

No. 224

AN ACT

SB 30

Amending the act of April 9, 1929 (P.L.177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," further providing for the membership of the State Board of Education, the Council of Basic Education and the Council of Higher Education and further providing for the powers and duties of the State Board of Education.

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

Section 1. Sections 408.1 and 1317, act of April 9, 1929 (P.L.177), known as "The Administrative Code of 1929," added June 17, 1963 (P.L.143), are amended to read:

Section 408.1. The State Board of Education.—The State Board of Education shall consist of seventeen members, [~~seven~~] *eight* of whom shall also serve as members of the Council of Basic Education, [~~seven~~] *and eight* of whom shall also serve as members of the Council of Higher Education [~~, and three of whom shall be members at large~~]. *The member designated by the Governor as Chairman of the State Board of Education shall also serve as a member of the Council of Basic Education and of the Council of Higher Education. Members at large on the effective date of this act may be assigned by the Governor to either council.* Each member shall be appointed by the Governor, by and with the advice and consent of two-thirds of all the members of the Senate, and shall, except as hereinafter provided, hold office for terms of six years each and until his successor has been appointed and has qualified. Members shall receive no salary but shall be entitled to travel and other necessary expenses incurred in the performance of their duties as members of the board.

Nine members shall constitute a quorum provided that at least four members serving on each of the councils are present. The affirmative vote of a majority of all the members of the board duly recorded showing how each member voted shall be required in order to take action adopting policies, standards, rules and regulations. The board shall meet at least five times a year at such times and places as it shall determine. Special

meetings may be called by the chairman or at the request of a majority of the members of the board.

Of the members first appointed, three shall be appointed for a term of one year, three shall be appointed for a term of two years, three shall be appointed for a term of three years, three shall be appointed for a term of four years, three shall be appointed for a term of five years, and two shall be appointed for a term of six years. Thereafter, all terms shall be for six years, except that an appointment to fill a vacancy shall be for the unexpired term.

The Governor shall designate, to serve at his pleasure, a member as Chairman of the State Board of Education.

[None of the members of the board serving at large and] *Except for the chairman*, not more than two members serving on each council shall be employed either in a school system in the Department of **[Public Instruction]** *Education* or by any educational institution. At least two members serving on each council shall have had previous experience with technical education or training.

For the purpose of formulating policy proposals applicable to **[basic technical]** *elementary, secondary, vocational-technical* education and higher education in the Commonwealth, there shall be two councils to consist of **[seven]** *nine* members of the board each, *the chairman of the board being a member of both councils*, and to be known as the Council of Basic Education and the Council of Higher Education. The Governor shall designate to serve at his pleasure a member serving on each council to act as chairman of the council. Each council shall meet at the call of its chairman or at the request of a majority of the members of the council. **[The chairman of the board and the members at large shall be entitled to attend the meetings of the councils.]** The chairman of the board may appoint special joint committees from among the members of the board to formulate policy proposals in those areas which fall within the purview of both of the councils. The board shall employ and fix the compensation of such staff as is deemed necessary to perform the duties of the board. The board shall assign a member of the staff to each of the councils to serve as **[executive]** secretary.

The **[Superintendent of Public Instruction]** *Secretary of Education*, or his designated representative, shall be the chief executive officer of the State Board of Education and shall be entitled to attend all meetings of the board and the councils, and shall have the right to speak on all matters before the board and the councils but not to vote.

Section 1317. The Powers and Duties of the State Board of Education.

(a) The State Board of Education shall have the power, and its duty shall be, to review the policies, standards, rules and regulations formulated by the Council of Basic Education and the Council of Higher Education, and adopt broad policies and principles and establish standards governing the educational program of the Commonwealth.

(b) The State Board of Education shall *have the authority and duty to:*

(1) Hear appeals of school districts which consider themselves aggrieved by a decision of the Council of Basic Education approving a county plan of organization of administrative units, or approving or disapproving an application for the creation of a new school district, or change in the boundaries of an existing school district;

(2) Establish, whenever deemed advisable, committees of professional and technical advisors to assist the councils in performing research studies undertaken by them;

(3) [Review annually the budget requests of the Department of Public Instruction and the budget requests of educational institutions not part of the public school system and return such requests to the department with comments, if any, prior to their submission to the budget secretary; and] *Annually review the budget request of the Department of Education and of the educational institutions not part of the public school system and of institutions of higher education financed wholly or in part from State appropriations recommending approval or disapproval of such budget requests and return such budget requests to the Secretary of Education with comments, if any, prior to their submission to the Budget Secretary, and submit these recommendations and findings to the General Assembly subsequent to the submission of the Governor's budget to the General Assembly;*

[(4) Make all reasonable rules and regulations necessary to effectuate the purposes of this act and carry out all duties placed upon it by law;]

(4) *Adopt policies under which the Secretary of Education shall approve or disapprove any action of a State-owned college or university, community college or State-related or State-aided college or university in establishing additional branches or campuses, or in discontinuing branches or campuses;*

(5) *Adopt policies under which the Secretary of Education shall approve or disapprove any action of a State-owned college or university, community college or State-related or State-aided college or university in establishing new professional schools, or upper division programs by two-year institutions;*

(6) *Adopt policies under which the Secretary of Education shall approve or disapprove applications by State-owned colleges for admission to university status, and approve or disapprove applications by two-year institutions to become four-year institutions;*

(7) *Adopt policies under which the Secretary of Education shall approve or disapprove the request of any private institution of higher education for admission to State-related or State-aided status, or for eligibility for other State financial support;*

(8) *Require the submission of long-range plans from all public and private institutions of higher education at the times and in the form requested by the board.*

(c) With regard to State-owned institutions, approval or disapproval by the Secretary of Education under the provisions of clauses (4) through (6) of subsection (b) of this section 1317 of this act shall not be made until after recommendation by the Board of State College and University Directors, whenever such recommendation is deemed necessary or required by law.

(d) No institution of higher education may proceed with any action unless it has been approved by the Secretary of Education under the provisions of clauses (4) through (7) of subsection (b) of this section 1317 of this act.

(e) With regard to approval by the Secretary of Education under the provisions of clauses (4) through (7) of subsection (b) of this section 1317, no action to be financed wholly or in part from State appropriations shall be taken by an institution of higher learning (i) prior to the next fiscal year or until the General Assembly approves the Governor's budget for the next fiscal year, and (ii) prior to each member of the General Assembly, the Governor and the Budget Secretary being provided with written notification of such approval, including projected five-year fiscal analysis and an explanation as to the necessity for the proposed action in relation to the master plan for higher education.

(f) The State Board of Education shall adopt and periodically review and revise a master plan for higher education which shall be for the guidance of the Governor, the General Assembly, and all institutions of higher education financed wholly or in part from State appropriations. Such master plan shall (i) define the role of each type of institution (State-owned colleges and universities, State-related universities, community colleges, private colleges and universities and off-campus centers of any of these and other institutions authorized to grant degrees) in The Commonwealth System of Higher Education, (ii) recommend enrollment levels for each such institution, (iii) recommend a method for governance of the system, (iv) provide formulas for the distribution of State funds among the institutions, and (v) otherwise provide for an orderly development of the system.

(g) The State Board of Education shall make all reasonable rules and regulations necessary to carry out the purposes of this act.

APPROVED—The 18th day of October, A. D. 1972.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly
No. 224.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive style with a large initial "C" and a prominent "T" at the end.

Secretary of the Commonwealth.