

CHAPTER 40. INSTITUTIONAL APPROVAL**PRELIMINARY PROVISIONS**

- Sec.
40.1. Scope.
40.2. Statement of philosophy, mission and need.
40.3. Financial stability.
40.4. Applicability.

ELIGIBILITY FOR STATE SYSTEM STATUS

- 40.11. Mission and governance.
40.12. Programmatic information.
40.13. Fiscal information.
40.14. [Reserved].

ELIGIBILITY FOR STATE-RELATED STATUS

- 40.21. Mission.
40.22. Board of trustees.
40.23. Provision for Commonwealth residents.
40.24. Articulation agreements.
40.25. Programmatic information.
40.26. Agreements.

ELIGIBILITY FOR STATE-AIDED STATUS

- 40.31. Mission.
40.32. Programmatic information.
40.33. Agreements.

APPLICATION AND EVALUATION

- 40.41. Application.
40.42. Evaluation for approval as a junior college, college or university.
40.43. Evaluation for the establishment of a new professional school by a State System, a State-related or State-aided institution or an independent institution not having the required authorization in its enabling legislation or approved articles of incorporation.
40.44. Evaluation for approval of a professional school by an applicant not previously authorized to grant degrees in this Commonwealth.
40.45. Exception.

40.46. Evaluation for State System, or State-related or State-aided status.

APPROVAL

- 40.51. Approval of an independent junior college, college, university or foreign corporation.
- 40.52. Approval of a professional school.
- 40.53. Approval of State System, State-related or State-aided status.
- 40.54. Approval of a closed institution to reopen.
- 40.55. Other approval for State financial support.
- 40.56. Additional programs.
- 40.57. Appeals, hearings and notice.
- 40.61. [Reserved].

Authority

The provisions of this Chapter 40 issued under section 1319 of The Administrative Code of 1929 (71 P. S. § 369), unless otherwise noted.

Source

The provisions of this Chapter 40 adopted April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389, unless otherwise noted.

Cross References

This chapter cited in 22 Pa. Code § 11.8 (relating to definitions); 22 Pa. Code § 31.21 (relating to curricula); 22 Pa. Code § 42.21 (relating to approval); and 22 Pa. Code § 42.71 (relating to recodification).

PRELIMINARY PROVISIONS

§ 40.1. Scope.

This chapter and Chapter 31 (relating to general provisions) apply to approval of an institution as an independent junior college, college, seminary or university, or for status as a State System, State-related or State-aided institution for the purposes of awarding college credits and granting degrees.

Authority

The provisions of this § 40.1 amended under sections 1317 and 1319 of The Administrative Code of 1929 (71 P. S. §§ 367 and 369); sections 5 and 9 of the Indiana University of Pennsylvania Act (24 P. S. §§ 2510-105 and 2510-109); and sections 2002-A and 2421 of the Public School Code of 1949 (24 P. S. §§ 20-2002-A and 24-2421).

Source

The provisions of this § 40.1 adopted April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389; amended May 16, 1986, effective May 17, 1986, 16 Pa.B. 1724; amended November 13, 1987, effective November 14, 1987, 17 Pa.B. 4651. Immediately preceding text appears at serial page (108473).

§ 40.2. Statement of philosophy, mission and need.

An institution or chartering group applying for institutional approval shall submit a statement of its philosophy and objectives as part of the application to the Department. The statement of philosophy shall set forth what the institution regards as its major mission and the major categories of academic programs to be provided, including its provisions for affirmative action and equal educational opportunity. The statement of objectives shall express the specific means of fulfilling that mission, with particular emphasis on objectives to be achieved by the requested status. The statement shall show the short and long term planning of the institution and shall include the evaluation procedures used to determine future developments and a procedure for modifying or amending the mission. The statement also shall document how the mission fulfills the educational needs of this Commonwealth and does not duplicate education already provided in the institution's service region and the Commonwealth.

Authority

The provisions of this § 40.2 amended under sections 1317 and 1319 of The Administrative Code of 1929 (71 P. S. §§ 367 and 369).

Source

The provisions of this § 40.2 adopted April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389; amended November 13, 1987, effective November 14, 1987, 17 Pa.B. 4651. Immediately preceding text appears at serial page (108473).

Cross References

This section cited in 22 Pa. Code § 40.26 (relating to agreements); and 22 Pa. Code § 40.33 (relating to agreements).

§ 40.3. Financial stability.

