

# Regulatory Analysis Form

This space for use by IRRC

20060727 11:14:00  
 REVIEW COMMISSION

(1) Agency

State Board of Education

(2) I.D. Number (Governor's Office Use)

#006-297

IRRC Number: 2506

(3) Short Title

Chapter 31 - Higher Education General Provisions

(4) PA Code Cite

22 Pa. Code Chapter 31

(5) Agency Contacts & Telephone Numbers

Primary Contact: Jim Buckheit  
 (717) 787-3787  
 jrbuckheit@state.pa.us

(6) Type of Rulemaking (check one)

- Proposed Rulemaking
- Final Order Adopting Regulation
- Final Order, Proposed Rulemaking Omitted

(7) Is a 120-Day Emergency Certification Attached?

- No
- Yes: By the Attorney General
- Yes: By the Governor

(8) Briefly explain the regulation in clear and nontechnical language.

Chapter 31 addresses requirements for the governance, academic program, admissions and student services, facilities, maintenance of quality, honorary degrees and major corporate change of postsecondary institutions that offer academic credits or degree programs in the Commonwealth. The regulations apply to community colleges; State-owned, State-related and State-aided universities; private-two year colleges; independent colleges and universities; seminaries; and, professional schools.

(9) State the statutory authority for the regulation and any relevant state or federal court decisions.

Public School Code of 1949 (24 P.S. §§ 1-101 — 27-2702).

## Regulatory Analysis Form

(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

The proposed amendment to the regulation is not mandated by federal statute or court order. The enabling statute for the State Board of Education requires it to "establish standards governing the educational program of the Commonwealth." (24 P.S. § 26-2603-B(a)).

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

The regulations establish the general standards for operation of postsecondary degree granting institutions operating in the Commonwealth. The proposed regulations update Chapter 31 to address a statutory change that permits for-profit postsecondary institutions to operate in the Commonwealth; address use of Internet-based and other distance-learning technologies; and, update and clarify other issues.

(12) State the public health, safety, environmental or general welfare risks associated with nonregulation.

The regulations protect the interests of students to ensure that in return for payment of their tuition dollars they receive a quality postsecondary education.

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

The regulations directly benefit the more than 678,000 full- and part-time students enrolled in more than 260 postsecondary degree-granting institutions that operate within this Commonwealth.

## Regulatory Analysis Form

(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

No individual or entity is expected to be adversely affected by the regulation.

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

More than 260 postsecondary degree-granting institutions currently operating within the Commonwealth are required to comply with the regulation. In addition, any newly created postsecondary institution, existing entity that wants to begin to offer postsecondary credit or degrees or Out-of-State or Out-of-Country institution wishing to operate within the Commonwealth are required to comply with the regulation.

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

The State Board of Education committee charged with the responsibility to review and revise this Chapter held numerous public roundtable meetings, hearings and committee meetings. Each of these forums presented opportunities for interested parties and stakeholder to provide input to the committee. The roundtable meetings were advertised in newspapers and on the State Board web pages. Notices of the roundtables were mailed to the president of every postsecondary institution operating in the Commonwealth. The roundtables were held in February 2004 in Philadelphia, Harrisburg and Monroeville. A public hearing was held in Harrisburg on October 8, 2004. Two other hearings were cancelled as fewer than two individuals registered to attend either session. The hearings were advertised in newspapers, notice placed on the State Board web page and notices were mailed to presidents of postsecondary institutions. In addition to input received at these meetings, the State Board also sought and received a number of written comments from stakeholders. In addition, the committee held open public meetings, which adhered to the requirements of the Sunshine Act, on 1/21/04, 7/21/04, 9/15/04, 11/17/04 and 1/19/05. In addition, the Council of Higher Education discussed the regulation and offered an opportunity for public comment before the Council took action at its meeting held on January 19, 2005. The State Board of Education also discussed the Chapter and accepted public comment before it approved the regulation on January 20, 2005. In addition to these forums, discussions were held with numerous representatives of independent colleges and universities at Seton Hill University on February 7, 2005. Additional consultation was made with representatives of the State System of Higher Education, Penn State University, Pennsylvania Association of Independent Colleges and Universities and Pennsylvania Association of Private School Administrators.

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.

None

## Regulatory Analysis Form

(18) Provide specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

None

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required.

