

**CHAPTER 36. FOREIGN CORPORATION STANDARDS**

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**Authority**

The provisions of this Chapter 36 issued under section 1319 of The Administrative Code of 1929 (71 P. S. § 369) (Repealed), unless otherwise noted.

**Source**

The provisions of this Chapter 36 adopted April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389; renumbered February 10, 1989, effective February 11, 1989, 19 Pa.B. 522, unless otherwise noted.

**Editor's Note:** Chapter 36 was formerly numbered Chapter 361. The previous Chapter 361 appeared at serial pages (69477) to (69480) and (103803).

**Cross References**

This chapter cited in 22 Pa. Code § 31.21 (relating to curricula); and 22 Pa. Code § 40.4 (relating to applicability).

**§ 36.1. Scope and purpose.**

This chapter applies to the approval and operation of an educational enterprise by a foreign corporation in this Commonwealth. This chapter sets forth the standards required for foreign corporation status.

**§ 36.2. Corporate commitment.**

A foreign corporation having operations in this Commonwealth shall ensure compliance with the requirements of an accrediting body recognized by the United States Department of Education and acceptable to the Department, as well as with applicable Pennsylvania statutes and regulations. The Department will post a list of acceptable accrediting bodies on its website. The education enterprise shall be consistent with the statement of philosophy and objectives and equivalent to the commitment to similar programs conducted by the corporation on its main campus or as approved by the Department. The term "education enterprise" is defined in § 31.2 (relating to definitions).

**Authority**

The provisions of this § 36.2 amended under section 2603-B of the Public School Code of 1949 (24 P. S. §26-2603-B).

**Source**

The provisions of this § 36.2 amended January 18, 2008, effective January 19, 2008, 38 Pa.B. 339. Immediately preceding text appears at serial page (320341).

**§ 36.3. Governance.**

(a) The board of trustees shall have approved the education enterprise of the institution and shall have authorized the request for approval of an educational enterprise in this Commonwealth.

(b) Planning, administration and evaluation of the education enterprise shall be an integral and continuous part of the corporation's normal procedures.

(c) If the educational enterprise includes course work creditable to a degree, an education program advisory committee of at least three persons shall be established and maintained, shall be based in this Commonwealth and consist of appropriately qualified Commonwealth residents who are not employed by the corporation. This committee shall assist the corporation in establishing quality off-campus educational activities and conduct periodic quality assessments.

(d) Institutional policies that govern the education enterprise must be in written form and, when applicable, have the approval of the education program advisory committee.

(e) Appropriately qualified, full-time administrative or supervisory personnel, or both, shall be employed and delegated responsibility for operating the education enterprise in this Commonwealth. The employees, the number depending on the size of the operation, shall be available onsite for academic advisement and consultation with enrollees and prospective enrollees.

**Authority**

The provisions of this § 36.3 amended under section 2603-B of the Public School Code of 1949 (24 P. S. § 26-2603-B).

**Source**

The provisions of this § 36.3 amended January 18, 2008, effective January 19, 2008, 38 Pa.B. 339. Immediately preceding text appears at serial pages (320341) to (320342).

**§ 36.4. Curricula.**

(a) Curricula shall have the approval of the faculty of the parent institution in the same manner as curricula offered at the parent campus and, when applicable, shall have the approval of the education program advisory committee.

(b) An educational enterprise which deals with the certification of professional personnel for Commonwealth public schools shall be in compliance with Chapter 49 (relating to certification of professional personnel).

(c) Graduate programs, courses and offerings must include the study of research techniques and results; and curricula beyond the master's level must include scholarly studies in the design, conduct and publication of research.

(d) The quality of each program, course or offering shall be evaluated at least once every 5 years by the education enterprise for compliance with Subpart C (relating to higher education) and institutional accreditation.

**Authority**

The provisions of this § 36.4 amended under section 2603-B of the Public School Code of 1949 (24 P. S. § 26-2603-B).

**Source**

The provisions of this § 36.4 amended January 18, 2008, effective January 19, 2008, 38 Pa.B. 339. Immediately preceding text appears at serial page (320342).

**§ 36.5. Faculty.**

(a) Faculty shall have experience and qualifications which are no less than those required of faculty at the parent institution and which are appropriate for the level of instruction.

(b) The total faculty load and related assignments of part-time faculty may not exceed the generally accepted standards for institutions of higher education.

