

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2644 Session of  
2002

INTRODUCED BY SCHULER, ARMSTRONG, HORSEY, ROBINSON, STURLA,  
HERSHEY, DALEY, CREIGHTON, GRUCELA AND CORRIGAN, MAY 8, 2002

REFERRED TO COMMITTEE ON EDUCATION, MAY 8, 2002

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," amending and adding provisions  
6 relating to the Thaddeus Stevens State College of Technology;  
7 making a repeal; and making editorial changes.

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

10 Section 1. Section 1926 of the act of March 10, 1949  
11 (P.L.30, No.14), known as the Public School Code of 1949,  
12 amended October 25, 1967 (P.L.491, No.237), is amended to read:  
13 Section 1926. Schools and Classes in Institutions.--It shall  
14 be within the jurisdiction of the Department of [Public  
15 Instruction] Education to organize and to supervise schools and  
16 classes according to the regulations and standards established  
17 for the conduct of schools and classes of the public school  
18 system in the Commonwealth in all institutions wholly or partly  
19 supported by the Commonwealth which are not supervised by public  
20 school authorities, except the Thaddeus Stevens State College of

1 Technology. Schools and classes so established in wholly state-  
2 owned institutions shall be financed by the department of the  
3 State government having jurisdiction and control of such  
4 institutions. Except as otherwise provided by law, a teacher in  
5 a school or of a class organized and supervised by the  
6 Department of [Public Instruction] Education in an institution  
7 wholly or partly supported by the Commonwealth, teachers in the  
8 Pennsylvania State Oral School for the Deaf, teachers in the  
9 Thaddeus Stevens [Trade School] State College of Technology and  
10 teachers in the Scotland School for Veterans' Children shall  
11 enjoy the same privileges, including tenure rights and be  
12 subject to the same laws as a teacher in the public schools of  
13 the Commonwealth.

14 Section 2. Article XIX-B heading and sections 1901-B, 1902-  
15 B, 1903-B, 1904-B and 1906-B of the act, added December 19, 1990  
16 (P.L.1362, No.211), are amended to read:

17 ARTICLE XIX-B.

18 THADDEUS STEVENS STATE [SCHOOL] COLLEGE OF TECHNOLOGY.

19 Section 1901-B. Short Title.--This article shall be known  
20 and may be cited as the "Thaddeus Stevens State [School] College  
21 of Technology Act."

22 Section 1902-B. Legislative Intent.--It is the intent of the  
23 General Assembly to provide for the continued existence,  
24 operation and administration of the Thaddeus Stevens State  
25 [School] College of Technology.

26 Section 1903-B. Authorization to Continue School  
27 Operations.--The institution known as the Thaddeus Stevens State  
28 [School] College of Technology, established and operated  
29 pursuant to the repealed provisions of the act of May 11, 1905  
30 (P.L.518, No.429), is hereby authorized to continue operations

1 and to receive any State funds or aid to which it may be  
2 entitled. All lawful actions and expenditures made by said  
3 institution between October 4, 1978, and the effective date of  
4 this act are hereby ratified and approved by the General  
5 Assembly. Appropriations for the operation of the institution  
6 shall be considered ordinary expenses of government, requiring  
7 only a majority vote of each House of the General Assembly.

8 Section 1904-B. School Purposes.--(a) The Thaddeus Stevens  
9 State [School] College of Technology, located in Lancaster,  
10 Pennsylvania, shall continue to provide for the postsecondary  
11 education and training of indigent orphans.

12 (b) If a sufficient number of indigent orphans qualified for  
13 admission pursuant to school standards fail to apply, then the  
14 board of trustees of this corporation may admit first other  
15 deserving persons and, thereafter, orphans who may not be  
16 indigent, as the trustees in their best judgment may think  
17 proper.

18 (c) Those shall be deemed orphans who have lost either  
19 parent.

