
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. **612**

Session of
1961

INTRODUCED BY MESSRS. HAYS, WAGNER, SEYLER,
SILVERT AND YATRON, MAY 3, 1961.

REFERRED TO COMMITTEE ON EDUCATION, MAY 3, 1961.

AN ACT

Amending the act of March 10 1949 (P L 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" providing for the creation establishment and operation of community colleges granting certain powers to the State Council of Education and the Department of Public Instruction authorizing school districts and

EXPLANATION—CAPITAL LETTERS indicate new matter added to bill. Matter stricken through is to be omitted from bill.
Underscoring indicates new matter added to existing law. [Brackets] indicate matter stricken from existing law.

municipalities to sponsor community college or to combine in community college districts authorizing school districts municipalities and community college districts to levy certain taxes and providing for the reimbursement of school districts or municipalities or community college districts

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

1 Section 1 The act approved March 10 1949 (P L 30) known as the
2 "Public School Code of 1949" is amended by adding a new article to
3 read

4 Article XXVI-A

5 Community Colleges

6 Section 2601-A Definitions When used in this article the following
7 words and phrases shall have the meanings respectively ascribed to them

8 (1) "Municipality" shall mean any city borough town township or
9 county

10 (2) "Local sponsor" shall mean a school district or a municipality or
11 any combination of school districts and municipalities which participate
12 or purpose to participate in the establishment and operation of a com-
13 munity college whether or not a community district is established

1 (3) "Member" of a local sponsor shall mean any school district or
2 municipality which alone is or with other districts and municipalities is
3 included in a local sponsor

4 (4) "Community college" shall mean a public college which is es-
5 tablished and operated in accordance with the provisions of this article
6 by a local sponsor acting independently or with a cooperating college
7 and which provides a two-year post-secondary college-parallel terminal-
8 technical or adult education program or any combination of these

9 (5) "Cooperating college" shall mean a private or public junior col-
10 lege college or university which is approved by the State Council of
11 Education and which contracts with a local sponsor to establish or operate
12 a community college on behalf of one or more local sponsors or one or
13 more community colleges or to supply physical facilities or administrative
14 or instructional services or any of them

15 (6) "Community college plan" shall mean a plan prepared in ac-
16 cordance with the plans policies and standards of the State Council of
17 Education for the establishment or operation of a community college
18 and may include a proposed contract between a local sponsor and a co-

1 operating college for the establishment or operation of a community
2 college

3 (7) "Governing body" of a school district or municipality shall
4 mean respectively its board of school directors or its council or board of
5 commissioners or supervisors and shall include the county board of
6 school directors

7 (8) "Board of trustees" shall mean the board of trustees of a com-
8 munity college

9 (9) "Community college district" shall mean a separate district
10 which comprises all the area of a local sponsor and which is established
11 as a separate corporate entity and agency of the State in furtherance of
12 and in accordance with the provisions of this article

13 Section 2602-A Powers and Duties of State Council of Education

14 (a) The State Council of Education shall have the power and its duty
15 shall be

16 (1) To promulgate such plans policies and standards as may be
17 necessary to provide for the establishment operation and maintenance
18 of community colleges including minimum requirements for physical
19 facilities and equipment curriculum teacher standards and professional
20 requirements qualifications for admission and advancement of students

1 student enrollment student population of the area to be served by the
2 community college requirements for satisfactory completion of a two-
3 year program and the degrees or diplomas or certificates to be awarded
4 therefor means of financing and financial resources for the establishment
5 and support of the community college and all matters necessary to
6 effectuate the purposes of this article

7 (2) To approve or disapprove plans for the establishment or opera-
8 tion of a community college or community college district

9 (3) To approve or disapprove proposed contracts between a local
10 sponsor or the community college and a cooperating college for the
11 establishment or operation of a community college or for the furnish-
12 ing of facilities or administrative or instructional services by such co-
13 operating college to a local sponsor or community college

14 (4) To approve or disapprove petitions of school districts or munici-
15 palities applying for participation in an established community college
16 or community college district

17 (b) In determining such plans policies and standards the State Coun-
18 cil of Education may consider relevant all minimum requirements estab-
19 lished by statute or by regulation with respect to the State Colleges of

1 the Commonwealth and may consider relevant such minimum require-
2 ments established by statute or by regulation with respect to secondary
3 and special education programs in the school district or districts of the
4 area to be served by the community college

