

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2171 Session of  
2020

INTRODUCED BY SONNEY, TOPPER, SCHROEDER, BENNINGHOFF, BIZZARRO,  
BROWN, EVERETT, GAYDOS, HARKINS, JAMES, JONES, KORTZ, MASSER,  
MILLARD, MOUL, MUSTELLO, OWLETT, PICKETT, RADER, ROAE,  
ROTHMAN, SAYLOR, STAATS, STRUZZI, BRIGGS, SCHLEGEL CULVER AND  
GLEIM, JANUARY 22, 2020

SENATOR LANGERHOLC, EDUCATION, IN SENATE, AS AMENDED,  
JUNE 22, 2020

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," in the State System of Higher~~  
6 ~~Education, further providing for establishment of the State~~  
7 ~~System of Higher Education and its institutions, for board of~~  
8 ~~governors, for the chancellor, for powers and duties of the~~  
9 ~~board of governors, for councils of trustees, for powers and~~  
10 ~~duties of councils of trustees and for power and duties of~~  
11 ~~institution presidents.~~

12 AMENDING THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), ENTITLED "AN <--  
13 ACT RELATING TO THE PUBLIC SCHOOL SYSTEM, INCLUDING CERTAIN  
14 PROVISIONS APPLICABLE AS WELL TO PRIVATE AND PAROCHIAL  
15 SCHOOLS; AMENDING, REVISING, CONSOLIDATING AND CHANGING THE  
16 LAWS RELATING THERETO," IN THE STATE SYSTEM OF HIGHER  
17 EDUCATION, FURTHER PROVIDING FOR DEFINITIONS, FOR  
18 ESTABLISHMENT OF THE STATE SYSTEM OF HIGHER EDUCATION AND ITS  
19 INSTITUTIONS, FOR PURPOSES AND GENERAL POWERS, FOR PROJECT  
20 CONTRACTS, FOR BOARD OF GOVERNORS, FOR THE CHANCELLOR, FOR  
21 POWERS AND DUTIES OF THE BOARD OF GOVERNORS, FOR COUNCILS OF  
22 TRUSTEES, FOR POWERS AND DUTIES OF COUNCILS OF TRUSTEES AND  
23 FOR POWER AND DUTIES OF INSTITUTION PRESIDENTS, FOR RENTAL  
24 FEES AND OTHER CHARGES, FOR ANNUAL REPORT AND FOR CAMPUS  
25 POLICE POWERS AND DUTIES AND PROVIDING FOR STUDENT RECORDS.

26 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 ~~Section 1. Section 2002 A(a) introductory paragraph of the~~ <--  
3 ~~act of March 10, 1949 (P.L.30, No.14), known as the Public~~  
4 ~~School Code of 1949, is amended and the section is amended by~~  
5 ~~adding subsections to read:~~

6 ~~Section 2002 A. Establishment of the State System of Higher~~  
7 ~~Education and its Institutions. (a) Subject to the regulatory~~  
8 ~~powers conferred by law upon the State Board of Education, there~~  
9 ~~is hereby established a body corporate and politic constituting~~  
10 ~~a public corporation and government instrumentality [which~~  
11 ~~shall] to be known as the State System of Higher Education,~~  
12 ~~independent of the Department of Education, hereinafter referred~~  
13 ~~to as the system, which shall consist of the following~~  
14 ~~institutions and such other institutions, presently existing [or~~  
15 ~~newly created, as may hereafter be admitted by the board in~~  
16 ~~concurrence with other agencies as required by law] or until~~  
17 ~~changed as provided under subsections (a.1), (a.2), (a.3), (a.4)~~  
18 ~~and (a.5):~~

19 \* \* \*

20 ~~(a.1) In accordance with section 2006 A(a) (13.2), the board~~  
21 ~~shall develop policies and procedures by which the board may~~  
22 ~~create, expand, consolidate, transfer or affiliate an~~  
23 ~~institution or college. Before the creation, expansion,~~  
24 ~~consolidation, transfer or affiliation of an institution or~~  
25 ~~college, the board shall direct the chancellor, in consultation~~  
26 ~~with the board, to conduct a review of the financial stability~~  
27 ~~of any impacted institution or college utilizing student support~~  
28 ~~metrics, student success metrics and other financial metrics and~~  
29 ~~develop a report and recommendation related to the need for the~~  
30 ~~board to exercise the board's powers under section 2006 A(a)~~

1 ~~(13.2). The report and recommendations shall include, but not be~~  
2 ~~limited to, an analysis of the following:~~

3 ~~(1) Enrollment trends.~~

4 ~~(2) Projections of revenues and expenditures for the current~~  
5 ~~year and the next five (5) years, both assuming the continuation~~  
6 ~~of present operations and as impacted by any recommendation for~~  
7 ~~the board to exercise the board's powers under section 2006 A(a)~~  
8 ~~(13.2).~~

9 ~~(3) Assets, liabilities and institutional reserves.~~

10 ~~(4) Actions undertaken to improve the financial stability of~~  
11 ~~the institution or college and the financial impact of those~~  
12 ~~actions.~~

13 ~~(5) Additional actions that could be taken to improve the~~  
14 ~~financial stability of the institution or college, the projected~~  
15 ~~financial impact of those actions and whether those actions~~  
16 ~~would alleviate the need for the board to exercise the board's~~  
17 ~~powers under section 2006 A(a) (13.2).~~

18 ~~(6) The financial impact on the institution or college and~~  
19 ~~the system if no action is taken by the board to exercise the~~  
20 ~~board's powers under section 2006 A(a) (13.2).~~

21 ~~(7) The financial impact on the surrounding community of the~~  
22 ~~institution or college if action is taken by the board to~~  
23 ~~exercise the board's powers under section 2006 A(a) (13.2).~~

24 ~~(a.2) Upon receipt of the report and recommendation, the~~  
25 ~~board shall develop a proposed implementation plan. The proposed~~  
26 ~~implementation plan shall include the following information:~~

27 ~~(1) Description of the proposal to exercise powers under~~  
28 ~~section 2006 A(a) (13.2).~~

29 ~~(2) Rationale, goals and objectives of the proposal to~~  
30 ~~exercise powers under section 2006 A(a) (13.2).~~

- 1 ~~(3) Method for evaluating achievement of goals and~~  
2 ~~objectives.~~
- 3 ~~(4) Relation of the proposal to the mission and strategic~~  
4 ~~plan of the institution or college and system as a whole.~~
- 5 ~~(5) Impacts on academic programs, nonacademic units and~~  
6 ~~accreditation.~~
- 7 ~~(6) Impacts on student, faculty and staff.~~
- 8 ~~(7) Impacts on the community.~~
- 9 ~~(8) Impacts on shared governance.~~
- 10 ~~(9) Before and after organizational charts for all impacted~~  
11 ~~institutions or colleges.~~
- 12 ~~(10) Information included in the chancellor's report and~~  
13 ~~recommendation under subsection (a.1).~~
- 14 ~~(11) Timeline for the implementation plan.~~
- 15 ~~(a.3) The proposed implementation plan shall be approved by~~  
16 ~~a majority vote of the board. Within fourteen (14) days after~~  
17 ~~issuance of the proposed implementation plan, the board shall do~~  
18 ~~the following:~~
- 19 ~~(1) Transmit a copy of the proposed implementation plan to~~  
20 ~~the following:~~
- 21 ~~(i) chairperson and minority chairperson of the~~  
22 ~~Appropriations Committee of the Senate;~~
- 23 ~~(ii) chairperson and minority chairperson of the Education~~  
24 ~~Committee of the Senate;~~
- 25 ~~(iii) chairperson and minority chairperson of the~~  
26 ~~Appropriations Committee of the House of Representatives; and~~
- 27 ~~(iv) chairperson and minority chairperson of the Education~~  
28 ~~Committee of the House of Representatives.~~
- 29 ~~(2) Make the proposed implementation plan available for~~  
30 ~~review and solicit public comment for a period of not less than~~

1 ~~ninety (90) days.~~

2 ~~(a.4) The board shall consult with stakeholders, including~~  
3 ~~faculty, staff, students and administrators, and hold at least~~  
4 ~~two (2) public hearings as part of the public comment period~~  
5 ~~under subsection (a.3)(2). After the public comment period and~~  
6 ~~before any action may be taken pursuant to section 2006 A(a)~~  
7 ~~(13.2), the board shall consider comments made by stakeholders~~  
8 ~~during the public comment period and present an implementation~~  
9 ~~plan at a public meeting subject to the approval by two thirds~~  
10 ~~of the board. If the board votes to approve the implementation~~  
11 ~~plan, the board shall, within fourteen (14) days, transmit a~~  
12 ~~copy of the final implementation plan to the following:~~

13 ~~(1) Chairperson and minority chairperson of the~~  
14 ~~Appropriations Committee of the Senate.~~

15 ~~(2) Chairperson and minority chairperson of the Education~~  
16 ~~Committee of the Senate.~~

17 ~~(3) Chairperson and minority chairperson of the~~  
18 ~~Appropriations Committee of the House of Representatives.~~

19 ~~(4) Chairperson and minority chairperson of the Education~~  
20 ~~Committee of the House of Representatives.~~

21 ~~(a.5) The timeline for implementation to be completed as~~  
22 ~~described in the final implementation plan shall be no earlier~~  
23 ~~than twelve (12) months from the date of the issuance of the~~  
24 ~~proposed implementation plan.~~

25 \* \* \*

26 ~~Section 2. Section 2004 A(a)(7) and (b) of the act are~~  
27 ~~amended, subsection (a) is amended by adding a paragraph and the~~  
28 ~~section is amended by adding a subsection to read:~~

29 ~~Section 2004 A. Board of Governors. (a) The system shall~~  
30 ~~be governed and all of its corporate powers exercised by the~~

1 Board of Governors, which shall consist of twenty (20) members  
2 to be appointed as follows:

3 \* \* \*

4 (7) ~~[Fourteen (14) members shall be appointed by the~~  
5 ~~Governor with the advice and consent of the Senate of which six~~  
6 ~~(6) shall be selected from the citizens of the Commonwealth.~~  
7 ~~Three (3) members of the fourteen (14) shall be students whose~~  
8 ~~terms shall expire upon graduation, separation or failure to~~  
9 ~~maintain good academic standards at their institution and five~~  
10 ~~(5) of the fourteen (14) shall be trustees of constituent~~  
11 ~~institutions, however, no more than one trustee representing a~~  
12 ~~constituent institution. The student members shall be selected~~  
13 ~~from the presidents of the local campus student government~~  
14 ~~associations, or their local equivalent.]~~ Eleven (11) members  
15 shall be appointed by the Governor with the advice and consent  
16 of the Senate of which six (6) members shall be selected from  
17 the residents of this Commonwealth and five (5) members shall be  
18 selected from trustees of constituent institutions, except that  
19 no more than one trustee may represent a constituent  
20 institution. A member appointed under this subsection shall have  
21 expertise or substantial experience in one or more area,  
22 including postsecondary education, finance, business, nonprofit  
23 management, law or public administration.

24 ~~(8) Three (3) of the members shall be students appointed by~~  
25 ~~the board under section 2006 A(a) (13.4). The student members~~  
26 ~~shall be selected with the advice and consent of institution~~  
27 ~~presidents. A student's term shall expire upon graduation,~~  
28 ~~separation or failure to maintain good academic standing at the~~  
29 ~~institution in which the student is enrolled.~~

30 (b) ~~All members of the board appointed by the Governor[,]~~

1 ~~except for the students,]~~ shall serve for terms of four (4)  
2 years. The Governor and Secretary of Education shall serve so  
3 long as they continue in office. Members of the board appointed  
4 from the General Assembly shall serve a term of office  
5 concurrent with their respective elective terms as members of  
6 the General Assembly.