(a) An institution or chartering group applying for institutional approval shall:

(1) Have funds available in accordance with section 312.A.(1) of the Non-profit Corporation Law (15 P. S. § 7312.A.(1)) to carry on the programs as required for the requested type of institution.

(2) Provide a 4-year projection of anticipated income and expenditures which demonstrate that tuition and other sources of income will be sufficiently large to provide a sound financial operation and assure diversity of intellectual interests and resources.

(b) An application from an existing institution shall include, in addition, a comparative report of current fund revenues and expenditures for the 4-year period prior to application for the requested approval. Financial stability shall be determined by the comparison of current fund expenditures against current fund revenues over the 4-year period prior to application for the requested approval.

(c) [Reserved].

(d) An institution shall carry on a continuous financial development program, including solicitation from its various constituencies.

Authority

The provisions of this § 40.3 amended under sections 1317 and 1319 of The Administrative Code of 1929 (71 P. S. §§ 367 and 369).

Source

The provisions of this § 40.3 adopted April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389; amended November 13, 1987, effective November 14, 1987, 17 Pa.B. 4651. Immediately preceding text appears at serial page (108474).

§ 40.4. Applicability.

(a) An institution or chartering group applying for approval as an independent nonprofit junior college, college, professional school or university shall meet the applicable requirements of 15 Pa.C.S. Part III (relating to corporations not-for-profit) and sections 211, 312 and 902(4) of the Nonprofit Corporation Law (15 P. S. §§ 7211, 7312 and 7902(4)) and other applicable statutes.

(b) A foreign corporation applying for approval to operate in this Commonwealth shall be in compliance with provisions of this subpart which are applicable to an independent junior college, college, professional school or university and with Chapter 36 (relating to foreign corporation standards).

(c) A nonprofit institution of postsecondary education applying for State System, State-related or State-aided status shall:

(1) Be legally authorized to grant degrees in this Commonwealth.

(2) Justify the need for specified higher education services to be offered in the public interest of the Commonwealth by the status.

Authority

The provisions of this § 40.4 amended under sections 1317 and 1319 of The Administrative Code of 1929 (71 P. S. §§ 367 and 369); sections 5 and 9 of the Indiana University of Pennsylvania Act (24 P. S. §§ 2510-105 and 2510-109); and sections 2002-A and 2421 of the Public School Code of 1949 (24 P. S. §§ 20-2002-A and 24-2421).

Source

The provisions of this § 40.4 adopted April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389; amended May 16, 1986, effective May 17, 1986, 16 Pa.B. 1724. Immediately preceding text appears at serial page (69413).

ELIGIBILITY FOR STATE SYSTEM STATUS

§ 40.11. Mission and governance.

(a) The institution shall agree to revocation of its articles of incorporation.

(b) Change in the mission of the institution shall be developed in accordance with the policies of the Board of Governors of the State System.

(c) Change in governance of the institution shall be developed under §§ 31.12(b), 31.13(d) and 31.14(b) (relating to president and board of trustees; administrative organization; and financial records).

Authority

The provisions of this § 40.11 amended under sections 1317 and 1319 of The Administrative Code of 1929 (71 P. S. §§ 367 and 369); sections 5 and 9 of the Indiana University of Pennsylvania Act (24 P. S. §§ 2510-105 and 2510-109); and sections 2002-A and 2421 of the Public School Code of 1949 (24 P. S. §§ 20-2002-A and 24-2421).

Source

The provisions of this § 40.11 adopted April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389; amended May 16, 1986, effective May 17, 1986, 16 Pa.B. 1724. Immediately preceding text appears at serial page (69413).

§ 40.12. Programmatic information.

The institution shall provide to the Department:

- (1) Descriptions of all programs offered.
- (2) The existing salary schedule, or range, and the qualifications of the staff including the number of existing staff at each faculty rank or administrative level.

Source

The provisions of this § 40.12 adopted April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389.

§ 40.13. Fiscal information.

The institution shall provide to the Department:

- (1) A comparative report of current fund revenues and expenditures for the 5-year period prior to application for the requested status.
- (2) The number of students enrolled and the number of graduates, by program, for the 5-year period prior to application for the requested status.

Source

The provisions of this § 40.13 adopted April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389.

§ 40.14. [Reserved].

Source

The provisions of this § 40.14 adopted April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389; reserved May 16, 1986, effective May 17, 1986, 16 Pa.B. 1724. Immediately preceding text appears at serial page (69414).

