

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 965 Session of  
2007

INTRODUCED BY FABRIZIO, ROEBUCK, BIANCUCCI, COHEN, CONKLIN,  
CURRY, DALEY, EACHUS, FRANKEL, FREEMAN, GEORGE, GRUCELA,  
HARHAI, HARKINS, HENNESSEY, HORNAMAN, JAMES, JOSEPHS, KORTZ,  
KULA, MANN, McCALL, MELIO, MURT, PALLONE, PAYNE, PETRARCA,  
PETRONE, SAINATO, SANTONI, SIPTROTH, M. SMITH, SOLOBAY,  
STABACK, STURLA, SURRA, R. TAYLOR, WALKO, WANSACZ, YOUNGBLOOD  
AND SHIMKUS, MARCH 29, 2007

REFERRED TO COMMITTEE ON EDUCATION, MARCH 29, 2007

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," providing for technical college  
6 programs.

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

9 Section 1. The act of March 10, 1949 (P.L.30, No.14), known  
10 as the Public School Code of 1949, is amended by adding an  
11 article to read:

12 ARTICLE XIX-F.

13 TECHNICAL COLLEGE PROGRAMS.

14 Section 1901-F. Definitions.

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

1 "Area vocational technical school" or "AVTS." The term as it  
2 is defined under 22 Pa. Code § 4.3 (relating to definitions).

3 "Community education council." The term as it is defined  
4 under section 1901-D.

5 "Department." The Department of Education of the  
6 Commonwealth.

7 "Educationally underserved area." An area designated by the  
8 Secretary of Education as an adult education, continuing  
9 education and postsecondary education shortage area using  
10 criteria which take into account special barriers to the  
11 provision of education services.

12 "Eligible applicant." Any of the following:

13 (1) An institution of higher education.

14 (2) An institution of higher education in partnership  
15 with any of the following:

16 (i) Another institution of higher education.

17 (ii) An AVTS.

18 (iii) A community education council.

19 (iv) An eligible private licensed school.

20 (v) Any combination of the entities listed under  
21 this paragraph that partner with an institution of higher  
22 education.

23 "Eligible private licensed school." A private licensed  
24 school as the term is defined under section 2 of the act of  
25 December 15, 1986 (P.L.1585, No.174), known as the Private  
26 Licensed Schools Act, that is authorized to confer the degree of  
27 Associate in Specialized Technology or Associate in Specialized  
28 Business and is accredited by the Accrediting Commission of  
29 Career Schools and Colleges of Technology or the Accrediting  
30 Council for Independent Colleges and Schools.

1 "Institution of higher education." Any of the following:

2 (1) An institution of the State System of Higher  
3 Education created under Article XX-A.

4 (2) A community college created under Article XIX-A.

5 (3) The Pennsylvania State University, the University of  
6 Pittsburgh, Temple University, Lincoln University and their  
7 branch campuses.

8 (4) An institution as the term is defined under 24  
9 Pa.C.S. § 6501(a) (relating to applicability of chapter) that  
10 is accredited by the Middle States Commission on Higher  
11 Education.

12 The term does not include an institution which is determined by  
13 the Department of Education to be a theological seminary or  
14 school of theology or a sectarian and denominational  
15 institution.

16 "Lead sponsor." An institution of higher education which as  
17 an eligible applicant receives approval to establish a technical  
18 college program.

19 "Secretary." The Secretary of Education of the Commonwealth.  
20 Section 1902-F. Establishment.

21 Technical college programs are established to create economic  
22 opportunity by providing postsecondary occupational education  
23 and training in educationally underserved areas of this  
24 Commonwealth. Technical college programs shall prepare students  
25 for occupations that require a postsecondary certificate or  
26 associate degree and that demonstrate a high level of current  
27 and projected work force demand in fields that require technical  
28 knowledge and skill.

29 Section 1903-F. Procedures.

30 (a) Approval.--An eligible applicant may seek approval to

1 establish a technical college program in accordance with  
2 policies, standards, rules and regulations developed and  
3 promulgated by the department.

