of  
28 information and the provision of input regarding State policy,  
29 budgeting and education standards.

30 (b) Management.--The board, or the board's designee, must:

1           (1) Define the distinctive mission of each member  
2 institution.

3           (2) Define the articulation of each member institution.

4           (3) Ensure the well-planned coordination and operation  
5 of the system.

6           (4) Avoid wasteful duplication of facilities or programs  
7 within the system.

8           (5) Account for expenditure of money appropriated by the  
9 General Assembly for the system.

10           (6) Submit a budget request for legislative  
11 appropriations for the system and the member institutions.

12           (7) Adopt strategic plans for the system and each member  
13 institution.

14           (8) Approve, review and terminate degree programs of the  
15 system and each member institution.

16           (9) Govern admissions to the member institutions.

17           (10) Serve as the public employer to all public  
18 employees of member institutions for collective bargaining  
19 purposes.

20           (11) Establish a personnel system for all member  
21 institutions.

22           (12) Comply with and enforce for member institutions  
23 under the board's jurisdiction all applicable Federal, State  
24 and local laws.

25           (c) Finance.--The board, or the board's designee:

26           (1) Shall account for expenditures of all Federal,  
27 State, local and other money. The accounting systems shall  
28 have appropriate audit and internal controls in place in  
29 accordance with generally accepted accounting principles as  
30 prescribed by the National Association of College and

1 University Business Officers, the American Institute of  
2 Certified Public Accountants or any other recognized  
3 authoritative body, as well as applicable policy and  
4 standards promulgated by the Federal Government and the  
5 Commonwealth that will enable the member institutions to  
6 satisfactorily and timely perform all accounting and  
7 reporting functions required by Federal and State laws and  
8 rules.

9 (2) Shall prepare the legislative budget requests for  
10 the system, including a request for fixed capital outlay, and  
11 submit the requests to the Secretary of the Budget for  
12 inclusion in the higher education legislative budget request.  
13 The board shall provide the member institutions with fiscal  
14 policy guidelines, formats and instruction for the  
15 development of member institution's budget requests.

16 (3) Shall establish tuition and fees for each member  
17 institution.

18 (4) Is authorized to secure comprehensive general  
19 liability insurance for member institutions.

20 (d) Accountability.--The following apply:

21 (1) The board shall align the missions of each member  
22 institution with the:

23 (i) academic success of students;

24 (ii) national reputation of the faculty and the  
25 academic and research programs of the institution; and

26 (iii) quantity of externally generated research,  
27 patents and licenses.

28 (2) The board shall develop a strategic plan specifying  
29 goals and objectives for each member institution, including  
30 each member institution's contribution to the overall

1 system's goals and objectives. The strategic plan must  
2 include:

3 (i) Performance metrics and standards common for all  
4 member institutions and metrics and standards unique to  
5 member institutions depending on each member  
6 institution's core missions, including, but not limited  
7 to, student admission requirements, retention,  
8 graduation, percentage of graduates who have attained  
9 employment, percentage of graduates enrolled in continued  
10 education, average wages of employed graduates, average  
11 cost per graduate, excess hours, student loan burden and  
12 default rates, faculty awards, total annual research  
13 expenditures, patents, licenses and royalties,  
14 intellectual property, start-up companies, annual giving,  
15 endowments, and well-known, highly respected national  
16 rankings for member institutions and program  
17 achievements.

18 (ii) Student enrollment and performance data  
19 delineated by method of instruction, including, but not  
20 limited to, traditional, online and distance learning  
21 instruction.

22 (3) The board shall develop an accountability plan for  
23 the system and each member institution. The accountability  
24 plan must address each member institution's achievement and  
25 the system's achievement of goals and objectives specified in  
26 the strategic plan adopted under paragraph (2) and must be  
27 submitted as part of the board's executive budget request.

28 (4) Beginning in the 2019-2020 fiscal year and annually  
29 thereafter, the board shall require a member institution  
30 prior to registration to provide each enrolled student

1 electronic access to the economic security report of  
2 employment and earning outcomes prepared by the Department of  
3 Education. In addition, the board shall require a member  
4 institution to provide each student electronic access to the  
5 following information each year prior to registration:

6 (i) The top 25% of degrees reported by the member  
7 institution in terms of highest full-time job placement  
8 and highest average annualized earnings in the year after  
9 earning the degree.

