

CHAPTER 35. COMMUNITY COLLEGES

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Authority

The provisions of this Chapter 35 issued under the Community College Act of 1963 (24 P. S. §§ 5201—5214), unless otherwise noted.

Source

The provisions of this Chapter 35 adopted September 12, 1969, amended through May 27, 1977, 7 Pa.B. 1426, unless otherwise noted.

Cross References

This chapter cited in 22 Pa. Code § 31.1 (relating to purpose and scope); 22 Pa. Code § 31.21 (relating to curricula); 22 Pa. Code § 335.12 (relating to standards for reimbursable credit courses at community colleges); 22 Pa. Code § 335.32 (relating to existing credit courses); 22 Pa. Code § 335.33 (relating to existing noncredit courses); and 22 Pa. Code § 335.43 (relating to program approval policy and records).

GENERAL PROVISIONS

§ 35.1. Scope.

This chapter and applicable provisions of Chapter 31 (relating to general provisions) and Chapter 42 (relating to program approval) apply to a college or technical institute which offers a 2-year, postsecondary, college parallel, terminal-general, terminal-technical, out-of-school youth or adult education program or any combination of these, grants certificates and associate degrees and is established and operated under the act.

Authority

The provisions of this § 35.1 amended under sections 1317 and 1319(c) of The Administrative Code of 1929 (71 P. S. §§ 367 and 369(c)); and Article XIX-A of the Public School Code of 1949 (24 P. S. §§ 19-1901-A—19-1913-A).

Source

The provisions of this § 35.1 amended February 9, 1973, effective February 10, 1973, 3 Pa.B. 281; amended May 27, 1977, effective May 28, 1977, 7 Pa.B. 1426; amended July 16, 1982, effective July 17, 1982, 12 Pa.B. 2282; amended December 25, 1987, effective December 26, 1987, 17 Pa.B. 5323. Immediately preceding text appears at serial page (71507).

§ 35.1a. Statement of policy.

The policy of the Board is to encourage and facilitate the development of community colleges within reasonable commuting distances of every citizen of this Commonwealth. These colleges may be developed in various forms and by various organizations provided they are consistent with the act and this chapter.

Source

The provisions of this § 35.1a adopted July 16, 1982, effective July 17, 1982, 12 Pa.B. 2282.

§ 35.2. Statement of philosophy.

The board of trustees of each community college approved under this chapter shall prepare and file with the Department an official statement of philosophy outlining its purposes and objectives and a continuing long-range institutional plan.

Source

The provisions of this § 35.2 amended February 9, 1973, effective February 10, 1973, 3 Pa.B. 281; amended May 27, 1977, effective May 28, 1977, 7 Pa.B. 1426. Immediately preceding text appears at serial page (10397).

§ 35.3. Definitions.

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

Act—Article XIX-A of the Public School Code of 1949 (24 P. S. §§ 19-1901-A—19-1913-A).

College—A locally sponsored public college or technical institute established and operated in accordance with the provisions of the act and which provides a 2-year, postsecondary, college parallel, terminal-general, terminal-technical, out-of-school youth or adult education program, or combination of these.

Local sponsor—A school district or a municipality or combination of school districts or municipalities or both which participate or propose to participate in the establishment and operation of a community college.

Member—A school district or municipality which alone or with other districts and municipalities is included in a local sponsor.

Municipality—A city, borough, town, township or county.

Authority

The provisions of this § 35.3 amended under sections 1317 and 1319(c) of The Administrative Code of 1929 (71 P. S. §§ 367 and 369(c)); and Article XIX-A of the Public School Code of 1949 (24 P. S. §§ 19-1901-A—19-1913-A).

Source

The provisions of this § 35.3 adopted May 27, 1977, effective May 28, 1977, 7 Pa.B. 1426; amended December 25, 1987, effective December 26, 1987, 17 Pa.B. 5323. Immediately preceding text appears at serial page (71508).

§ 35.4. Visitation.

To assure maintenance of the quality of program offered by community colleges, a community college shall be subject to visitation and inspection by the Department.

