

No. 13

AN ACT

HB 999

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," further defining "college," and "university," creating a Board of State College and University Directors, defining its powers and duties, redefining the powers and duties of presidents and trustees of State Colleges and State Universities, of the Secretary and Department of Education, the State Board of Education and the Boards of Trustees of the several State Colleges and State Universities and the Boards of Presidents of the several State Colleges and State Universities, transferring appropriations, making changes to conform to existing law, and repealing certain sections.

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

Section 1. Section 2001, act of March 10, 1949 (P.L.30), known as the "Public School Code of 1949," amended August 17, 1951 (P.L.1244), is amended to read:

Section 2001. Definitions.—As used in this article, the word "college" or "colleges" shall apply to [**State Normal Schools, State Teachers' Colleges, and the Cheyney State Teachers' College, now existing, and such other State Teachers' Colleges and State Teachers' Training Schools as may hereafter be created or constituted by, in and for the Commonwealth of Pennsylvania.**] *the State Colleges now existing, and those which may hereafter be created or constituted by, in and for the Commonwealth of Pennsylvania. The word "university" or "universities" shall apply to the State University now existing and those which may hereafter be created or constituted by, in and for the Commonwealth of Pennsylvania.*

Section 2. Section 2002 of the act, amended August 4, 1961 (P.L.927), is amended to read:

Section 2002. **State Colleges and State Universities.**—There shall be fourteen State Colleges *and Universities* in this Commonwealth, which shall be known as:

- (1) West Chester State College, at West Chester;
- (2) Cheyney State College, at Cheyney;
- (3) Millersville State College, at Millersville;
- (4) Kutztown State College, at Kutztown;
- (5) East Stroudsburg State College, at East Stroudsburg;
- (6) Mansfield State College, at Mansfield;
- (7) Bloomsburg State College, at Bloomsburg;
- (8) Shippensburg State College, at Shippensburg;
- (9) Lock Haven State College, at Lock Haven;
- (10) **[Indiana State College, at Indiana;**

- (11)] California State College, at California;
 [(12)] (11) Slippery Rock State College, at Slippery Rock;
 [(13)] (12) Edinboro State College, at Edinboro;
 [(14)] (13) Clarion State College, at Clarion;
 (14) *Indiana University of Pennsylvania, at Indiana.*

Section 3. Section 2003 of the act, amended October 21, 1965 (P.L.601), is amended to read:

Section 2003. Purpose.—The colleges *and universities* shall be a part of the [public school system of the Commonwealth, and their purpose to serve as institutions and centers of learning for the best possible education of the youth of Pennsylvania in the arts and sciences and the education and preparation of able and dedicated teachers and for such other purposes as may be determined by the State Board of Education] *Commonwealth system of higher education. Their purposes shall include serving as institutions of higher learning in Pennsylvania in the arts and sciences, humanities, teaching and other professions, graduate studies, research and such other purposes as may be determined by the Board of State College and University Directors.* The colleges *and universities* shall provide proper facilities for instruction [in the arts and sciences and the instruction and education of teachers, for the boarding and lodging of students in residence, and other necessary or desirable facilities approved by the Superintendent of Public Instruction. The State colleges shall be subject to change to conform to any master plan for higher education in Pennsylvania which may be developed under the direction of the State Board of Education.] *and research in the arts and sciences, humanities, professions, graduate studies and the instruction and education of teachers, for the boarding and lodging of students in residence, and such other necessary or desirable facilities as may be authorized by the Board of State College and University Directors. State Colleges and Universities shall be subject to any master plan for higher education which may be developed by the State Board of Education.*

Section 4. The act is amended by adding after section 2003, three new sections to read:

Section 2003.1. Board of State College and University Directors.—There is hereby established in the Department of Education a departmental board to be known as the Board of State College and University Directors, to consist of fifteen directors to be appointed by the Governor, with the advice and consent of the Senate. Thereafter, all vacancies shall be filled in like manner. The term of each director shall be for six years except that of the directors first appointed, five shall be appointed for two years and their terms shall expire June 30, 1971; five for four years and their terms shall expire June 30, 1973; five for six years and their terms shall expire June 30, 1975. Thereafter, all terms shall be for six years, except that an appointment to fill a vacancy shall be for the unexpired term.