None

## Regulatory Analysis Form

(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
<b>SAVINGS:</b>	\$	\$	\$	\$	\$	\$
<b>Regulated Community</b>	0	0	0	0	0	0
<b>Local Government</b>	0	0	0	0	0	0
<b>State Government</b>	0	0	0	0	0	0
<b>Total Savings</b>	0	0	0	0	0	0
<b>COSTS:</b>						
<b>Regulated Community</b>	0	0	0	0	0	0
<b>Local Government</b>	0	0	0	0	0	0
<b>State Government</b>	0	0	0	0	0	0
<b>Total Costs</b>	0	0	0	0	0	0
<b>REVENUE LOSSES:</b>						
<b>Regulated Community</b>	0	0	0	0	0	0
<b>Local Government</b>	0	0	0	0	0	0
<b>State Government</b>	0	0	0	0	0	0
<b>Total Revenue Losses</b>	0	0	0	0	0	0

(20a) Explain how the cost estimates listed above were derived.

N.A.

## Regulatory Analysis Form

(20b) Provide the past three-year expenditure history for programs affected by the regulation.

Program	FY -3	FY -2	FY -1	Current FY
N.A.				

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

N.A.

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

Nonregulation would place citizens of the Commonwealth at risk of suffering financial and other damages resulting from poor quality or fraudulent programs. These regulations provide standards of quality and recourse to the Department of Education to take action against poor quality or fraudulent programs.

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

No other strategies were considered since only legal authority provided by statute or regulation is needed by the Department of Education to intervene when necessary.

## Regulatory Analysis Form

(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

No

(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

These regulations provide proven protection to the citizens of the Commonwealth. The requirements do not place the Commonwealth at a competitive disadvantage with other states.

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

No

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

As outlined in number 16, numerous roundtables, public hearings and public meetings were already held. Therefore additional meetings are not planned.

## Regulatory Analysis Form

(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

No

(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

None

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

The regulation will be effective upon publication of the final form regulation in the Pennsylvania Bulletin.

(31) Provide the schedule for continual review of the regulation.

It is the policy and practice of the State Board of Education to normally review its regulations every four years.



FACE SHEET  
FOR FILING DOCUMENTS  
WITH THE LEGISLATIVE REFERENCE BUREAU

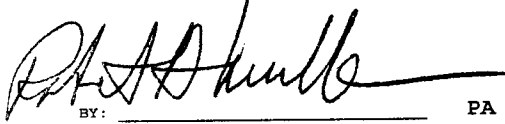
(Pursuant to Commonwealth Documents Law)

# 2506

Copy below is hereby approved as to form and legality. Attorney General

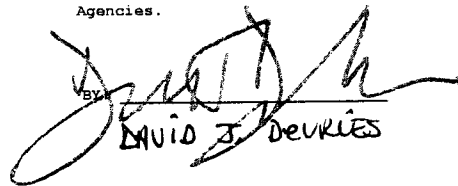
Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:

Copy below is approved as to form and legality. Executive or Independent Agencies.

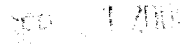


BY: \_\_\_\_\_  
(DEPUTY ATTORNEY GENERAL)

PA State Board of Education  
(AGENCY)

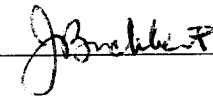
  
BY: \_\_\_\_\_  
DAVID J. DEVRIES

DOCUMENT/FISCAL NOTE NO. #006-297

  
\_\_\_\_\_  
DATE OF APPROVAL

DATE OF ADOPTION: January 16 2005

8.31.05  
DATE OF APPROVAL

BY:  \_\_\_\_\_

EXECUTIVE  
Deputy General Counsel  
(~~Chief Counsel,~~  
~~Independent Agency~~)  
(Strike inapplicable title)

TITLE: **Executive Director**  
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

Check if applicable  
Copy not approved.  
Objections attached.

Check if applicable.  
No Attorney General approval  
or objection within 30 days  
after submission.

PROPOSED REGULATIONS  
COMMONWEALTH OF PENNSYLVANIA

22 PA. CODE, CH. 31  
Higher Education General Provisions

## PREAMBLE

### STATE BOARD OF EDUCATION 22 PA.CODE—EDUCATION CHAPTER 31: HIGHER EDUCATION--GENERAL PROVISIONS

The State Board of Education (Board) proposes to amend Chapter 31 (Higher Education General Provisions) to read as set forth in Annex A, under the authority of section 2603-B of the act of March 10, 1949 (P.L. 30, No. 14), § 26-2603-B, known as the Public School Code of 1949 (School Code).

