

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1172 Session of 2020

INTRODUCED BY MARTIN, TOMLINSON, MENSCH AND STEFANO,
MAY 28, 2020

REFERRED TO EDUCATION, MAY 28, 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 State System of Higher Education,
6 further providing for annual report, and providing for
7 emergency powers due to COVID-19 disaster emergency.

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

10 Section 1. Section 2017-A of the act of March 10, 1949
11 (P.L.30, No.14), known as the Public School Code of 1949, is
12 repealed:

13 [Section 2017-A. Annual Report.--(a) An annual report shall
14 be submitted in electronic format by each institution to the
15 Department of Education and the Joint State Government
16 Commission, which shall include data for all programs of the
17 institution. Each such report, to be submitted prior to
18 September 1, shall cover the 12-month period beginning with the
19 summer term of the preceding year and shall include:

20 (1) The following counts and distributions for each term

1 during the period:

2 (i) The definitions and numbers of faculty members employed
3 full time, of faculty members employed part time, of full-time
4 students enrolled in graduate courses, of full-time students
5 enrolled in undergraduate courses, of part-time students
6 enrolled in graduate courses, and of part-time students enrolled
7 in undergraduate courses.

8 (ii) The total numbers of undergraduate student credit
9 hours, divided into lower division and upper division course
10 levels, and of graduate student credit hours divided into three
11 course levels--master's, first professional and doctoral.

12 (iii) The number of different courses scheduled by level of
13 instruction and the number of sections of individual instruction
14 scheduled by level of instruction, each further subdivided by
15 two digit Classification of Instructional Program (CIP)
16 categories of instructional programs of higher education as
17 defined by the National Center for Education Statistics, United
18 States Department of Education.

19 (iv) The number of terms scheduled and the dates thereof.

20 (2) For the summer term and the following academic year in
21 total and for each two digit CIP program category, a
22 classification of faculty members or other professional employes
23 by title, including: professor, associate professor, assistant
24 professor, instructor, lecturer, research associate, librarian
25 and academic administrator; faculty members or other
26 professional employes under each title to be subdivided by type
27 of assignment: teaching and nonteaching, and each such set of
28 faculty members or other professional employes to be further
29 subdivided by type of employment: full time or part time; and
30 the following aggregates for each subdivided classification:

1 (i) The number of faculty and other professional employes
2 and their full-time equivalence in instructional and
3 noninstructional functions.

4 (ii) The sum of credits assigned to undergraduate classroom
5 courses and the sum of credits assigned to graduate classroom
6 courses taught, divided into lower division, upper division,
7 master's, first professional and doctoral course levels.

8 (iii) The sum of credits assigned to undergraduate
9 individual instruction courses and the sum of credits assigned
10 to graduate individual instruction courses taught, divided into
11 lower division, upper division, master's, first professional and
12 doctoral course levels.

13 (iv) The sum of undergraduate classroom student credit hours
14 and the sum of graduate classroom student credit hours
15 generated, divided into lower division, upper division,
16 master's, first professional and doctoral course levels.

17 (v) The sum of undergraduate individual instruction student
18 credit hours and the sum of graduate individual instruction
19 student credit hours generated, divided into lower division,
20 upper division, master's, first professional and doctoral course
21 levels.

22 (vi) The total salary paid for instructional functions and
23 for noninstructional functions and the amount of this salary
24 paid for each of these functions from university funds, Federal
25 funds and other funds.

26 (3) For each term of the period covered for each faculty
27 member employed full time identified by two digit CIP program
28 category and title, the report shall contain an analysis of the
29 average hours per week spent in university-related activities,
30 stating specifically hours spent in undergraduate classroom

1 contact and graduate classroom contact, hours spent in
2 preparation, hours spent in research and hours spent in public
3 service.

4 (b) In addition to the requirements of subsection (a), each
5 report covering the 12-month period shall include for all
6 programs of the institution:

7 (1) Minimum number of credits required for a baccalaureate
8 degree and for a master's degree.

9 (2) Number of bachelor's degrees, master's degrees, first
10 professional degrees and doctoral degrees awarded in the three
11 previous years and those estimated for that year.

12 (c) The Joint State Government Commission shall develop a
13 statistical comparison analysis recognizing differences in
14 missions from the reports made under this section. The
15 comparison shall be provided to the Education Committee of the
16 Senate and the Appropriations Committee of the Senate and the
17 Education Committee of the House of Representatives and the
18 Appropriations Committee of the House of Representatives and the
19 four State regional libraries. The comparative analysis shall be
20 posted on the Joint State Government Commission's Internet
21 website for a period of no less than five (5) years from the
22 date of submission.