The Secretary of Education or his designated representative shall be the chief executive officer of the Board of State College and University Directors and shall be entitled to attend all meetings of the board but not to vote. The Board of State College and University Directors shall be authorized to employ an executive secretary and staff, who shall perform such duties as may be assigned by the board.

Eight directors shall constitute a quorum. The Governor shall designate, to serve at his pleasure, a member as Chairman of the Board of State College and University Directors.

Members shall receive no compensation for their services but shall be reimbursed for their expenses necessarily incurred in the performance of their duties.

Section 2003.2. Duties of the Board of State College and University Directors with Regard to State Colleges.—Subject to the regulation of the State Board of Education, the Board of State College and University Directors shall plan for and coordinate the development of the system of State Colleges. Its powers and duties shall be:

(1) To establish broad fiscal, personnel and educational policies under which the State Colleges shall operate.

(2) To conduct comprehensive planning and establish long and short-range goals for the operation, construction and development of the State Colleges.

(3) To coordinate development among the colleges with respect to the role and scope of each college including size, curriculum emphasis, degree programs, research programs, public service programs and to recommend the approval of new colleges.

(4) To formulate recommendations for Commonwealth financial support for the State Colleges.

(5) To coordinate, review and submit with recommendations to the Secretary of Education the annual operating and capital budget requirements for each State College.

(6) To establish policies and procedures to be applied by each Board of Trustees in the selection of the president of its respective college, to receive its recommendations, and to submit the same to the Governor and advise him thereon.

(7) To establish broad policies regarding employment rights, promotion, dismissal and tenure of faculty and to develop general rules for faculty appointments, salary schedules and benefits.

(8) To do and perform generally all those things necessary and required to accomplish the role and objectives established by the State Board of Education for the State Colleges.

(9) To recommend to the State Board of Education the establishment of branch or extension campuses by each college.

(10) To represent the State Colleges before the Governor and the General Assembly.

Section 2003.3. Duties of the Board of State College and University Directors with Regard to State Universities.—*Subject to the regulation of the State Board of Education, the Board of State College and University Directors shall plan for and coordinate the development of the system of State Universities. Its powers and duties shall be:*

(1) *To recommend to the State Board of Education approval or disapproval of applications by State Colleges for admission to university status.*

(2) *To coordinate, review and submit annually with recommendations to the Secretary of Education the operating and capital budget requests of each university.*

(3) *To develop general rules for faculty appointments, salary schedules and benefits and to establish broad policies regarding employment rights, promotion, dismissal and tenure of faculty.*

(4) *To review degree programs requested by each university.*

(5) *To represent the universities before the Governor and the General Assembly.*

(6) *To review and comment upon any long-range educational plans of each university.*

(7) *To recommend to the State Board of Education the establishment of branch or extension campuses by each university.*

(8) *To approve or disapprove all university building projects involving the use of State funds or the funds of any authority, agency or instrumentality of the Commonwealth.*

(9) *To do and perform generally all those things necessary and required to accomplish the role and objectives established by the State Board of Education for the State Universities.*

(10) *To promote coordination among the universities by making recommendations with respect to the cooperative use of staffs, facilities and curricular offerings and by suggesting ways in which each university can meet its responsibilities within the Commonwealth system of higher education.*

(11) *To establish policies and procedures to be applied by each Board of Trustees in the selection of the president of its respective university, to receive its recommendations, and to submit the same to the Governor and advise him thereon.*

Section 5. Section 2004 of the act, amended September 12, 1961 (P.L.1258), is amended to read:

Section 2004. Board of Presidents of State Colleges *and State Universities.*—The Board of Presidents of the State Colleges *and State Universities* shall consist of the presidents of the several colleges *and universities* and the [Superintendent of Public Instruction,] *Secretary of Education*, who shall be the chairman. [The board shall elect a secretary. The Deputy Superintendent for higher education shall be a member of the board. The board shall formulate the educational policies of the colleges,

subject to any master plan for higher education in Pennsylvania in so far as such master plan bears on the educational policies of individual colleges. The board shall meet annually in the city of Harrisburg, and may meet more frequently and at other places by resolution of the board, or on the call of the Superintendent of Public Instruction. A majority of all members of the board shall constitute a quorum, and any action favored by a majority of the members shall, when approved by the Superintendent of Public Instruction, be binding upon all of the colleges.] *The board shall recommend educational policies for State Colleges and State Universities and shall act in an advisory capacity to the Board of State College and University Directors. The board shall meet annually or at the call of its chairman. A majority of the board shall constitute a quorum.*

Section 6. The act is amended by adding after section 2004, a new section to read:

Section 2004.1. Management of State Colleges and State Universities within the Department.— Subject to the stated authority of the Board of State College and University Directors and the boards of trustees, the president of each of the several State Colleges and State Universities shall administer the institution. Each president shall have the power and his duty shall be:

(1) To appoint such officers, faculty members, graduate assistants, and employes as may be necessary in accordance with law, and the standards set by the Executive Board of the Commonwealth and the Board of State College and University Directors.

(2) To fix the salaries of instructional and noninstructional employes in accordance with law, and the standards set by the Executive Board of the Commonwealth and policies of the Board of State College and University Directors.

(3) To make rules for the administration of the college or university including rules under which student organizations may be created and operated.

(4) To prepare and submit, with the approval of the boards of trustees, the annual operating and capital budget requirements for the institution.

(5) To determine from appropriations, fees and other available funds, the expenditures to be made for instructional, administrative, custodial and maintenance services, equipment and supplies, and for furniture for instructional, administrative and service facilities, and to reallocate such sums among the various expenditure classifications as may be necessary for the effective management of the institution, providing that no such reallocation shall exceed the available allocations of the institutions.

(6) To purchase instructional materials, educational, technical, administrative, custodial and maintenance equipment and supplies not in excess of a cost of one thousand five hundred dollars (\$1,500) without

competitive bidding with the approval of the Board of Trustees, after notice to the Secretary of Property and Supplies, except that such items shall not be bought in series to avoid the dollar ceiling, nor shall any items be included for which the Department of Property and Supplies has contracts, either through schedules or group purchase contracts, current or proposed.

(7) To cooperate with and accept grants and assistance from Federal and State agencies, foundations, industrial corporations, or any other source in the prosecution of research or educational projects including purchase of equipment. Each college and university shall have the power to bank and use such grants as directed by the grantor, subject, however, to the provisions of clause (6) of this section, where applicable. All moneys received from such sources are hereby appropriated to each of the several State Colleges and State Universities granted such moneys. All such moneys shall be subject to audit by the Auditor General.

(8) To authorize personnel to travel within or without the Commonwealth at State expense in accordance with regulations of the Board of State College and University Directors.

(9) To make rules for the admission, control, and movement of persons and vehicles, and the parking of vehicles on the campus or other land of a State College or State University and to provide reasonable charges for the use thereof, as well as reasonable penalties for the violation of said rules.

(10) To define academic standards and standards for admission in accordance with regulations of the Board of State College and University Directors.

(11) To make contracts with school districts, agencies or corporations so that students may engage in student teaching or other professional training in order to obtain experience in a particular field.

(12) To fix student activity and related fees in accordance with policies established by the Board of State College and University Directors.

(13) To enter with the approval of the Board of Trustees into contracts for consultative services not to exceed one thousand dollars (\$1000).

(14) To establish rules regarding employment rights, promotions, dismissals and tenure of faculty and other employes, subject to the approval of the Board of Trustees and in accordance with broad policies established by the Board of State College and University Directors.

(15) To determine institutional memberships in learned societies and professional organizations which will have significance to the welfare of the institution within the limits established by the Board of State College and University Directors.

Section 7. Section 2006 of the act is repealed.

