

subsection (a) of this section applies, the Department of State shall secure a true copy of the compact or agreement and keep the same on file.

(c) Any amendment, supplementary agreement or administrative rule or regulation having the force of law implementing, adding to or modifying any such compact or agreement to which this State is party shall be listed or filed in the same manner as the compact or agreement itself.

List copies to be available.

(d) The Department of State shall make copies of the compacts and agreements or the list maintained pursuant to this act, and any information contained therein available on request to the public, upon the payment of the charges made for certified copies of other records on file in the department, and to the branches and departments of the Commonwealth and its political subdivisions concerned, without charge.

(e) The listing, filing, publication or distribution requirements of this act shall be in addition to, and not in substitution for, any such requirements contained in particular compacts or agreements to which this State is or may become a party.

Duty of other departments.

Section 3. Every department, officer or agent of this Commonwealth and of its political subdivisions thereof, who shall execute any instrument set forth in section 2, shall furnish a copy thereof to the Department of State.

Act effective immediately.

Section 4. This act shall take effect immediately.

APPROVED—The 24th day of August, A. D. 1963.

WILLIAM W. SCRANTON

No. 484

AN ACT

Providing for the creation, establishment and operation of community colleges, granting certain powers to the State Board of Education, the Council of Higher Education and the Department of Public Instruction; authorizing school districts, county boards of school directors and municipalities to sponsor community colleges; authorizing school districts and municipalities to levy certain taxes; providing for reimbursements by the Commonwealth of certain costs and expenses, and making an appropriation.

Community College Act of 1963.

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

Section 1. Short Title.—This act shall be known as and may be cited as the “Community College Act of 1963.”

Section 2. Definitions.—When used in this act, the following words and phrases shall have the meanings, respectively, ascribed to them:

(1) “Municipality” shall mean any city, borough, town, township or county.

(2) “Local sponsor” shall mean a school district or a municipality or a county board of school directors or any combination of school districts, municipalities or county boards of school directors which participate or propose to participate in the establishment and operation of a community college.

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

(4) “Community college” shall mean a public college or technical institute which is established and operated in accordance with the provisions of this act by a local sponsor which provides a two year, post-secondary, college-parallel, terminal-general, terminal-technical, out of school youth or adult education program or any combination of these. The community college may also provide area vocational technical education \*services to secondary senior high school students.

(5) “Community college plan” shall mean a plan prepared in accordance with the policies, standards, rules and regulations of the State Board of Education for the establishment or operation of a community college, and shall include a survey of any industrial development and manpower needs of the area and of any vocational and occupational shortage and the means by which the community college program and curriculum shall further industrial development, reduce unemployment and improve employable skills of residents of the area to be served by the community college.

(6) “Governing body” of a school district or municipality shall mean respectively its board of school directors or its council or board of commissioners or supervisors and may include the county board of school directors.

(7) “Board of trustees” shall mean the board of trustees of a community college.

Section 3. Powers and Duties of State Board of Education.—(a) The State Board of Education shall have the power, and its duty shall be:

(1) To adopt such policies, standards, rules and regulations formulated by the Council of Higher Education, as may be necessary to provide for the establishment, operation and maintenance of community colleges, in-

\* “services” in original.

cluding minimum requirements for physical facilities and equipment, curriculum, faculty, standards and professional requirements, qualifications for admission and advancement of students, student enrollment, student population of the area to be served by the community college, requirements for satisfactory completion of a two-year program and the degrees or diplomas or certificates to be awarded therefor, means of financing and financial resources for the establishment and support of the community college, and all matters necessary to effectuate the purposes of this act.

(2) To approve or disapprove plans for the establishment or operation of a community college.

(3) To approve or disapprove petitions of school districts or municipalities applying for participation in an established community college: Provided, however, That no petition may be approved unless it is accompanied by the consent of the governing body of each member of the local sponsor of the established community college to the participation of the petitioning school district or municipality.