Authority

The provisions of this § 35.4 issued under sections 1317 and 1319(c) of The Administrative Code of 1929 (71 P. S. §§ 367 and 369(c)); and Article XIX-A of the Public School Code of 1949 (24 P. S. §§ 19-1901-A—19-1913-A).

Source

The provisions of this § 35.4 adopted December 25, 1987, effective December 26, 1987, 17 Pa.B. 5323.

ADMINISTRATION**§ 35.11. Board of trustees.**

(a) Upon Board approval of a plan for the establishment of a college, the local sponsor shall appoint a board of trustees within 60 days.

(b) The composition of the board of trustees shall be representative of the geographical area to be served by the college and shall include members of the professions, business, industry and other organizations or lay persons. Each college shall file with the Department the names of the members of the board and their affiliation along with the list of elected officers.

(c) The board of trustees shall adopt bylaws, articles of agreement and policy or other appropriate organizational procedures to provide for the operation of the college. Included shall be full cognizance of the necessity for the active membership roles of individual trustees. Bylaws, articles of agreement and policies adopted by the board of trustees shall be filed with the Department.

(d) A final plan for the college shall be prepared by the board of trustees and shall be submitted to the Department at least 120 days prior to the opening of the college. This plan shall include articles of agreement between the sponsor and the board of trustees which provides anticipated capital needs, planning, programs and student services.

Source

The provisions of this § 35.11 amended February 9, 1973, effective February 10, 1973, 3 Pa.B. 281; amended May 27, 1977, effective May 28, 1977, 7 Pa.B. 1426. Immediately preceding text appears at serial page (10397).

§ 35.12. President.

The president shall be appointed by the board of trustees. This individual shall be the chief executive and chief educational officer of the college and shall perform all duties in accordance with policies adopted by the board of trustees.

Source

The provisions of this § 35.12 amended February 9, 1973, effective February 10, 1973, 3 Pa.B. 281; amended May 27, 1977, effective May 28, 1977, 7 Pa.B. 1426. Immediately preceding text appears at serial page (10397).

§ 35.13. Organization chart.

A college shall file with the Department a current chart of its administrative organization.

Source

The provisions of this § 35.13 amended February 9, 1973, effective February 10, 1973, 3 Pa.B. 281; amended May 27, 1977, effective May 28, 1977, 7 Pa.B. 1426. Immediately preceding text appears at serial page (10397).

ACADEMIC PROGRAM**§ 35.21. Curricula.**

(a) Program shall be determined to mean a planned series or sequence of events which may include life experiences, college courses, other experiences and general studies designed to raise the student to the level of competence for which the program was offered.

(b) A college shall conduct a thorough academic audit of programs as necessary, but not less than every 5 years to determine whether each program should be continued, revised or discontinued on the basis of local and student needs of the area served.

(c) A college wishing to establish an upper division program, not culminating in a baccalaureate degree, shall use the procedure as specified in applicable provisions of Chapter 42 (relating to program approval).

(d) A college shall file its official catalog and other necessary documents with the Department upon request by the Department.

Source

The provisions of this § 35.21 amended February 9, 1973, effective February 10, 1973, 3 Pa.B. 281; amended May 27, 1977, effective May 28, 1977, 7 Pa.B. 1426; amended June 10, 1977, effective June 11, 1977, 7 Pa.B. 1577; amended July 16, 1982, effective July 17, 1982, 12 Pa.B. 2282. Immediately preceding text appears at serial page (34893).

Cross References

This section cited in 22 Pa. Code § 335.12 (relating to standards for reimbursable credit courses at community colleges); and 22 Pa. Code § 335.44 (relating to course evaluation and program audit).

§ 35.22. Degrees and certificates.

(a) A community college is authorized to award associate degrees in the arts, sciences, technologies or general education upon successful completion of programs authorized by the board of trustees.

(b) A community college is authorized to award certificates upon successful completion of programs authorized by the board of trustees.

(c) The associate degree shall require the satisfactory completion of a planned program consisting of a minimum of 60 semester credits or the equivalent.

Source

The provisions of this § 35.22 amended February 9, 1973, effective February 10, 1973, 3 Pa.B. 281; amended August 3, 1973, effective August 4, 1973, 3 Pa.B. 1470; amended May 27, 1977, effective May 28, 1977, 7 Pa.B. 1426. Immediately preceding text appears at serial page (11191).

