

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1205 Session of 2013

INTRODUCED BY FOLMER, BLAKE, DINNIMAN, PILEGGI, YUDICHAK, VULAKOVICH AND BAKER, DECEMBER 4, 2013

SENATOR CORMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED, JANUARY 27, 2014

AN ACT

1 Amending Title 24 (Education) of the Pennsylvania Consolidated
2 Statutes, providing for change of designation to university.

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

5 Section 1. Title 24 of the Pennsylvania Consolidated
6 Statutes is amended by adding a section to read:

7 § 6503.1. Change of designation to university.

8 (a) General rule.--Notwithstanding the provisions of this
9 chapter or other law or regulation to the contrary, a private
10 nonprofit institution, as defined under section 501(c)(3) of the
11 Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. §
12 501(c)(3)), holding a certificate of authority that authorizes
13 the conferral, at a minimum, of bachelor's degrees OR GRADUATE <--
14 DEGREES and using the designation of "college" may, on and after
15 the effective date of this subsection, use the designation of
16 "university" if the institution submits a notarized affidavit to
17 the department stating:

1 (1) As of the date of the affidavit the institution
2 fulfills at least two of the three units necessary for an
3 institution to be designated as a university, as defined in
4 this section.

5 (2) The institution's commitment to meet any additional
6 unit or other requirement necessary to achieve full
7 compliance with the definition contained in this section
8 within a five-year period.

9 (3) IF THE INSTITUTION CANNOT SATISFY THE PROVISIONS OF <--
10 PARAGRAPHS (1) AND (2), IN LIEU THEREOF, THAT THE INSTITUTION
11 FULFILLS ONE OF THE THREE UNITS NECESSARY FOR THE INSTITUTION
12 TO BE DESIGNATED AS A UNIVERSITY AS DEFINED IN THIS SECTION
13 AND THE INSTITUTION PROVIDES A SPECIALIZED TYPE OF
14 EDUCATIONAL PROGRAM THAT WOULD BE ENHANCED BY HAVING THE
15 DESIGNATION OF "UNIVERSITY."

16 ~~(3)~~ (4) That the institution has been in continuous <--
17 operation in this Commonwealth for the ten years preceding
18 the date of the notarized affidavit.

19 ~~(4)~~ (5) That during the preceding ten years, the <--
20 institution has maintained accreditation by the Middle States
21 Commission on Higher Education or another regional
22 accrediting body recognized by the United States Department
23 of Education.

24 ~~(5)~~ (6) That the accreditation status of the institution <--
25 is in good standing and is in compliance with all standards
26 imposed by the Middle States Commission on Higher Education
27 or other regional accrediting body, including, but not
28 limited to, periodic reviews and evaluations.

29 ~~(6)~~ (7) The intended effective date of the change in <--
30 designation.

1 ~~(7)~~ (8) That the institution's board of trustees or
2 similar governing body has approved the change in
3 designation.

4 (b) Documentation.--The institution seeking the change in
5 designation shall include any and all documentation necessary to
6 verify the representations contained in the notarized affidavit.

7 (c) Time period to submit affidavit.--The institution must
8 submit the notarized affidavit to the department no later than
9 90 days before the effective date of the change in designation.
10 The notarized affidavit shall be subject to the penalties of 18
11 Pa.C.S. § 4904 (relating to unsworn falsification to
12 authorities).

13 (d) Review by department.--

14 (1) The department shall review the affidavit and
15 complete its review within 60 days of receipt of the
16 affidavit.

17 (2) If the affidavit complies with the requirements of
18 this section, the department shall accept the affidavit and
19 publish the acceptance as a notice in the Pennsylvania
20 Bulletin. The notice shall include the effective date of the
21 change in designation.

22 (3) If the department fails to complete its review of
23 the affidavit within the 60-day time period, the affidavit
24 shall be deemed accepted and the department shall publish the
25 acceptance as a notice in the Pennsylvania Bulletin.

26 (4) If the affidavit does not comply with the
27 requirements of this section, the department shall reject the
28 affidavit for noncompliance by returning the affidavit to the
29 institution, together with any documentation submitted, and
30 shall state the basis for the rejection.

1 (5) An institution which receives a rejection of its
2 affidavit may submit a corrected or new affidavit for review
3 and acceptance by the department at any time.

4 (e) Five-year plan.--

5 (1) Within 90 days of the effective date of the change
6 in designation, the institution must submit to the department
7 a five-year plan to fulfill any additional unit or other
8 requirement needed for compliance with the definition of
9 "university."

10 (2) Failure of the institution to complete the plan
11 within five years from the effective date of the change in
12 designation shall result in the institution losing its
13 university status. The department may extend the time,
14 provided that the institution demonstrates progress toward
15 fulfillment of the plan.

16 (f) Definitions.--The following words and phrases when used
17 in this section shall have the meanings given to them in this
18 subsection unless the context clearly indicates otherwise:

19 "Institution." An institution of higher education in this
20 Commonwealth.

21 "University." A multiunit institution with a complex
22 structure and diverse educational functions, including
23 instruction, promotion of scholarship, preservation and
24 discovery of knowledge, research and service, that:

25 (1) Consists of a minimum of three units, EXCEPT AS <--
26 PROVIDED IN SUBSECTION (A) (3), as follows:

27 (i) The first unit provides for at least one major
28 in both the arts and sciences at the undergraduate level.

29 (ii) The second unit provides for advanced degree
30 programs in the arts and sciences with at least one major

1 in both the arts and sciences at the undergraduate level.

2 (iii) The third unit provides for any combination of
3 at least five advanced degrees or professional programs
4 at the graduate level.

5 (2) Has a foundation in the arts and sciences which is
6 instilled in the philosophy and implementation of the
7 ~~undergraduate and graduate~~ INSTITUTION'S education <--
8 curriculum.

9 (3) Provides access to cultural facilities and
10 opportunities to the community and utilizes similar assets of
11 the community.

12 Section 2. This act shall take effect immediately.