(b) In determining such policies, standards, rules and regulations, the State Board of Education may consider relevant all minimum requirements established by statute or by regulation with respect to the State colleges of the Commonwealth and may consider relevant such minimum requirements established by statute or by regulation with respect to secondary and special education programs in the school district or districts of the area to be served by the community college.

(c) In approving or disapproving such plans, the State Board of Education shall consider the needs of areas adjacent to the areas to be served by the community college, and of the State with respect to higher education and long range plans therefor established by the State Board of Education. Other school districts and municipalities may petition the State Board of Education to become a part of a local sponsor as hereafter in this act provided.

(d) No plan for the establishment of a community college shall be approved unless the State Board of Education determines that the local sponsor has a population of a sufficient number to assure a sustained minimum enrollment, has sufficient wealth to financially support such college and is not adequately served by established institutions of higher learning. No plan for the establishment of a community college shall be approved unless it contains an estimate of operating cost for administration, instruction, operation and maintenance and such other accounts as the State Board of Education may, from time to time, determine. No plan

for the establishment of a community college shall be approved unless it contains an estimate of any proposed capital improvements for the next following ten years.

(e) To confer with and obtain the approval of the Governor's office as to the number of community colleges which can be approved for participation during the ensuing fiscal period.

(f) Wherever in this act the approval of the State Board of Education is required in any matter, the State Board of Education may require the Department of Public Instruction to make and report its findings and recommendations on such matter to the Council of Higher Education for the formulation of policies, standards, rules and regulations for consideration by the State Board of Education.

Section 4. Plans and Procedures for Establishing.—

(a) A proposed community college plan shall be submitted by the local sponsor in such form and containing such information as the State Board of Education may require. The plan shall designate the name of the proposed community college which shall be the "Community College of ....." or "..... Technical Institute," stating the name of the local sponsor or area of such community college. If there are two or more members of the local sponsor, the plan shall include provisions allocating financial responsibility for the community college among the members of the local sponsor subject to the policies, standards, rules and regulations of the State Board of Education.

(b) The community college plan, when submitted by the local sponsor, shall first be approved by the governing body of each member of the local sponsor and shall be submitted by them jointly in all counties. School directors from school districts of the second, third and fourth class located in two or more counties may meet in convention and approve a community college plan for submission to the State Board of Education.

(c) Upon the approval of the plan by the State Board of Education, the governing bodies of the local sponsor shall appoint a board of trustees of the community college, as hereinafter provided, and upon such appointment, the community college shall be considered established.

(d) A county board of school directors shall prepare a plan for establishing a community college when required by a convention of school directors from school districts within the county. Such plan shall indicate the school districts to be served by a community college. Thereafter, a convention of school directors from school

districts within the proposed area of a community college shall be called to consider:

- (1) The proposed plan;
- (2) The question of authorizing the county board or county boards to sponsor a community college; and
- (3) The allocation of the cost of establishing and operating a community college.

Following such consideration, the school directors in convention may approve a plan to establish and operate a community college subject to the approval of the State Board of Education and to determine the share and formula for sharing operating expenses, capital outlay, debt service or lease payment to be borne by the school districts. School directors from the districts not desiring to participate in the establishment of a community college shall not be eligible to vote on any question placed before the convention.

Member districts shall share the cost of establishing and operating a community college.

Section 5. Election or Appointment; Term and Organization of Board of Trustees.—(a) The board of trustees of a community college shall be elected by the vote of a majority of the members of the governing body or governing bodies of the local sponsor within sixty days of the approval of the plan by the State Board of Education, except that the board of trustees of a community college sponsored by a city of the second class shall be appointed by the mayor, with approval of city council, and in cities of the first class shall be appointed by the mayor from nomination from a nominating panel established in accordance with municipal ordinance.

(b) The board of trustees shall consist of no less than seven nor more than fifteen persons appointed for terms of six years each, except that those persons initially appointed shall draw lots to determine which trustees shall serve for a term of two years, which trustees shall serve for a term of four years and which trustees shall serve for a term of six years. Thereafter, all persons shall be appointed for terms of six years each. A trustee may succeed himself.