23 (d) Each report submitted under subsection (a) shall be
24 posted by the Department of Education on its Internet website
25 for a period of no less than five (5) years from the date of
26 submission.]

27 Section 2. The act is amended by adding a section to read:
28 Section 2021-A. Emergency powers due to COVID-19 disaster
29 emergency.

30 (a) This section provides temporary authority to the system

1 to deal with system and institution sustainability resulting
2 from multiyear enrollment declines and disruptions related to
3 the COVID-19 disaster emergency.

4 (b) As used in this section, the following words and phrases
5 shall have the meanings given to them in this subsection unless
6 the context clearly indicates otherwise:

7 "COVID-19 disaster emergency." The proclamation of disaster
8 emergency issued by the Governor on March 6, 2020, published at
9 50 Pa.B. 1644 (March 21, 2020), and any renewal of the state of
10 disaster emergency.

11 (c) In addition to the powers granted under section 2006-A,
12 the board shall have temporary plenary power to make, issue and
13 enforce board policies, procedures and standards for the
14 management and conduct of the instructional, administrative and
15 financial affairs of the system, including:

16 (1) To pursue and implement any measures, such as granting
17 an institution independence, reorganization, affiliation,
18 integration, suspension or merger of the system or any one or
19 more institutions necessary to ensure the educational integrity
20 and financial sustainability of the system or of any one or more
21 institutions. This paragraph shall not be construed to include
22 the power to close an institution.

23 (2) To integrate key functions across institutions
24 including, but not limited to, facilities, human resources and
25 information technology into centralized shared services.
26 Participation in these functions by an institution shall be at
27 the discretion of the institution's council of trustees, if the
28 institution is found to be sustainable as determined under
29 subsection (d) (2).

30 (3) To make all reasonable policies and procedures necessary

1 to carry out the purposes of this section.

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

6 (d) In the event of imminent financial emergency at an
7 institution, the chancellor shall:

8 (1) Review the budgetary documentation for the system and
9 the institutions.

10 (2) Assess whether the imminent financial emergency would
11 impair the financial condition of the system or of any
12 institution as to threaten the ability to maintain
13 sustainability or render the system or an institution unable to
14 meet its obligations to the public. An institution shall be
15 deemed sustainable if it had a minimum of five thousand (5,000)
16 students enrolled in the fall 2019 semester and a three (3) year
17 moving average for the primary reserve ratio above twenty-five
18 (25%) percent.

19 (3) Ascertain the extent to which consolidation or
20 elimination of some administrative offices and services or
21 reductions in operating and equipment budgets would alleviate
22 the imminent financial emergency and have an effect upon
23 students.

24 (4) Ascertain the extent to which voluntary mechanisms would
25 alleviate the imminent financial emergency.

26 (5) Present to the board a proposal for an institution
27 determined to be unsustainable under clause (2) to ameliorate
28 the emergency.

29 (e) (1) The board shall consider the chancellor's proposal
30 under subsection (d) (5) and may, by a majority vote, approve the

1 proposal.

2 (2) If the board rejects the proposal, the chancellor may
3 amend the proposal and present it to the board for
4 reconsideration.

5 (f) If the proposal is approved, the board shall allow for
6 an opportunity of thirty (30) calendar days for public comment
7 and fifteen (15) days to respond to public comments.

8 (g) The chancellor may amend the proposal in response to
9 public comment and present the amended proposal to the board for
10 approval as provided under subsection (e).

11 (h) The final responsibility for the implementation of the
12 approved proposal shall remain with the board, unless otherwise
13 delegated to the chancellor.

14 (i) The proposal, upon approval by the board, shall be
15 implemented within two years.

16 (j) Modification to the proposal may be made by the
17 chancellor, subject to approval by the board as provided under
18 subsection (e), but may not extend the two (2) year
19 implementation period.

20 (k) Any action taken under the approved proposal involving
21 the movement of money from an account of the system or an
22 institution to another account shall be documented and include a
23 plan for repayment. Repayment shall be given priority when any
24 new Federal or State money is appropriated to the institution
25 subject to the approved proposal.

26 (l) Any action taken under an approved proposal involving an
27 institution determined to be sustainable under subsection (d) (2)
28 may not be implemented without approval from the council of
29 trustees of the sustainable institution.

30 (m) This section shall expire three (3) years from the

1 effective date of this section.

2 Section 3. This act shall take effect immediately.