

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1200 Session of  
2015

INTRODUCED BY SCARNATI, BROOKS, HUTCHINSON AND WILEY,  
APRIL 7, 2016

REFERRED TO EDUCATION, APRIL 7, 2016

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An  
2 act relating to the public school system, including certain  
3 provisions applicable as well to private and parochial  
4 schools; amending, revising, consolidating and changing the  
5 laws relating thereto," providing for rural regional college  
6 for underserved counties; saving an appropriation from  
7 lapsing; allocating an appropriation; and repealing  
8 provisions of the Fiscal Code relating to rural regional  
9 colleges for underserved counties.

10 The General Assembly of the Commonwealth of Pennsylvania  
11 hereby enacts as follows:

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

15 ARTICLE XIX-G

16 RURAL REGIONAL COLLEGE FOR UNDERSERVED COUNTIES

17 Section 1901-G. (Reserved).

18 Section 1901.1-G. Legislative intent.

19 It is the intent of the General Assembly to provide for the  
20 continued existence, operation and administration of the rural  
21 regional college established under former Article XVII-E.1 of

1 the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal  
2 Code.

3 Section 1901.2-G. Appropriations.

4 Appropriations for the operation of the rural regional  
5 college shall have preferred status and be considered ordinary  
6 expenses of State government.

7 Section 1902-G. Scope of article.

8 This article provides for the establishment of a rural  
9 regional college in a multicounty rural area that is underserved  
10 by comprehensive community college education and work force  
11 development.

12 Section 1903-G. Definitions.

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

16 "Annual." A 12-month period coterminous with the  
17 Commonwealth's fiscal year beginning July 1 and ending June 30.

18 "Board of trustees." The board of trustees of a rural  
19 regional college established under this article.

20 "Certified public accountant." A member of the American  
21 Institute of Certified Public Accountants who has a minimum of  
22 five years' verifiable experience in performing audits of  
23 government funds for nonprofit organizations with a comparable  
24 or larger annual budget.

25 "County." Any county in this Commonwealth.

26 "Middle States." The Middle States Association of Colleges  
27 and Schools.

28 "Partner institution." One or more Middle States-accredited  
29 institutions of higher education.

30 "Rural regional college." A public institution of higher

1 education which is established in a rural area and operated in  
2 accordance with the provisions of this article as a college  
3 which provides up to a two-year, postsecondary education not to  
4 exceed the level of an associate of arts or sciences degree and  
5 which is active in work force development.

6 "Rural regional college plan" or "plan." A plan for the  
7 establishment and operation of a rural regional college under  
8 this article.

9 "Secretary." The Secretary of Education of the Commonwealth  
10 or such person as the secretary may designate to act on behalf  
11 of the secretary with regard to any of the duties and  
12 prerogatives imposed by this article.

13 "State Board." The State Board of Education.

14 Section 1904-G. Designations by secretary.

15 (a) Duties of secretary.--

16 (1) The secretary shall designate an established  
17 nonprofit organization as defined under section 501(c)(3) of  
18 the Internal Revenue Code of 1986 (Public Law 99-514, 26  
19 U.S.C. § 501(c)(3)), which represents a rural multicounty  
20 region underserved by a comprehensive community college  
21 program, including work force development, to assist the  
22 secretary with the designation under paragraph (2).

23 (2) Within 30 days of the designation under paragraph  
24 (1), the secretary shall, in consultation with the nonprofit  
25 organization, designate contiguous counties or parts of  
26 contiguous counties to be served by establishment of a rural  
27 regional college.

28 (b) Changes.--No sooner than July 10, 2018, the secretary,  
29 with approval of the board of trustees, may add counties or  
30 parts of counties to be served by the rural regional college.

1 Section 1905-G. Designation and board of trustees.

2 Within 60 days of the secretary's designation under section  
3 1904-G(a) (2), a board of trustees shall be appointed to  
4 establish a rural regional college. The board of trustees shall  
5 consist of not fewer than seven members nor more than 15 members  
6 appointed by the secretary in consultation and jointly with the  
7 nonprofit organization designated under section 1904-G(a) (1).  
8 The following shall apply to the board of trustees established  
9 under this section:

10 (1) Members of the board of trustees shall be  
11 representative of the area designated under section 1904-G(a)  
12 (2) and may include school administrators, community  
13 education council officials, business leaders and government  
14 officials.