(c) The board of trustees shall organize itself at such times each year as it determines and shall choose from among its members a chairman and vice-chairman and secretary who shall hold such offices for one year. A majority of the members of the board shall be a quorum. Vacancies on the board shall be filled by the appointing authority for the unexpired terms. Trustees shall serve without compensation, except that they shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties.

Section 6. Powers and Duties of Board of Trustees.—(a) The affairs of any community college established under this act shall be administered and supervised by a board of trustees. Subject to any law and to any policies, standards, rules and regulations adopted by the State Board of Education provided for community colleges, the board shall for the purpose of establishing, operating and maintaining a community college, have the power, and its duty shall be:

- (1) To appoint and fix the salary of a president;
- (2) To hold, rent, lease, sell, purchase and improve land, buildings, furnishings, equipment, materials, books and supplies;
- (3) To enter into contracts for services with schools, colleges or universities, or with school districts or municipalities, to effectuate the purposes of this act;
- (4) To accept and receive gifts of real and personal property and Federal, State and local moneys and grants, and to expend the same;
- (5) To make policies providing for the admission and expulsion of students, the courses of instruction, the tuition and fees to be charged, and for all matters related to the government and administration of the college;
- (6) To submit to the State Board of Education for its approval proposed amendments to the community college plan; and
- (7) To enter into contracts for services to high schools of member districts to provide area vocational technical education services;
- (8) To exercise such other powers and perform such other duties as are necessary to carry into effect the purposes of this act.

(b) Contracts shall be entered into and other acts shall be done by the board of trustees of a community college in the name of the community college and shall be binding upon the local sponsor. All property purchased by or granted to the board of trustees of a community college shall be held in the name of the college on behalf of the local sponsor of the college.

Section 7. Officers of the Community College.—

(a) The president shall be the chief executive and administrative officer of the college and shall perform all duties which the board of trustees may prescribe. He shall have the right to attend all meetings of the board and to be heard on all matters before it, but shall have no right to vote on any matter.

(b) The treasurer of the college shall give a proper bond in such amount and with such corporate surety as is approved by the board of trustees, which shall be filed

with the board. The account of the treasurer shall be audited, annually, by a certified public accountant or other qualified public accountant selected by the board of trustees.

Section 8. Students.—Any resident of the Commonwealth may apply for admission to any community college established under this act. The State Board of Education may provide for the admission to community colleges of persons who are not residents of the Commonwealth, but no college shall admit such persons unless the admission is in accordance with the policies, standards, rules and regulations of the State Board of Education. The State Board of Education may prescribe standards for determining the place of residence of students and applicants for admission to community colleges.

Section 9. Tuition.—(a) The normal tuition charged by each community college shall be an amount fixed by the board of trustees of the community college, in accordance with policies, standards, rules and regulations of the State Board of Education, determined by apportioning among the students enrolled in such college not more than one-third of its annual operating costs.

(b) A student who is not a resident in the area of the local sponsor of the community college in which he is enrolled and who enrolled himself in such college with the approval of the board of trustees of the community college established in the area in which he resides, if there be one, shall pay the normal tuition charge of the college he attends, but the board of trustees of the college established in his area of residence shall pay on behalf of such student to the college in which he is enrolled an amount equal to twice such college's normal tuition charge and shall be entitled to State reimbursement as hereinafter provided.

(c) A student who is a resident of the Commonwealth in an area which is not a local sponsor of a community college and who is enrolled in a community college in accordance with the policies, standards, rules and regulations of the State Board of Education shall pay a tuition charge equal to twice such college's normal tuition charge. The community college enrolling such student shall be entitled to State reimbursement as hereinafter provided.