§ 35.23. Academic year.

(a) A semester or trimester shall include not fewer than 15 weeks of instruction. A quarter shall include not fewer than 10 weeks of instruction. Quarter credits shall be converted to semester credits for purposes of fulfilling the requirements of this section.

(b) Other approved sessions, including the summer session, shall require an amount of instructional time proportionate to the requirements described in subsection (a).

(c) Registration, orientation, final examination periods and interruptions to instructional time shall be in addition to the periods described in subsections (a) and (b).

(d) The minimum number of weeks indicated may not be interpreted as a constraint upon innovative calendar arrangements.

Source

The provisions of this § 35.23 amended February 9, 1973, effective February 10, 1973, 3 Pa.B. 281; amended May 27, 1977, effective May 28, 1977, 7 Pa.B. 1426. Immediately preceding text appears at serial page (11192).

§ 35.24. Faculty.

(a) Full-time faculty members of colleges existing prior to January 1, 1977, shall constitute a majority of the total full-time equivalent faculty employed. The faculty shall have competencies in their assigned area of responsibility as required by the curriculum of the college.

(b) A college created in the mode of colleges approved prior to January 1, 1977 shall comply with provisions of subsection (a).

(c) A college approved in a nontraditional mode after January 1, 1977, for which educational services are contracted shall insure that appropriate student and academic services, in addition to classroom instruction, are provided.

(d) Persons who are employed for teaching continuing education and community service offerings are not to be counted in the determination of full-time equivalent faculty.

(e) Full-time and part-time faculty employed in colleges cited in subsections (b) and (c) shall be sufficient in number to provide the opportunity for instruction designed to meet student needs and academic counseling appropriate to the level of instruction.

Source

The provisions of this § 35.24 amended February 9, 1973, effective February 10, 1973, 3 Pa.B. 281; amended May 27, 1977, effective May 28, 1977, 7 Pa.B. 1426; amended June 10, 1977, effective June 11, 1977, 7 Pa.B. 1577. Immediately preceding text appears at serial page (11192).

§ 35.25. [Reserved].

Source

The provisions of this § 35.25 amended February 9, 1973, effective February 10, 1973, 3 Pa.B. 281; reserved May 27, 1977, effective May 28, 1977, 7 Pa.B. 1426. Immediately preceding text appears at serial page (3037).

§ 35.26. Grading standards.

Standards for grading and qualifications for graduation shall be established at each community college by the board of trustees after advice from college administrators, faculty and students.

Source

The provisions of this § 35.26 amended February 9, 1973, effective February 10, 1973, 3 Pa.B. 281; amended May 27, 1977, effective May 28, 1977, 7 Pa.B. 1426. Immediately preceding text appears at serial page (3037).

§ 35.27. Student records.

Academic records shall be maintained for students. Appropriate standards of confidentiality for the records shall be defined in the college policies and the college catalog and shall be administered accordingly. Students shall be granted the right to access, under the requirements of law, to their respective files.

Source

The provisions of this § 35.27 amended February 9, 1973, effective February 10, 1973, 3 Pa.B. 281; amended May 27, 1977, effective May 28, 1977, 7 Pa.B. 1426. Immediately preceding text appears at serial page (3037).

§ 35.28. Student services.

A college shall provide a comprehensive program of student services to include financial aid counseling, orientation, counseling and guidance, placement services and follow-up studies on the progress of former students.

Authority

The provisions of this § 35.28 amended under sections 1317 and 1319(c) of The Administrative Code of 1929 (71 P. S. §§ 367 and 369(c)); and Article XIX-A of the Public School Code of 1949 (24 P. S. §§ 19-1901-A—19-1913-A).

Source

The provisions of this § 35.28 amended February 9, 1973, effective February 10, 1973, 3 Pa.B. 281; amended May 27, 1977, effective May 28, 1977, 7 Pa.B. 1426; amended December 25, 1987, effective December 26, 1987, 17 Pa.B. 5323. Immediately preceding text appears at serial page (34895).

§ 35.29. Tuition.

(a) The normal tuition charged each student shall be an amount fixed by the board of trustees of the college attended by apportioning among the students enrolled not more than 1/3 of the budgeted annual operating costs of the college.