4 (b) Contents of application.--The eligible applicant shall  
5 submit its application in a form and manner prescribed by the  
6 department. Each application shall include all of the following:

7 (1) Each program of study the eligible applicant seeks  
8 to offer, along with the credential or credentials associated  
9 with each.

10 (2) The projected enrollment for each program, both on a  
11 head count and full-time equivalent basis.

12 (3) Designation of the educationally underserved area  
13 the technical college program intends to serve.

14 (4) Evidence of collaboration with partners in industry,  
15 elementary and secondary education and the community.

16 (5) Evidence of planning that includes a regional needs  
17 analysis of postsecondary education and training.

18 (6) The results of a regional economic demand analysis  
19 covering a five-year period that demonstrates the projected  
20 need for the program or programs included in the application.

21 (7) Evidence of the ability to offer local support for  
22 the program. Local support shall include use of building  
23 space.

24 (8) Evidence of fiscal stability based on State payment  
25 as provided under section 1907-F, student tuition as provided  
26 under section 1906-F and other revenue available to the  
27 eligible applicant, which shall be detailed in the  
28 application.

29 (9) Evidence of the ability to provide academic support  
30 necessary to maximize student success.

1           (10) If applicable, status of program accreditation or  
2           approval by appropriate professional entity.

3           (c) Priority criteria.--The department shall establish  
4           priority criteria for evaluating the merit of technical college  
5           program applications. Among other priorities established by the  
6           department, priority in the selection process shall be given to  
7           applicants who:

8           (1) Demonstrate a plan for and ability to serve  
9           educationally and economically disadvantaged students,  
10          including one or more of the following groups:

11           (i) Students with family income equal to or less  
12           than 300% of the Federal poverty level.

13           (ii) Unemployed workers or displaced homemakers.

14           (iii) Individuals receiving or having received in  
15           the last six months prior to the effective date of this  
16           section temporary assistance for needy families.

17           (iv) Students who require assistance in meeting  
18           entry requirements for offered programs.

19           (v) Working students, including full-time and part-  
20           time workers.

21           (2) Provide access to remedial and developmental  
22           coursework or that provide accelerated remediation.

23          Section 1904-F. Credentials and programs offered.

24           (a) Credentials.--Each technical college program shall  
25           award, through the lead sponsor, credit-bearing certificates and  
26           associate degrees. A technical college program shall award no  
27           other degree or credential. Associate degrees awarded through a  
28           technical college program shall be limited to one of the  
29           following:

30           (1) An associate of arts degree.

1           (2) An associate of sciences degree.

2           (3) An associate of applied sciences degree, if an  
3           articulation agreement exists to enable the bearer of the  
4           associate of applied sciences degree to transfer the degree  
5           for full credit to an institution of higher education in  
6           pursuit of a bachelor degree.

7           (b) Program of study.--Each credential must be associated  
8           with an approved program of study. Programs of study shall be  
9           based on Statewide and regional work force needs and shall be  
10           selected from the list of eligible programs of study issued by  
11           the department under section 1911-F. Each program shall be  
12           designed to be completed in no more than two years for a full-  
13           time student or an equivalent period for a part-time student.

14           (c) Expiration of program approval.--The department shall  
15           grant approval for a technical college program to offer the  
16           program of study for a period of five years. Prior to expiration  
17           of program approval, a technical college program may seek  
18           reapproval from the department or may seek approval for an  
19           alternative program of study. All such requests shall be made in  
20           accordance with the policies, standards, rules and regulations  
21           prescribed by the department.

22           (d) Courses.--Each course included in an approved program  
23           shall be offered for credit. No student that has met entrance  
24           requirements shall be required to take courses separate from the  
25           technical college program in order to complete the certificate  
26           or associate degree. Courses may be offered by distance learning  
27           to the extent that distance learning is an appropriate method of  
28           delivering the content of the specific course, as described in  
29           the application of an eligible applicant.