#### *Purpose*

The purpose of amending Chapter 31 is to update and clarify the regulations that establish requirements for the approval and operation of post-secondary degree-granting institutions in this Commonwealth.

#### *Requirements of the Regulations*

The regulations address requirements for the governance, academic program, admissions and student services, facilities, maintenance of quality, honorary degrees and major corporate change of post-secondary institutions.

#### *Affected Parties*

The proposed regulations affect the students and professional employees of the degree-granting postsecondary institutions of this Commonwealth. This includes all institutions of postsecondary education, domestic or foreign, including both out-of-State

and out-of-country, legally authorized to award college credits or grant degrees in this Commonwealth.

#### *Cost and Paperwork Estimates*

Since the proposed regulations clarify current requirements, they do not impose any new costs or savings for the Department of Education or to postsecondary institutions.

#### *Effective Date*

The proposed regulations will become effective upon publication of final-form regulations in the *Pennsylvania Bulletin*.

#### *Sunset Date*

In accordance with its policy and practice respecting all regulations promulgated by the Board, the Board every 4 years will review the effectiveness of Chapter 31. Thus, no sunset date is necessary.

#### *Regulatory Review*

Under Section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on 10/27, 2005, the Board submitted a copy of this proposed rulemaking and a copy of the Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Committees on Education. A copy of this material is available to the public upon request.

Under Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)), IRRC may convey any comments, recommendations or objections to the proposed regulations within

30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria that have not been met. The Act specifies detailed procedures for review, prior to final publication of the regulation, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

*Public Comments and Contact Person*

Interested persons are invited to submit written comments, suggestions or objections regarding this proposal to Jim Buckheit, Executive Director, State Board of Education, 333 Market Street, Harrisburg, PA 17126-0333 within **30** days following publication in the *Pennsylvania Bulletin*.

Persons with disabilities needing an alternative means of providing public comment may make arrangements by calling Jim Buckheit at (717) 787-3787 or TDD (717) 787-7367.

---

Jim Buckheit  
Executive Director

**Annex A**  
**TITLE 22. EDUCATION**  
**PART I. STATE BOARD OF EDUCATION**  
**SUBPART C. HIGHER EDUCATION**  
**CHAPTER 31. GENERAL PROVISIONS**

**PRELIMINARY PROVISIONS**

**§ 31.1. Purpose and scope.**

\*\*\*\*\*

(b) This chapter does not apply to Chapter 35 (relating to community colleges), except for the following:

\*\*\*\*\*

**(9) Sections 31.21(a) and (b) (relating to curricula).**

(c) Exclusive of community colleges, this chapter applies to an institution of postsecondary education, domestic or foreign, including both out-of-State and out-of-country, legally authorized to award college credits or grant degrees in this Commonwealth, and to an institution or chartering group applying for authorization. An entity is required to be approved as a postsecondary institution under this chapter to award **[colleges] college** credits or grant degrees in this Commonwealth. An institution is prohibited by law to operate in this Commonwealth and award college credits or grant degrees unless legally authorized to do so. Provisions of Board regulations in this part **[which] that** are in conflict with this chapter do not affect the applicability of this chapter unless specified by another provision **of** Board regulations in this part.

\*\*\*\*\*

(e) Only a postsecondary degree-granting institution having more than 50% of its degree programs consisting of resident-based instruction may be established or operate in

this Commonwealth. [For a nonresident-based degree program to be approved for the awarding of college credits or granting of degrees in this Commonwealth, the institution shall have an identical resident-based degree program.] For combination programs, the residential portion of the program must be offered on a regularly scheduled basis. [In addition, more than 50% of an institution's degrees, which are awarded for completion of each resident and nonresident degree program combination, shall be earned from the resident-based degree program.]

(1) An approved post-secondary degree-granting institution that has operated for 10 years within the Commonwealth, or a private licensed school offering AST or ASB degrees that has operated for 10 years within the Commonwealth, may petition the Department to be established to operate as a college or university with more than 50% of its degree programs offered through distance education, if it has demonstrated the following:

(i) Accreditation by a regional accreditation agency approved by the United States Department of Education.

(ii) Graduated a minimum of 25 students each from 10 degree programs in place at the time of petitioning for approval.

(iii) Meet all other requirements to operate in the Commonwealth as defined in these regulations.