(b) For tuition purposes, students shall be classified as resident or nonresident students according to the appropriate sections of this chapter.

(c) Part-time students shall be charged tuition on a per credit basis by prorating the number of credits for which they are enrolled as a proportion of 12 semester credits during a semester.

(d) Where an annual audit reveals that income from student tuition exceeds the legislatively prescribed share of the total operating costs, the college shall be required to submit a written justification to assure that it is making appropriate efforts to comply with the intent of the legislation concerning the share of operating costs to be borne by the student.

Source

The provisions of this § 35.29 adopted February 9, 1973, effective February 10, 1973, 3 Pa.B. 281; amended May 27, 1977, effective May 28, 1977, 7 Pa.B. 1426. Immediately preceding text appears at serial page (10399).

§ 35.29a. Admission.

(a) A college shall be open to the residents of this Commonwealth without reference to prior educational achievements.

(b) A college may prescribe the minimal level of achievement necessary for admission into and retention in a particular course or program.

(c) Admission to the college may be extended to non-Commonwealth residents. The minimum level of educational attainment for admission of non-Commonwealth residents shall be determined by policy of the college.

Source

The provisions of this § 35.29a adopted May 27, 1977, effective May 28, 1977, 7 Pa.B. 1426; amended June 10, 1977, effective June 11, 1977, 7 Pa.B. 1577. Immediately preceding text appears at serial page (30512).

§ 35.29b. Commonwealth residency.

(a) Domicile is the place where one intends to and does, in fact, permanently reside. In order to establish Commonwealth residency, the following presumptions shall be considered along with documentary evidence or statements from disinterested persons, or both:

(1) Continuous residence in this Commonwealth for a period of 12 months prior to registration as a student. A student may rebut this presumption by convincing evidence.

(2) A noncitizen shall have taken formal action toward becoming a citizen or shall have been admitted to the United States on an Immigrant Visa.

(3) A minor, under the age of 18, shall be presumed to have the domicile of parents or guardian. A minor may prove emancipation and independent domicile through convincing evidence.

(4) A United States government employe or a member of the armed forces who was domiciled in this Commonwealth immediately preceding entry into government service, and who continuously maintained legal residence in this Commonwealth, shall be presumed to have domicile. Others in government service may, by convincing evidence, establish domicile.

(b) Domicile may not be established for a student receiving a scholarship or grant dependent upon domicile from another state.

(c) Examples of factors which may provide convincing evidence include the following:

(1) Lease or purchase of a permanent independent residence.

(2) Payment of appropriate State and local taxes. Special attention shall be given to payment of Commonwealth taxes on income earned during periods of temporary absence from this Commonwealth.

(3) Transfer of bank accounts, stock, automobile and other registered property to this Commonwealth.

(4) Pennsylvania driver's license.

(5) Agreement for permanent full-time employment in this Commonwealth.

(6) Membership in Commonwealth social, civic, political, athletic and religious organizations.

(7) Registration to vote in this Commonwealth.

(8) Statement of intention to reside indefinitely in this Commonwealth.

(9) Statement from the parents or guardian of a minor setting forth facts to establish the financial independence and separate residence of the minor.

(d) Cases shall be decided on the basis of facts submitted, with qualitative rather than quantitative emphasis. No given number of factors may be required for domicile, since the determination in each case is one of the subjective intention of the student to reside indefinitely in this Commonwealth.

(e) A student may challenge his residency classification by filing a written petition with the officer or committee designated to consider such challenges at the college.

(f) If the student is not satisfied with the decision made by the officer or committee in response to the challenge, the student may take a written appeal to the office of the Secretary of Education, 333 Market Street, Harrisburg, Pennsylvania 17126-0333. The decision of the Secretary on the challenge is final.

Authority

The provisions of this § 35.29b amended under sections 1317 and 1319(c) of The Administrative Code of 1929 (71 P. S. §§ 367 and 369(c)); and Article XIX-A of the Public School Code of 1949 (24 P. S. §§ 19-1901-A—19-1913-A).