7 \* \* \*

8 ~~(d.1) A board member appointed under subsection (a) (7) may~~  
9 ~~be removed for cause by the Governor. A board member appointed~~  
10 ~~under subsection (a) (8) may be removed by the board.~~

11 \* \* \*

12 Section 3. Section 2005 A(4) of the act is amended to read:

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

18 \* \* \*

19 (4) The chancellor shall assist the board in its appointment  
20 of the presidents for the constituent institutions by submitting  
21 to the board the name or names of individuals recommended by the  
22 council of trustees [~~of the appropriate constituent institution~~  
23 ~~who shall involve students, faculty and alumni in the interview~~  
24 ~~and selection process used to formulate their recommendation].~~

25 The chancellor shall submit to the board the recommended salary  
26 and other proposed terms of each such appointment. The board  
27 shall have the right to refuse the recommendation of the local  
28 council and to request that additional recommendations be  
29 submitted by the council.

30 \* \* \*

1 Section 4. ~~Section 2006 A(a) introductory paragraph, (5),~~  
2 ~~(14) and (15) of the act are amended and the subsection is~~  
3 ~~amended by adding paragraphs to read:~~

4 Section 2006 A. ~~Powers and Duties of the Board of~~  
5 ~~Governors. (a) The Board of Governors shall have [overall~~  
6 ~~responsibility for planning and coordinating the development and~~  
7 ~~operation of the system. The powers and duties of the Board of~~  
8 ~~Governors shall be:] plenary power to make, issue and enforce~~  
9 ~~board policies, procedures and standards for the full~~  
10 ~~management, control and conduct of the instructional,~~  
11 ~~administrative and financial affairs of the system, including~~  
12 ~~powers and duties:~~

13 \* \* \*

14 (5) ~~To [create] approve new undergraduate and graduate~~  
15 ~~degree programs, which shall not be subject to the rules and~~  
16 ~~regulations of the State Board of Education; to approve~~  
17 ~~extension campuses and new external degree programs subject to~~  
18 ~~the rules and regulations of the State Board of Education; to~~  
19 ~~promote cooperation among institutions, including the~~  
20 ~~development of consortia within the system and other educational~~  
21 ~~institutions and agencies.~~

22 \* \* \*

23 ~~(13.2) To create, expand, consolidate, transfer or affiliate~~  
24 ~~an institution or college.~~

25 ~~(13.3) To require institutions to share services and to~~  
26 ~~participate in collaborations.~~

27 ~~(13.4) To appoint student members to the board and councils.~~

28 (14) ~~To make all reasonable [rules and regulations] policies~~  
29 ~~and procedures necessary to carry out the purposes of this~~  
30 ~~article and the duties of the board.~~



1       ~~(15) To do and perform generally all of those things~~  
2 ~~necessary and required to accomplish the role and objectives of~~  
3 ~~the system, unless otherwise delegated by the board to the~~  
4 ~~chancellor.~~

5       \* \* \*

6       Section 5. ~~Sections 2008 A, 2009 A and 2010 A introductory~~  
7 ~~paragraph, (1), (5), (10.1), (11), (12), (13) and (14) of the~~  
8 ~~act are amended to read:~~

9       Section 2008 A. ~~Councils of Trustees.~~ (a) ~~The council of~~  
10 ~~each of the institutions shall consist of eleven (11) members~~  
11 ~~who, except for student members, shall be nominated and~~  
12 ~~appointed by the Governor with the advice and consent of the~~  
13 ~~Senate. At least two (2) members of the eleven (11) member~~  
14 ~~council of trustees shall be alumni of the institution. Except~~  
15 ~~for student trustees, a trustee appointed under this subsection~~  
16 ~~shall have expertise or substantial experience in one or more~~  
17 ~~area, including postsecondary education, finance, business,~~  
18 ~~nonprofit management, law or public administration.~~

19       (b) ~~[Ten (10) members of each council shall serve terms of~~  
20 ~~six (6) years, respectively, and until their respective~~  
21 ~~successors are duly appointed and qualified. One (1) member of~~  
22 ~~each council shall be a full time undergraduate student in good~~  
23 ~~academic standing, other than freshman, enrolled for at least~~  
24 ~~twelve (12) semester hours at the institution of which he is a~~  
25 ~~trustee. The student member shall serve a term of four (4) years~~  
26 ~~or for so long as he is a full time undergraduate student in~~  
27 ~~attendance at the institution of which he is a trustee,~~  
28 ~~whichever period is shorter, and is in good academic standing.~~  
29 ~~Vacancies occurring before the expiration of the term of any~~  
30 ~~member shall be filled in like manner for the unexpired term.~~

1 ~~Student members of the Council of Trustees shall be appointed by~~  
2 ~~the Governor and shall not be subject to Senate confirmation. If~~  
3 ~~a student member is temporarily unable, for medical or valid~~  
4 ~~academic reasons, to fulfill the responsibilities of office, the~~  
5 ~~Council of Trustees may request that the Governor appoint an~~  
6 ~~otherwise qualified student to serve as an alternate until the~~  
7 ~~return of the student member.~~

8 ~~(c) The members of each board of trustees of a former State~~  
9 ~~college or university serving in such capacity on the effective~~  
10 ~~date of this act shall continue to serve for the balance of~~  
11 ~~their respective terms.] Ten (10) members of each council shall~~  
12 ~~serve terms of four (4) years, respectively and until their~~  
13 ~~respective successors are duly appointed.~~

14 ~~(b.1) One (1) member of each council shall be a student~~  
15 ~~appointed by the board under section 2006 A(a) (13.4). The~~  
16 ~~student member shall serve a term of four (4) years or for so~~  
17 ~~long as the student is a full time student in attendance at the~~  
18 ~~institution of which the student is a trustee, whichever period~~  
19 ~~is shorter, and is in good academic standing. If a student~~  
20 ~~member is temporarily unable, for medical or valid academic~~  
21 ~~reasons, to fulfill the responsibilities of office, the Council~~  
22 ~~of Trustees may appoint an otherwise qualified student to serve~~  
23 ~~as an alternate until the return of the student member.~~

24 ~~(b.2) A trustee appointed under subsections (a) and (b.1)~~  
25 ~~may be removed for cause by the Governor.~~

26 ~~(b.3) Vacancies occurring before the expiration of the term~~  
27 ~~of any member shall be filled in like manner for the unexpired~~  
28 ~~term.~~

29 ~~(d) Six (6) members of a council shall constitute a quorum.~~  
30 ~~Each council shall select from its members a chairperson and a~~

1 ~~secretary to serve at the pleasure of the council. Each council~~  
2 ~~shall meet at least quarterly, and additionally at the call of~~  
3 ~~the president, or its chairperson, or upon request of three (3)~~  
4 ~~of its members.~~

5 ~~Section 2009 A. Powers and Duties of Councils of Trustees.~~

6 ~~(a) In accordance with [the rules and regulations] policies,~~  
7 ~~procedures and standards adopted by the board, the council of~~  
8 ~~each institution shall have the power and its duty shall be:~~

9 ~~(1) To make recommendations to the chancellor for the~~  
10 ~~appointment[, ] and retention [or dismissal] of the president~~  
11 ~~following [consultation with] input by students, faculty, staff~~  
12 ~~and alumni.~~

13 ~~(1.1) To make recommendations to the chancellor for the~~  
14 ~~dismissal of the president.~~

15 ~~(2) To assist the president in developing proper relations~~  
16 ~~and understanding between the institution and its programs and~~  
17 ~~the public, in order to serve the interests and needs of both.~~

18 ~~{(3) To review and approve the recommendations of the~~  
19 ~~president as to standards for the admission, discipline and~~  
20 ~~expulsion of students.}~~

21 ~~(4) To review and [approve the recommendations of] provide~~  
22 ~~input to the president pertaining to policies and procedures~~  
23 ~~governing the use of institutional facilities and property.~~

24 ~~(5) To approve schools and academic programs.~~

25 ~~(6) To review and approve the recommendations of the~~  
26 ~~president pertaining to annual operating and capital budget~~  
27 ~~requirements for forwarding to the board.~~

28 ~~(7) To review and approve charges for tuition, room and~~  
29 ~~board and other fees except student activity fees and any fees~~  
30 ~~related to the provision of contracted health services.~~

1 ~~{(8) To conduct an annual physical inspection of facilities~~  
2 ~~and make recommendations regarding maintenance and construction~~  
3 ~~to the board.}~~

4 ~~(9) To review [and approve all] contracts and purchases~~  
5 ~~negotiated or awarded by the president, including any contract~~  
6 ~~or purchase reports, with or without competitive bidding and all~~  
7 ~~contracts for consultative services entered by the president.~~

8 ~~(10) To represent the institution at official functions of~~  
9 ~~the Commonwealth.~~

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

12 ~~(12) In accordance with the evaluation procedure established~~  
13 ~~by the board each council shall conduct an evaluation of the~~  
14 ~~president and forward the results of that evaluation with~~  
15 ~~recommendation to the chancellor for submission to the board.~~

16 ~~(13) By resolution adopted by the council to authorize~~  
17 ~~campus police who have completed firearms training in accordance~~  
18 ~~with 53 Pa.C.S. § 2167(a) (relating to police training) to carry~~  
19 ~~firearms in the course of duty for any institution whose campus~~  
20 ~~police are authorized to carry firearms on the effective date of~~  
21 ~~this paragraph, the authority to carry firearms shall remain in~~  
22 ~~effect unless the council by resolution dissolves such~~  
23 ~~authority.~~

24 ~~Section 2010 A. Power and Duties of Institution~~  
25 ~~Presidents. The president of each institution shall be~~  
26 ~~appointed by the board. The president shall be the chief~~  
27 ~~executive officer of that institution. [He] The president shall~~  
28 ~~have the right to attend all meetings of the council of that~~  
29 ~~institution and shall have the right to speak on all matters~~  
30 ~~before the council but not to vote. Subject to the stated~~

1 ~~authority of the board and the council, each president shall~~  
2 ~~have the following powers and duties:~~

3 ~~(1) Except insofar as such matters are governed by~~  
4 ~~collective bargaining agreements entered pursuant to the act of~~  
5 ~~July 23, 1970 (P.L.563, No.195), known as the "Public Employe-~~  
6 ~~Relations Act," and subject to the policies of the board, to~~  
7 ~~appoint such employes, professional and noninstructional,~~  
8 ~~graduate assistants, etc. as necessary, to fix the salaries and~~  
9 ~~[benefits of employes, professional and noninstructional, and to~~  
10 ~~establish policies and procedures governing employment rights,~~  
11 ~~promotion, dismissal, tenure, leaves of absence, grievances and]~~  
12 ~~salary schedules.~~

13 ~~\* \* \*~~

14 ~~(5) To establish policies and procedures governing the use~~  
15 ~~of institutional facilities and property in [accordance with~~  
16 ~~guidelines established by] consultation with the local council.~~