(f) Except as specifically provided in this chapter, this chapter does not apply to private licensed schools or other proprietary institutions of postsecondary education that do not offer degrees. These institutions are governed by the Private Licensed Schools

Act (24 P. S. §§ 6501—6518) and Chapters 42 and 73 (relating to program approval; and private licensed schools—general provisions).

**§ 31.2. Definitions.**

The following words and terms, when used in this subpart, have the following meanings, unless the context clearly indicates otherwise:

***[Alternate instructional delivery system—A course or series of courses offered or sponsored by a postsecondary educational institution, consortium of institutions or educational enterprise, for which credit is offered or awarded toward a certificate, diploma or degree, having as the primary mode of delivery, television, videocassette or disc, film, radio, computer or other supportive devices using current or future technology. To assure academic integrity, the institution shall provide students in an alternate instructional delivery system course access to academic and student services, including textbooks, study guides, library resources and other study aids, and personal interaction with faculty, tutors or other educational personnel by computer, telephone, mail or face-to-face meetings.]***

*Chartered status—*Classification of a **[junior] two-year** college, college, seminary or university established under **the Business Corporation Law of 1988 (15 Pa.C.S. Part II, Subpart B (relating to business corporations)); the Nonprofit Corporation Law of 1988** (15 Pa.C.S. Part II, Subpart C (relating to nonprofit corporations)); **section 2601-H of the School Code (24 P.S. § 26-2601-H)**; **[and] or** 24 Pa.C.S. Chapter 65 (relating to private colleges, universities and seminaries).

*College*—An institution which, in accordance with its charter **or articles of incorporation**, offers 2-year, 4-year or 5-year postsecondary educational programs or their equivalent and which grants associate, baccalaureate or first professional degrees. In some instances, a 4-year college may offer **[2-year programs culminating with associate degrees or]** graduate programs culminating with graduate degrees when it has the appropriate approval under Chapter 42 (relating to program approval).

**Combination program—An academic degree program that uses both distance learning and classroom instruction to deliver instructional content.**

*Community college*—A college or technical institute which offers 2-year, **secondary and** postsecondary, **transfer**, college parallel, terminal-general, terminal-technical, out-of-school youth or adult education programs or a combination of these; grants certificates and associate degrees; and is established and operated in accordance with Article XIX-A of the **[Public] School Code [of 1949]** (24 P. S. §§ 19-1901-A—19-1913-A). A community college also may offer upper-division programs not culminating in a baccalaureate degree when it has the appropriate approval under Chapter 42.

**Community Education Council (CEC)—A non-profit educational organization, governed by a community-based board of directors, whose purpose is to identify, implement and oversee new or innovative efforts to provide access to postsecondary education opportunities in educationally underserved communities; and is established and operated in accordance with Article XIX-D of the School Code (24 P.S. §§ 19-1901-D—19-1905-D). Each CEC assesses the education and training needs of their community and chooses providers to offer postsecondary educational programs. A Community Education Council does not have the authority to award**



credit or grant degrees. Community Education Councils established after June 30, 1999, must be institutionally neutral.

*Distance education*--An alternate format to resident-based instruction for offering education courses or series of courses by an approved postsecondary educational institution, consortium of institutions or educational enterprise, for which credit is offered or awarded toward a certificate, diploma or degree, which has as its primary mode of delivery one or more of the following: correspondence, television, videocassette or disk, film, radio, computer, devices built upon an audio-video format or other supportive devices using current or future technology.

*Education enterprise*—An educational activity in this Commonwealth which is sponsored by a foreign corporation and for which college credits or continuing education units are awarded, continuing professional education is offered (culminating in awards such as Continuing Education Unit (CEU), Continuing Medical Education (CME), or Continuing Professional Education (CPE)), or tuition or fees are charged or collected.

\*\*\*\*\*

*Foreign corporation [status—Classification of an]*—An institution which is incorporated or authorized by other means in a state other than this Commonwealth, is approved to operate an educational enterprise by and in its state of origin and is approved and authorized to operate the enterprise in this Commonwealth under 15 Pa.C.S. Part II, Subparts B or C, and 24 Pa.C.S. Chapter 65.