15 (2) Members of the board of trustees shall be appointed  
16 for terms of three years each, except that those persons  
17 initially appointed shall draw lots to determine which  
18 trustees shall serve for a term of three years, which  
19 trustees shall serve for a term of two years and which  
20 trustees shall serve for a term of one year. To the extent  
21 practicable, from those trustees initially appointed, an  
22 equal number shall draw lots to serve for a term of three  
23 years, for a term of two years and for a term of one year.  
24 Thereafter, all members shall be appointed for terms of three  
25 years each.

26 (3) Vacancies on the board shall be filled by the  
27 existing board. A trustee may succeed himself, provided that  
28 no member shall serve for longer than 10 years.

29 (4) The secretary shall convene an initial meeting of  
30 the board of trustees within 30 days of the secretary's

1 appointment of a board of trustees under this section. After  
2 the initial meeting, the board of trustees shall meet at such  
3 times each year as the board of trustees determines to be  
4 necessary to satisfy the requirements of this article.

5 (5) The board of trustees shall adopt standing operating  
6 rules and procedures, bylaws and articles of incorporation.

7 (6) The board of trustees shall establish an advisory  
8 council of presidents, or their designees, from institutions  
9 with postsecondary education programs within the region  
10 designated under section 1904-G(a)(2). The advisory council  
11 shall meet quarterly to discuss employer and work force  
12 needs, new educational offerings and general coordination of  
13 service and facilities. One advisory council member  
14 representing a community college and one advisory council  
15 member that is a president of a college or university shall  
16 serve as cochairmen.

17 (7) The board of trustees shall choose from among its  
18 members a chairman, vice chairman and secretary.

19 (8) A majority of the members of the board of trustees  
20 shall constitute a quorum.

21 (9) Trustees shall serve without compensation, except  
22 that they shall be reimbursed by the rural regional college  
23 for their actual and necessary expenses incurred in the  
24 performance of their duties.

25 Section 1906-G. Establishment.

26 (a) General rule.--No later than December 31, 2016, the  
27 board of trustees appointed under section 1905-G shall submit to  
28 the secretary a proposed rural regional college plan in such  
29 form and containing such information as the secretary may  
30 require. In addition to other information which may be required

1 by the secretary, the plan shall include the following:

2 (1) A designation of the name of the proposed rural  
3 regional college which shall be the "Rural Regional College  
4 of \_\_\_\_\_ " or " \_\_\_\_\_ Rural Regional  
5 College."

6 (2) A survey of the educational, vocational and  
7 occupational needs of the area and the means by which the  
8 proposed rural regional college will meet those needs,  
9 reengage high school dropouts to earn their secondary  
10 credentials and postsecondary credentials or industry  
11 certification, reduce unemployment and improve the employable  
12 skills of residents of the area to be served by the rural  
13 regional college.

14 (3) An operating and financial plan for the proposed  
15 rural regional college, including a plan for the capital  
16 needs and expenses of the proposed rural regional college.

17 (4) A plan by which the rural regional college shall  
18 seek accreditation by an accrediting association which is  
19 recognized by the United States Department of Education.

20 (b) Submission of plan.--Within 60 days of the submission of  
21 the rural regional college plan to the secretary, the secretary  
22 shall issue an approval or rejection of the plan. A rejection of  
23 the plan shall be accompanied by a written statement of the  
24 reasons for the rejection of the plan. If the plan is rejected,  
25 the board of trustees shall submit a revised plan to the  
26 secretary within 60 days of the plan's rejection.

27 (c) Plan approval.--Upon the approval of the plan by the  
28 secretary, the rural regional college shall be considered  
29 established.

30 Section 1907-G. Powers and duties of board of trustees.

1 (a) General rule.--The board of trustees appointed under  
2 section 1905-G shall administer and supervise the affairs of the  
3 rural regional college established under this article. Subject  
4 to any other law and to any regulations promulgated by the State  
5 Board pertaining to rural regional colleges, the board of  
6 trustees shall have the following powers and duties:

7 (1) To advance the mission of the rural regional college  
8 in service to residents of the region designated under  
9 section 1904-G(a)(2).