17 ~~\* \* \*~~

18 ~~(10.1) Within the limitations of the operating budget and~~  
19 ~~other available funds in accordance with the procedures~~  
20 ~~established by the board [and with the approval of the local~~  
21 ~~council,] to negotiate and award all contracts for equipment,~~  
22 ~~services and supplies in excess of a cost of a base amount of~~  
23 ~~eighteen thousand five hundred dollars (\$18,500), subject to~~  
24 ~~adjustment under section [120] 2003 A.1(c.3), on a competitive~~  
25 ~~bid basis [and]. Contracts to purchase instructional,~~  
26 ~~educational, extracurricular, technical, administrative,~~  
27 ~~eustodial and maintenance equipment and supplies not in excess~~  
28 ~~of a cost of a base amount of eighteen thousand five hundred~~  
29 ~~dollars (\$18,500), subject to adjustment under section [120]~~  
30 ~~2003 A.1(c.3), may be procured, without competitive bidding,~~

1 ~~except that such items shall not be bought in series to avoid~~  
2 ~~the dollar ceiling.~~

3 ~~(11) To cooperate with and accept grants and assistance from~~  
4 ~~Federal and State agencies, local governments or other political~~  
5 ~~subdivisions, foundations, corporations, or any other source for~~  
6 ~~any of the lawful purposes of the institution. Each institution~~  
7 ~~shall have the power to bank and use such grants as directed by~~  
8 ~~the grantor in accordance with applicable board policy and~~  
9 ~~subject to the limitations of this act[, except that grants and~~  
10 ~~assistance from sources other than State agencies, local~~  
11 ~~governments or other political subdivisions shall not be subject~~  
12 ~~to the provisions of clause (10)]. All moneys received from~~  
13 ~~sources authorized by this section are hereby appropriated to~~  
14 ~~each of the several institutions granted such moneys. All such~~  
15 ~~moneys shall be subject to audit by the Auditor General.~~

16 ~~(12) To authorize personnel to travel within or without the~~  
17 ~~Commonwealth at institutional expense [in accordance with~~  
18 ~~regulations of the council]].~~

19 ~~(13) Within the limitations of the operating budget and~~  
20 ~~other available funds, to enter into contracts for consultative~~  
21 ~~service [not to exceed five thousand dollars (\$5,000) per~~  
22 ~~contract]].~~

23 ~~(14) To enter into contracts [in accordance with policies of~~  
24 ~~the council,] to enable students to engage in student teaching~~  
25 ~~or other training in order to obtain experience in a particular~~  
26 ~~field.~~

27 \* \* \*

28 ~~Section 6. All acts and parts of acts are repealed and all~~  
29 ~~regulations and parts of regulations are abrogated insofar as~~  
30 ~~they are inconsistent with this act.~~

1 ~~Section 7. This act shall take effect in 60 days.~~

2 SECTION 1. SECTION 2001-A(1) OF THE ACT OF MARCH 10, 1949 <--  
3 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949, IS  
4 AMENDED AND THE SECTION IS AMENDED BY ADDING PARAGRAPHS TO READ:

5 SECTION 2001-A. DEFINITIONS.--THE FOLLOWING WORDS AND  
6 PHRASES WHEN USED IN THIS ARTICLE SHALL, FOR THE PURPOSE OF THIS  
7 ARTICLE, HAVE THE FOLLOWING MEANINGS, RESPECTIVELY, EXCEPT IN  
8 THOSE INSTANCES WHERE THE CONTEXT CLEARLY INDICATES A DIFFERENT  
9 MEANING:

10 (1) "AFFILIATED ENTITY" SHALL MEAN A PRIVATE NONPROFIT  
11 CORPORATION WITH THE SOLE PURPOSE OF BENEFITING THE STATE SYSTEM  
12 OF HIGHER EDUCATION OR A STATE-OWNED UNIVERSITY.

13 [(1)] (1.1) "BOARD" SHALL MEAN THE BOARD OF GOVERNORS OF THE  
14 STATE SYSTEM OF HIGHER EDUCATION.

15 \* \* \*

16 (6.1) "EDUCATION RECORD" SHALL HAVE THE SAME MEANING AS IN  
17 THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974 (PUBLIC  
18 LAW 90-247, 20 U.S.C. § 1232G).

19 \* \* \*

20 SECTION 2. SECTION 2002-A OF THE ACT IS AMENDED TO READ:

21 SECTION 2002-A. ESTABLISHMENT OF THE STATE SYSTEM OF HIGHER  
22 EDUCATION AND ITS INSTITUTIONS.--(A) SUBJECT TO THE REGULATORY  
23 POWERS CONFERRED BY LAW UPON THE STATE BOARD OF EDUCATION, THERE  
24 IS HEREBY ESTABLISHED A BODY CORPORATE AND POLITIC CONSTITUTING  
25 A PUBLIC CORPORATION AND GOVERNMENT INSTRUMENTALITY [WHICH  
26 SHALL] TO BE KNOWN AS THE STATE SYSTEM OF HIGHER EDUCATION,  
27 INDEPENDENT OF THE DEPARTMENT OF EDUCATION, HEREINAFTER REFERRED  
28 TO AS THE SYSTEM, WHICH IS GRANTED SOVEREIGN IMMUNITY AND  
29 OFFICIAL IMMUNITY PURSUANT TO 1 PA.C.S. § 2310 (RELATING TO  
30 SOVEREIGN IMMUNITY REAFFIRMED AND SPECIFIC WAIVER) AND WHICH

1 SHALL CONSIST OF THE FOLLOWING INSTITUTIONS AND SUCH OTHER  
2 INSTITUTIONS, PRESENTLY EXISTING [OR NEWLY CREATED, AS MAY  
3 HEREAFTER BE ADMITTED BY THE BOARD IN CONCURRENCE WITH OTHER  
4 AGENCIES AS REQUIRED BY LAW] OR UNTIL CHANGED AS PROVIDED UNDER  
5 SUBSECTIONS (A.1), (A.2), (A.3), (A.4), (A.5) AND (A.6):

- 6 (1) BLOOMSBURG STATE COLLEGE;
- 7 (2) CALIFORNIA STATE COLLEGE;
- 8 (3) CHEYNEY STATE COLLEGE;
- 9 (4) CLARION STATE COLLEGE;
- 10 (5) EAST STROUDSBURG STATE COLLEGE;
- 11 (6) EDINBORO STATE COLLEGE;
- 12 (7) INDIANA UNIVERSITY OF PENNSYLVANIA;
- 13 (8) KUTZTOWN STATE COLLEGE;
- 14 (9) LOCK HAVEN STATE COLLEGE;
- 15 (10) MANSFIELD STATE COLLEGE;
- 16 (11) MILLERSVILLE STATE COLLEGE;
- 17 (12) SHIPPENSBURG STATE COLLEGE;
- 18 (13) SLIPPERY ROCK STATE COLLEGE; AND
- 19 (14) WEST CHESTER STATE COLLEGE.

20 (A.1) IN ACCORDANCE WITH SECTION 2006-A(A) (18), THE BOARD  
21 SHALL DEVELOP POLICIES AND PROCEDURES BY WHICH THE BOARD MAY  
22 CREATE, EXPAND, CONSOLIDATE, TRANSFER OR AFFILIATE AN  
23 INSTITUTION. BEFORE THE CREATION, EXPANSION, CONSOLIDATION,  
24 TRANSFER OR AFFILIATION OF AN INSTITUTION, THE BOARD SHALL  
25 DIRECT THE CHANCELLOR, IN CONSULTATION WITH THE BOARD, TO  
26 CONDUCT A REVIEW OF THE FINANCIAL STABILITY OF ANY IMPACTED  
27 INSTITUTION UTILIZING STUDENT SUPPORT METRICS, STUDENT SUCCESS  
28 METRICS AND OTHER FINANCIAL METRICS AND DEVELOP A REPORT AND  
29 RECOMMENDATIONS RELATED TO THE NEED FOR THE BOARD TO EXERCISE  
30 THE BOARD'S POWERS UNDER SECTION 2006-A(A) (18). THE REPORT AND



1 RECOMMENDATION SHALL INCLUDE, BUT NOT BE LIMITED TO, AN ANALYSIS  
2 OF THE FOLLOWING:

3 (1) ENROLLMENT TRENDS.

4 (2) PROJECTIONS OF REVENUES AND EXPENDITURES FOR THE CURRENT  
5 YEAR AND THE NEXT FIVE (5) YEARS, BOTH ASSUMING THE CONTINUATION  
6 OF PRESENT OPERATIONS AND AS IMPACTED BY ANY RECOMMENDATION FOR  
7 THE BOARD TO EXERCISE THE BOARD'S POWERS UNDER SECTION 2006-A(A)  
8 (18).

9 (3) ASSETS, LIABILITIES AND INSTITUTIONAL RESERVES.

10 (4) ACTIONS UNDERTAKEN TO IMPROVE THE FINANCIAL STABILITY OF  
11 THE INSTITUTION AND THE FINANCIAL IMPACT OF THOSE ACTIONS.

12 (5) ADDITIONAL ACTIONS THAT COULD BE TAKEN TO IMPROVE THE  
13 FINANCIAL STABILITY OF THE INSTITUTION, THE PROJECTED FINANCIAL  
14 IMPACT OF THOSE ACTIONS AND WHETHER THOSE ACTIONS WOULD  
15 ALLEVIATE THE NEED FOR THE BOARD TO EXERCISE THE BOARD'S POWERS  
16 UNDER SECTION 2006-A(A) (18).

17 (6) THE FINANCIAL IMPACT ON THE INSTITUTION AND THE SYSTEM  
18 IF NO ACTION IS TAKEN BY THE BOARD TO EXERCISE THE BOARD'S  
19 POWERS UNDER SECTION 2006-A(A) (18).

20 (7) THE FINANCIAL IMPACT ON THE SURROUNDING COMMUNITY OF THE  
21 INSTITUTION IF ACTION IS TAKEN BY THE BOARD TO EXERCISE THE  
22 BOARD'S POWERS UNDER SECTION 2006-A(A) (18).

23 (8) IMPACTS ON AFFILIATED ENTITIES AND ANY DONOR  
24 RESTRICTIONS ON THE USE OF NON-STATE-APPROPRIATED FUNDS.

25 (A.2) UPON THE BOARD'S RECEIPT OF THE REPORT AND  
26 RECOMMENDATION, THE CHANCELLOR SHALL DEVELOP A PROPOSED  
27 IMPLEMENTATION PLAN. THE PROPOSED IMPLEMENTATION PLAN SHALL  
28 INCLUDE THE FOLLOWING INFORMATION:

29 (1) DESCRIPTION OF THE PROPOSAL TO EXERCISE POWERS UNDER  
30 SECTION 2006-A(A) (18).

1 (2) RATIONALE, GOALS AND OBJECTIVES OF THE PROPOSAL TO  
2 EXERCISE POWERS UNDER SECTION 2006-A(A) (18).

3 (3) METHOD FOR EVALUATING ACHIEVEMENT OF GOALS AND  
4 OBJECTIVES.

5 (4) RELATION OF THE PROPOSAL TO THE MISSION AND STRATEGIC  
6 PLAN OF THE INSTITUTION AND SYSTEM AS A WHOLE.

7 (5) IMPACTS ON ACADEMIC PROGRAMS, NONACADEMIC UNITS AND  
8 ACCREDITATION.

9 (6) IMPACTS ON STUDENTS, FACULTY AND STAFF.

10 (7) IMPACTS ON THE COMMUNITY.

11 (8) IMPACTS ON SHARED GOVERNANCE.

12 (9) BEFORE AND AFTER ORGANIZATIONAL CHARTS FOR ALL IMPACTED  
13 INSTITUTIONS.