10 (ii) The bottom 10% of degrees reported by the  
11 member institutions in terms of lowest full-time job  
12 placement and lowest average annualized earnings in the  
13 year after earning the degree.

14 (5) The board shall maintain an effective information  
15 system to provide accurate, timely and cost-effective  
16 information about each member institution. The board shall  
17 continue to collect and maintain, at a minimum, management  
18 information as such information existed on June 30, 2019.

19 (6) If the board determines that a member institution's  
20 trustees are unwilling or unable to address substantiated  
21 allegations made by a person relating to waste, fraud or  
22 financial mismanagement within the member institution, the  
23 Office of Inspector General shall investigate the  
24 allegations.

25 (7) The board may request authority from the General  
26 Assembly to waive or modify specific statutory requirements  
27 in order to reduce barriers and support the attainment of  
28 goals identified in member institutions' plans, as necessary  
29 for advancing system priorities and unique member institution  
30 priorities. Regulatory flexibilities authorized and statutory

1 flexibilities authorized or requested by the board under this  
2 subsection must be included in the accountability plan  
3 prepared and submitted under paragraph (3).

4 (8) The board, or the board's designee, shall develop  
5 guidelines and procedures related to data and technology,  
6 including information systems, communications systems,  
7 computer hardware and software and networks.

8 (9) The board shall develop guidelines for supervising  
9 faculty practice plans for academic health science centers.

10 (10) The board shall prescribe conditions for direct-  
11 support system health services support organizations to be  
12 certified and to use member institution property and  
13 services. Conditions relating to certification must provide  
14 for audit review and oversight by the board.

15 (11) The board shall ensure that students at member  
16 institutions have access to general education courses as  
17 provided in the Statewide articulation agreement, pursuant to  
18 section 2012-A.1.

19 (12) The board shall approve baccalaureate degree  
20 programs that require more than 120 semester credit hours of  
21 coursework prior to the programs being offered by a member  
22 institution. At least half of the required coursework for any  
23 baccalaureate degree must be offered at the lower-division  
24 level, except in program areas approved by the board.

25 (13) The board, or the board's designee, shall adopt a  
26 written antihazing policy, appropriate penalties for  
27 violations of the policy and a program for enforcing the  
28 policy.

29 (14) The board, or the board's designee, may establish a  
30 uniform code of conduct and appropriate penalties for

1 violations of regulations by students and student  
2 organizations, including regulations governing student  
3 academic honesty. The penalties, unless otherwise provided by  
4 law, may include reasonable fines, the withholding of  
5 diplomas or transcripts pending compliance with regulations  
6 or payment of fines and the imposition of probation,  
7 suspension or dismissal.

8 (15) The board shall adopt regulations requiring member  
9 institutions to use purchasing agreements or State-term  
10 contracts under 62 Pa.C.S. (relating to procurement) or enter  
11 into consortia and cooperative agreements to maximize the  
12 purchasing power for goods and services. A consortium or  
13 cooperative agreement may be Statewide, regional or a  
14 combination of institutions, as appropriate to achieve the  
15 lowest cost, with the goal of achieving a 5% savings on  
16 existing contract prices through the use of new cooperative  
17 arrangements or new consortium contracts.

18 Section 2005-A.1. Member institution council of trustees.

19 (a) Council of trustees.--Each member institution shall be  
20 administered by a council of trustees comprised of nine members  
21 as follows:

22 (1) one faculty member of the member institution  
23 selected by the faculty member's peers;

24 (2) the president of the student body of the member  
25 institutions;

26 (3) four citizen members appointed by the Governor; and

27 (4) three citizen members appointed by the Board of  
28 Governors.

29 (b) Powers and structure.--The following apply:

30 (1) Each member institution council of trustees shall be

1 a public body corporate by the name of "The (name of member  
2 institution) Council of Trustees," with all the powers of a  
3 body corporate, including the power to adopt a corporate  
4 seal, to contract and be contracted with, to sue and be sued,  
5 to plead and be impleaded in all courts of law or equity, and  
6 to give and receive donations. In all suits against a council  
7 of trustees, service of process shall be made on the chair of  
8 the council of trustees or, in the absence of the chair, on  
9 the corporate secretary or designee.