\*\*\*\*\*

**[Junior college—An institution which offers full 2-year postsecondary educational programs culminating with associate degrees. A junior college also may offer upper-division programs not culminating in a baccalaureate degree when it has the appropriate approval under Chapter 42.]**

\*\*\*\*\*

**Physical presence--The operation of an entity that offers courses, programs, or degrees or maintains a campus, or an administrative, corporate or other address, including a post office box, telephone number, recruiters, instructors, advertising in local media and publications at a location in this Commonwealth.**

*Professional program*—A program which culminates with a baccalaureate, first professional or graduate degree; provides preparation for **[the] practice [of a profession] in professions, including medicine, allied health, dentistry, law, engineering, architecture, ministry and teaching;** and educates persons in the field of study.

*Professional school*—**[A] An organized administrative unit of a school, college, university** or seminary offering one or more professional programs

*Specialized associate degree program*—A program **culminating in an occupational degree, either an Associate in Specialized Business (ASB) degree or Associate in Specialized Technology (AST) degree, that is** designed to prepare a student for **[occupational]** employment in an area requiring specialized instruction beyond secondary education.

\*\*\*\*\*

*State System*—Classification of universities established under Article XX-A of the **[Public] School Code [of 1949]** (24 P. S. §§ 20-2001-A—20-201[7]**9**-A).

\*\*\*\*\*

**[Telecommunication instruction—A course or series of courses offered or sponsored by a postsecondary educational institution, consortium of institutions or other organization, for which credit is offered or awarded toward a certificate, diploma or degree, which have as the primary mode of delivery, television, video cassette or disc, film, radio, computer or other supportive devices which build upon the audio-video format. A telecommunication course may be supported by textbooks, study guides, library resources and other study aids, and may also involve personal interaction with faculty, tutors or other educational personnel by computer, telephone, mail or face-to-face meetings.]**

**Two-year college—An institution that offers full 2-year postsecondary educational programs culminating with associate degrees. A two-year college also may offer upper-division programs not culminating in a baccalaureate degree when it has the appropriate approval under Chapter 42.**

*University*—A multiunit institution with a complex structure and diverse educational functions, including instruction, promotion of scholarship, preservation and discovery of knowledge, research and service. A university meets the following criteria:

\*\*\*\*\*

(ii) Has a broad **[cultural basis from which undergraduate and graduate units draw upon the arts and sciences for basic course whether or not these are an integral part of the programs provided in the unit] foundation in the arts and sciences, which is instilled in the philosophy and implementation of the undergraduate and graduate education curriculum.**

\*\*\*\*\*

*Vocational education*—Programs which provide an organized process of learning experience designed to develop skills, knowledge, attitudes, work habits and leadership skills for entry into and advancement within various levels of employment in **[the] current or emerging occupational areas [of agriculture, business, marketing and distribution, health, home economics, trade and industry and other nonprofessional occupations]**.

\*\*\*\*\*

## GOVERNANCE

\*\*\*\*\*

### § 31.12. **President and board or council of trustees.**

(a) For **[a chartered nonprofit] an** institution, the minimum and maximum number of trustees shall be stated in the articles of incorporation of the institution. The composition, selection, term of office and the like of the board or council of trustees shall be stated in the bylaws of the corporation. The composition of the board or council shall include members of the professions, business, industry and other organizations or lay persons. The board of trustees shall have as its main function the legal operation of the institution. The primary areas of responsibility of the board are:

\*\*\*\*\*

#### **(4) Oversight of institution-wide assessment.**

(b) For a State System university subject to the authority of the Board of Governors, the chancellor, the president, together with the council of trustees, shall give

overall policy direction to the institution. The president shall administer and manage the institution under Article XX-A of the School Code (24 P. S. §§ 20-2001-A—20-201[7]9-A).

**§ 31.13. Administrative organization.**

\*\*\*\*\*

(b) **[The administrative organization for graduate programs shall be separate from that for undergraduate programs. For convenience, nondegree postbaccalaureate work may be administered by the graduate program organization.]**

(c) Policies relating to the organization of the institution shall indicate the groups within the institution responsible for such policy development and implementation.

Copies of the policies shall be available for distribution to constituent groups.

**[(d)] (c)** For a State System university, appropriate provisions of the School Code, The Administrative Code of 1929 (71 P. S. §§ 51—732), and policies of the Board of Governors shall apply to administrative organization and supervision.

**§ 31.14. Financial records.**

(a) The budget of an institution shall provide for necessary expenditures, including library **and learning resources**, faculty, student services, noninstructional staff and other operating costs.