14 (10) INFORMATION INCLUDED IN THE CHANCELLOR'S REPORT AND  
15 RECOMMENDATION UNDER SUBSECTION (A.1).

16 (11) TIMELINE FOR THE IMPLEMENTATION PLAN.

17 (A.3) THE PROPOSED IMPLEMENTATION PLAN SHALL BE APPROVED BY  
18 A MAJORITY VOTE OF THE BOARD. IF THE BOARD REJECTS THE PROPOSED  
19 IMPLEMENTATION PLAN, THE CHANCELLOR MAY AMEND THE PROPOSAL AND  
20 PRESENT IT TO THE BOARD FOR RECONSIDERATION AND APPROVAL BY A  
21 MAJORITY VOTE OF THE BOARD. WITHIN FOURTEEN (14) DAYS AFTER  
22 APPROVAL OF THE PROPOSED IMPLEMENTATION PLAN, THE BOARD SHALL DO  
23 THE FOLLOWING:

24 (1) TRANSMIT A COPY OF THE PROPOSED IMPLEMENTATION PLAN TO  
25 THE FOLLOWING:

26 (I) CHAIRPERSON AND MINORITY CHAIRPERSON OF THE  
27 APPROPRIATIONS COMMITTEE OF THE SENATE;

28 (II) CHAIRPERSON AND MINORITY CHAIRPERSON OF THE EDUCATION  
29 COMMITTEE OF THE SENATE;

30 (III) CHAIRPERSON AND MINORITY CHAIRPERSON OF THE

1 APPROPRIATIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES; AND  
2 (IV) CHAIRPERSON AND MINORITY CHAIRPERSON OF THE EDUCATION  
3 COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

4 (2) MAKE THE PROPOSED IMPLEMENTATION PLAN AVAILABLE FOR  
5 REVIEW AND SOLICIT PUBLIC COMMENT FOR A PERIOD OF NOT LESS THAN  
6 SIXTY (60) DAYS.

7 (A.4) THE BOARD SHALL CONSULT WITH STAKEHOLDERS, INCLUDING  
8 FACULTY, STAFF, STUDENTS AND ADMINISTRATORS, AND HOLD AT LEAST  
9 TWO (2) PUBLIC HEARINGS AS PART OF THE PUBLIC COMMENT PERIOD  
10 UNDER SUBSECTION (A.3) (2). AFTER THE PUBLIC COMMENT PERIOD AND  
11 BEFORE ANY ACTION MAY BE TAKEN PURSUANT TO SECTION 2006-A(A)  
12 (18), THE BOARD SHALL CONSIDER COMMENTS MADE BY STAKEHOLDERS  
13 DURING THE PUBLIC COMMENT PERIOD AND PRESENT AN IMPLEMENTATION  
14 PLAN AT A PUBLIC MEETING SUBJECT TO THE APPROVAL BY TWO-THIRDS  
15 OF THE BOARD. IF THE BOARD VOTES TO APPROVE THE IMPLEMENTATION  
16 PLAN, THE BOARD SHALL, WITHIN FOURTEEN (14) DAYS, TRANSMIT A  
17 COPY OF THE FINAL IMPLEMENTATION PLAN TO THE FOLLOWING:

18 (1) CHAIRPERSON AND MINORITY CHAIRPERSON OF THE  
19 APPROPRIATIONS COMMITTEE OF THE SENATE.

20 (2) CHAIRPERSON AND MINORITY CHAIRPERSON OF THE EDUCATION  
21 COMMITTEE OF THE SENATE.

22 (3) CHAIRPERSON AND MINORITY CHAIRPERSON OF THE  
23 APPROPRIATIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

24 (4) CHAIRPERSON AND MINORITY CHAIRPERSON OF THE EDUCATION  
25 COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

26 (A.5) THE TIMELINE FOR IMPLEMENTATION TO BE COMPLETED AS  
27 DESCRIBED IN THE FINAL IMPLEMENTATION PLAN SHALL BE NO EARLIER  
28 THAN TWELVE (12) MONTHS FROM THE DATE OF THE ISSUANCE OF THE  
29 PROPOSED IMPLEMENTATION PLAN.

30 (A.6) FOR ANY FINAL IMPLEMENTATION PLAN APPROVED BY THE

1 BOARD UNDER SUBPARAGRAPH (A.4), THE CHANCELLOR SHALL REPORT ON A  
2 QUARTERLY BASIS IN PERSON TO THE CHAIRPERSON AND MINORITY  
3 CHAIRPERSON OF THE APPROPRIATIONS COMMITTEE OF THE SENATE, THE  
4 CHAIRPERSON AND MINORITY CHAIRPERSON OF THE EDUCATION COMMITTEE  
5 OF THE SENATE, THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE  
6 APPROPRIATIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE  
7 CHAIRPERSON AND MINORITY CHAIRPERSON OF THE EDUCATION COMMITTEE  
8 OF THE HOUSE OF REPRESENTATIVES INFORMATION DETAILING THE  
9 ACTIONS TAKEN, ACTIONS PLANNED TO BE TAKEN IN THE NEXT QUARTER  
10 AND PROGRESS MADE TOWARD IMPLEMENTING THE GOALS OF THE PLAN ON  
11 THE RESPECTIVE UNIVERSITIES. WITHIN FIFTEEN (15) DAYS OF THE  
12 ISSUANCE OF A REPORT TO THE CHAIRPERSONS, THE CHANCELLOR SHALL  
13 PRESENT THE REPORT AT A JOINT PUBLIC HEARING OF THE  
14 APPROPRIATIONS COMMITTEE OF THE SENATE AND THE EDUCATION  
15 COMMITTEE OF THE SENATE AND A JOINT PUBLIC HEARING OF THE  
16 APPROPRIATIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE  
17 EDUCATION COMMITTEE OF THE HOUSE OF REPRESENTATIVES. A REPORT  
18 UNDER THIS SUBSECTION SHALL CONTINUE UNTIL THE PLAN HAS BEEN  
19 FULLY IMPLEMENTED. A REPORT SHALL INCLUDE, BUT IS NOT LIMITED  
20 TO, THE FOLLOWING INFORMATION:

21 (1) AN OVERVIEW OF THE FINANCIAL POSITION OF THE RESPECTIVE  
22 UNIVERSITIES AT THE TIME OF PLAN APPROVAL AND AT THE TIME OF THE  
23 REPORT.

24 (2) THE OPERATING BUDGET AND TOTAL BUDGET FOR EACH  
25 UNIVERSITY AT THE TIME OF PLAN APPROVAL AND AT THE TIME OF THE  
26 REPORT.

27 (3) THE ESTIMATED AMOUNT OF EXPENDITURES NEEDED TO SUPPORT  
28 PLAN IMPLEMENTATION AT THE TIME OF PLAN APPROVAL AND THE  
29 CUMULATIVE AMOUNT OF EXPENDITURES MADE TO SUPPORT PLAN  
30 IMPLEMENTATION AT THE TIME OF THE REPORT.

- 1       (4) THE APPLICABLE ORGANIZATIONAL CHARTS AT THE TIME OF PLAN  
2 APPROVAL AND AT THE TIME OF THE REPORT.
- 3       (5) FULL-TIME ENROLLMENTS AT THE TIME OF PLAN APPROVAL AND  
4 AT THE TIME OF THE REPORT.
- 5       (6) GRADUATION OUTCOMES AT THE TIME OF PLAN APPROVAL AND AT  
6 THE TIME OF THE REPORT.
- 7       (7) THE COST OF TUITION, ROOM AND BOARD AND FEES AT THE TIME  
8 OF PLAN APPROVAL AND AT THE TIME OF THE REPORT.
- 9       (8) THE AVERAGE COST OF ATTENDANCE AT THE TIME OF PLAN  
10 APPROVAL AND AT THE TIME OF THE REPORT.
- 11       (9) THE NUMBER OF FACULTY AND NONFACULTY EMPLOYES AT THE  
12 TIME OF PLAN APPROVAL AND AT THE TIME OF THE REPORT.
- 13       (10) THE NUMBER OF FACULTY AND NONFACULTY EMPLOYES BY  
14 LOCATION AT THE TIME OF PLAN APPROVAL AND AT THE TIME OF THE  
15 REPORT.
- 16       (11) EACH IMPACT TO FACULTY AND NONFACULTY EMPLOYE STAFFING,  
17 INCLUDING, BUT NOT LIMITED TO, SEPARATIONS, REDUCTIONS IN FORCE,  
18 RECLASSIFICATIONS OF JOB RESPONSIBILITIES OR ROLES OR  
19 REASSIGNMENTS TO OTHER UNIVERSITIES WITHIN THE SYSTEM. THE  
20 NOTIFICATION UNDER THIS PARAGRAPH SHALL INCLUDE AN ESTIMATED  
21 FINANCIAL IMPACT FOR THE CURRENT AND SUBSEQUENT TWO FISCAL  
22 YEARS.
- 23       (12) THE FACULTY TO STUDENT RATIO AND THE FACULTY AND  
24 NONFACULTY EMPLOYE TO STUDENT RATIO AT THE TIME OF PLAN APPROVAL  
25 AND AT THE TIME OF THE REPORT.
- 26       (13) A LIST OF ACADEMIC PROGRAMS THAT HAVE BEEN TERMINATED  
27 OR CONSOLIDATED AND AN EXPLANATION OF THE REASONS FOR  
28 TERMINATION OR CONSOLIDATION.
- 29       (14) A LIST OF NEW ACADEMIC PROGRAMS THAT HAVE BEEN APPROVED  
30 AND AN EXPLANATION OF THE NEED FOR THE PROGRAMS.

1       (15) THE NUMBER OF ACADEMIC PROGRAMS BY LOCATION AT THE TIME  
2 OF PLAN APPROVAL AND AT THE TIME OF THE REPORT.

3       (16) A LIST OF PROPERTY THAT IS FOR SALE OR HAS BEEN SOLD  
4 AND THE VALUE OF THE PROCEEDS FROM THE SALE.

5       (17) A LIST OF ADMINISTRATIVE SERVICE CONSOLIDATIONS AND THE  
6 VALUE OF SAVINGS RESULTING FROM THE CONSOLIDATIONS.

7       (18) A LIST OUTLINING CONCERNS RELATED TO THE IMPLEMENTATION  
8 OF THE PLAN ON THE COMMUNITY AND AFFILIATED ORGANIZATIONS.

9       (19) ANY OTHER INFORMATION AS REQUESTED BY THE CHAIRPERSONS  
10 ENUMERATED UNDER THIS SUBSECTION.

11       (B) EACH OF THE SAID INSTITUTIONS SHALL HEREAFTER BE KNOWN  
12 AS THE (NAME) UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF  
13 HIGHER EDUCATION, EXCEPT FOR INDIANA UNIVERSITY OF PENNSYLVANIA,  
14 WHICH SHALL RETAIN ITS NAME. AS SUCCESSOR INSTITUTIONS TO THE  
15 STATE NORMAL SCHOOLS, APPROPRIATIONS FOR THEIR OPERATION ARE  
16 ORDINARY EXPENSES OF GOVERNMENT, REQUIRING ONLY A MAJORITY VOTE  
17 OF EACH HOUSE OF THE GENERAL ASSEMBLY. THE STATE SYSTEM OF  
18 HIGHER EDUCATION SHALL HAVE THE SAME PREFERRED STATUS FOR  
19 APPROPRIATIONS AS IS ENJOYED BY ITS CONSTITUENT INSTITUTIONS.  
20 STATE FUNDS APPROPRIATED TO THE SYSTEM SHALL BE ALLOCATED TO THE  
21 INDIVIDUAL INSTITUTIONS ON A FORMULA BASED ON, BUT NOT LIMITED  
22 TO, SUCH FACTORS AS ENROLLMENTS, DEGREES GRANTED AND PROGRAMS.