Source

The provisions of this § 35.29b adopted June 10, 1977, effective June 11, 1977, 7 Pa.B. 1577; amended December 25, 1987, effective December 26, 1987, 17 Pa.B. 5323. Immediately preceding text appears at serial pages (34896) to (34898).

§ 35.29c. Local sponsor residency.

(a) The college may adopt residency requirements for the determination of domicile in its own service area. The requirements may be less but not more restrictive than set forth below:

(1) Continuous residence in the area of the member of the local sponsor for a period of 12 months prior to registration as a student. A student may rebut this presumption by convincing evidence.

(2) A minor under the age of 18 shall be presumed to have the domicile of parents or guardian. A minor may prove emancipation and independent domicile through convincing evidence.

(3) A United States government employe or a member of the armed forces domiciled in the area of the member of the local sponsor immediately preceding entry into government service, and who continuously maintained legal residence in the same area, shall be presumed to have domicile. Others in government service may, by convincing evidence, establish domicile.

(b) Local continuous tuition support shall be provided for students who move permanently within the sponsor service area of the college. Local agreements shall determine how the proration of member share will be determined. A copy of this agreement shall be filed with the Department upon request.

(c) Students moving within the sponsor service area of the college who cannot establish domicile at their new address shall continue to be sponsored by the member of the local sponsor in which domicile had previously been established.

Source

The provisions of this § 35.29c adopted June 10, 1977, effective June 11, 1977, 7 Pa.B. 1577.

§ 35.30. Refund policy.

(a) The deadline for withdrawal of students with partial tuition refunds shall be:

- (1) The end of the third week of each semester or trimester.
- (2) The end of the second week of each quarter.
- (3) At the end of 20% of the scheduled instruction for summer sessions, special sessions and irregularly scheduled sessions and courses.

(b) Enrollment at the end of the periods prescribed in subsection (a) shall be considered final for the purposes of § 35.61 (relating to full-time equivalent enrollment).

(c) In the event that a disruption of the academic term occurs through no fault of the student body, which results in loss of opportunity to be provided the scheduled instruction for that academic term within the time frame specified in the catalog, the college shall declare that academic term void and shall provide a refund to students according to policy established by the college and approved by the Secretary.

(1) Loss of opportunity shall mean insufficient time to receive the necessary 15 weeks of instruction through normal scheduling or some other innovative calendar arrangements which do not place an excessive burden on the student.

(2) Time frame specified in the catalog may provide for flexibility in revising the calendar during an academic year in the best interest of the students.

(3) If an academic term is declared void, the audit by the Department for the fiscal year during which it occurred shall show an appropriate reduction in operating expense and full-time equivalent student enrollment upon which State reimbursement is based.

(4) Prior to the closing of a college because of disruption cited in this subsection, the board of trustees shall announce publicly the intent to close, the rationale for the closing and file the intent with the Secretary.

Source

The provisions of this § 35.30 amended February 9, 1973, effective February 10, 1973, 3 Pa.B. 281; amended May 27, 1977, effective May 28, 1977, 7 Pa.B. 1426; amended June 10, 1977, effective June 11, 1977, 7 Pa.B. 1577. Immediately preceding text appears at serial page (10400).

FACILITIES**§ 35.41. Physical plant plan.**

(a) A college shall prepare a long-range physical plant plan according to guidelines approved by the Board, including financial requirements for at least 10 years, for the physical facilities necessary to support the programs of the college.

(b) The college shall submit copies of this plan for approval by the Department as soon as practicable after admitting its first class, but not later than the third year of operation.

Source

The provisions of this § 35.41 amended February 9, 1973, effective February 10, 1973, 3 Pa.B. 281; amended May 27, 1977, effective May 28, 1977, 7 Pa.B. 1426. Immediately preceding text appears at serial page (10400).

Cross References

This section cited in 22 Pa. Code § 35.42 (relating to construction plans).

§ 35.42. Construction plans.

(a) Construction plans and specifications for physical facilities shall be reviewed and approved by the Department prior to awarding contracts. Physical facilities shall meet applicable fire, safety, building, sanitation, heating, lighting and ventilating standards and codes.

(b) It shall be necessary for the college to submit, for Department approval, changes or revisions to its long-range physical plant plan, as described in § 35.41 (relating to physical plant plan), before construction plans and specifications for proposed facilities not previously referred to may be reviewed and approved.