5 (c) In approving or disapproving such plans the State Council of
6 Education shall consider the needs of areas adjacent to the areas to be
7 served by the community college and of the State with respect to higher
8 education and long range plans therefor established by the State Council
9 of Education Only one community college with such branches divisions
10 and facilities as may be necessary to meet the purposes of this article
11 and only one community college district may be established in any one
12 geographical area but other school districts and municipalities may
13 petition the State Council of Education to become a part of a local
14 sponsor as hereafter in this article provided

15 (d) No plan for the establishment of a community college and no
16 contract for the establishment or operation of a community college shall
17 be approved unless the State Council of Education determines that the
18 local sponsor has a population of a sufficient number to assure a sus-
19 tained minimum enrollment has sufficient wealth to financially support

1 such college and is not adequately served by established institutions of
2 higher learning

3 (3) Wherever in this article the approval of the State Council of
4 Education is required in any matter the State Council of Education may
5 require the Department of Public Instruction to make and report its
6 findings and recommendations on such matter to the State Council of
7 Education

8 Section 2603-A Proposals and Procedures for Establishing (a) A
9 proposed community college plan shall be submitted either by the local
10 sponsor or by the voters thereof as hereafter in this section provided and
11 in such form and containing such information as the State Council of
12 Education may require The plan shall designate the name of the proposed
13 community college which shall be the "Community College of
14" stating the name of the local sponsor or area of such community
15 college The plan shall also state whether or not it is proposed to establish
16 a community college district If there are two or more members of the
17 local sponsor and a community college district is not to be created the
18 plan shall include provision allocating financial responsibility for the
19 community college among the members of the local sponsor subject to
20 the plans policies and standards of the State Council of Education

1 (b) The community college plan if submitted by the local sponsor
2 shall first be approved by the governing body of each member of the
3 local sponsor and shall be submitted by them jointly

4 (c) The community college plan if submitted by qualified voters
5 shall specify each school district or municipality on whose behalf as local
6 sponsor the plan is submitted The plan shall be accompanied by a petition
7 signed by one per cent (1%) or five hundred (500) whichever is more of
8 the qualified voters in each school district or municipality named as a
9 member of the local sponsor Upon approval of the proposed plan by the
10 State Council of Education the question "Shall a community college be
11 established for/stating the school districts and municipalities
12 named as local sponsors/ and a tax levied for such purpose" or the ques-
13 tion "Shall a community college district be created a community college
14 be established for/stating the school districts and municipalities
15 named as local sponsor/ and a tax levied for such purpose" shall be sub-
16 mitted to the qualified voters of each school district or municipality of
17 the local sponsor Such question may be submitted to the electorate at
18 any general or municipal election in the form and manner provided by
19 the general election laws of the Commonwealth for the submission of

1 similar questions The plan shall be approved only if the majority of all
2 qualified voters voting on such question in all school districts and munici-
3 palities vote "yes" on such question and otherwise the plan shall be con-
4 sidered rejected

5 (d) Upon the approval of the plan by the State Council of Educa-
6 tion and by the qualified voters when necessary the governing bodies of
7 the local sponsor shall appoint or the qualified voters of the school dis-
8 tricts and municipalities of the local sponsor shall elect a board of trustees
9 of the community college as hereinafter provided and upon such appoint-
10 ment or election the community college or the community college district
11 shall be considered established

12 (e) A separate community college district shall be established only
13 if provision therefor was made in the community college plan originally
14 approved by the State Council of Education or if at any time after ap-
15 proval of such plan the governing bodies of the local sponsor present a
16 petition to the State Council of Education requesting the authority to
17 establish a community college district for such college Upon approval of
18 such petition the community college district shall be considered estab-
19 lished

1 Section 2604-A Election or Appointment Term and Organization of
2 Board of Trustees (a) The board of trustees of a community college
3 which is not in a community college district shall be appointed by the
4 vote of a majority of the members of the governing body or governing
5 bodies of the local sponsor

6 (b) The board of trustees of a community college which is in a
7 community college district shall be elected by the vote of all the qualified
8 voters in the community college district Pending such election an in-
9 itial board of trustees may be appointed by a majority of the members
10 of the governing bodies of the local sponsor in which case the terms of
11 office of such initial board of trustees shall expire when the elected mem-
12 bers of the board of trustees shall qualify and take office