23       SECTION 3. SECTIONS 2003-A(A) AND (D) AND 2003-A.1(D) AND  
24 (F) OF THE ACT ARE AMENDED TO READ:

25       SECTION 2003-A. PURPOSES AND GENERAL POWERS.--(A) THE STATE  
26 SYSTEM OF HIGHER EDUCATION SHALL BE PART OF THE COMMONWEALTH'S  
27 SYSTEM OF HIGHER EDUCATION. ITS PURPOSE SHALL BE TO PROVIDE HIGH  
28 QUALITY EDUCATION AT THE LOWEST POSSIBLE COST TO [THE] STUDENTS.  
29 THE PRIMARY MISSION OF THE SYSTEM IS THE PROVISION OF  
30 INSTRUCTION FOR UNDERGRADUATE AND GRADUATE STUDENTS TO AND

1 BEYOND THE MASTER'S DEGREE IN THE LIBERAL ARTS AND SCIENCES AND  
2 IN APPLIED FIELDS, INCLUDING THE TEACHING PROFESSION. GRADUATE  
3 INSTRUCTION AT THE DOCTORAL LEVEL, EXCEPT FOR DOCTORAL PROGRAMS  
4 PROVIDED FOR IN THE ACT OF DECEMBER 16, 1965 (P.L.1113, NO.430),  
5 KNOWN AS THE "INDIANA UNIVERSITY OF PENNSYLVANIA ACT," ONLY MAY  
6 BE OFFERED JOINTLY WITH INDIANA UNIVERSITY OR AN INSTITUTION  
7 CHARTERED TO OFFER WORK AT THE DOCTORAL LEVEL. PROGRAMS OF  
8 RESEARCH AND SERVICE MAY BE PROVIDED WHICH ARE APPROVED BY THE  
9 BOARD OF GOVERNORS, AND WHICH ARE CONSISTENT WITH THE PRIMARY  
10 MISSION OF THE SYSTEM. EACH INSTITUTION SHALL PROVIDE  
11 APPROPRIATE EDUCATIONAL FACILITIES, STUDENT LIVING FACILITIES  
12 AND SUCH OTHER FACILITIES AS DEEMED NECESSARY BY THE BOARD.

13 \* \* \*

14 (D) THE SYSTEM MAY [ENTER INTO AN AGREEMENT WITH ANY ENTITY  
15 FOR THE COOPERATIVE USE OF SUPPLIES OR SERVICES.] PARTICIPATE  
16 IN, SPONSOR, CONDUCT OR ADMINISTER COOPERATIVE USE OR PURCHASING  
17 AGREEMENTS. ALL PURCHASES AND AGREEMENTS MADE PURSUANT TO THIS  
18 SUBSECTION SHALL [BE THE RESULT OF A SYSTEM OF COMPETITIVE  
19 BIDDING AND IN ACCORDANCE WITH THE LAWS OF THIS COMMONWEALTH.]  
20 BE MADE IN ACCORDANCE WITH 62 PA.C.S. § 1902 (RELATING TO  
21 COOPERATIVE PURCHASING AUTHORIZED).

22 SECTION 2003-A.1. PROJECT CONTRACTS.--\* \* \*

23 [(D) THE POWER AND AUTHORITY GRANTED BY THIS SECTION SHALL  
24 NOT BE EXERCISED BY THE SYSTEM, THE BOARD OR AN INSTITUTION FOR  
25 A PROJECT TO MODIFY, REPAIR OR RENOVATE ANY FACILITY ERECTED BY  
26 THE DEPARTMENT OF GENERAL SERVICES UNLESS PRIOR WRITTEN NOTICE  
27 SETTING FORTH THE NATURE, SCOPE, EXTENT AND DESCRIPTION OF SUCH  
28 PROJECT HAS BEEN GIVEN TO THE DEPARTMENT OF GENERAL SERVICES.]

29 (F) THE SYSTEM IS AUTHORIZED TO TRANSFER AND CONVEY ANY  
30 EASEMENTS OR LICENSES [NECESSITATED BY ANY CONSTRUCTION PROJECT

1 WHICH HAS BEEN PREVIOUSLY AUTHORIZED BY THE BOARD] AS NECESSARY.

2 SECTION 4. SECTION 2004-A(A) (7) AND (B) OF THE ACT ARE  
3 AMENDED, SUBSECTION (A) IS AMENDED BY ADDING A PARAGRAPH AND THE  
4 SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

5 SECTION 2004-A. BOARD OF GOVERNORS.-- (A) THE SYSTEM SHALL  
6 BE GOVERNED AND ALL OF ITS CORPORATE POWERS EXERCISED BY THE  
7 BOARD OF GOVERNORS, WHICH SHALL CONSIST OF TWENTY (20) MEMBERS  
8 TO BE APPOINTED AS FOLLOWS:

9 \* \* \*

10 (7) [FOURTEEN (14) MEMBERS SHALL BE APPOINTED BY THE  
11 GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE OF WHICH SIX  
12 (6) SHALL BE SELECTED FROM THE CITIZENS OF THE COMMONWEALTH.  
13 THREE (3) MEMBERS OF THE FOURTEEN (14) SHALL BE STUDENTS WHOSE  
14 TERMS SHALL EXPIRE UPON GRADUATION, SEPARATION OR FAILURE TO  
15 MAINTAIN GOOD ACADEMIC STANDARDS AT THEIR INSTITUTION AND FIVE  
16 (5) OF THE FOURTEEN (14) SHALL BE TRUSTEES OF CONSTITUENT  
17 INSTITUTIONS, HOWEVER, NO MORE THAN ONE TRUSTEE REPRESENTING A  
18 CONSTITUENT INSTITUTION. THE STUDENT MEMBERS SHALL BE SELECTED  
19 FROM THE PRESIDENTS OF THE LOCAL CAMPUS STUDENT GOVERNMENT  
20 ASSOCIATIONS, OR THEIR LOCAL EQUIVALENT.] ELEVEN (11) MEMBERS  
21 SHALL BE APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT  
22 OF THE SENATE OF WHICH SIX (6) MEMBERS SHALL BE SELECTED FROM  
23 THE RESIDENTS OF THIS COMMONWEALTH AND FIVE (5) MEMBERS SHALL BE  
24 SELECTED FROM TRUSTEES OF CONSTITUENT INSTITUTIONS, EXCEPT THAT  
25 NO MORE THAN ONE TRUSTEE MAY REPRESENT A CONSTITUENT  
26 INSTITUTION.

27 (8) THREE (3) OF THE MEMBERS SHALL BE STUDENTS APPOINTED BY  
28 THE BOARD UNDER SECTION 2006-A(A) (17). THE STUDENT MEMBERS SHALL  
29 BE SELECTED WITH THE ADVICE AND CONSENT OF INSTITUTION  
30 PRESIDENTS. A STUDENT'S TERM SHALL EXPIRE UPON GRADUATION,



1 SEPARATION OR FAILURE TO MAINTAIN GOOD ACADEMIC STANDING AT THE  
2 INSTITUTION IN WHICH THE STUDENT IS ENROLLED.

3 (B) ALL MEMBERS OF THE BOARD APPOINTED BY THE GOVERNOR[,  
4 EXCEPT FOR THE STUDENTS,] SHALL SERVE FOR TERMS OF FOUR (4)  
5 YEARS. THE GOVERNOR AND SECRETARY OF EDUCATION SHALL SERVE SO  
6 LONG AS THEY CONTINUE IN OFFICE. MEMBERS OF THE BOARD APPOINTED  
7 FROM THE GENERAL ASSEMBLY SHALL SERVE A TERM OF OFFICE  
8 CONCURRENT WITH THEIR RESPECTIVE ELECTIVE TERMS AS MEMBERS OF  
9 THE GENERAL ASSEMBLY.

10 \* \* \*

11 (D.1) A STUDENT BOARD MEMBER APPOINTED UNDER SUBSECTION (A)  
12 (8) MAY BE REMOVED BY THE BOARD.

13 \* \* \*

14 SECTION 5. SECTION 2005-A(4) OF THE ACT IS AMENDED TO READ:  
15 SECTION 2005-A. THE CHANCELLOR.--THE CHIEF EXECUTIVE OFFICER  
16 OF THE SYSTEM SHALL BE A CHANCELLOR, WHO SHALL BE EMPLOYED BY  
17 THE BOARD IN ACCORDANCE WITH CLAUSE (1) OF SECTION 2006-A. IN  
18 ADDITION TO THOSE PRESCRIBED BY THE BOARD, THE CHANCELLOR SHALL  
19 HAVE THE FOLLOWING DUTIES:

20 \* \* \*

21 (4) THE CHANCELLOR SHALL ASSIST THE BOARD IN ITS APPOINTMENT  
22 OF THE PRESIDENTS FOR THE CONSTITUENT INSTITUTIONS BY SUBMITTING  
23 TO THE BOARD THE NAME OR NAMES OF INDIVIDUALS RECOMMENDED BY THE  
24 COUNCIL OF TRUSTEES [OF THE APPROPRIATE CONSTITUENT INSTITUTION  
25 WHO SHALL INVOLVE STUDENTS, FACULTY AND ALUMNI IN THE INTERVIEW  
26 AND SELECTION PROCESS USED TO FORMULATE THEIR RECOMMENDATION].  
27 THE CHANCELLOR SHALL SUBMIT TO THE BOARD THE RECOMMENDED SALARY  
28 AND OTHER PROPOSED TERMS OF EACH SUCH APPOINTMENT. THE BOARD  
29 SHALL HAVE THE RIGHT TO REFUSE THE RECOMMENDATION OF THE LOCAL  
30 COUNCIL AND TO REQUEST THAT ADDITIONAL RECOMMENDATIONS BE

1 SUBMITTED BY THE COUNCIL.

2 \* \* \*

3 SECTION 6. SECTION 2006-A(A) INTRODUCTORY PARAGRAPH, (5),  
4 (14) AND (15) OF THE ACT ARE AMENDED AND THE SUBSECTION IS  
5 AMENDED BY ADDING PARAGRAPHS TO READ:

6 SECTION 2006-A. POWERS AND DUTIES OF THE BOARD OF  
7 GOVERNORS.--(A) THE BOARD OF GOVERNORS SHALL HAVE OVERALL  
8 RESPONSIBILITY FOR PLANNING AND COORDINATING THE DEVELOPMENT AND  
9 OPERATION OF THE SYSTEM. THE POWERS AND DUTIES OF THE BOARD OF  
10 GOVERNORS SHALL BE:

11 \* \* \*

12 (5) TO [CREATE] APPROVE NEW UNDERGRADUATE AND GRADUATE  
13 DEGREE PROGRAMS, WHICH SHALL NOT BE SUBJECT TO THE RULES AND  
14 REGULATIONS OF THE STATE BOARD OF EDUCATION; TO APPROVE  
15 EXTENSION CAMPUSES AND NEW EXTERNAL DEGREE PROGRAMS SUBJECT TO  
16 THE RULES AND REGULATIONS OF THE STATE BOARD OF EDUCATION; TO  
17 PROMOTE COOPERATION AMONG INSTITUTIONS, INCLUDING THE  
18 DEVELOPMENT OF CONSORTIA WITHIN THE SYSTEM AND OTHER EDUCATIONAL  
19 INSTITUTIONS AND AGENCIES.