Source

The provisions of this § 35.42 amended February 9, 1973, effective February 10, 1973, 3 Pa.B. 281; amended May 27, 1977, effective May 28, 1977, 7 Pa.B. 1426. Immediately preceding text appears at serial page (10400).

BIDDING AND AWARD OF CONTRACTS

§ 35.51. Construction and repair contracts.

The board of trustees of a college may perform construction, reconstruction, repairs or work of any nature by its own maintenance personnel or may have the work performed under contract in the following circumstances:

- (1) If a contract exceeds \$20,000, a college shall, with public notice, solicit competitive bids and shall award the contract to the lowest responsible bidder.
- (2) If a contract exceeds \$5,000, but is less than \$20,000, a college shall solicit competitive bids from at least three responsible bidders and shall award the contract to the lowest responsible bidder.
- (3) If a contract is less than \$5,000, a college may award the contract without soliciting competitive bids.
- (4) In an emergency in which a part of the college plant may become unusable, on the approval of the Department, a contract may be awarded without soliciting bids.

(5) Bids under public notice shall be received in sealed envelopes at a designated place and time and shall be opened publicly and the contract awarded thereon.

(6) Bids under public notice for construction, reconstruction and repair shall be accompanied by a bond with corporate surety or certified check in an amount as the board of trustees determines, but at least 5% of the amount bid. If a bidder, upon award of the contract, fails to comply with the requirements as to a bond guaranteeing the performance of the contract, the bid bond or certified check shall be forfeited.

(7) The bidder to whom the contract is awarded shall furnish bonds to guarantee the performance of the contract and payment for labor and materials. Bonds shall be in compliance with the Public Works Contractors' Bond Law of 1967 (8 P. S. §§ 191—202). Failure to furnish bonds shall void the previous award.

Source

The provisions of this § 35.51 amended February 9, 1973, effective February 10, 1973, 3 Pa.B. 281; amended May 27, 1977, effective May 28, 1977, 7 Pa.B. 1426; amended July 16, 1982, effective July 17, 1982, 12 Pa.B. 2282; amended December 25, 1987, effective December 26, 1987, 17 Pa.B. 5323. Immediately preceding text appears at serial pages (71514) to (71515).

§ 35.52. [Reserved].

Source

The provisions of this § 35.52 amended February 9, 1973, effective February 10, 1973, 3 Pa.B. 281; amended May 27, 1977, effective May 28, 1977, 7 Pa.B. 1426; reserved July 16, 1982, effective July 17, 1982, 12 Pa.B. 2282. Immediately preceding text appears at serial page (30517).

§ 35.53. [Reserved].

Source

The provisions of this § 35.53 amended February 9, 1973, effective February 10, 1973, 3 Pa.B. 281; amended May 27, 1977, effective May 28, 1977, 7 Pa.B. 1426; reserved July 16, 1982, effective July 17, 1982, 12 Pa.B. 2282. Immediately preceding text appears at serial page (30517).

§ 35.54. Contracts for services and personal property.

(a) The board of trustees of each college shall establish policies and procedures which shall insure that contracts for the purchase of services, except those of a professional nature, and personal property and items of a noncompetitive nature shall be written and shall be made by advertising for, or soliciting, competitive bids.

(b) Policies and procedures adopted under subsection (a) shall be filed with the Department.

Source

The provisions of this § 35.54 amended February 9, 1973, effective February 10, 1973, 3 Pa.B. 281; amended May 27, 1977, effective May 28, 1977, 7 Pa.B. 1426. Immediately preceding text appears at serial page (10396).

FINANCING**§ 35.61. Full-time equivalent enrollment.**

- (a) Full-time students shall be those enrolled for 12 or more credits.
- (b) Full-time equated students shall be determined by dividing by 12 the total credits for which part-time students enroll.
- (c) For noncredit courses, each 15 hours of classroom work and each 30 hours of laboratory work shall be equated to one semester credit for reimbursement purposes.
- (d) For life experience credits, each four credits qualifying for evaluation shall be equated to one semester credit for reimbursement purposes.
- (e) Full-time equivalent enrollment shall be the sum of approved full-time students and approved full-time equated students in attendance at the end of the refund period. Enrollments in both credit and noncredit courses shall be used in this calculation.
- (f) The following full-time and full-time equivalent enrollments shall be deducted from the total full-time equivalent student enrollments:
 - (1) Persons who are not residents of this Commonwealth.
 - (2) Students enrolled under government or private entity contracts which, in the aggregate, provide an average revenue per full-time equivalent student that is equal to, or greater than, the average gross operating costs per full-time equivalent student.