ELIGIBILITY FOR STATE-RELATED STATUS**§ 40.21. Mission.**

The institution shall adopt a statement of mission consistent with policies of the Board and including academic programs and services, to be provided at low tuitions, which meet the public need as determined by the Department and the Board.

Source

The provisions of this § 40.21 adopted April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389.

§ 40.22. Board of trustees.

The Governor of the Commonwealth and the Secretary shall be appointed as voting trustees of the institution, to serve *ex officio*. One-third of the trustees other than the Governor, the Secretary, and the president of the institution, shall be appointed by the Commonwealth, with the appointing power divided equally among the Governor, the Senate and the House of Representatives.

Source

The provisions of this § 40.22 adopted April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389.

§ 40.23. Provision for Commonwealth residents.

(a) Tuitions shall be established by the governing board of the institution in conformance with levels established by the Board; a differential between tuition for Commonwealth residents and nonresidents shall be established. Residence shall be determined by institutional policy.

(b) The institution shall provide education for Commonwealth residents as a priority. A plan for attaining or maintaining a level of 70% Commonwealth residents as a proportion of all students enrolled shall be implemented.

Source

The provisions of this § 40.23 adopted April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389.

§ 40.24. Articulation agreements.

Agreements governing acceptance of transfer students shall be developed and implemented by each State-related institution mutually with other State and State-related institutions and community colleges.

Source

The provisions of this § 40.24 adopted April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389.

§ 40.25. Programmatic information.

The institution shall provide the Department with descriptions of programs offered, and shall agree to follow principles and policies established by the Board before additional programs are undertaken.

Source

The provisions of this § 40.25 adopted April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389.

§ 40.26. Agreements.

An institution shall sign articles of agreement with the Department to include:

(1) Adoption of a new charter to reflect State-related status and obligations as specified in applicable provisions of Chapter 31 (relating to general provisions) and of this chapter.

(2) Acceptance of Board policies and regulations to reflect State-related status and obligations as specified in applicable provisions of Chapter 31 (relating to general provisions) and of this chapter.

(3) Disclosure of sources of income and expenditures as specified in § 31.14(c) (relating to financial records).

(4) Provisions for equal educational opportunity, as specified in § 40.2 (relating to statement of philosophy, mission and need).

Source

The provisions of this § 40.26 adopted April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389.

ELIGIBILITY FOR STATE-AIDED STATUS**§ 40.31. Mission.**

The institution shall adopt a statement of mission consistent with policies of the Board. This shall include academic programs and services which meet the public need, as determined by the Department and by the Board.

Source

The provisions of this § 40.31 adopted April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389.

Notes of Decisions

As the Department of Transportation failed to prove that Carnegie Mellon University was a "state-aided" university, a campus police officer was not defined as a "police officer" with legal authority to make an arrest of a motorist. Therefore, the 1 year suspension of operating privileges by the Department due to the refusal to submit to chemical testing requested by said campus police officer was improper. *Snyder v. Commonwealth*, 640 A.2d 490 (Pa. Cmwlth. 1994).

§ 40.32. Programmatic information.

(a) The institution shall provide the Department with descriptions of programs which serve the public interest and a need not presently being met by a State-supported institution.

(b) The institution shall demonstrate the measures that have been taken to cooperate with other institutions in the elimination of unnecessarily duplicative programs and shall agree to follow principles and policies of the Board aimed at avoiding unnecessary and wasteful duplication of programs before additional programs are undertaken.

Source

The provisions of this § 40.32 adopted April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389.

Notes of Decisions

As the Department of Transportation failed to prove that Carnegie Mellon University was a “state-aided” university, a campus police officer was not defined as a “police officer” with legal authority to make an arrest of a motorist. Therefore, the 1 year suspension of operating privileges by the Department due to the refusal to submit to chemical testing requested by said campus police officer was improper. *Snyder v. Commonwealth*, 640 A.2d 490 (Pa. Cmwlth. 1994).

§ 40.33. Agreements.

An institution shall sign articles of agreement with the Department to include:

(1) Acceptance of Board policies and regulations to reflect State-aided status and obligations as specified in applicable provisions of Chapter 31 (relating to general provisions) and of this chapter.

(2) Disclosure of sources of income and expenditures as specified in § 31.14(c) (relating to financial records).