10 (2) The corporation shall be constituted as a public  
11 instrumentality, and the exercise by the corporation of the  
12 power conferred by this section shall be considered to be the  
13 performance of an essential public function and shall be  
14 entitled to provide notice of internal review committee  
15 meetings for competitive proposals or procurement to  
16 applicants by mail or facsimile rather than by means of  
17 publication.

18 (3) Each council of trustees shall constitute the  
19 contracting agent of the member institution.

20 (c) Terms.--Trustees appointed under this section shall  
21 serve staggered five-year terms. For initial appointments under  
22 subsection (a) (3), beginning July 1, 2019, three members shall  
23 serve two-year terms, three members shall serve three-year terms  
24 and three members shall serve five-year terms. There shall be no  
25 State residency requirement for council members, but the  
26 Governor and the Board of Governors shall consider diversity and  
27 regional representation.

28 (d) Compensation.--Trustees shall receive no compensation  
29 but may be reimbursed for travel and per diem expenses.

30 (e) Chair and vice chair.--The following apply:

1           (1) Each council of trustees shall select a chair and  
2 vice chair from the appointed trustees.

3           (2) (i) Except as provided under subparagraph (ii),  
4 each chair shall serve for two years and may be  
5 reselected for one additional consecutive two-year term.

6           (ii) For each additional consecutive term beyond the  
7 two terms provided for under subparagraph (i), a council  
8 of trustees may, by a two-thirds votes, reselect the  
9 chair for an additional consecutive two-year term.

10          (3) The chair:

11           (i) shall preside at all meetings of the council of  
12 trustees;

13           (ii) may call special meetings of the council of  
14 trustees;

15           (iii) attest to actions of the trustees; and

16           (iv) notify the board in writing when a trustee has  
17 three consecutive unexcused absences from regular board  
18 meetings in any fiscal year, which may be grounds for  
19 removal by the Board of Governors.

20          (f) Meeting minutes.--Each council of trustees shall keep  
21 and, within two weeks after a board meeting, post prominently on  
22 the member institution's publicly accessible Internet website,  
23 detailed meeting minutes for all meetings, including the vote  
24 history and attendance of each trustee. The board shall adopt  
25 regulations to provide for the implementation of this  
26 subsection.

27          (g) Rental fees and other charges.--The following apply:

28           (1) In addition to rental fees fixed, charged and  
29 collected in the manner provided by law from each student  
30 residing in State-owned or State-leased residential

1 facilities at a member institution for the maintenance and  
2 operation of such facilities, a sum shall be fixed by the  
3 council of trustees, with approval of the board, and charged  
4 and collected from each person as an additional rental fee.  
5 Additional rental fees shall be credited to a reserve fund  
6 for contingencies and capital replacements.

7 (2) In addition to the other fees from time to time  
8 fixed, charged and collected in the manner provided by law, a  
9 fee of \$10 per semester of 18 weeks and a proportionate fee  
10 for each trimester, quarter, term and summer session of six  
11 weeks or three weeks shall be fixed, charged and collected  
12 from each student while in attendance at a member  
13 institution.

14 Section 2006-A.1. Diplomas and certificates.

15 The board shall prescribe minimum standards for graduation  
16 from the system. Each graduate shall receive a diploma as the  
17 board prescribes. The system shall be authorized to grant  
18 baccalaureate, master's and doctoral degrees as limited by  
19 section 2004-A.1 for successful completion of prescribed courses  
20 of study and such other certificates and degrees as the board  
21 may authorize.

22 Section 2007-A.1. Teachers' and employees' retirement plans.

23 Under the provisions of 24 Pa.C.S. § 8301 (relating to  
24 mandatory and optional membership in the system and  
25 participation in the plan), all professional and other employees  
26 of the system and its member institutions shall be accorded the  
27 right to elect participation in the Pennsylvania Public School  
28 Employees' Retirement System or the State Employees' Retirement  
29 System. Alternatively, eligible employees shall have the right  
30 to elect participation in the Teachers' Insurance and Annuity

1 Association of America--College Retirement Equities Fund  
2 retirement plan or in an alternative retirement plan or plans  
3 offered by an insurance company authorized to issue annuity  
4 contracts in this Commonwealth or a mutual fund company with  
5 investment options meeting the requirements of a qualified plan  
6 under the Internal Revenue Code of 1986 (Public Law 99-514, 26  
7 U.S.C. § 1 et seq.). The alternative retirement plans shall be  
8 selected by the system pursuant to the request-for-proposal  
9 process.

