

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 536 Session of 2019

INTRODUCED BY BROWNE, AUMENT, MARTIN, LEACH, ARGALL, PHILLIPS-HILL, FOLMER, BAKER, BLAKE, K. WARD, DINNIMAN, YUDICHAK, MENSCH, STEFANO, J. WARD, TARTAGLIONE, TOMLINSON AND VOGEL, APRIL 10, 2019

SENATOR LANGERHOLC, EDUCATION, AS AMENDED, JUNE 4, 2019

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," establishing the Public Higher
6 Education Funding Commission.

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 XX-I

13 MISCELLANEOUS PROVISIONS RELATING TO

14 INSTITUTIONS OF HIGHER EDUCATION

15 Section 2001-I. Public Higher Education Funding Commission.

16 (a) Establishment.--The Public Higher Education Funding
17 Commission is established.

18 (b) Duties.--The commission shall review and make
19 recommendations related to higher education funding,

1 affordability and effectiveness and administration and  
2 operations as provided in this section.

3 (c) Membership.--

4 (1) The commission shall consist of the following  
5 members:

6 (i) The chair and minority chair of the <--  
7 Appropriations Committee of the Senate and the chair and  
8 minority chair of the Appropriations Committee of the  
9 House of Representatives.

10 (ii) The chair and minority chair of the Education  
11 Committee of the Senate and the chair and minority chair  
12 of the Education Committee of the House of  
13 Representatives.

14 (iii) Two legislators appointed by the President pro  
15 tempore of the Senate.

16 (iv) Two legislators to be appointed by the Speaker  
17 of the House of Representatives.

18 (v) One legislator to be appointed by the Minority  
19 Leader of the Senate.

20 (vi) One legislator to be appointed by the Minority  
21 Leader of the House of Representatives.

22 (vii) The Secretary of Education.

23 (I) THE CHAIR AND MINORITY CHAIR OF THE <--  
24 APPROPRIATIONS COMMITTEE OF THE SENATE AND THE CHAIR AND  
25 MINORITY CHAIR OF THE EDUCATION COMMITTEE OF THE SENATE.

26 (II) THE CHAIR AND MINORITY CHAIR OF THE  
27 APPROPRIATIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES  
28 AND THE CHAIR AND MINORITY CHAIR OF THE EDUCATION  
29 COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

30 (III) TWO LEGISLATORS FROM EACH OF THE FOUR

1 LEGISLATIVE CAUCUSES, TO BE APPOINTED BY THE PRESIDENT  
2 PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF  
3 REPRESENTATIVES IN CONSULTATION WITH THE MAJORITY LEADER  
4 AND MINORITY LEADER OF THE SENATE AND THE MAJORITY LEADER  
5 AND MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES.

6 (IV) THE SECRETARY OF EDUCATION.

7 (V) THE DEPUTY SECRETARY FOR POSTSECONDARY AND  
8 HIGHER EDUCATION.

9 (VI) AN INDIVIDUAL FROM THE ADMINISTRATION APPOINTED  
10 BY THE GOVERNOR.

11 (2) The commission shall appoint a member to serve as  
12 chair of the commission.

13 (d) Meetings.--

14 (1) The commission shall hold its first meeting within  
15 45 days of the effective date of this section, regardless of  
16 whether all legislative caucuses have approved members to the  
17 commission.

18 (2) The commission shall hold meetings at the call of  
19 the chair.

20 (e) Payments to members.--The members may not receive  
21 compensation for their services, but shall be reimbursed for all  
22 necessary travel and other reasonable expenses incurred in  
23 connection with the performance of their duties as members of  
24 the commission.

25 (f) Administrative support.--The General Assembly shall  
26 provide administrative support, meeting space and any other  
27 assistance required by the commission to carry out its duties  
28 under this section in cooperation with the department. The  
29 department shall provide the commission with data, research and  
30 other information upon request by the commission.

1 (g) Cooperation from public institutions of higher education  
2 AND AGENCY.--The public institutions of higher education AND THE <--  
3 AGENCY shall provide meeting space and any other assistance  
4 required by the commission to carry out its duties under this  
5 section. The public institutions of higher education AND THE <--  
6 AGENCY shall provide the commission with data, research and  
7 other information upon request of the chairman.

8 (h) Higher education funding formula.--The commission shall  
9 develop a higher education funding formula and identify factors  
10 that may be used to determine the distribution of funding among  
11 the public institutions of higher education. The factors  
12 identified under this subsection may include all of the  
13 following:

14 (1) Goals for higher education.

15 (2) Goals for higher education completion and  
16 attainment.

17 (3) This Commonwealth's higher education needs.

18 (4) The affordability of higher education for residents  
19 of this Commonwealth.

20 (5) Resident and nonresident undergraduate and graduate  
21 enrollments.

22 (6) Graduation rates.

23 (7) Retention rates.

24 (8) Time to degree, including associate's degrees and  
25 bachelor's degrees.

26 (9) Cost per degree, including tuition and fees.

27 (10) Operational cost per full-time student.

28 (11) Student debt, including debt of graduates and  
29 noncompleters.

30 (12) Student financial aid, including programs operated <--

1 ADMINISTERED by the agency ON BEHALF OF THE COMMONWEALTH. <--

2 (13) Job placement after graduation.

3 (14) Entry level wages.

4 (15) Degrees granted in occupations that will align with  
5 the Commonwealth's long-term economic needs.

6 (16) Utilization of existing educational programs and  
7 facilities.

8 (17) Transfer and articulation of credits between public  
9 institutions of higher education.