20 Section 1906-B. Board of Trustees.--The board of trustees  
21 shall consist of nine members, who shall serve without  
22 compensation and be appointed by the Governor by and with the  
23 advice and consent of the Senate. Said trustees shall be a body  
24 politic or corporate of the name of the Thaddeus Stevens State  
25 [School] College of Technology. [They shall, under section 1311  
26 of the act of April 9, 1929 (P.L.177, No.175), known as "The  
27 Administrative Code of 1929," have general direction and control  
28 of the property and management of the institution, develop broad  
29 institutional policy and make all necessary bylaws and  
30 regulations, not inconsistent with either the provisions of the

1 Constitution, laws of the Commonwealth or rules and regulations  
2 of the State Board of Education.] Of the trustees first  
3 appointed, three shall serve for one year, three for two years  
4 and three for three years, and, at the expiration of the  
5 respective periods, the vacancies shall be filled by the  
6 Governor, by appointment, for [three] six years, as hereinbefore  
7 provided; and, should any vacancy occur by death or resignation  
8 or otherwise of any trustee, such vacancy shall be filled, by  
9 appointment as aforesaid, for the unexpired term of said  
10 trustee. The Secretary of Education shall be ex officio member  
11 of the board of trustees.

12 Section 3. The act is amended by adding a section to read:

13 Section 1906.1-B. Powers and Duties of the Board of  
14 Trustees.--(a) The board of trustees shall direct and control  
15 the property, personnel, including contract negotiation, and  
16 management of the institution, develop broad institutional  
17 policy and make all necessary bylaws and regulations, not  
18 inconsistent with either the provisions of the Constitution,  
19 laws of the Commonwealth or rules and regulations of the State  
20 Board of Education.

21 (b) The board of trustees shall elect a president, set his  
22 salary and delineate his duties and responsibilities.

23 (c) The board of trustees shall coordinate, review and  
24 approve the annual capital budget requirements of the  
25 institution and the annual operating budget of the institution.  
26 It shall present these annual budgets with comments to the  
27 Secretary of Education for presentation to the State Board of  
28 Education. The State Board of Education shall return such budget  
29 requests, recommending approval or disapproval, with comments,  
30 if any, to the Secretary of Education prior to their submission

1 to the Secretary of the Budget. The board of trustees may also  
2 submit its budget recommendations and findings to the General  
3 Assembly subsequent to the submission of the Governor's budget  
4 to the General Assembly. For the purposes of administration, the  
5 institution shall be subject to Article VI of the act of April  
6 9, 1929 (P.L.177, No.175), known as "The Administrative Code of  
7 1929," except for section 615.

8 (d) The board of trustees shall have the authority to cause  
9 an independent audit of the institution finances.

10 Section 4. Sections 1907-B, 1909-B, 1910-B, 1911-B, 1912-B  
11 and 1913-B of the act, added December 19, 1990 (P.L.1362,  
12 No.211), are amended to read:

13 Section 1907-B. President of School.--The chief  
14 administrator and academic officer of the Thaddeus Stevens State  
15 [School] College of Technology shall be the president whose  
16 duties shall be defined by the board of trustees [and approved  
17 by the Secretary of Education].

18 Section 1909-B. Tuition Students.--In addition to State-  
19 supported resident students as defined in section 1904-B, the  
20 board of trustees may admit for study at the school part-time or  
21 full-time tuition students and shall fix and charge tuition  
22 rates [as approved by the Secretary of Education] for such  
23 students. All money collected as tuition by the institution  
24 shall be [paid into the General Fund and credited to the  
25 appropriations made to the institution.] deposited into an  
26 account held by the institution and expended at the discretion  
27 of a majority of the board of trustees.

28 Section 1910-B. Rights of Faculty and Staff.--(a) Except as  
29 otherwise provided by law, faculty employed in the Thaddeus  
30 Stevens State [School] College of Technology shall continue to

1 enjoy the same rights and privileges as provided on June 30,  
2 1990. Nothing contained herein shall supersede or preempt any  
3 provisions of a collective bargaining agreement negotiated  
4 between the Commonwealth and an exclusive representative of the  
5 employees in accordance with the act of July 23, 1970 (P.L.563,  
6 No.195), known as the "Public Employe Relations Act." In no  
7 event shall the faculty or staff be considered to be in the  
8 classified service, as defined by the act of August 5, 1941  
9 (P.L.752, No.286), known as the "Civil Service Act."