(b) For a university having State System status, the following apply:

\*\*\*\*\*



(2) Records shall be audited as provided by Article XX-A of the School Code (24 P. S. §§ 20-2001-A—20-201[7]9-A).

\*\*\*\*\*

(d) For an institution having independent status, financial records shall be maintained which are in accordance with generally accepted accounting principles and procedures for educational institutions. **For business (for-profit) corporations offering academic programs leading to an academic degree, such financial records shall be maintained separately for the portion of the corporation constituting the Pennsylvania institution offering the academic programs. The financial records for for-profit corporations must show that the required minimum protective endowment of \$500,000 is maintained.**

\*\*\*\*\*

(g) **For Community Education Councils, funding is allocated through an annual grant award. Financial and performance reporting requirements of the Department are specified in the annual contract. The Department will provide oversight of the expenditures and activities undertaken by the community education councils during the grant period. The community education councils shall maintain records, documents and files in such a way that they will be available for inspection for a period specified in the grant agreement.**

## ACADEMIC PROGRAM

### § 31.21. Curricula.

\*\*\*\*\*

(b) Degree requirements stated in this section **[are in terms of a credit hour which represents a unit of curricular material which normally can be taught in a minimum of 14 hours of classroom instruction as determined by the faculty offering the program. For alternative instructional modes such as laboratory instruction, independent study, thesis and dissertation guidance, clinical and practicum experience, telecommunication instruction and correspondence study a credit hour shall represent an instructional unit which by faculty determination is equivalent to a minimum of 14 hours of classroom instruction] may be stated in terms of semester credit hours or quarter credit hours, as determined by the institution and conforming to generally accepted academic practices.**

**(i) A semester credit hour represents a unit of curricular material that normally can be taught in a minimum of 14 hours of classroom instruction, plus appropriate outside preparation or the equivalent as determined by the faculty.**

**(ii) A quarter credit hour represents a unit of curricular material that normally can be taught in a minimum of 10 hours of classroom instruction, plus appropriate outside preparation or the equivalent as determined by the faculty.**

(1) An associate degree exclusive of a specialized associate degree shall require the satisfactory completion of a minimum of 60 **semester** credit hours, which shall include a minimum of 20 **semester** credit hours of general education, **or a minimum of**



**90 quarter credit hours, which shall include a minimum of 30 quarter credit hours of general education.**

(2) A specialized associate degree shall require the satisfactory completion of at least 60 **semester** credit hours with a minimum of 1,500 clock hours **or a minimum of 90 quarter credit hours.** At least 70%, but no more than 80%, of the program shall consist of specialized instruction **[which] that** bears directly upon the employment objectives of the program; **and at least 20% of the program shall consist of general education.** The program shall include related instruction[, **including general education, which] that** supports the specialized instruction.

(3) A baccalaureate degree shall require the satisfactory completion of a minimum of 120 **semester** credit hours **or a minimum of 180 quarter credits.** Of the total baccalaureate degree program course requirements, at least **[1/3 of the required minimum credit] 40 semester credit hours or 60 quarter credit hours** shall be in **[the arts and sciences] general education** and shall represent a broad spectrum of disciplines in general education.

(4) A first professional degree, **except those for the preparation of professional educators,** shall require the satisfactory completion of a minimum of 60 **semester** credit hours **or 90 quarter credit hours** for admission to the degree program and the satisfactory completion of a total minimum of 150 semester credit hours **or 225 quarter credit hours for the program. Professional educator preparation programs shall comply with the requirements of Chapter 354 (relating to preparation of professional educators).**

(5) A master's degree shall require the satisfactory completion of a minimum of 30 semester credit hours or 45 quarter credit hours beyond the baccalaureate level.

(6) The number of semester or quarter credit hours for a degree beyond a first professional or master's degree shall be determined by the [institution] faculty and shall reflect the recommendations of professional associations or [National] national learned societies.

\*\*\*\*\*

(d) To assure academic integrity, an institution shall provide students in a distance education program access to academic and student services, including textbooks, study guides, library and other learning resources, personal interaction with faculty, tutors or other educational personnel by computer, telephone, mail or face-to-face meetings. The institution shall assure integrity of student work and provide opportunity for student assessment. These programs shall comply with all regulations and policies that apply to resident-based programs.

\*\*\*\*\*

§ 31.23. Program [data base] database.

(a) Periodically, the Department will provide to each institution a copy of the institution's complete list of degree and certificate programs as contained in the Department's program [data base] database. The institution shall verify the list or correct or amend it by indicating additions, deletions or changes and shall return the copy to the Department by the requested date.