20 \* \* \*

21 (14) TO MAKE ALL REASONABLE [RULES AND REGULATIONS] POLICIES  
22 AND PROCEDURES NECESSARY TO CARRY OUT THE PURPOSES OF THIS  
23 ARTICLE AND THE DUTIES OF THE BOARD.

24 (15) TO DO AND PERFORM GENERALLY ALL OF THOSE THINGS  
25 NECESSARY AND REQUIRED TO ACCOMPLISH THE ROLE AND OBJECTIVES OF  
26 THE SYSTEM, UNLESS OTHERWISE DELEGATED BY THE BOARD TO THE  
27 CHANCELLOR.

28 (16) TO REQUIRE INSTITUTIONS TO SHARE SERVICES AND TO  
29 PARTICIPATE IN COLLABORATIONS WHEN THE SYSTEM HAS SHOWN EVIDENCE  
30 IN WRITING OF COST REDUCTIONS AND IMPROVED EFFICIENCIES ACROSS

1 THE SYSTEM. FOR A NEW, ALTERED OR ELIMINATED SHARED SERVICE,  
2 COLLABORATION OR CONTRACT, THE INSTITUTION'S COUNCIL OF TRUSTEES  
3 MAY REJECT IT BY A TWO-THIRDS MAJORITY VOTE WITH WRITTEN NOTICE  
4 PROVIDED TO THE BOARD WITHIN TEN (10) DAYS OF THE COUNCIL OF  
5 TRUSTEES' DECISION. THIS PARAGRAPH SHALL NOT BE CONSTRUED TO  
6 ALLOW AN INSTITUTION'S COUNCIL OF TRUSTEES RETROACTIVE  
7 DISCRETION OVER A SHARED SERVICE OR COLLABORATION ALREADY IN  
8 EFFECT PRIOR TO THE EFFECTIVE DATE OF THIS PARAGRAPH.

9 (17) TO APPOINT STUDENT MEMBERS TO THE BOARD AND COUNCILS.

10 (18) IN ACCORDANCE WITH SECTION 2006-A (A.1), TO MAKE, ISSUE  
11 AND ENFORCE BOARD POLICIES, PROCEDURES AND STANDARDS FOR THE  
12 MANAGEMENT AND CONDUCT OF THE INSTRUCTIONAL, ADMINISTRATIVE AND  
13 FINANCIAL AFFAIRS OF THE SYSTEM. THIS PARAGRAPH SHALL NOT BE  
14 CONSTRUED TO INCLUDE THE POWER TO CLOSE AN INSTITUTION. EXCEPT  
15 FOR AN INSTITUTION WITH A FALL 2019 HEADCOUNT ENROLLMENT GREATER  
16 THAN 10,000 STUDENTS, THIS PARAGRAPH SHALL INCLUDE POWERS AND  
17 DUTIES TO CREATE, EXPAND, CONSOLIDATE, TRANSFER OR AFFILIATE AN  
18 INSTITUTION.

19 (19) ANY ACTION TAKEN UNDER THE FINAL IMPLEMENTATION PLAN  
20 INVOLVING THE MOVEMENT OF MONEY FROM AN ACCOUNT OF THE SYSTEM OR  
21 AN INSTITUTION TO ANOTHER ACCOUNT OR INSTITUTION SHALL BE  
22 DOCUMENTED AND INCLUDE A PLAN FOR REPAYMENT. REPAYMENT SHALL BE  
23 GIVEN PRIORITY WHEN ANY NEW FEDERAL OR STATE MONEY IS  
24 APPROPRIATED.

25 (20) TO MAKE, ISSUE AND ENFORCE BOARD POLICIES, PROCEDURES  
26 AND STANDARDS FOR THE MANAGEMENT AND CONDUCT OF THE  
27 INSTRUCTIONAL, ADMINISTRATIVE AND FINANCIAL AFFAIRS OF THE  
28 SYSTEM.

29 \* \* \*

30 SECTION 7. SECTIONS 2008-A, 2009-A AND 2010-A INTRODUCTORY

1 PARAGRAPH, (1), (5), (10.1), (11), (12), (13) AND (14) OF THE  
2 ACT ARE AMENDED TO READ:

3 SECTION 2008-A. COUNCILS OF TRUSTEES.--(A) THE COUNCIL OF  
4 EACH OF THE INSTITUTIONS SHALL CONSIST OF ELEVEN (11) MEMBERS  
5 WHO, EXCEPT FOR STUDENT MEMBERS, SHALL BE NOMINATED AND  
6 APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE  
7 SENATE. AT LEAST TWO (2) MEMBERS OF THE ELEVEN (11) MEMBER  
8 COUNCIL OF TRUSTEES SHALL BE ALUMNI OF THE INSTITUTION.

9 (B) [TEN (10) MEMBERS OF EACH COUNCIL SHALL SERVE TERMS OF  
10 SIX (6) YEARS, RESPECTIVELY, AND UNTIL THEIR RESPECTIVE  
11 SUCCESSORS ARE DULY APPOINTED AND QUALIFIED. ONE (1) MEMBER OF  
12 EACH COUNCIL SHALL BE A FULL-TIME UNDERGRADUATE STUDENT IN GOOD  
13 ACADEMIC STANDING, OTHER THAN FRESHMAN, ENROLLED FOR AT LEAST  
14 TWELVE (12) SEMESTER HOURS AT THE INSTITUTION OF WHICH HE IS A  
15 TRUSTEE. THE STUDENT MEMBER SHALL SERVE A TERM OF FOUR (4) YEARS  
16 OR FOR SO LONG AS HE IS A FULL-TIME UNDERGRADUATE STUDENT IN  
17 ATTENDANCE AT THE INSTITUTION OF WHICH HE IS A TRUSTEE,  
18 WHICHEVER PERIOD IS SHORTER, AND IS IN GOOD ACADEMIC STANDING.  
19 VACANCIES OCCURRING BEFORE THE EXPIRATION OF THE TERM OF ANY  
20 MEMBER SHALL BE FILLED IN LIKE MANNER FOR THE UNEXPIRED TERM.  
21 STUDENT MEMBERS OF THE COUNCIL OF TRUSTEES SHALL BE APPOINTED BY  
22 THE GOVERNOR AND SHALL NOT BE SUBJECT TO SENATE CONFIRMATION. IF  
23 A STUDENT MEMBER IS TEMPORARILY UNABLE, FOR MEDICAL OR VALID  
24 ACADEMIC REASONS, TO FULFILL THE RESPONSIBILITIES OF OFFICE, THE  
25 COUNCIL OF TRUSTEES MAY REQUEST THAT THE GOVERNOR APPOINT AN  
26 OTHERWISE QUALIFIED STUDENT TO SERVE AS AN ALTERNATE UNTIL THE  
27 RETURN OF THE STUDENT MEMBER.

28 (C) THE MEMBERS OF EACH BOARD OF TRUSTEES OF A FORMER STATE  
29 COLLEGE OR UNIVERSITY SERVING IN SUCH CAPACITY ON THE EFFECTIVE  
30 DATE OF THIS ACT SHALL CONTINUE TO SERVE FOR THE BALANCE OF

1 THEIR RESPECTIVE TERMS.] TEN (10) MEMBERS OF EACH COUNCIL SHALL  
2 SERVE TERMS OF SIX (6) YEARS, RESPECTIVELY AND UNTIL THEIR  
3 RESPECTIVE SUCCESSORS ARE DULY APPOINTED.

4 (B.1) ONE (1) MEMBER OF EACH COUNCIL SHALL BE A STUDENT  
5 APPOINTED BY THE BOARD UNDER SECTION 2006-A(A) (17). THE STUDENT  
6 MEMBER SHALL SERVE A TERM OF FOUR (4) YEARS OR FOR SO LONG AS  
7 THE STUDENT IS A FULL-TIME STUDENT IN ATTENDANCE AT THE  
8 INSTITUTION OF WHICH THE STUDENT IS A TRUSTEE, WHICHEVER PERIOD  
9 IS SHORTER, AND IS IN GOOD ACADEMIC STANDING. IF A STUDENT  
10 MEMBER IS TEMPORARILY UNABLE, FOR MEDICAL OR VALID ACADEMIC  
11 REASONS, TO FULFILL THE RESPONSIBILITIES OF OFFICE, THE COUNCIL  
12 OF TRUSTEES MAY APPOINT AN OTHERWISE QUALIFIED STUDENT TO SERVE  
13 AS AN ALTERNATE UNTIL THE RETURN OF THE STUDENT MEMBER.

14 (B.2) VACANCIES OCCURRING BEFORE THE EXPIRATION OF THE TERM  
15 OF ANY MEMBER SHALL BE FILLED IN LIKE MANNER FOR THE UNEXPIRED  
16 TERM.

17 (D) SIX (6) MEMBERS OF A COUNCIL SHALL CONSTITUTE A QUORUM.  
18 EACH COUNCIL SHALL SELECT FROM ITS MEMBERS A CHAIRPERSON AND A  
19 SECRETARY TO SERVE AT THE PLEASURE OF THE COUNCIL. EACH COUNCIL  
20 SHALL MEET AT LEAST QUARTERLY, AND ADDITIONALLY AT THE CALL OF  
21 THE PRESIDENT, OR ITS CHAIRPERSON, OR UPON REQUEST OF THREE (3)  
22 OF ITS MEMBERS.

23 SECTION 2009-A. POWERS AND DUTIES OF COUNCILS OF TRUSTEES.--

24 (A) IN ACCORDANCE WITH [THE RULES AND REGULATIONS] POLICIES,  
25 PROCEDURES AND STANDARDS ADOPTED BY THE BOARD, THE COUNCIL OF  
26 EACH INSTITUTION SHALL HAVE THE POWER AND ITS DUTY SHALL BE:

27 (1) TO MAKE RECOMMENDATIONS TO THE CHANCELLOR FOR THE  
28 APPOINTMENT[, ] AND RETENTION [OR DISMISSAL] OF THE PRESIDENT  
29 FOLLOWING [CONSULTATION WITH] INPUT BY STUDENTS, FACULTY, STAFF  
30 AND ALUMNI.

1       (1.1) TO MAKE RECOMMENDATIONS TO THE CHANCELLOR FOR THE  
2 DISMISSAL OF THE PRESIDENT.

3       (2) TO ASSIST THE PRESIDENT IN DEVELOPING PROPER RELATIONS  
4 AND UNDERSTANDING BETWEEN THE INSTITUTION AND ITS PROGRAMS AND  
5 THE PUBLIC, IN ORDER TO SERVE THE INTERESTS AND NEEDS OF BOTH.

6       [(3) TO REVIEW AND APPROVE THE RECOMMENDATIONS OF THE  
7 PRESIDENT AS TO STANDARDS FOR THE ADMISSION, DISCIPLINE AND  
8 EXPULSION OF STUDENTS.]

9       (4) TO REVIEW AND [APPROVE THE RECOMMENDATIONS OF] PROVIDE  
10 INPUT TO THE PRESIDENT PERTAINING TO POLICIES AND PROCEDURES  
11 GOVERNING THE USE OF INSTITUTIONAL FACILITIES AND PROPERTY.

12       (5) TO APPROVE SCHOOLS AND ACADEMIC PROGRAMS.