10 Section 2008-A.1. Nondiscrimination.

11 No person shall be denied matriculation at a member  
12 institution or a position on the board, as a trustee, faculty  
13 member or employee of the system, or the opportunity to contract  
14 with the system or its member institutions because of race,  
15 color, religion, age, sex, national origin, handicap or  
16 political affiliation. The board shall develop and promulgate by  
17 regulation a plan assuring equal opportunity in educational  
18 access, employment and contracting. The plan shall provide for  
19 nondiscrimination and compliance with respect to contracting  
20 practices for the system, its constituent institutions and the  
21 contractors, subcontractors, assignees, lessees, agents, vendors  
22 and suppliers of the institutions.

23 Section 2009-A.1. Annual audit.

24 (a) Audit.--The activities of the system, including member  
25 institutions, under this article are subject to the audit of the  
26 Department of the Auditor General, but the system, including  
27 member institutions, shall not be required to pay a fee for an  
28 audit. The Auditor General shall make an annual report to the  
29 board and to the General Assembly showing its condition at the  
30 end of the Commonwealth's fiscal year.

1 (b) Financial statements required.--The Auditor General  
2 shall report the financial statements of the system in  
3 accordance with generally accepted accounting principles as  
4 prescribed by the National Association of College and University  
5 Business Officers, the American Institute of Certified Public  
6 Accountants or any other recognized authoritative body, as well  
7 as applicable policy and standards promulgated by the Federal  
8 Government and the Commonwealth. An annual report shall be  
9 submitted in electronic format by the Auditor General to the  
10 President pro tempore of the Senate, the Speaker of the House of  
11 Representatives, the Majority Leader and Minority Leader of the  
12 Senate, the Majority Leader and Minority Leader of the House of  
13 Representatives, the Appropriations Committee of the Senate, the  
14 Appropriations Committee of the House of Representatives, the  
15 Education Committee of the Senate and the Education Committee of  
16 the House of Representatives. Each report, to be submitted prior  
17 to September 1, shall cover the 12-month period beginning with  
18 the summer term of the preceding year and shall include:

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

21 (i) The job titles and descriptions and numbers of  
22 faculty members employed full time, faculty members  
23 employed part time, full-time students enrolled in  
24 graduate courses, full-time students enrolled in  
25 undergraduate courses, part-time students enrolled in  
26 graduate courses and part-time students enrolled in  
27 undergraduate courses.

28 (ii) The total numbers of undergraduate student  
29 credit hours, divided into lower division and upper  
30 division course levels and of graduate student credit

1 hours divided into three course levels, master's, first  
2 professional and doctoral.

3 (iii) The number of different courses scheduled by  
4 level of instruction and the number of sections of  
5 individual instruction scheduled by level of instruction,  
6 each further subdivided by two digit CIP categories of  
7 instructional programs of higher education as defined by  
8 the National Center for Education Statistics, United  
9 States Department of Education.

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

12 (2) For the summer term and the following academic year  
13 in total and for each two digit CIP category, a  
14 classification of:

15 (i) faculty members or other professional employees  
16 by title, including professor, associate professor,  
17 assistant professor, instructor, lecturer, research  
18 associate, librarian and academic administrator;

19 (ii) faculty members or other professional employees  
20 under each title to be subdivided by the assignment of  
21 teaching or nonteaching;

22 (iii) faculty members or other professional  
23 employees under each title to be subdivided by full-time  
24 or part-time employment status; and

25 (iv) the following aggregates for each subdivided  
26 classification:

27 (A) The number of faculty and other professional  
28 employees and their full-time equivalence in  
29 instructional and noninstructional functions.

30 (B) The sum of credits assigned to undergraduate

1 classroom courses and the sum of credits assigned to  
2 graduate classroom courses taught, divided into lower  
3 division, upper division, master's, first  
4 professional and doctoral course levels.

5 (C) The sum of credits assigned to undergraduate  
6 individual instruction courses and the sum of credits  
7 assigned to graduate individual instruction courses  
8 taught, divided into lower division, upper division,  
9 master's, first professional and doctoral course  
10 levels.