10 (2) To appoint and fix the salary of a president of the  
11 rural regional college.

12 (3) To appoint and fix the salary of a chief financial  
13 officer of the rural regional college.

14 (4) To hold, rent, lease, sell, purchase and improve  
15 land, buildings, furnishings, equipment, materials, books and  
16 supplies.

17 (5) To enter into contracts for services with community  
18 education councils, schools, colleges or universities, or  
19 with school districts or municipalities, and other applicable  
20 or appropriate agencies and organizations to effectuate the  
21 purposes of this article.

22 (6) To accept and receive gifts of real and personal  
23 property and Federal, State and local money, loans and grants  
24 and to expend the same.

25 (7) To make policies providing for the admission and  
26 expulsion of students, the courses of instruction, the  
27 tuition and fees to be charged and for all matters related to  
28 the government and administration of the rural regional  
29 college, provided that policies related to admission, tuition  
30 and fees give preference to residents of the area designated

1 by the secretary under section 1904-G(a)(2).

2 (8) To submit to the secretary for approval proposed  
3 amendments to the rural regional college plan.

4 (9) To enter into contracts for services to high schools  
5 located in the area designated by the secretary under section  
6 1904-G to provide services, including area vocational-  
7 technical education services.

8 (10) To approve an annual budget to be submitted to the  
9 secretary for funding.

10 (11) To work with the president in the appointment of  
11 all faculty and staff necessary for the rural regional  
12 college's operation, to affix their compensation and benefits  
13 and to manage all personnel matters.

14 (12) To appoint legal counsel.

15 (13) To exercise such other powers and perform such  
16 other duties as are necessary to effectuate the purposes of  
17 this article.

18 (b) Duties of board.--The board of trustees shall enter into  
19 contracts, hold property and take other actions in the name of  
20 the rural regional college.

21 (c) Initial partnership.--

22 (1) The board of trustees shall select initially a  
23 partner institution to develop and offer accredited courses  
24 and programs of study at the approved sites of operation.

25 (2) The partner institution shall select programs only  
26 with approval of the board of trustees and consistent with  
27 the partner institution's accreditation and shall be  
28 responsible for staffing and evaluation and provision of  
29 other support services as may be required for students.

30 (3) The board of trustees may contract with other



1 colleges to provide curricula not available through the  
2 partner institution.

3 (4) As the rural regional college is able to operate on  
4 its own, a transition plan and budget shall be included in  
5 the contract between the rural regional college and the  
6 partner institution to efficiently expedite the transition.

7 (5) Nothing in this article shall be construed to  
8 preclude the board of trustees from contracting for specific  
9 services or programs following the transition from the  
10 initial partner institution.

11 Section 1908-G. Officers of rural regional college.

12 (a) President.--The president shall be the chief executive  
13 and administrative officer of the rural regional college and  
14 shall perform all duties which the board of trustees may  
15 prescribe. The president shall have the right to attend meetings  
16 of the board of trustees and to be heard on all matters before  
17 it but shall have no right to vote on any matter.

18 (b) Chief financial officer.--The chief financial officer of  
19 the rural regional college shall give a proper bond in such  
20 amount and with such corporate surety as is approved by the  
21 board of trustees. The chief financial officer shall file the  
22 bond with the board of trustees. The account of the chief  
23 financial officer shall be audited annually by a certified  
24 public accountant or other qualified public accountant selected  
25 by the board of trustees.

26 Section 1909-G. Students.

27 Any individual may apply for admission to the rural regional  
28 college established under this article, provided that preference  
29 in admissions, tuition and fees may be given to residents of the  
30 multicounty area designated by the secretary under section 1904-

1 G(a)(2). In considering applicants for admission, the rural  
2 regional college shall not discriminate on the basis of race,  
3 color, gender, marital status, ethnic group or religion.