13       (6) TO REVIEW AND APPROVE THE RECOMMENDATIONS OF THE  
14 PRESIDENT PERTAINING TO ANNUAL OPERATING AND CAPITAL BUDGET  
15 REQUIREMENTS FOR FORWARDING TO THE BOARD.

16       (7) TO REVIEW AND APPROVE RECOMMENDATIONS FOR CHARGES FOR  
17 TUITION, AND TO APPROVE ROOM AND BOARD AND OTHER FEES EXCEPT  
18 STUDENT ACTIVITY FEES AND ANY FEES RELATED TO THE PROVISION OF  
19 CONTRACTED HEALTH SERVICES.

20       [(8) TO CONDUCT AN ANNUAL PHYSICAL INSPECTION OF FACILITIES  
21 AND MAKE RECOMMENDATIONS REGARDING MAINTENANCE AND CONSTRUCTION  
22 TO THE BOARD.]

23       (9) TO REVIEW [AND APPROVE ALL] CONTRACTS AND PURCHASES  
24 NEGOTIATED OR AWARDED BY THE PRESIDENT, INCLUDING ANY CONTRACT  
25 OR PURCHASE REPORTS, WITH OR WITHOUT COMPETITIVE BIDDING AND ALL  
26 CONTRACTS FOR CONSULTATIVE SERVICES ENTERED BY THE PRESIDENT.

27       (10) TO REPRESENT THE INSTITUTION AT OFFICIAL FUNCTIONS OF  
28 THE COMMONWEALTH.

29       (11) TO TAKE SUCH OTHER ACTION AS MAY BE NECESSARY TO  
30 EFFECTUATE THE POWERS AND DUTIES HEREIN DELEGATED.

1 (12) IN ACCORDANCE WITH THE EVALUATION PROCEDURE ESTABLISHED  
2 BY THE BOARD EACH COUNCIL SHALL CONDUCT AN EVALUATION OF THE  
3 PRESIDENT AND FORWARD THE RESULTS OF THAT EVALUATION WITH  
4 RECOMMENDATION TO THE CHANCELLOR FOR SUBMISSION TO THE BOARD.

5 (13) BY RESOLUTION ADOPTED BY THE COUNCIL TO AUTHORIZE  
6 CAMPUS POLICE WHO HAVE COMPLETED FIREARMS TRAINING IN ACCORDANCE  
7 WITH 53 PA.C.S. § 2167(A) (RELATING TO POLICE TRAINING) TO CARRY  
8 FIREARMS IN THE COURSE OF DUTY FOR ANY INSTITUTION WHOSE CAMPUS  
9 POLICE ARE AUTHORIZED TO CARRY FIREARMS ON THE EFFECTIVE DATE OF  
10 THIS PARAGRAPH, THE AUTHORITY TO CARRY FIREARMS SHALL REMAIN IN  
11 EFFECT UNLESS THE COUNCIL BY RESOLUTION DISSOLVES SUCH  
12 AUTHORITY.

13 SECTION 2010-A. POWER AND DUTIES OF INSTITUTION  
14 PRESIDENTS.--THE PRESIDENT OF EACH INSTITUTION SHALL BE  
15 APPOINTED BY THE BOARD. THE PRESIDENT SHALL BE THE CHIEF  
16 EXECUTIVE OFFICER OF THAT INSTITUTION. [HE] THE PRESIDENT SHALL  
17 HAVE THE RIGHT TO ATTEND ALL MEETINGS OF THE COUNCIL OF THAT  
18 INSTITUTION AND SHALL HAVE THE RIGHT TO SPEAK ON ALL MATTERS  
19 BEFORE THE COUNCIL BUT NOT TO VOTE. SUBJECT TO THE STATED  
20 AUTHORITY OF THE BOARD AND THE COUNCIL, EACH PRESIDENT SHALL  
21 HAVE THE FOLLOWING POWERS AND DUTIES:

22 (1) EXCEPT INSOFAR AS SUCH MATTERS ARE GOVERNED BY  
23 COLLECTIVE BARGAINING AGREEMENTS ENTERED PURSUANT TO THE ACT OF  
24 JULY 23, 1970 (P.L.563, NO.195), KNOWN AS THE "PUBLIC EMPLOYE  
25 RELATIONS ACT," AND SUBJECT TO THE POLICIES OF THE BOARD, TO  
26 APPOINT SUCH EMPLOYES, PROFESSIONAL AND NONINSTRUCTIONAL,  
27 GRADUATE ASSISTANTS, ETC. AS NECESSARY, TO FIX THE SALARIES AND  
28 [BENEFITS OF EMPLOYES, PROFESSIONAL AND NONINSTRUCTIONAL, AND TO  
29 ESTABLISH POLICIES AND PROCEDURES GOVERNING EMPLOYMENT RIGHTS,  
30 PROMOTION, DISMISSAL, TENURE, LEAVES OF ABSENCE, GRIEVANCES AND]

1 SALARY SCHEDULES.

2 \* \* \*

3 (5) TO ESTABLISH POLICIES AND PROCEDURES GOVERNING THE USE  
4 OF INSTITUTIONAL FACILITIES AND PROPERTY IN [ACCORDANCE WITH  
5 GUIDELINES ESTABLISHED BY] CONSULTATION WITH THE LOCAL COUNCIL.

6 \* \* \*

7 (10.1) WITHIN THE LIMITATIONS OF THE OPERATING BUDGET AND  
8 OTHER AVAILABLE FUNDS IN ACCORDANCE WITH THE PROCEDURES  
9 ESTABLISHED BY THE BOARD [AND WITH THE APPROVAL OF THE LOCAL  
10 COUNCIL,] TO NEGOTIATE AND AWARD ALL CONTRACTS FOR EQUIPMENT,  
11 SERVICES AND SUPPLIES IN EXCESS OF A COST OF A BASE AMOUNT OF  
12 EIGHTEEN THOUSAND FIVE HUNDRED DOLLARS (\$18,500), SUBJECT TO  
13 ADJUSTMENT UNDER SECTION [120] 2003-A.1(C.3), ON A COMPETITIVE  
14 BID BASIS [AND] CONTRACTS TO PURCHASE INSTRUCTIONAL,  
15 EDUCATIONAL, EXTRACURRICULAR, TECHNICAL, ADMINISTRATIVE,  
16 CUSTODIAL AND MAINTENANCE EQUIPMENT AND SUPPLIES NOT IN EXCESS  
17 OF A COST OF A BASE AMOUNT OF EIGHTEEN THOUSAND FIVE HUNDRED  
18 DOLLARS (\$18,500), SUBJECT TO ADJUSTMENT UNDER SECTION [120]  
19 2003-A.1(C.3), MAY BE PROCURED, WITHOUT COMPETITIVE BIDDING,  
20 EXCEPT THAT SUCH ITEMS SHALL NOT BE BOUGHT IN SERIES TO AVOID  
21 THE DOLLAR CEILING.

22 (11) TO COOPERATE WITH AND ACCEPT GRANTS AND ASSISTANCE FROM  
23 FEDERAL AND STATE AGENCIES, LOCAL GOVERNMENTS OR OTHER POLITICAL  
24 SUBDIVISIONS, FOUNDATIONS, CORPORATIONS, OR ANY OTHER SOURCE FOR  
25 ANY OF THE LAWFUL PURPOSES OF THE INSTITUTION. EACH INSTITUTION  
26 SHALL HAVE THE POWER TO BANK AND USE SUCH GRANTS AS DIRECTED BY  
27 THE GRANTOR AND SUBJECT TO THE LIMITATIONS OF THIS ACT[, EXCEPT  
28 THAT GRANTS AND ASSISTANCE FROM SOURCES OTHER THAN STATE  
29 AGENCIES, LOCAL GOVERNMENTS OR OTHER POLITICAL SUBDIVISIONS  
30 SHALL NOT BE SUBJECT TO THE PROVISIONS OF CLAUSE (10)]. ALL



1 MONEYS RECEIVED FROM SOURCES AUTHORIZED BY THIS SECTION ARE  
2 HEREBY APPROPRIATED TO EACH OF THE SEVERAL INSTITUTIONS GRANTED  
3 SUCH MONEYS. ALL SUCH MONEYS SHALL BE SUBJECT TO AUDIT BY THE  
4 AUDITOR GENERAL.

5 (12) TO AUTHORIZE PERSONNEL TO TRAVEL WITHIN OR WITHOUT THE  
6 COMMONWEALTH AT INSTITUTIONAL EXPENSE [IN ACCORDANCE WITH  
7 REGULATIONS OF THE COUNCIL].

8 (13) WITHIN THE LIMITATIONS OF THE OPERATING BUDGET AND  
9 OTHER AVAILABLE FUNDS, TO ENTER INTO CONTRACTS FOR CONSULTATIVE  
10 SERVICE [NOT TO EXCEED FIVE THOUSAND DOLLARS (\$5,000) PER  
11 CONTRACT].

12 (14) TO ENTER INTO CONTRACTS [IN ACCORDANCE WITH POLICIES OF  
13 THE COUNCIL,] TO ENABLE STUDENTS TO ENGAGE IN STUDENT TEACHING  
14 OR OTHER TRAINING IN ORDER TO OBTAIN EXPERIENCE IN A PARTICULAR  
15 FIELD.

16 \* \* \*

17 SECTION 8. SECTIONS 2011-A AND 2017-A OF THE ACT ARE AMENDED  
18 TO READ:

19 SECTION 2011-A. RENTAL FEES AND OTHER CHARGES.-- (A) IN  
20 ADDITION TO RENTAL FEES FIXED, CHARGED AND COLLECTED IN THE  
21 MANNER PROVIDED BY LAW FROM EACH STUDENT RESIDING IN STATE-OWNED  
22 OR STATE-LEASED RESIDENTIAL FACILITIES AT AN INSTITUTION FOR THE  
23 MAINTENANCE AND OPERATION OF SUCH FACILITIES, A SUM SHALL BE  
24 FIXED BY THE PRESIDENT, WITH APPROVAL OF THE COUNCIL OF  
25 TRUSTEES, AND CHARGED AND COLLECTED FROM EACH SUCH PERSON AS AN  
26 ADDITIONAL RENTAL FEE. SUCH ADDITIONAL RENTAL FEES SHALL BE  
27 CREDITED TO A RESERVE FUND FOR CONTINGENCIES AND CAPITAL  
28 REPLACEMENTS.

29 [(B) IN ADDITION TO THE OTHER FEES FROM TIME TO TIME FIXED,  
30 CHARGED AND COLLECTED IN THE MANNER PROVIDED BY LAW, A FEE OF

1 TEN DOLLARS (\$10) PER SEMESTER OF EIGHTEEN (18) WEEKS AND A  
2 PROPORTIONATE FEE FOR EACH TRIMESTER, QUARTER, TERM AND SUMMER  
3 SESSIONS OF SIX (6) WEEKS OR THREE (3) WEEKS SHALL BE FIXED,  
4 CHARGED AND COLLECTED FROM EACH STUDENT WHILE IN ATTENDANCE AT A  
5 UNIVERSITY FOR WHICH THE GENERAL STATE AUTHORITY HAS TAKEN TITLE  
6 TO A STUDENT COMMUNITY BUILDING, WHICH FEE SHALL BE CREDITED TO  
7 THE DEPARTMENT OF GENERAL SERVICES AND SHALL BE FIXED BY THE  
8 COUNCIL OF TRUSTEES IN AMOUNTS SUFFICIENT TO MEET RENTALS DUE TO  
9 THE GENERAL STATE AUTHORITY, PURSUANT TO CONTRACTS TO LEASE  
10 STUDENT COMMUNITY BUILDINGS CONSTRUCTED BY THE SAID AUTHORITY  
11 FOR THE USE OF THE SYSTEM UNIVERSITIES.