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

16 (E) The sum of undergraduate individual  
17 instruction student credit hours and the sum of  
18 graduate individual instruction student credit hours  
19 generated, divided into lower division, upper  
20 division, master's, first professional and doctoral  
21 course levels.

22 (F) The total salary paid for instructional  
23 functions and for noninstructional functions, and the  
24 amount of the salary paid for each of these functions  
25 from Federal money, university money and other money.

26 (3) For each term of the period covered for each faculty  
27 member employed full time identified by two digit CIP  
28 category and title, the report shall contain an analysis of  
29 the average hours per week spent in university-related  
30 activities, stating specifically hours spent in undergraduate

1 classroom contact and graduate classroom contact, hours spent  
2 in preparation, hours spent in research and hours spent in  
3 public service.

4 (4) Each report under this subsection covering a 12-  
5 month period shall include for all programs of the member  
6 institution:

7 (i) The minimum number of credits required for a  
8 baccalaureate degree and for a master's degree.

9 (ii) The number of bachelor's degrees, master's  
10 degrees, first professional degrees and doctoral degrees  
11 awarded in the three previous years and those estimated  
12 for that year.

13 (c) Posting required.--Each report submitted under this  
14 section shall be posted by the system on the system's publicly  
15 accessible Internet website for a period of no less than five  
16 years from the date of submission.

17 Section 2010-A.1. Method of disposition and consideration by  
18 the General Assembly.

19 (a) Sale, transfer or disposal of real property.--If the  
20 system deems that it is necessary or desirable to sell, transfer  
21 or dispose of real property acquired by and titled to it, the  
22 board shall request authorization from the General Assembly to  
23 sell, transfer or dispose of the real property and shall submit  
24 to the Secretary of the Senate and the Chief Clerk of the House  
25 of Representatives requests to sell, transfer or dispose of real  
26 property acquired by and titled to the system for consideration  
27 by the General Assembly.

28 (b) Legislative action and calendar.--The following apply:

29 (1) Each request for authorization to sell, transfer or  
30 dispose of real property transmitted to the General Assembly

1 shall be proposed as a resolution, shall be placed on the  
2 calendar of each house for the next legislative day following  
3 its receipt and shall be considered by each house within 30  
4 calendar days of continuous session of the General Assembly.

5 (2) A resolution approved under paragraph (1) shall not  
6 be effective unless the resolution:

7 (i) designates the number of the request for  
8 authorization to sell, transfer or dispose of real  
9 property and the date on which it was transmitted to the  
10 General Assembly; or

11 (ii) specifies more than one request for  
12 authorization to sell, transfer or dispose of real  
13 property.

14 (3) Continuity of session shall be considered as broken  
15 only by an adjournment of the General Assembly sine die.

16 (4) In the computation of the 30-day period, days on  
17 which either house is not in session because of an  
18 adjournment of more than 10 days to a day certain shall be  
19 excluded.

20 (c) Approval required.--Each request for authorization to  
21 sell, transfer or dispose of real property shall only take  
22 effect if it is approved by a majority vote of the duly elected  
23 membership of each house during the 30-day period.

24 (d) Effective date.--The effective date of each request for  
25 authorization to sell, transfer or dispose of real property  
26 shall be the date of approval of the last of the two houses to  
27 act. Upon the expiration of the 30-day period after the delivery  
28 of the request for authorization to sell, transfer or dispose of  
29 real property to the two Houses of the General Assembly and the  
30 failure to act as provided in subsection (c), each request for

1 authorization to sell, transfer or dispose of real property  
2 shall become effective.