30           Section 1905-F. Enrollment.

1       (a) Eligibility.--Persons who have earned a high school  
2 diploma or equivalent and who meet the eligibility requirements  
3 established for the technical college program under section  
4 1910-F shall be eligible for enrollment if they have been  
5 residents of this Commonwealth for at least 18 months prior to  
6 enrollment. The department may prescribe standards for  
7 determining the place of residence of students and applicants  
8 for admission to technical college programs. Students who wish  
9 to enroll in a technical college program but do not meet the  
10 entrance requirements shall be referred to or offered the  
11 remedial or developmental coursework necessary to meet the  
12 entrance requirements and may be granted admission upon meeting  
13 the entrance requirements as determined by the technical college  
14 program.

15       (b) Priority.--Priority for enrollment shall be given to  
16 residents of the educationally underserved area the technical  
17 college program has been approved to serve.

18       (c) Limits on enrollment.--The full-time equivalent number  
19 of enrolled students on whose behalf the technical college  
20 program is eligible to receive State funding shall be limited to  
21 the amount approved by the department.

22 Section 1906-F. Tuition and fees.

23       (a) Affordability.--A technical college program may charge  
24 tuition and fees to enrolled students. The maximum tuition and  
25 fees that a technical college program may charge shall be set by  
26 the department and adjusted annually and shall be limited to  
27 ensure the affordability of technical college programs for  
28 students in educationally underserved areas.

29       (b) Limits on student charges.--A technical college program  
30 shall not require any student charges, including application

1 fees, lab fees and the like, beyond those approved by the  
2 department.

3 (c) Financial aid.--A student enrolled in a technical  
4 college program shall be eligible for publicly funded financial  
5 aid opportunities in the same manner as similarly situated  
6 students enrolled in the lead sponsor institution.

7 Section 1907-F. State payment.

8 (a) Payment.--The department shall make payment on behalf of  
9 technical college programs to the extent funds are appropriated  
10 by the General Assembly.

11 (b) Operating support.--The department shall, out of funds  
12 appropriated for technical college programs, annually provide  
13 each lead sponsor with operating funding for students enrolled  
14 in the technical college program on a per-student basis. The  
15 department shall be responsible for the allocation and  
16 distribution of State funding among technical college programs.

17 (c) Grants for industry-specified equipment.--The department  
18 shall, out of funds appropriated for technical college programs,  
19 award grants for the purchase or lease of equipment that is  
20 essential to the approved program, that will prepare students  
21 for jobs in the field of study and that meet the requirements of  
22 the department.

23 (d) Prohibition.--Payments made under this section shall not  
24 be used for construction or purchase of space.

25 Section 1908-F. Transferability of credits.

26 (a) Programs offered.--Each program of study offered by a  
27 technical college program shall be designed to maximize the  
28 student's ability to transfer credits earned through a  
29 certificate or associate degree program to another institution  
30 of higher education.

1     (b) Denial of transferability.--An institution of higher  
2 education may not refuse to recognize and award credit based  
3 solely upon the fact that the credit was earned through a  
4 technical college program.

5 Section 1909-F. Annual reporting.

6     (a) Annual report.--A technical college program shall submit  
7 an annual report to the department. The annual report shall  
8 include all of the following:

9         (1) Demographic and program data, including all of the  
10 following:

11             (i) Information on full-time and part-time faculty  
12 and student enrollments, in total and within each program  
13 of study.

14             (ii) Credit hours taught by faculty.

15             (iii) Distance learning courses offered.

16             (iv) Articulation and course equivalency agreements  
17 with higher education institutions.

18         (2) Student progress and achievement measures, including  
19 all of the following:

20             (i) Retention and completion rates.

21             (ii) Passing rates on certification and licensure  
22 examinations.

23             (iii) Number of students employed within one year of  
24 program completion.

25             (iv) Placement into additional education or  
26 employment in the student's field of study.

27     (b) Disaggregation.--Where available, data shall be  
28 disaggregated by categories, including eligibility for financial  
29 aid, part-time and full-time status, gender, race and age.

30     (c) Submittal.--Reports required under this section shall be

1 submitted prior to September 1, 2008, and September 1 of each  
2 year thereafter.