(b) In addition to the requirements of subsection (a), if an institution adds, deletes or changes a program as listed in the Department's program **[data base] database**, the institution shall report the addition, deletion or change to the Department when it becomes effective.

**§ 31.24. Faculty.**

\*\*\*\*\*

(c) Full-time faculty members shall constitute a majority of the total number of full-time-equivalent faculty employed by the institution. Care shall be taken to ensure that total commitments of part-time faculty do not impair the quality of the program.

**[Graduate courses shall normally be taught by full-time members of the faculty.]**

(d) Faculty development shall be in accordance with the institution's faculty development plan. **The institution shall support professional development for all full-time, part-time and new faculty.** The institution should encourage publication, travel, attendance at professional seminars and conferences, research and similar developmental activities when feasible by the granting of reduced teaching loads, the purchase of needed equipment, and the granting of or assistance in obtaining needed funds.

(e) **Each [Institutions] institution** of higher education **operating in this Commonwealth** shall comply with the English Fluency in Higher Education Act (24 P.S. §§ 6801—6806), by filing the certification required by the act by September 1 of each year in the form requested by the Department. Failure to comply with the act and with this subsection shall subject the institution to the penalties under the act.

\*\*\*\*\*

## ADMISSIONS AND STUDENT SERVICES

\*\*\*\*\*

### § 31.32. Catalog and announcements.

(a) An institution's current catalog and official publications, as appropriate, shall describe accurately the institution's policies, including the institution's policy of nondiscrimination, **grievance procedures, [and] regulations and programs affecting students, and shall include the academic expectations and responsibilities of students.**

\*\*\*\*\*

(c) Each institution shall file its current official catalog with the Department **in print or electronic format.**

**(d) Each institution shall provide each student a copy of the current catalog, in print or electronic form, upon enrollment.**

### § 31.33. Student records and services.

(a) An academic record, including credits or courses completed under § 31.21 (relating to curricula) and grades earned, shall be maintained on a current transcript for each student. **Institutions shall adopt a plan for the collection, maintenance and dissemination of student academic, counseling, health and other records. Copies of the plan shall be maintained by the institution and updated as required by changes in State or Federal law or local policy. Student records must be maintained in a readily accessible format.** Appropriate standards of confidentiality for the records shall

be defined in the college policies and official publications and administered accordingly. Students shall be granted the right of access, under the requirements of law, to their official records.

(b) There shall be a program of student services to provide for the following:

\*\*\*\*\*

**(7) Compliance with State and Federal laws and regulations regarding reasonable accommodation for students with special needs.**

**§ 31.34. Credit card marketing.**

**Each institution of higher education shall establish a policy that regulates the marketing of credit cards on campus in accordance with Article XXIII-A of the School Code (24 P.S. §§ 23-2301-A—23-2303-A).**

**FACILITIES**

**§ 31.41. Library and learning resources.**

(a) An institution shall maintain adequate library **[resources] and learning resources** for all programs offered. The adequacy **[of resources]** shall be determined by the appropriateness of **print, electronic and other** collections for the achievement of the stated objectives of the institution, as related to its statement of philosophy and mission.

\*\*\*\*\*

**§ 31.43. Buildings and equipment.**

Classrooms, laboratories, faculty offices, related academic buildings, student living facilities and recreational facilities are governed by 34 Pa. Code Chapter 47, Subchapter D (relating to Department of Labor and Industry—miscellaneous provisions—facilities for handicapped), and Chapters 49—59, and shall be adequate to provide an integrated academic and nonacademic program consistent with the stated objectives of the institution as related to its statements of philosophy, mission and need.

**MAINTENANCE OF QUALITY**

\*\*\*\*\*

**§ 31.52. Accreditation.**

(a) Institutions which grant degrees, including private licensed schools which grant specialized associate degrees under §§ 42.11—42.14 (relating to specialized associate degree programs approval procedure), shall, **not later than July 1, 1977, obtain] maintain** total institutional accreditation from appropriate accrediting agencies recognized by the Federal Government and acceptable to the Department and the Board. An institution failing to [**obtain total institutional accreditation by July 1, 1997, or to**] maintain total institutional accreditation [**thereafter**] shall be subject to proceedings under § 40.51(b), § 40.53(b) or § 42.14 (relating to approval of an independent junior college, college, university, or foreign corporation; approval of State System, State-related or State-aided status; and revocation of the degree-granting privilege).