3 Section 2011-A.1. Campus police.

4 (a) Powers and duties.--The following apply:

5 (1) Campus police of a member institution shall have the  
6 power and duty to:

7 (i) enforce good order on the grounds and in the  
8 buildings of the member institution;

9 (ii) protect the grounds and buildings of the member  
10 institution;

11 (iii) exclude all disorderly persons from the  
12 grounds and buildings of the member institution;

13 (iv) adopt means necessary for the performance of  
14 their duties;

15 (v) exercise the same powers as are now or may  
16 hereafter be exercised under authority of law or  
17 ordinance by the police of the municipalities wherein the  
18 member institution is located, including, but not limited  
19 to, those powers conferred under 42 Pa.C.S. Ch. 89 Subch.  
20 D (relating to municipal police jurisdiction);

21 (vi) prevent crime, investigate criminal acts,  
22 apprehend, arrest and charge criminal offenders and issue  
23 summary citations for acts committed on the grounds of  
24 the member institution and carry the criminal offenders  
25 before the proper district justice and prefer charges  
26 against them under the laws of this Commonwealth;

27 (vii) order off the grounds and out of the buildings  
28 of the member institution all trespassers and persons  
29 under the influence of alcohol or controlled substances  
30 and, if necessary, remove them by force and, in case of

1 resistance, carry that person before the proper district  
2 justice and prefer charges against that person under the  
3 laws of this Commonwealth; and

4 (viii) arrest any person who damages, mutilates or  
5 destroys the property of the member institution or  
6 commits any other offense, including threats or acts of  
7 terrorism, on the grounds and in the buildings of the  
8 member institution and carry that person before the  
9 proper district justice and prefer charges against that  
10 person under the laws of this Commonwealth.

11 (2) Except when acting under 42 Pa.C.S. Ch. 89 Subch. D,  
12 campus police shall exercise these powers and perform these  
13 duties only on the grounds of the member institution.

14 (3) For the purposes of applying the provisions of 42  
15 Pa.C.S. Ch. 89 Subch. D under this subsection, the grounds of  
16 the institution shall constitute the primary jurisdiction of  
17 the campus police.

18 (b) Cooperative agreements.--A member institution is  
19 authorized to enter into an agreement with the municipalities  
20 overlain by or abutting its campus to exercise concurrently  
21 those powers and to perform those duties conferred pursuant to a  
22 cooperative police service agreement in accordance with 42  
23 Pa.C.S. § 8953 (relating to Statewide municipal police  
24 jurisdiction). Campus police under this subsection shall have  
25 the same powers, immunities and benefits granted to police  
26 officers in 42 Pa.C.S. Ch. 89 Subch. D. Agreements under this  
27 subsection shall be consistent with the mission and purpose of  
28 the system.

29 (c) Rights of campus police.--When acting within the scope  
30 of the authority of this section, campus police are employees of

1 the member institution and shall be entitled to the same rights.

2 Section 2012-A.1. Articulation agreements.

3 Money appropriated for program initiatives, including  
4 performance measurement and system-wide technology initiatives,  
5 shall be contingent upon the system making all articulation  
6 agreements with other higher education institutions available on  
7 the member institution's publicly accessible Internet website.

8 Section 2013-A.1. State System of Higher Education Performance-  
9 Based Incentive.

10 (a) Award.--The State System of Higher Education  
11 Performance-Based Incentive shall be awarded to member  
12 institutions using performance-based metrics adopted by the  
13 board. The performance-based metrics must include graduation  
14 rates, retention rates, postgraduation education rates, degree  
15 production, affordability, postgraduation employment and  
16 salaries, including wage thresholds that reflect the added value  
17 of a baccalaureate degree, access and other metrics approved by  
18 the board in a formally noticed meeting. The board shall adopt  
19 benchmarks to evaluate each member institution's performance on  
20 the metrics to measure the member institution's achievement of  
21 institutional excellence or need for improvement and minimum  
22 requirements for eligibility to receive performance funding.

23 (b) Amount.--Each fiscal year, the amount of money available  
24 for allocation to the member institutions based on the  
25 performance-based funding model shall consist of the State's  
26 investment in performance funding, plus institutional  
27 investments consisting of money deducted from the base funding  
28 of each member institution of the system in an amount provided  
29 in the general appropriation act. The board shall establish  
30 minimum performance funding eligibility thresholds for the

1 State's investment and the institutional investments. A member  
2 institution that meets the minimum institutional investment  
3 eligibility threshold, but fails to meet the minimum State  
4 investment eligibility threshold, shall have its institutional  
5 investment restored but is ineligible for a share of the State's  
6 investment in performance funding. The institutional investment  
7 shall be restored for each member institution eligible for the  
8 State's investment under the performance-based funding model.