(c) Full- and part-time faculty shall, in addition to classroom instruction, be available for academic advisement and interaction with students. Graduate programs shall be planned by faculty members and approved by a faculty committee. Guidance of thesis or dissertation studies shall be the responsibility of faculty members with appropriate specialization.

**Authority**

The provisions of this § 36.5 amended under section 2603-B of the Public School Code of 1949 (24 P. S. § 26-2603-B).

**Source**

The provisions of this § 36.5 amended January 18, 2008, effective January 19, 2008, 38 Pa.B. 339. Immediately preceding text appears at serial page (320342).

**§ 36.6. Admissions requirements.**

Admissions standards must be comparable to the standards for admissions prescribed by § 31.31 (relating to admissions requirements).

**Authority**

The provisions of this § 36.6 amended under section 2603-B of the Public School Code of 1949 (24 P. S. § 26-2603-B).

**Source**

The provisions of this § 36.6 amended January 18, 2008, effective January 19, 2008, 38 Pa.B. 339. Immediately preceding text appears at serial page (320342).

**§ 36.7. Resources and facilities.**

(a) Appropriate physical facilities and instructional equipment shall be adequate to initiate and continue the program, course or offering.

(b) Library and research resources shall be provided onsite by the education enterprise or by contract, or both, for each educational endeavor in accordance with standards of professional associations and learned societies.

(c) Library, learning and research resources must be sufficient in quality, number and currency to serve the program, course or offering at the required level of instruction. Records of materials provided and usage statistics shall be maintained to determine the adequacy and accessibility of library resources.

**Authority**

The provisions of this § 36.7 amended under section 2603-B of the Public School Code of 1949 (24 P. S. § 26-2603-B).

**Source**

The provisions of this § 36.7 amended January 18, 2008, effective January 19, 2008, 38 Pa.B. 339. Immediately preceding text appears at serial page (244567).

**§ 36.8. Evaluation and approval.**

(a) The chief administrative officer or designee of the applying institution shall be recognized by the Department as the liaison person. Negotiations for approval to operate in this Commonwealth shall be conducted with that person.

(b) The Department reserves the right to conduct an evaluation of the parent institution or, when applicable, its off-campus enterprises, or both.

(c) Following the initial approval to operate in this Commonwealth under this chapter and applicable provisions of this subpart, and after the issuance by the Department of State of a certificate of authority to operate, the institution shall be permitted to recruit and register students and begin its operation.

(d) During the first year of operation, a site visit shall be conducted by an evaluation committee in accordance with this chapter and this subpart.

(e) Materials relating to a site visit shall be received by the Department at least 60 calendar days prior to the site visit.

(f) Department site visits may be conducted jointly with other accrediting or approving agencies, but decisions and recommendations must be arrived at independently by the Department evaluation committee. Site visit costs pertinent to the request of the applicant shall be borne by the applicant.

(g) Following submission of the evaluation committee's report to the institution, the institution shall within 60-calendar days of the receipt of the report file its response with the Department. Upon receiving a response satisfactory to the Department, the Department will publish its intent to approve the enterprise in the *Pennsylvania Bulletin* at least 30 days before the date of approval. The decision of the Secretary regarding approval of the enterprise will be rendered within

60-calendar days of publication of the notice in the *Pennsylvania Bulletin*. If a protest or objection is received, the Department will conduct hearing procedures in accordance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) before making a final determination regarding the application.

(h) If an enterprise is not approved, the institution shall close its operation on a timetable to be established by the Department. The Department will take appropriate legal action against a foreign corporation operating an educational enterprise in this Commonwealth without the express written approval of the Secretary.

(i) If an institution is approved to operate an educational enterprise in this Commonwealth, it shall file periodic progress reports as deemed necessary by the Department. The educational enterprise may be evaluated for cause at any time and will be reevaluated every 5 years in accordance with this subpart and this chapter. If the institution fails to maintain its enterprise according to this subpart and this chapter, authority to operate in this Commonwealth will be revoked as provided by 24 Pa.C.S. § 6506(a) (relating to visitation of institutions and revocation of authority).

(j) To withdraw from its approved enterprise in this Commonwealth, a foreign corporation shall have the approval of the Secretary and shall be in compliance with §§ 31.71 and 31.72 (relating to notification; obligations).

#### **Authority**

The provisions of this § 36.8 amended under section 2603-B of the Public School Code of 1949 (24 P. S. § 26-2603-B).

#### **Source**

The provisions of this § 36.8 amended January 18, 2008, effective January 19, 2008, 38 Pa.B. 339. Immediately preceding text appears at serial pages (244567) to (244568).

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