Authority

The provisions of this § 35.61 amended under sections 1317 and 1319(c) of The Administrative Code of 1929 (71 P. S. §§ 367 and 369(c)); and Article XIX-A of the Public School Code of 1949 (24 P. S. §§ 19-1901-A—19-1913-A).

Source

The provisions of this § 35.61 amended February 9, 1973, effective February 10, 1973, 3 Pa.B. 281; amended May 27, 1977, effective May 28, 1977, 7 Pa.B. 1426; amended July 16, 1982, effective July 17, 1982, 12 Pa.B. 2282; amended December 25, 1987, effective December 26, 1987, 17 Pa.B. 5323. Immediately preceding text appears at serial pages (71515) to (71516).

Cross References

This section cited in 22 Pa. Code § 35.30 (relating to refund policy); and 22 Pa. Code § 35.62 (relating to computation of Commonwealth operating payments).

§ 35.62. Computation of Commonwealth operating payments.

The Commonwealth payments shall be computed in the following manner:

(1) Calculate the approved FTE in accordance with § 35.61 (relating to full-time equivalent enrollment) for semesters, trimesters or quarters in the academic year and multiply same by 1/3 of the approved per student operating costs.

(2) The Commonwealth shall participate in the payment of continuing education costs for programs and courses in which students are properly registered on the appropriate college forms on the same basis as it participates in payments for normal operating expenses (FTE reimbursement). Each college shall maintain accurate individual student registration records. Each college shall also maintain an official description of each course or program. For purposes of this chapter the following definition of continuing education is provided:

(i) Continuing education includes those services offered by the college which meet educational objectives not normally a part of the curriculum available to full-time or part-time students.

(ii) Continuing education courses/programs incorporate a structured learning experience, with stated content and verifiable educational objectives.

(3) The Commonwealth shall participate in the payment of operating costs incurred in the awarding of credit for life experiences.

(4) Calculate the approved total credits for all other sessions or special courses and divide by 12 in accordance with § 35.61 (relating to full-time equivalent enrollment) and multiply by 1/3 of the approved per student operating cost.

(5) The Commonwealth shall participate in the payment of operating costs incurred in the operation of a community college prior to the opening of classes.

Source

The provisions of this § 35.62 amended February 9, 1973, effective February 10, 1973, 3 Pa.B. 281; amended May 27, 1977, effective May 28, 1977, 7 Pa.B. 1426; amended October 28, 1977, effective October 29, 1977, 7 Pa.B. 3194; amended March 3, 1978, effective March 4, 1978, 8 Pa.B. 486; amended July 16, 1982, effective July 17, 1982, 12 Pa.B. 2282. Immediately preceding text appears at serial pages (71516) to (71517).

§ 35.63. Computation of capital payments.

The Commonwealth capital payments shall be computed in the following manner:

(1) Commonwealth payment from funds appropriated for that purpose shall be computed as specified by statute.

(2) Capital expenses means only expenses that are incurred as defined in the act.

(3) In those instances where combination of school districts or municipalities are approved as sponsors and they agree to share all or part of the capital obligations according to relative market values, school districts shall use the

State Tax Equalization Board, and municipalities shall use the board of assessment and revision of taxes or other similar boards which determine market value of real estate.

(4) The terms and conditions of agreements for the repayment of indebtedness entered into by a community college, shall be effective only with the prior approval of the Department.

(5) The Commonwealth shall participate in the payment of capital costs incurred in the operation of a college prior to the opening of classes.

Source

The provisions of this § 35.63 amended February 9, 1973, effective February 10, 1973, 3 Pa.B. 281; amended May 27, 1977, effective May 28, 1977, 7 Pa.B. 1426; amended July 16, 1982, effective July 17, 1982, 12 Pa.B. 2282. Immediately preceding text appears at serial pages (71517) to (71518).