3 Section 1910-F. Duties of lead sponsor.

4 (a) Duties.--A lead sponsor of a technical college program  
5 shall be required to do all of the following:

6 (1) Grant certificates and associate degrees to students  
7 who have completed a program of study through the technical  
8 college program.

9 (2) Provide oversight of the technical college program  
10 through the governance entity of the lead sponsor.

11 (3) Establish for students entrance requirements which  
12 adhere to guidelines issued by the department.

13 (4) Administer the technical college program on a not-  
14 for-profit basis and submit annual financial information as  
15 required by the department.

16 (5) Provide for faculty, curriculum and necessary  
17 equipment to ensure consistently high quality for each  
18 program of study.

19 (b) Partnerships.--A lead sponsor of a technical college  
20 program that enters into a partnership with another applicant  
21 shall maintain final responsibility for the duties enumerated  
22 under subsection (a).

23 Section 1911-F. Duties of department.

24 (a) Powers.--The department shall have the power and its  
25 duty shall be to do all of the following:

26 (1) Adopt policies, standards, rules and regulations, in  
27 consultation with the Department of Labor and Industry,  
28 necessary to establish an application process for technical  
29 college programs and a process for approving, reapproving and  
30 evaluating on an ongoing basis the technical college

1 programs.

2 (2) In consultation with the Department of Labor and  
3 Industry, issue an annual list of approved fields of study  
4 for new programs and consider requests for approval of  
5 programs of study that are not included on the annual list,  
6 if each request includes evidence of collaboration with  
7 employers, information as to the nature of the proposed  
8 program and evidence as to how the program will increase work  
9 force opportunities for participants.

10 (3) In consultation with the Department of Labor and  
11 Industry, promulgate guidelines and approve or disapprove  
12 applications for the equipment grant program established  
13 under section 1907-F(c).

14 (4) Approve or disapprove applications from eligible  
15 applicants to establish a technical college program and to  
16 establish programs of study.

17 (5) Approve or disapprove applications on behalf of a  
18 technical college program to establish new programs of study  
19 and to seek reapproval for existing programs of study.

20 (6) Formulate policies, standards, rules and regulations  
21 necessary to ensure the academic integrity of the technical  
22 college program with respect to curriculum, instruction,  
23 faculty and other issues as determined by the department.

24 (7) Formulate policies, standards, rules and regulations  
25 necessary to provide for the distribution of State funding,  
26 including the setting of a per-student payment rate which may  
27 be adjusted annually.

28 (8) Annually evaluate each technical college program and  
29 each program of study offered by a technical college.

30 (9) Designate educationally underserved areas.

1           (10) Issue guidelines providing for student entrance  
2           requirements.

3           (11) Set limits on enrollment eligible for State funding  
4           and establish an annual process for technical college  
5           programs to seek adjustments to enrollment limits, which the  
6           department shall approve or reject.

7           (12) Set and adjust limits on student tuition and fees.

8 Section 1912-F. Promulgation of standards.

9           Within 30 days of the effective date of this section, the  
10          department shall promulgate interim standards necessary to  
11          implement this article which shall be published in the  
12          Pennsylvania Bulletin. The interim standards shall not be  
13          subject to review under the act of June 25, 1982 (P.L.633,  
14          No.181), known as the Regulatory Review Act, nor shall they be  
15          subject to sections 201 through 205 of the act of July 31, 1968  
16          (P.L.769, No.240), referred to as the Commonwealth Documents  
17          Law, or section 204 of the act of October 15, 1980 (P.L.950,  
18          No.164), known as the Commonwealth Attorneys Act. Within one  
19          year of publication of the interim standards in the Pennsylvania  
20          Bulletin, the department shall promulgate proposed standards.  
21          The interim standards shall remain in effect until the effective  
22          date of the final standards.

23 Section 1913-F. Prohibition.

24          A student enrolled in a technical college program shall not  
25          count toward the enrollment of the lead sponsor or any other  
26          eligible applicant for purposes of State reimbursement or  
27          payment under any appropriation for higher education.

28          Section 2. This act shall take effect July 1, 2007, or  
29          immediately, whichever is later.