(d) A student who is not a resident in the area of the local sponsor of the community college in which he is enrolled and who has enrolled himself in such college without the approval of the board of trustees of the community college established in the area in which he resides, if there is one, shall pay a tuition charge which shall be equal to three times the normal tuition charge

of the community college in which he is enrolled and no State reimbursement shall be paid on account of such student.

(e) A student who is not a resident of the Commonwealth and who is enrolled in a community college in accordance with the policies, standards, rules and regulations of the State Board of Education shall pay such tuition charge as is approved by the Department of Public Instruction.

**Section 10. Taxation.**—The governing body of each school district or municipality comprising a local sponsor may levy, annually, taxes on subjects of taxation as prescribed by law in such school district or municipality for the purpose of establishing, operating and maintaining a community college. The tax levy herein authorized to be levied by the governing body shall be in excess of and beyond the millage fixed or limited by law: Provided, That the aggregate amount of all taxes imposed by any local sponsor, other than a school district of the first class or a city of the first class or county of the first class, for the establishment, operation and maintenance of a community college shall not exceed an amount equal to the product obtained by multiplying the latest total market value of the local sponsor as determined by the State Tax Equalization Board in the case of school districts, and by the Board of Assessment and Revision of Taxes or any other similar board which determines market values of real estate in the case of municipalities, by five (5) mills. The aggregate amount of all taxes imposed by a school district of the first class or a city of the first class or county of the first class for the establishment, operation and maintenance of a community college shall not exceed an amount equal to the product obtained by multiplying the latest total market value of the school district of the first class as determined by the State Tax Equalization Board and by the Board of Assessment and Revision of Taxes or any other similar board which determines market values of real estate in the case of cities of the first class or counties of the first class, by one (1) mill.

**Section 11. Withdrawal of Sponsorship; Dissolution of Community College.**—No school district or municipality which is a local sponsor or a part of a local sponsor may withdraw its sponsorship from a community college nor may any community college be disestablished without the approval of the State Board of Education.

**Section 12. Participation in or Admission to Established Community College.**—(a) The governing body of any school district or of any municipality desiring to have such school district or municipality participate in



an established community college shall present a petition to the State Board of Education in such form as the board may prescribe requesting approval to participate in or to be admitted to the community college.

(b) Upon the approval of the State Board of Education of a petition submitted by a governing body, such petitioning school district or municipality shall be considered a local sponsor of the community college and be admitted thereto.

Section 13. Degrees.—The State Board of Education shall prescribe the types of diplomas, certificates or degrees that may be granted students who complete post-secondary education courses in community colleges.

Section 14. Financial Program; Reimbursement.—

(a) The plan submitted by the local sponsor shall set forth a financial program for the operation of the community college. The plan shall provide that at least two-thirds of the annual operating costs and all of the capital expenses shall be appropriated by the local sponsor to the community college and such allocation may in part be represented by real or personal property or services made available to the community college. The plan shall indicate whether the appropriation shall come from general revenues, loan funds, special tax levies or from other sources.

(b) The Commonwealth shall pay to a community college on account of its operating costs an amount equal to one-third of such college's approved annual operating costs not to exceed one thousand dollars (\$1,000) per student multiplied by the number of equivalent full-time students determined by an audit to be made in a manner prescribed by the State Board of Education. Each community college shall maintain such accounting and student attendance records on generally accepted \*principles and standards as will lend themselves to satisfactory audit. The Commonwealth may pay to a community college on account of its capital expenses an amount equal to one-half of such college's annual capital expenses.

(c) A maximum of thirty per cent of the State funds appropriated for community colleges may be spent for capital investment and operating cost for liberal arts programs in community colleges.

(d) For reimbursement purposes, a liberal arts or technical student shall be construed as one whose course of study is predominantly in the respective liberal arts or technical program.