§ 35.64. Reports and payments.

(a) Prior to the beginning of the fiscal year of the college, the board of trustees shall have its budget approved by a majority of the members of the local sponsor.

(b) A college shall submit annual budget information in the form and on the schedule specified and provided by the Department.

(c) A college shall use an accounting system approved by the Department.

(d) One copy of the sponsor-approved budget shall be filed with the Department upon request.

(e) For purposes of Commonwealth payments, the following words shall have the following meanings:

(1) *Academic year*—The period of instruction which includes two semesters, two trimesters or three terms or quarters.

(2) *Annual year*—A 12-month period coterminous with the Commonwealth fiscal year beginning July 1 and ending June 30.

(3) *Summer term*—An additional session, semester, trimester or quarter offered at the end of the regular academic year.

(f) Enrollment reports for Commonwealth payments shall be prepared as of the end of the refund period for each semester, trimester, term, quarter, summer session or special session and shall be retained for use by Commonwealth auditors.

(g) Commonwealth payments to each college board of trustees on behalf of the sponsor shall be paid in the year in which the expenses are incurred. Payments shall be made as specified by law subject to compliance with established schedule for submission of appropriate data required by the Department.

(h) Reimbursement claim forms shall be submitted to the Department within 90 days after the close of a fiscal year and shall be used by the Commonwealth for tentative fiscal year-end settlement of payment to the Commonwealth by the

college, payment by the Commonwealth to the college or adjustment by the Commonwealth in the college's next quarterly payment.

Source

The provisions of this § 35.64 amended February 9, 1973, effective February 10, 1973, 3 Pa.B. 281; amended May 27, 1977, effective May 28, 1977, 7 Pa.B. 1426; amended July 16, 1982, effective July 17, 1982, 12 Pa.B. 2282; amended December 25, 1987, effective December 26, 1987, 17 Pa.B. 5323. Immediately preceding text appears at serial pages (71518) and (108465).

§ 35.65. Basis for payment.

(a) The Commonwealth share of capital expenses as defined in this title shall be determined prior to any reduction of expenses to the local sponsor brought about by the receipt of grants, appropriations or allocations to the college from sources other than the Commonwealth, however, in no event shall the amount of funds received from the Commonwealth when added to the above grants, appropriations or allocations for which special accounting is necessary, total in excess of 100%.

(b) The Commonwealth share of operating expenses as defined in this title shall be determined after deducting from total operating expenditures any Federally-funded expenditures for those programs in which the Commonwealth participates in the cost, but prior to any reduction of expenses to the local sponsor brought about by the receipt of other grants, appropriations, or allocations to the colleges from sources other than the Commonwealth. However, in no event shall the amount of funds received from the Commonwealth, when added to the above grants, appropriations, or allocations for which special accounting is necessary, total in excess of 100%.

Source

The provisions of this § 35.65 adopted February 9, 1973, effective February 10, 1973, 3 Pa.B. 281; amended May 27, 1977, effective May 28, 1977, 7 Pa.B. 1426; amended July 16, 1982, effective July 17, 1982, 12 Pa.B. 2282. Immediately preceding text appears at serial pages (34904) and (69409).

§ 35.66. Retention of records.

Official accounts and supporting data shall be retained for a period of 3 years after the close of the fiscal year in which the transaction took place, or until notified that a Commonwealth fiscal audit of the accounts has been made, whichever is later, but not exceeding 5 years. Records of questioned expenditures shall be maintained until final agreement is reached.

Source

The provisions of this § 35.66 adopted February 9, 1973, effective February 10, 1973, 3 Pa.B. 281; amended May 27, 1977, effective May 28, 1977, 7 Pa.B. 1426. Immediately preceding text appears at serial page (10407).

Cross References

This section cited in 22 Pa. Code § 335.43 (relating to program approval policy and records); 22 Pa. Code § 335.44 (relating to course evaluation and program audit); 22 Pa. Code § 335.45 (relating to college catalog); and 22 Pa. Code § 335.46 (relating to faculty qualifications).

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