13 (c) The board of trustees shall consist of seven (7) persons appointed
14 or elected for terms of six years each except that those persons initially
15 elected shall draw lots to determine which two (2) trustees shall serve
16 for a term of two year which three (3) trustees shall serve for a term of
17 four years and which two (2) trustees shall serve for a term of six years
18 Thereafter all persons shall be elected for terms of six years each A
19 trustee may succeed himself

1 (d) The board of trustees shall organize itself at such times each
2 year as it determines and shall choose from among its members a chair-
3 man and vice-chairman and secretary who shall hold such offices for one
4 year Four (4) members of the board shall be a quorum Vacancies on the
5 board shall be filled by the board by appointments made for the un-
6 expired terms Trustees shall serve without compensation except that
7 they shall be reimbursed for their necessary expenses incurred in the
8 performance of their duties

9 Section 2605-A Powers and Duties of Board of Trustees (a) The
10 affairs of any community college established under this article shall be
11 administered and supervised by a board of trustees Subject to any
12 law and to any plan policy or standard promulgated by the State Council
13 of Education and to any rule or regulation of the Department of Public
14 Instruction provided for community colleges the board shall for the
15 purpose of establishing operating and maintaining a community college
16 have the power and its duty shall be

17 (1) To appoint and fix the salary of a president and treasurer of the
18 college and such other officers teachers and persons as may be necessary

19 (2) To hold rent lease sell purchase and improve land buildings fur-
20 nishings equipment materials books and supplies

1 (3) To enter into contracts with cooperating colleges or with school
2 districts or municipalities

3 (4) To accept and receive gifts or real and personal property and
4 federal State and local monies and grants and to expend same

5 (5) To make rules providing for the admission and expulsion of
6 students the courses of instruction the tuition and fees to be charged
7 and for all matters related to the government and administration of the
8 college

9 (6) Wherever a board of trustees of a community college in a
10 community college district is elected by the voters of such district to
11 levy taxes for such purposes and subject to the limitations provided for
12 in section 2614-A of this article

13 (7) To exercise such other powers and perform such other duties as
14 are necessary to carry into effect the purposes of this article

15 (b) Contracts shall be entered into and other acts shall be done by
16 the board of trustees of a community college in the name of the com-
17 munity college and shall be binding upon the local sponsor or upon the
18 community college district if there is such district All property pur-
19 chased by or granted to the board of trustees of a community college

1 shall be held in the name of the college on behalf of the local sponsor
2 of the college or on behalf of the community college district if there is
3 such district

4 Section 2606-A Officers of the Community College The board of
5 trustees of each community college established under the provisions of
6 this article shall appoint for terms of four years each a president and
7 treasurer of the community college who shall be paid such salaries as
8 the board may determine

9 The president shall be the chief executive and administrative officer
10 of the college and shall perform all duties which the board of trus-
11 tees may prescribe He shall have the right to attend all meetings of the
12 board and to be heard on all matters before it but shall have no right to
13 vote on any matter

14 The treasurer of the college shall give a bond approved by the
15 board of trustees which shall be filed with the board The account of the
16 treasurer shall be audited annually by a certified public accountant
17 selected by the board of trustees

18 Section 2607-A Students Any resident of the Commonwealth may
19 apply for admission to any community college established under this
20 article The State Council of Education may provide for the admission to

1 community colleges of persons who are not residents of the Common-
2 wealth but no college shall admit such persons unless the admission is
3 in accordance with the policies of the State Council of Education The
4 State Council of Education may prescribe standards for determining the
5 place of residence of students and applicants for admission to community
6 colleges

7 Section 2608-A Tuition (a) The normal tuition charged by each com-
8 munity college shall be an amount determined by apportioning among
9 the students enrolled in such college the total of one-third (1/3) of its
10 annual operating expenses and one-third (1/3) of its annual capital ex-
11 penses as hereafter in this article defined

12 (b) A student who is not a resident of the local sponsor or of the
13 community college district of the community college in which he is en-
14 rolled and who enrolled himself in such college with the approval of
15 the board of school directors of the school district in which he resides or
16 with the approval of the board of trustees of the community college
17 established in the area in which he resides if there be one shall pay the
18 normal tuition charge of the college he attends but the board of school
19 directors of his school district or the board of trustees of the college