4 Section 1910-G. Tuition.

5 The tuition and fees charged by the rural regional college  
6 shall be an amount determined by the board of trustees, in  
7 accordance with the budget submitted to the secretary. The board  
8 of trustees shall annually establish a separate schedule of  
9 tuition and fees for students that reside inside the region  
10 designated under section 1904-G(a)(2) and students that reside  
11 outside the region.

12 Section 1911-G. Dissolution and transition of rural regional  
13 college.

14 The rural regional college established under this article may  
15 not be dissolved without the approval of the secretary. Upon  
16 dissolution of the rural regional college, the Commonwealth  
17 shall assume all assets and liabilities of the rural regional  
18 college, except that such assets that are the property of any  
19 partner institution that may be operating for and within the  
20 rural regional college shall remain the property of the partner  
21 institution.

22 Section 1912-G. Degrees.

23 The rural regional college established under this article may  
24 award any type of diploma, technical or career training  
25 certificate or associate degrees in the arts, sciences,  
26 technologies or general education upon successful completion of  
27 programs authorized by the board of trustees. As long as the  
28 partner institution provides the accredited curricula and  
29 courses under contract to the rural regional college, the  
30 requirements of the accrediting agency shall pertain to the

1 granting of such awards.

2 Section 1913-G. Funding.

3 The rural regional college established under this article  
4 shall be funded by tuition and fees established by the board of  
5 trustees and may accept appropriations from the General  
6 Assembly, grants from the Federal Government, grants from the  
7 Commonwealth, grants from private foundations, donations from  
8 persons or any combination thereof.

9 Section 1914-G. Financial aid.

10 (a) Initial partnership period.--During the rural regional  
11 college's initial partnership with a partner institution, a  
12 student enrolled in the rural regional college shall be eligible  
13 for consideration for a Pennsylvania State Grant and other  
14 Commonwealth-funded financial aid administered by the  
15 Pennsylvania Higher Education Assistance Agency, provided that  
16 the partner institution is an institution of higher education as  
17 approved by and in accordance with rules and regulations of the  
18 Pennsylvania Higher Education Assistance Agency.

19 (b) Posttransition period.--Upon the rural regional college  
20 operating on its own without a partner institution, a student  
21 shall only be eligible for consideration for a Pennsylvania  
22 State Grant and any other Commonwealth-funded financial aid if  
23 the rural regional college is approved by the Department of  
24 Education, is accredited or a recognized candidate for  
25 accreditation with an accrediting body recognized under rules  
26 and regulations of the Pennsylvania Higher Education Assistance  
27 Agency and satisfies any other institutional and administrative  
28 program requirements as the Pennsylvania Higher Education  
29 Assistance Agency may require.

30 Section 1915-G. Regulations.

1 The State Board may promulgate regulations under the act of  
2 June 25, 1982 (P.L.633, No.181), known as the Regulatory Review  
3 Act, as necessary to implement this article.

4 Section 1916-G. Reports.

5 The Legislative Budget and Finance Committee shall prepare  
6 and submit to the General Assembly written interim and final  
7 reports evaluating the operation of this article. The interim  
8 report shall be submitted by June 30, 2018, and the final report  
9 shall be submitted by June 30, 2022. Each report shall include,  
10 but may not be limited to, the following:

11 (1) A review of the success of the rural regional  
12 college established under this article in satisfying the  
13 goals set forth in the rural regional college plan approved  
14 by the secretary and in satisfying the needs of the  
15 multicounty area the rural regional college was established  
16 to serve.

17 (2) Demographic and program data, including the  
18 following:

19 (i) Numbers of full-time and part-time faculty and  
20 student enrollments, in total and within curricular  
21 areas.

22 (ii) Dual enrollment participation.

23 (iii) Credit hours taught by faculty.

24 (iv) Distance learning courses offered.

25 (v) Articulation agreements with higher education  
26 institutions.

27 (vi) Lists of courses with fewer than 20 students.

28 (vii) Lists of courses with more than 50 students.

29 Where available, student data shall be disaggregated by  
30 categories, including gender, race and age.

1           (3) Student progress and achievement measures, including  
2 the following:

3           (i) Retention rates related to student goals.

4           (ii) Graduation and completion rates after two,  
5 three and four years.