9 (c) Failure to meet threshold.--The following apply:

10 (1) A member institution that fails to meet the board's  
11 minimum institutional investment performance funding  
12 eligibility threshold shall have the institutional investment  
13 withheld by the board and must submit an improvement plan to  
14 the board that specifies the activities and strategies for  
15 improving the member institution's performance. The board  
16 must review and approve the improvement plan and, if the plan  
17 is approved, monitor the member institution's progress in  
18 implementing the activities and strategies specified in the  
19 improvement plan. The member institution shall submit  
20 monitoring reports to the board by December 31 and May 31 of  
21 each year in which an improvement plan is in place. The  
22 ability of a member institution to submit an improvement plan  
23 to the board is limited to one fiscal year.

24 (2) The system shall withhold disbursement of the  
25 institutional investment until the monitoring report is  
26 approved by the board. A member institution determined by the  
27 board to be making satisfactory progress on implementing the  
28 improvement plan shall receive no more than one-half of the  
29 withheld institutional investment in January and the balance  
30 of the withheld institutional investment in June. A member

1 institution that fails to make satisfactory progress may not  
2 have its full institutional investment restored. Any  
3 institutional investment money that is not restored shall be  
4 redistributed in accordance with the board's performance-  
5 based metrics.

6 (d) Distribution.--Distributions of performance funding  
7 under this section shall be made to each of the member  
8 institutions listed in the general appropriation act.

9 (e) Report.--By October 1 of each year, the board shall  
10 submit to the Governor, the President pro tempore of the Senate,  
11 the Speaker of the House of Representatives, the chairperson and  
12 minority chairperson of the Appropriations Committee of the  
13 Senate, the chairperson and minority chairperson of the  
14 Appropriations Committee of the House of Representatives, the  
15 chairperson and minority chairperson of the Education Committee  
16 of the Senate and the chairperson and minority chairperson of  
17 the Education Committee of the House of Representatives a report  
18 on the previous fiscal year's performance appropriation, which  
19 must reflect the rankings and award distributions.

20 (f) Regulations.--The board shall adopt regulations to  
21 administer this section.

22 Section 2014-A.1. Regulatory authority.

23 (a) Authority.--The State board has the authority to  
24 regulate the system and shall adopt a regulation development  
25 procedure for the trustees to use in implementing duties and  
26 responsibilities under this article.

27 (b) Regulations.--The board shall adopt regulations if  
28 expressly authorized or required by law. Regulations must be  
29 adopted pursuant to a development procedure that complies with  
30 subsection (c). If the board delegates a power or duty to a

1 trustee as the designee, the authority to adopt rules or  
2 regulations is included in the delegation. If the board  
3 delegates a statutory power or duty to a trustee, the trustee  
4 shall be subject to the provisions to the same extent as the  
5 board under this subsection.

6 (c) Development procedure.--The following apply:

7 (1) The development procedure for regulations authorized  
8 or required by law must provide for:

9 (i) notice to the public of, and an opportunity for  
10 public comment on, the proposed adoption, amendment or  
11 repeal of a regulation;

12 (ii) a process for a substantially affected person to  
13 challenge a statement of general applicability that has  
14 not been properly adopted as a regulation;

15 (iii) a process for a substantially affected person  
16 to challenge an unlawful regulation; and

17 (iv) a process for the adoption of and challenges to  
18 emergency regulations that are necessary to protect the  
19 public interest in the emergency.

20 (2) Judicial review shall be sought in the appellate  
21 district in which the headquarters of the board is located or  
22 in which the main campus of the member institution is  
23 located, as applicable. The regulation development procedure  
24 shall be published prominently on the publicly accessible  
25 Internet websites of the board and the member institutions.

26 Section 2015-A.1. Prohibition.

27 The board is prohibited from assessing any fee on a member  
28 institution unless specifically authorized by law.

29 Section 2016-A.1. Authorization to revoke or modify delegate  
30 powers.

1       The board may revoke or modify the scope of any power or duty  
2 it has delegated to a designee or trustee.

3 Section 2017-A.1. Continuation of powers and duties.

4       All powers, rights, privileges, duties and obligations,  
5 statutory, contractual or otherwise, of the member institutions  
6 or their predecessors and the respective council of trustees of  
7 the member institutions, heretofore existing and not otherwise  
8 changed or repealed by this act shall continue in full force and  
9 effect.

10       Section 3. This act shall take effect in 60 days.