(e) Capital expenses shall mean only such expenses as are incurred with the prior approval of the Department

\* "principals" in original.

of Public Instruction during a fiscal year of a community college for the lease of buildings or land or the purchase of capital equipment used for instructional or administrative purposes by a community college or payments made on account of indebtedness contracted for such purposes. Operating cost shall mean all other expenses not defined as capital expenses, which are incurred during a fiscal year in the establishment, operation and maintenance of a community college. No costs and expenses incurred in the establishment, construction, operation or maintenance of dormitories, cafeterias or recreational facilities or the equipment or furnishings for such purposes shall be included in capital expenses or operating costs for purposes of Commonwealth reimbursement.

(f) The State Board of Education shall adopt policies, standards, rules and regulations for determining reimbursable capital expenses and operating costs and the Department of Public Instruction shall approve such expenses and costs for the purpose of reimbursement by the Commonwealth and for charges to be made to other school districts in accordance with such policies, standards, rules and regulations.

(g) The State Board of Education shall apply for, receive and administer, subject to any applicable regulations or laws of the Federal Government or any agency thereof, any Federal grants, appropriations, allocations and programs to fulfill the purpose of this act.

(h) Any Federal grants, appropriations, allocations and programs made to the Commonwealth of Pennsylvania for programs operated under this act shall be credited fifty per cent to State expenditures and fifty per cent to local community college expenditures reducing the total cost to each accordingly.

(i) The amount payable to each community college shall be paid in semi-annual installments and the Superintendent of Public Instruction shall draw his requisition semi-annually upon the State Treasurer in favor of each community college for the amount of reimbursement to which it is entitled. The first semi-annual payment in each fiscal year may be based upon an estimate and shall be paid during the month of November, the second semi-annual payment in each fiscal year shall be paid during the month of April.

Section 15. Appropriation.—For the purposes of this act, the sum of five hundred thousand dollars (\$500,000), or as much thereof as may be necessary, is hereby appropriated to the Department of Public Instruction: Provided, however, That not more than seventy-five thousand dollars (\$75,000) of the funds herein appropriated

may be expended by the Department of Public Instruction during the fiscal year July 1, 1963, to June 30, 1964, for the administration of this act.

Section 16. Effective Date.—This act shall take effect immediately.

APPROVED—The 24th day of August, A. D. 1963.

WILLIAM W. SCRANTON

No. 485

AN ACT

Amending the act of June 4, 1943 (P. L. 886), entitled, as amended, "An act creating a Municipal Employees' Retirement System for the payment of retirement allowances to officers and employes of political subdivisions and municipal authorities and of institutions supported and maintained by political subdivisions and providing for the administration of the same by a board composed of certain state officers and others appointed by the Governor; imposing certain duties on the State Employees' Retirement Board and the actuary thereof; providing the procedure whereby political subdivisions and municipal authorities may join such system, and imposing certain liabilities and obligations on such political subdivisions and municipal authorities in connection therewith, and as to certain existing retirement and pension systems, and upon officers and employes of such political subdivisions; institutions supported and maintained by political subdivisions, and upon municipal authorities; providing certain exemptions from taxation, execution, attachment, levy and sale; and making an appropriation," clarifying the reference to the fiscal year, providing a death benefit for the survivors of certain member employes, and providing alternative methods for paying the survivor's benefit under Option 1.

Municipal Employees' Retirement Law.

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

Section 16, act of June 4, 1943, P. L. 886, amended September 23, 1959, P. L. 946, further amended.

Section 1. Section 16, act of June 4, 1943 (P. L. 886), known as the "Municipal Employees' Retirement Law," amended September 23, 1959 (P. L. 946), is amended to read:

Section 16. Annual Estimates to Municipalities; Administrative Expenses.—The board shall prepare and submit to each municipality, on or before the first day of the fourth month preceding the commencing of [its] *each municipality's* fiscal year, an itemized estimate of the amounts necessary to be appropriated by the municipality to complete the payments of the obligations of the municipality to the fund during [the] *its* next fiscal year. It shall also include, in each such estimate, the amount required to be paid by the municipality to pay the costs of administering this act, including the additional compensation of the actuary and the secretary,