1 established in his area of residence shall pay on behalf of such students
2 to the college in which he is enrolled an amount equal to twice such col-
3 lege's normal tuition charge

4 (e) A student who is not a resident of the local sponsor or of the
5 community college district of the community college in which he is
6 enrolled and who has enrolled himself in such college without the ap-
7 proval of the board of school directors of the school district in which
8 he resides or without the approval of the board of trustees of the com-
9 munity college established in the area in which he resides if there is
10 one shall pay a tuition charge which shall be equal to three times the
11 normal tuition charge of the community college in which he is enrolled

12 (d) A student who is not a resident of the Commonwealth and who is
13 enrolled in a community college in accordance with the policies of the
14 State Council of Education shall pay a tuition charge equal to three times
15 the normal tuition charge or an amount which shall be sufficient to re-
16 munerate the local sponsor or community college district for all costs
17 arising from the attendance of such student at such college

18 Section 2609-A Basic Reimbursement Fraction for Community Col-
19 leges and Community College Districts (a) A local sponsor or com-
20 munity college district which is a single school district or is a single

1 municipality which is coterminous with a school district shall have a
2 reimbursement fraction which shall be the same as the basic account
3 standards reimbursement fraction determined by law for such school dis-
4 trict

5 (b) A local sponsor or community college district which consists
6 of more than one school district or of more than one municipality or a
7 combination of them or which includes a municipality which is not co-
8 terminous with a school district shall have a composite reimbursement
9 fraction determined annually in the same manner as is provided by law
10 for school districts except that (i) the market value per district teach-
11 ing unit shall mean the value determined annually by taking the market
12 value of all taxable real property in the school districts or municipali-
13 ties comprising a local sponsor and dividing by the number of district
14 teaching units composed of elementary and secondary pupils in the school
15 districts or municipalities comprising the local sponsor and except that
16 (ii) in the case of a municipality which is not coterminous with a school
17 district to determine the market value per teaching unit the market
18 value and the number of district teaching units which shall be allocated

1 to or apportioned to the municipality shall be determined by the Depart-
2 ment of Public Instruction

3 (c) In no case shall a local sponsor of a community college of a
4 community college district have a reimbursement fraction lower in value
5 than the minimum reimbursement fraction provided by law for any
6 school district

7 Section 2610-A Capital Account Reimbursement Fraction The De-
8 partment of Public Instruction shall compute annually in the month of
9 December the composite capital account reimbursement fraction of each
10 local sponsor or community college district The computations shall be
11 made in the same manner as is provided by law for school districts ex-
12 cept that the market value per district teaching units shall be determined
13 as is provided in section 2609-A of this article

14 Section 2611-A Operating Expenses Capital Expenses (a) For the
15 purposes of this article the following classification of expenses shall be
16 used

17 (1) Capital expenses shall mean only such expenses as are incurred
18 with the approval of the Department of Public Instruction during a
19 fiscal year for the purchase or lease of lands buildings facilities or capital

1 equipment used for instructional or administrative purposes by the com-
2 munity college or payments made on account of indebtedness contracted
3 for such purposes

4 (2) Operating expenses shall mean all other expenses not included in
5 (1) above which are incurred during a fiscal year in the establishment
6 operation and maintenance of the community college

7 (3) All expenses incurred in the establishment construction opera-
8 tion or maintenance of dormitories cafeterias or recreational facilities or
9 the equipment or furnishings for such purposes shall not be included in
10 (1) or (2) above

11 (b) The State Council of Education shall establish policies and
12 standards for determining reimbursable costs of operation and construc-
13 tion of buildings and facilities of community colleges and the Depart-
14 ment of Public Instruction shall approve such costs for the purpose of
15 reimbursement by the Commonwealth and for charges to be made to
16 other school districts in accordance with such policies and standards

17 Section 2612-A Reimbursement and Tuition Payments (a) Operating
18 Expenses The Commonwealth shall pay annually on account of operating
19 expenses to each community college on behalf of its local sponsor or on

1 behalf of the community college district if there is one an amount de-
2 termined by multiplying the local sponsor's or community college dis-
3 trict's basic account standard reimbursement fraction by the operating
4 expenses of the college incurred for the preceding year reduced by so
5 much of the tuition payments charged during the preceding year as are
6 allocable under section 2608-A of this article to the operating expenses
7 of the college