12 SECTION 2017-A. ANNUAL REPORT.-- (A) AN ANNUAL REPORT SHALL  
13 BE SUBMITTED IN ELECTRONIC FORMAT BY EACH INSTITUTION TO THE  
14 DEPARTMENT OF EDUCATION AND THE JOINT STATE GOVERNMENT  
15 COMMISSION, WHICH SHALL INCLUDE DATA FOR ALL PROGRAMS OF THE  
16 INSTITUTION. EACH SUCH REPORT, TO BE SUBMITTED PRIOR TO  
17 SEPTEMBER 1, SHALL COVER THE 12-MONTH PERIOD BEGINNING WITH THE  
18 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 DEFINITIONS AND NUMBERS OF FACULTY MEMBERS EMPLOYED  
22 FULL TIME, OF FACULTY MEMBERS EMPLOYED PART TIME, OF FULL-TIME  
23 STUDENTS ENROLLED IN GRADUATE COURSES, OF FULL-TIME STUDENTS  
24 ENROLLED IN UNDERGRADUATE COURSES, OF PART-TIME STUDENTS  
25 ENROLLED IN GRADUATE COURSES, AND OF PART-TIME STUDENTS ENROLLED  
26 IN UNDERGRADUATE COURSES.

27 (II) THE TOTAL NUMBERS OF UNDERGRADUATE STUDENT CREDIT  
28 HOURS, DIVIDED INTO LOWER DIVISION AND UPPER DIVISION COURSE  
29 LEVELS, AND OF GRADUATE STUDENT CREDIT HOURS DIVIDED INTO THREE  
30 COURSE LEVELS--MASTER'S, FIRST PROFESSIONAL AND DOCTORAL.

1 (III) THE NUMBER OF DIFFERENT COURSES SCHEDULED BY LEVEL OF  
2 INSTRUCTION AND THE NUMBER OF SECTIONS OF INDIVIDUAL INSTRUCTION  
3 SCHEDULED BY LEVEL OF INSTRUCTION, EACH FURTHER SUBDIVIDED BY  
4 TWO DIGIT CLASSIFICATION OF INSTRUCTIONAL PROGRAM (CIP)  
5 CATEGORIES OF INSTRUCTIONAL PROGRAMS OF HIGHER EDUCATION AS  
6 DEFINED BY THE NATIONAL CENTER FOR EDUCATION STATISTICS, UNITED  
7 STATES DEPARTMENT OF EDUCATION.

8 (IV) THE NUMBER OF TERMS SCHEDULED AND THE DATES THEREOF.

9 (2) FOR THE SUMMER TERM AND THE FOLLOWING ACADEMIC YEAR IN  
10 TOTAL AND FOR EACH TWO DIGIT CIP PROGRAM CATEGORY, A  
11 CLASSIFICATION OF FACULTY MEMBERS OR OTHER PROFESSIONAL EMPLOYEES  
12 BY TITLE, INCLUDING: PROFESSOR, ASSOCIATE PROFESSOR, ASSISTANT  
13 PROFESSOR, INSTRUCTOR, LECTURER, RESEARCH ASSOCIATE, LIBRARIAN  
14 AND ACADEMIC ADMINISTRATOR; FACULTY MEMBERS OR OTHER  
15 PROFESSIONAL EMPLOYEES UNDER EACH TITLE TO BE SUBDIVIDED BY TYPE  
16 OF ASSIGNMENT: TEACHING AND NONTEACHING, AND EACH SUCH SET OF  
17 FACULTY MEMBERS OR OTHER PROFESSIONAL EMPLOYEES TO BE FURTHER  
18 SUBDIVIDED BY TYPE OF EMPLOYMENT: FULL TIME OR PART TIME; AND  
19 THE FOLLOWING AGGREGATES FOR EACH SUBDIVIDED CLASSIFICATION:

20 (I) THE NUMBER OF FACULTY AND OTHER PROFESSIONAL EMPLOYEES  
21 AND THEIR FULL-TIME EQUIVALENCE IN INSTRUCTIONAL AND  
22 NONINSTRUCTIONAL FUNCTIONS.

23 (II) THE SUM OF CREDITS ASSIGNED TO UNDERGRADUATE CLASSROOM  
24 COURSES AND THE SUM OF CREDITS ASSIGNED TO GRADUATE CLASSROOM  
25 COURSES TAUGHT, DIVIDED INTO LOWER DIVISION, UPPER DIVISION,  
26 MASTER'S, FIRST PROFESSIONAL AND DOCTORAL COURSE LEVELS.

27 (III) THE SUM OF CREDITS ASSIGNED TO UNDERGRADUATE  
28 INDIVIDUAL INSTRUCTION COURSES AND THE SUM OF CREDITS ASSIGNED  
29 TO GRADUATE INDIVIDUAL INSTRUCTION COURSES TAUGHT, DIVIDED INTO  
30 LOWER DIVISION, UPPER DIVISION, MASTER'S, FIRST PROFESSIONAL AND

1 DOCTORAL COURSE LEVELS.

2 (IV) THE SUM OF UNDERGRADUATE CLASSROOM STUDENT CREDIT HOURS  
3 AND THE SUM OF GRADUATE CLASSROOM STUDENT CREDIT HOURS  
4 GENERATED, DIVIDED INTO LOWER DIVISION, UPPER DIVISION,  
5 MASTER'S, FIRST PROFESSIONAL AND DOCTORAL COURSE LEVELS.

6 (V) THE SUM OF UNDERGRADUATE INDIVIDUAL INSTRUCTION STUDENT  
7 CREDIT HOURS AND THE SUM OF GRADUATE INDIVIDUAL INSTRUCTION  
8 STUDENT CREDIT HOURS GENERATED, DIVIDED INTO LOWER DIVISION,  
9 UPPER DIVISION, MASTER'S, FIRST PROFESSIONAL AND DOCTORAL COURSE  
10 LEVELS.

11 (VI) THE TOTAL SALARY PAID FOR INSTRUCTIONAL FUNCTIONS AND  
12 FOR NONINSTRUCTIONAL FUNCTIONS AND THE AMOUNT OF THIS SALARY  
13 PAID FOR EACH OF THESE FUNCTIONS FROM UNIVERSITY FUNDS, FEDERAL  
14 FUNDS AND OTHER FUNDS.

15 (3) FOR EACH TERM OF THE PERIOD COVERED FOR EACH FACULTY  
16 MEMBER EMPLOYED FULL TIME IDENTIFIED BY TWO DIGIT CIP PROGRAM  
17 CATEGORY AND TITLE, THE REPORT SHALL CONTAIN AN ANALYSIS OF THE  
18 AVERAGE HOURS PER WEEK SPENT IN UNIVERSITY-RELATED ACTIVITIES,  
19 STATING SPECIFICALLY HOURS SPENT IN UNDERGRADUATE CLASSROOM  
20 CONTACT AND GRADUATE CLASSROOM CONTACT, HOURS SPENT IN  
21 PREPARATION, HOURS SPENT IN RESEARCH AND HOURS SPENT IN PUBLIC  
22 SERVICE.

23 (B) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (A), EACH  
24 REPORT COVERING THE 12-MONTH PERIOD SHALL INCLUDE FOR ALL  
25 PROGRAMS OF THE INSTITUTION:

26 (1) MINIMUM NUMBER OF CREDITS REQUIRED FOR A BACCALAUREATE  
27 DEGREE AND FOR A MASTER'S DEGREE.

28 (2) NUMBER OF BACHELOR'S DEGREES, MASTER'S DEGREES, FIRST  
29 PROFESSIONAL DEGREES AND DOCTORAL DEGREES AWARDED IN THE THREE  
30 PREVIOUS YEARS AND THOSE ESTIMATED FOR THAT YEAR.

1 (C) THE JOINT STATE GOVERNMENT COMMISSION SHALL DEVELOP A  
2 STATISTICAL COMPARISON ANALYSIS RECOGNIZING DIFFERENCES IN  
3 MISSIONS FROM THE REPORTS MADE UNDER THIS SECTION. THE  
4 COMPARISON SHALL BE PROVIDED TO THE EDUCATION COMMITTEE OF THE  
5 SENATE AND THE APPROPRIATIONS COMMITTEE OF THE SENATE AND THE  
6 EDUCATION COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE  
7 APPROPRIATIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE  
8 FOUR STATE REGIONAL LIBRARIES. THE COMPARATIVE ANALYSIS SHALL BE  
9 POSTED ON THE JOINT STATE GOVERNMENT COMMISSION'S INTERNET  
10 WEBSITE FOR A PERIOD OF NO LESS THAN FIVE (5) YEARS FROM THE  
11 DATE OF SUBMISSION.

12 (D) EACH REPORT SUBMITTED UNDER SUBSECTION (A) SHALL BE  
13 POSTED BY THE DEPARTMENT OF EDUCATION ON ITS INTERNET WEBSITE  
14 FOR A PERIOD OF NO LESS THAN FIVE (5) YEARS FROM THE DATE OF  
15 SUBMISSION.]

16 SECTION 9. SECTION 2019-A OF THE ACT IS AMENDED BY ADDING A  
17 SUBSECTION TO READ:

18 SECTION 2019-A. CAMPUS POLICE POWERS AND DUTIES.--\* \* \*

19 (D) CAMPUS POLICE MAY DISSEMINATE INVESTIGATIVE INFORMATION  
20 AS DEFINED IN 18 PA.C.S. § 9102 (RELATING TO DEFINITIONS) TO  
21 UNIVERSITY OFFICIALS FOR USE IN STUDENT DISCIPLINARY MATTERS  
22 SUBJECT TO 22 PA. CODE CH. 505 (RELATING TO STUDENT PERSONNEL).  
23 NOTWITHSTANDING THIS SECTION, ALL OTHER PROVISIONS OF 18 PA.C.S.  
24 CH. 91 (RELATING TO CRIMINAL HISTORY RECORD INFORMATION) SHALL  
25 APPLY TO CAMPUS POLICE.

26 SECTION 10. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

27 SECTION 2021-A. STUDENT RECORDS.--STUDENT EDUCATION RECORDS  
28 MAINTAINED IN CONNECTION WITH A TRANSACTION, BUSINESS OR  
29 ACTIVITY OF THE SYSTEM OR UNIVERSITY SHALL NOT BE SUBJECT TO THE  
30 PROVISIONS OF THE ACT OF FEBRUARY 14, 2008 (P.L.6, NO.3), KNOWN

1 AS THE "RIGHT-TO-KNOW LAW."

2 SECTION 11. ALL ACTS AND PARTS OF ACTS ARE REPEALED AND ALL  
3 REGULATIONS AND PARTS OF REGULATIONS ARE ABROGATED INsofar AS  
4 THEY ARE INCONSISTENT WITH THIS ACT.

5 SECTION 12. THE POWERS GRANTED UNDER SECTION 2006-A(A) (18)  
6 OF THE ACT SHALL EXPIRE THREE YEARS FROM THE EFFECTIVE DATE OF  
7 THIS SECTION.

8 SECTION 13. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

9 (1) THE ADDITION OF SECTION 2006-A(A) (20) OF THE ACT  
10 SHALL TAKE EFFECT IN THREE YEARS.

11 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT  
12 IMMEDIATELY.