Section 8. The first paragraph of section 2008 of the act, amended July 25, 1963 (P.L.308), is amended to read:

Section 2008. Board [Tuition] and Fees.—The cost of room, board [tuition] and fees shall be fixed by the [trustees of the several State Colleges with the approval of the Superintendent of Public Instruction. No difference in the charge for board, tuition and fees shall be made in favor of any students pursuing similar studies.] *Secretary of Education upon recommendation of the Board of State College and University Directors.*

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Section 9. The act is amended by adding after section 2008, three new sections to read:

Section 2008.1. Boards of Trustees of State Colleges and Universities.—The Board of Trustees of each of the State Colleges and Universities shall consist of nine members who shall be appointed by the Governor.

The terms of each member of each such board shall be six years, and until his successor is appointed and qualified. All members of the boards of trustees of the several State Colleges and Universities serving as administrative boards on the effective date of this act shall continue to serve as members of those boards of trustees for the balance of the respective terms for which they were appointed. Vacancies happening before the expiration of a term shall be filled in like manner for the unexpired term.

Five members of any such board shall constitute a quorum.

Each such board shall select from its members a chairman and a secretary.

Section 2008.2. Duties of Boards of Trustees of the Several State Colleges.—The Board of Trustees of each of the several State Colleges shall have the powers and its duties shall be:

(1) To review all matters pertaining to the welfare and well-being of the college and its students and to make recommendations to the president with respect thereto.

(2) To recommend to the Governor through the Board of State College and University Directors the appointment of a president.

(3) To represent the Commonwealth at official functions of the college.

(4) To develop means and methods of establishing proper relations and understanding between the college and its program and the public in order to serve the interests and needs of both.

(5) To establish grievance procedures for State College employes in accordance with policies established by the appropriate Commonwealth agencies.

(6) To conduct an annual physical inspection of facilities and make recommendations to the Board of State College and University Directors.

(7) To approve the annual operating and capital budget

requirements for the institution prepared by the president and to forward same to the Board of State College and University Directors.

(8) To review and approve all direct purchases made by the president without competitive bidding.

(9) To approve the appointment of all employes in accordance with law, and standards set by the Executive Board of the Commonwealth, the Civil Service Commission, and policies of the Board of State College and University Directors.

(10) To review and approve contracts for consultative services entered into by the president.

(11) To approve recommendations of the president pertaining to the waiver of fees.

Section 2008.3. Duties of the Boards of Trustees of the Several State Universities.—The Board of Trustees of each State University shall have the powers and its duties shall be to:

(1) Formulate plans for the growth and development of the university.

(2) Approve recommendations of the president pertaining to (i) budgets and expenditures and forward same to the Board of State College and University Directors; (ii) the waiver of fees; (iii) schools and curricular programs; and (iv) the appointment, rank, salaries, tenure of instructional staff and noninstructional staff and administrative personnel in accordance with law, and standards set by the Executive Board of the Commonwealth, the Civil Service Commission, and policies of the Board of State College and University Directors.

(3) Make policies providing for the admission and expulsion of students, courses of instruction and for all other matters related to the government and administration of the university.

(4) Exercise such other powers and perform such other duties as are necessary to carry into effect the provisions of this act.

(5) To recommend to the Governor through the Board of State College and University Directors the appointment of a president.

(6) To review and approve all direct purchases made by the president without competitive bidding.

(7) To grant, on behalf of the university, subject to approval by the Board of State College and University Directors, the degrees of bachelor of arts, bachelor of science, and bachelor of fine arts for successful completion of prescribed undergraduate courses of study, and the degrees of master of education, master of arts, master of science, doctor of education, and doctor of philosophy for successful completion of prescribed graduate courses of study, as well as other degrees recommended by the Board of Trustees and approved by the Board of State College and University Directors.

Section 10. Sections 2009 and 2012 of the act are repealed.

Section 11. This act shall take effect July 1, 1969.

APPROVED—The 17th day of February, A. D. 1970.

RAYMOND P. SHAFER

The foregoing is a true and correct copy of Act of the General Assembly
No. 13.



Robert J. Kelley
Secretary of the Commonwealth.