6           (iii) Passing rates on certification and licensure  
7 examinations.

8           (iv) Number of students employed within one year of  
9 program completion.

10           (v) Placement into additional education or  
11 employment in the student's field of study.

12 Where available, data shall be disaggregated by categories,  
13 including gender, race and age.

14           (4) Economic and work force development measures,  
15 including:

16           (i) Employer satisfaction.

17           (ii) Customized job training offerings.

18           (iii) Employment status.

19           (iv) Numbers of businesses and organizations served.

20           (5) Recommendations for future legislation.

21 Section 1917-G. Transfers of credits.

22 For purposes of facilitating the transfer of credits attained  
23 by students of the rural regional college, the rural regional  
24 college shall be considered a public institution of higher  
25 education as defined in section 2001-C and, upon the rural  
26 regional college being able to operate on its own, shall be  
27 required to fulfill all the duties and obtain for its students  
28 all the benefits of Article XX-C within two years of operation  
29 of the established rural regional college.

30           Section 2. Notwithstanding the provisions of section 1966 of

1 the act of July 10, 2014 (P.L.3052, No.1A), known as the General  
2 Appropriation Act of 2014, that portion of the appropriation to  
3 the Department of Education for the purpose of regional  
4 community college services in section 213 of the General  
5 Appropriation Act of 2014, and allocated as provided in section  
6 1722-J(5) of the act of April 9, 1929 (P.L.343, No.176), known  
7 as The Fiscal Code, shall not lapse.

8 Section 3. Of the amount appropriated to the Department of  
9 Education for the purpose of regional community college services  
10 in section 215 of the act of December 29, 2015 (P.L. ,  
11 No.10A), known as the General Appropriation Act of 2015, 40%  
12 shall be distributed to a nonprofit organization authorized  
13 under article XIX-G of the act of March 10, 1949 (P.L.30,  
14 No.14), known as the Public School Code of 1949.

15 Section 4. Repeals are as follows:

16 (1) The General Assembly finds that the repeal under  
17 paragraph (2) is necessary for the addition of Article XIX-C  
18 of the act.

19 (2) Article XVII-E.1 of the act of April 9, 1929  
20 (P.L.343, No. 176), known as The Fiscal Code, is repealed.

21 Section 5. The addition of Article XIX-G of the act is a  
22 continuation of former Article XVII-E.1 of the act of April 9,  
23 1929 (P.L.343, No.176), known as The Fiscal Code. The following  
24 apply:

25 (1) Except as otherwise provided in Article XIX-G of the  
26 act, all activities initiated under former Article XVII-E.1  
27 of The Fiscal Code shall continue and remain in full force  
28 and effect and may be completed under Article XIX-G of the  
29 act. Orders, regulations, rules and decisions which were made  
30 under former Article XVII-E.1 of The Fiscal Code and which

1 are in effect on the effective date of this section shall  
2 remain in full force and effect until revoked, vacated or  
3 modified under Article XIX-G of the act. Contracts,  
4 obligations and collective bargaining agreements entered into  
5 under former Article XVII-E.1 of The Fiscal Code are not  
6 affected nor impaired by the repeal of former Article XVII-  
7 E.1 of The Fiscal Code.

8 (2) Except as set forth in paragraph (3), any difference  
9 in language between Article XIX-G of the act and former  
10 Article XVII-E.1 of The Fiscal Code is intended only to  
11 conform to the style of the Public School Code of 1949 and is  
12 not intended to change or affect the legislative intent,  
13 judicial construction or administration and implementation of  
14 former Article XVII-E.1 of The Fiscal Code.

15 (3) Paragraph (2) does not apply to the addition of the  
16 following provisions:

17 (i) Sections 1901.1-G and 1901.2-G of the act.

18 (ii) The reference to June 30, 2016, in section  
19 1906-G(a) of the act.

20 (iii) The phrase "donations from persons" in section  
21 1913-G of the act.

22 Section 6. This act shall apply as follows:

23 (1) Section 2 of this act shall apply retroactively to  
24 July 1, 2014.

25 (2) Section 3 of this act shall apply retroactively to  
26 July 1, 2015.

27 Section 7. This act shall take effect immediately.