8 (b) Capital Expenses The Commonwealth shall pay annually on
9 account of capital expenses to each community college on behalf of its
10 local sponsor or on behalf of the community college district if there is
11 one an amount determined by multiplying the local sponsor's or the com-
12 munity college district's capital account reimbursement fraction by the
13 approved capital expenses incurred for the preceding year reduced by
14 so much of the tuition payments charged for the preceding year as are
15 allocable under section 2608-A of this article to the capital expenses
16 of the college

17 (c) A school district or local sponsor or community college district
18 which makes a payment on behalf of a student who resides in the school
19 district or local sponsor or community college district to a community
20 college in which such school district or local sponsor or community col-

1 lege district is not a participant on account of the approval enrollment
2 of such student in such college shall be reimbursed by the Common-
3 wealth annually an amount determined by multiplying the actual amount
4 of such payments made during the year by the school district's or the
5 local sponsor's or the community college district's basic account stand-
6 ards reimbursement fraction

7 Section 2613-A Payments for Students Enrolled in Private Junior
8 Colleges For each student who is not a resident of a local sponsor or of
9 a community college district who is enrolled with the approval of the
10 board of school directors of the school district of his residence in a private
11 junior college or the junior college division of a college or university
12 the school district may pay to such private junior college or junior col-
13 lege division on behalf of such student one-third (1/3) of so much of
14 the tuition charged such student as is approved by the Department of
15 Public Instruction In determining the amount of tuition charge which
16 shall be approved the Department of Public Instruction shall be guided
17 by the tuition paid by students at community colleges A school district
18 making the payments to private junior colleges or junior college divisions
19 provided for herein shall be reimbursed by the Commonwealth annually

1 an amount determined by multiplying the actual amounts paid by the
2 district during the year by the district's basic account standard reim-
3 bursement fraction

4 Section 2614-A Taxation The governing body of each school dis-
5 trict or municipality comprising a local sponsor or the board of trustees
6 of a community college in a community college district may levy annually
7 a tax on all of the real property assessed and certified for taxation in such
8 school district municipality or community college district for the purpose
9 of establishing operating and maintaining a community college but
10 such tax shall not exceed an amount equal to the product obtained by
11 multiplying two mills by the latest total market valuation of all real
12 property in such school district municipality or community college dis-
13 trict The tax levy herein authorized to be levied by the above governing
14 body or board shall be in excess of and beyond the millage fixed or
15 limited by law

16 Section 2615-A Withdrawal of Sponsorship Dissolution of Com-
17 munity College No school district or municipality which is a local spon-
18 sor or a part of local sponsor may withdraw its sponsorship from a com-
19 munity college or withdraw from a community college district nor may

1 any community college or community college district be disestablished
2 without the approval of the State Council of Education

3 Section 2616-A Participation in or Admission to Established Com-
4 munity College or Community College District The governing body of
5 any school district or of any municipality or the qualified voters of any
6 school district or municipality desiring to have such school district or
7 municipality participate in an established community college or admitted
8 to an established community college district shall present a petition to the
9 State Council of Education in such form as the council may prescribe
10 requesting the authority to participate in or to be admitted to the com-
11 munity college or the community college district

12 Upon the approval of the State Council of Education or a petition
13 submitted by a governing body such petitioning school district or
14 municipality shall be considered a local sponsor of the community col-
15 lege or community college district and be admitted thereto

16 If the petition is submitted by the qualified voters no action shall
17 be taken upon such petition unless it is accompanied by the signatures
18 of one per cent (1%) or five hundred (500) whichever is more of the
19 qualified voters of such petitioning school district or municipality on
20 whose behalf the petition is presented Upon the approval of the proposed

1 plan by the State Council of Education the question shall be submitted
 2 to the qualified voters of each school district or municipality on whose
 3 behalf the petition is presented and shall be voted thereon and approved
 4 or disapproved in the manner set forth in section 2603-A of this article

5 Section 2 This act shall take effect immediately

We certify that this bill has passed the Senate and the House of
 Representatives.

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 Chief Clerk, Senate

.....
 President pro tempore, Senate

.....
 Speaker, House of Representatives

Approved The day of A. D. 1961.

.....
 Governor