10 (b) All staff hired by the Thaddeus Stevens State College of  
11 Technology after the effective date of this subsection shall be  
12 excluded from classified service, as defined by the "Civil  
13 Service Act."

14 Section 1911-B. Visitation Privileges.--The Governor,  
15 Secretary of Education, judges of the several courts of the  
16 Commonwealth and Senators and Representatives of the General  
17 Assembly shall be ex officio visitors of said institution, and  
18 it shall be subject to inspection by the Department of  
19 Education[, and an annual report of the conduct and management  
20 of the school shall be made by the President of the Thaddeus  
21 Stevens State School of Technology to the General Assembly and  
22 the Secretary of Education].

23 Section 1912-B. Prior References.--Whenever, in any law,  
24 reference is made to the Thaddeus Stevens Industrial and Reform  
25 School of Pennsylvania [or], the Thaddeus Stevens Trade School  
26 or the Thaddeus Stevens State School of Technology, it shall be  
27 deemed to refer to and include the Thaddeus Stevens State  
28 [School] College of Technology.

29 Section 1913-B. Acquisition and Disposition of Property.--  
30 The board of trustees of Thaddeus Stevens State [School] College

1 of Technology shall have the authority to acquire and retain any  
2 property, real, personal or mixed, tangible or intangible,  
3 necessary or desirable for carrying out the purposes of the  
4 school, and to sell, transfer and dispose of any property, real,  
5 personal or mixed, tangible or intangible, or any interest  
6 therein at any time acquired by it and to take, demand, receive  
7 and possess all moneys, real property and goods which shall be  
8 appropriated, given or granted to and for the use of the school  
9 and to apply the same according to the will of the donors; and,  
10 by gift, purchase or devise, to receive, possess, enjoy and  
11 retain forever any and all real and personal estate and funds,  
12 of whatsoever kind, nature or quality the same may be, in  
13 special trust and confidence that the same, and the profits  
14 thereof, shall be applied to and for the use and purpose of  
15 endowing the school, and shall have power to receive donations  
16 from any source whatever, to be exclusively devoted to the  
17 purposes of the school or according to the terms of donation.

18 Section 5. The act is amended by adding sections to read:

19 Section 1914-B. Purchasing.--For purposes of 62 Pa.C.S.  
20 (relating to procurement), the Thaddeus Stevens State College of  
21 Technology shall be considered a "State-affiliated entity" as  
22 defined by 62 Pa.C.S. § 101 (relating to definitions).

23 Section 1915-B. Audit and Financial Reports.--The activities  
24 of said institution shall be subject to the audit of the  
25 Department of the Auditor General, but it shall not be required  
26 to pay a fee for any such audit. The president of the  
27 institution shall be required to make an annual report to the  
28 Governor, the Appropriations Committee and Education Committee  
29 of the Senate and the Appropriations Committee and Education  
30 Committee of the House of Representatives and the State Board of

Education showing the financial condition of the institution at the end of the Commonwealth's fiscal year.

Section 1916-B. Annual Report.--The board of trustees shall be required to submit a report to the Governor, the Appropriations Committee and Education Committee of the Senate and the Appropriations Committee and Education Committee of the House of Representatives and the State Board of Education no later than September 1, which shall cover the twelve-month period beginning with the summer term of the preceding year and shall include:

(1) The definitions and number of faculty members and staff employed full time, the number of faculty members and staff employed part time, the number of full-time students enrolled and the number of part-time students enrolled.

(2) The total number of credit hours taught and the minimum number of credit hours required for graduation.

(3) The degrees and programs offered by the institution.

(4) The total number of graduates and the total number of graduates by degree or program.

(5) The number of terms scheduled and dates thereof.

Section 6. The provisions of section 1311 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, are repealed as to the Thaddeus Stevens State College of Technology.

Section 7. This act shall take effect in 180 days.