10 (18) Institutional mission, including metrics that  
11 reflect differences in the missions between the institutions. <--

12 INSTITUTIONS AND THE DIFFERENCES BETWEEN TWO-YEAR AND FOUR- <--  
13 YEAR INSTITUTIONS.

14 (19) The appropriate level of recurring State support to  
15 maintain operations.

16 (20) The appropriate level of formula driven funding to  
17 incentivize success.

18 (21) The access and success of underrepresented <--  
19 populations., ENROLLMENT AND OUTCOMES OF UNDERREPRESENTED <--

20 POPULATIONS, INCLUDING, BUT NOT LIMITED TO, LOW-INCOME  
21 STUDENTS, FIRST-GENERATION STUDENTS, RURAL STUDENTS, ADULT  
22 STUDENTS, VETERANS AND STUDENTS OF COLOR.

23 (22) Comparisons of the factors contained in this  
24 section with those factors for private institutions of higher  
25 education that are located inside and outside this  
26 Commonwealth, when available.

27 (23) Other factors related to higher education and the  
28 distribution of higher education funding that the commission  
29 deems appropriate.

30 (i) Additional powers and duties.--The commission shall have

1 all of the following powers and duties:

2 (1) Review and make findings and recommendations related  
3 to higher education funding in this Commonwealth.

4 (2) Consult with and utilize experts to assist the  
5 commission in carrying out the duties under this subsection.

6 (3) Receive input from interested parties, including,  
7 but not limited to, public institutions of higher education.

8 (4) Hold public hearings in different regions of this  
9 Commonwealth.

10 (5) Review and consider higher education funding  
11 formulas and factors utilized throughout the United States.

12 (6) In identifying the higher education funding factors  
13 under subsection (h) and in completing the report required  
14 under this subsection, consider the impact these factors may  
15 have on the distribution of higher education funding among  
16 the public institutions of higher education.

17 (7) Review the administration and operation of State and  
18 regional higher education programs and services, including  
19 the public institutions of higher education and the agency to  
20 determine if cost savings for the Commonwealth and its  
21 students may be achieved and make recommendations to  
22 implement savings and efficiencies.

23 (8) Review the administration and operations of State  
24 and regional higher education programs and services,  
25 including the public institutions of higher education and the  
26 agency, and make recommendations regarding administration and  
27 operations.

28 (9) Prior to recommending a higher education funding  
29 formula under this section, consider the potential  
30 consequences of a higher education funding formula that does

1 not allocate to each public institution of higher education  
2 at least the same level or proportion of State funding as the  
3 institution received in the prior fiscal year.

4 (10) Prior to recommending a higher education funding  
5 formula under this section, consider nationally accepted  
6 accounting and budgeting standards.

7 (11) Develop a proposed higher education funding formula  
8 and factors pursuant to subsection (h).

9 (12) Draft proposed legislation based on the  
10 commission's findings.

11 (13) Issue a report of the commission's findings and  
12 recommendations to the Governor, the President pro tempore of  
13 the Senate, the Speaker of the House of Representatives, the  
14 Majority Leader and Minority Leader of the Senate, the  
15 Majority Leader and Minority Leader of the House of  
16 Representatives, the Secretary of Education and the State  
17 Board of Education, the Appropriations Committee of the  
18 Senate, the Appropriations Committee of the House of  
19 Representatives, the Education Committee of the Senate and  
20 the Education Committee of the House of Representatives not  
21 later than one year after the effective date of this section.

22 (j) Effective date of higher education funding formula.--The  
23 higher education funding formula developed by the commission  
24 shall not go into effect unless the formula is approved by an  
25 act of the General Assembly enacted after the effective date of  
26 this section.

27 (k) Continuation of commission.--Every five years the  
28 commission shall be reconstituted in accordance with subsection  
29 (c) and shall meet and hold public hearings to review the  
30 operation of the higher education funding provisions of this

1 section and shall make a further report and issue the report to  
2 the recipients listed in subsection (i) (13).

3 (l) Level of state funding through appropriations.--The  
4 General Assembly shall, through the annual appropriations  
5 process, determine the level of State funding for public  
6 institutions of higher education.

7 (m) Definitions.--As used in this section, the following  
8 words and phrases shall have the meanings given to them in this  
9 subsection unless the context clearly indicates otherwise:

10 "Agency." The Pennsylvania Higher Education Assistance  
11 Agency.

12 "Commission." The Public Higher Education Funding Commission  
13 established under this section.

14 "Department." The Department of Education of the  
15 Commonwealth.

16 "Public institution of higher education." A State owned <--  
17 university, a State related university, a community college, the  
18 Pennsylvania College of Technology and the Thaddeus Stevens  
19 College of Technology.

20 "PUBLIC INSTITUTION OF HIGHER EDUCATION." ANY OF THE <--  
21 FOLLOWING:

22 (1) A COMMUNITY COLLEGE OPERATING UNDER ARTICLE XIX-A OF  
23 THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS THE  
24 PUBLIC SCHOOL CODE OF 1949.

25 (2) A RURAL REGIONAL COLLEGE ESTABLISHED UNDER ARTICLE  
26 XIX-G OF THE PUBLIC SCHOOL CODE OF 1949.

27 (3) A UNIVERSITY WITHIN THE STATE SYSTEM OF HIGHER  
28 EDUCATION UNDER ARTICLE XX-A OF THE PUBLIC SCHOOL CODE OF  
29 1949.

30 (4) A STATE-RELATED INSTITUTION AS DEFINED IN SECTION



1       2001-C OF THE PUBLIC SCHOOL CODE OF 1949.

2           (5) THE THADDEUS STEVENS COLLEGE OF TECHNOLOGY.

3           (6) THE PENNSYLVANIA COLLEGE OF TECHNOLOGY.

4       Section 2. This act shall take effect immediately.