(b) [**Prior to July 1, 1997, previously approved degree-granting institutions which have not yet obtained total institutional accreditation under subsection (a)**]

will be evaluated by the Department on a scheduled 5-year cycle. Documentation necessary for the evaluation shall be submitted to the Department prior to the scheduled evaluation.] Except for specialized associate degree-granting institutions, new institutions approved to offer degrees shall have 3 years after commencing operations to obtain candidacy status for total institutional accreditation.

(c) Notwithstanding the requirements of subsection (a), a seminary which chooses for religious reasons not to obtain total institutional accreditation from an appropriate accrediting agency as indicated in subsection (a) will be evaluated by the Department on a scheduled 5-year cycle. Documentation necessary for the evaluation shall be submitted to the Department prior to the scheduled evaluation.

\*\*\*\*\*

## HONORARY DEGREES

\*\*\*\*\*

### § 31.62. Approval procedure.

(a) An institution which desires to award honorary degrees and does not have legal authorization allowing this privilege may petition the Secretary for approval to award the degrees. **[The petition shall be submitted by July 1 preceding the academic year in which honorary degree is to be awarded.]** In the petition, the institution shall set forth the degrees to be awarded and the procedures for the selection of candidates and be prepared to support awards of honorary degrees on the basis of meritorious service to mankind.

\*\*\*\*\*

## MAJOR CORPORATE CHANGE

\*\*\*\*\*

### § 31.72. Obligations.

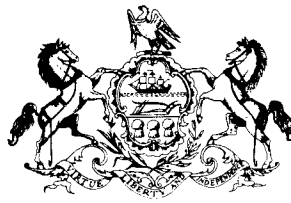
The institution shall work with the Department to ensure the following, if necessitated by the corporate change:

\*\*\*\*\*

(9) Applicable statutes found at 15 Pa.C.S. [§§ 5101—5110, 5301—5341 and 6101—6162 (relating to general provisions; incorporation; and foreign nonprofit corporations)] Part II, Subpart B (relating to business corporations) or Subpart C (relating to nonprofit corporations); section 2601-H of the School Code (24 P.S. § 26-2601-H); and 24 Pa.C.S. Chapter 65 (relating to private colleges, universities and seminaries), relating to the type of corporate change being effected have been addressed.

### § 31.81. [Reserved].





**Commonwealth of Pennsylvania**  
**STATE BOARD OF EDUCATION**

October 27, 2005

Mr. Kim Kaufman  
Executive Director  
Independent Regulatory Review Commission  
14<sup>th</sup> Floor, 333 Market Street  
Harrisburg, PA 17126

Dear Mr. Kaufman:

Enclosed is a copy of proposed State Board of Education regulation 22 Pa. Code, Chapter 31, Higher Education General Provisions (#006-297) for review by the Commission pursuant to the provisions of section 5 (c) of the Regulatory Review Act. The act provides that the Commission shall approve or disapprove proposed regulations within 10 days of the close of the Committee review period or at its next scheduled meeting.

The State Board of Education will provide your Commission with any assistance it requires to facilitate a thorough review of these proposed regulations.

Thank you for your consideration.

Sincerely yours,

A handwritten signature in cursive script that reads "Jim Buckheit".

Jim Buckheit  
Executive Director

cc: Gerald Zahorchak, Acting Secretary of Education  
Gregory Dunlap, Esq.  
Adam Schott

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE  
REGULATORY REVIEW ACT**

I.D. NUMBER: #6-297  
 SUBJECT: State Board of Education: Higher Education General Provisions  
 AGENCY: DEPARTMENT OF EDUCATION

# 2506

**TYPE OF REGULATION**

- X Proposed Regulation
- Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor
- Delivery of Tolled Regulation
  - a. With Revisions
  - b. Without Revisions

**FILING OF REGULATION**

DATE	SIGNATURE	DESIGNATION
10/27	<i>Jess Stull</i>	HOUSE COMMITTEE ON EDUCATION
10/27	<i>Robert Weiss</i>	
O.H.	10/27	SENATE COMMITTEE ON EDUCATION
A.R.	10-27	
10/27/05	<i>Steph J. Aff</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL (for Final Omitted only)
10/27	<i>C. Lee - Brown</i>	LEGISLATIVE REFERENCE BUREAU (for Proposed only)