(3) Provisions for equal educational opportunity as specified in § 40.2 (relating to statement of philosophy, mission and need).

Source

The provisions of this § 40.33 adopted April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389.

Notes of Decisions

As the Department of Transportation failed to prove that Carnegie Mellon University was a “state-aided” university, a campus police officer was not defined as a “police officer” with legal authority to make an arrest of a motorist. Therefore, the 1 year suspension of operating privileges by the Department due to the refusal to submit to chemical testing requested by said campus police officer was improper. *Snyder v. Commonwealth*, 640 A.2d 490 (Pa. Cmwlth. 1994).

Cross References

This section cited in 22 Pa. Code § 40.47 (relating to evaluation for State-aided status).

APPLICATION AND EVALUATION**§ 40.41. Application.**

An applicant desiring approval shall, after consultation with the Department, submit a formal application to the Department on forms provided by the Department. The application shall be filed not later than July 1 of the calendar year preceding the academic year in which the institution desires the approval. Applicants whose requested status requires an appropriation shall include materials of the annual budget request. Funding for the status shall require legislative action.

Authority

The provisions of this § 40.41 amended under sections 1317 and 1319 of The Administrative Code of 1929 (71 P. S. §§ 367 and 369).

Source

The provisions of this § 40.41 adopted April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389.

Cross References

This section cited in 22 Pa. Code § 40.52 (relating to approval of a professional school).

§ 40.42. Evaluation for approval as a junior college, college or university.

(a) An evaluation committee of qualified individuals will be selected by the Department. The committee will consist of a representative of the Department and other representation as is appropriate to the programs of the applicant. The applicant has the right to reject, without cause, one person from the selected committee. If the applicant wishes to reject more than one person, the applicant shall show cause why the person should be removed from the committee.

(b) The evaluation committee's review will include, but not be limited to, the following:

- (1) The mission, philosophy and objectives of the applicant.
- (2) The educational programs, student advisement procedures, student services, record system and the status of extracurricular activities.
- (3) The potential and projected enrollment.
- (4) The sources and adequacy of the financial support.
- (5) The provision that has been made for the necessary administrative, instructional and maintenance personnel.
- (6) The proposed or existing salary schedule, or range, and the qualifications of the staff.
- (7) The accommodations and facilities of the institution, including the adequacy of the library.
- (8) The plans for growth, expansion or reduction of educational programs, facilities and financial resources.
- (9) The scope of the applicant's community or regional involvement.
- (10) The admission and graduation requirements.

- (11) The composition of the board of trustees, together with its record of actions.
- (12) The need for the institution within the local area and the Commonwealth.
- (13) The applicant's provision for evaluating the achievement of stated objectives.
- (14) The proposed catalog and other announcements for the applicant under § 31.32 (relating to catalogue and announcements).
- (15) The articles of incorporation and by-laws of the applicant.
- (16) The extent to which the applicant conforms to the standards or recommendations for academic practices of the regional, professional or specialized accrediting body to which the institution would be required to apply for institutional or program approval under § 31.52 (relating to accreditation).
- (c) The committee will evaluate documentation submitted by the applicant, conduct an onsite visit and submit a written report, with recommendations, to the Secretary. This report will be submitted to the applicant by the Department for response. The report of the committee and the response by the applicant are the basis on which the Secretary makes a decision on the request of the applicant.

Authority

The provisions of this § 40.42 amended under sections 1317 and 1319 of The Administrative Code of 1929 (71 P. S. §§ 367 and 369); sections 5 and 9 of the Indiana University of Pennsylvania Act (24 P. S. §§ 2510-105 and 2510-109); and sections 2002-A and 2421 of the Public School Code of 1949 (24 P. S. §§ 20-2002-A and 24-2421).

Source

The provisions of this § 40.42 adopted April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389; amended May 16, 1986, effective May 17, 1986, 16 Pa.B. 1724. Immediately preceding text appears at serial pages (69417) to (69418).

Cross References

This section cited in 22 Pa. Code § 40.44 (relating to evaluation for approval of a professional school by an applicant not previously authorized to grant degrees in Pennsylvania).

§ 40.43. Evaluation for the establishment of a new professional school by a State System, a State-related or State-aided institution or an independent institution not having the required authorization in its enabling legislation or approved articles of incorporation.

- (a) An evaluation committee will be selected by the Department and chaired by a staff person from the Department. The committee will consist of an equal number of academic professionals who provide accredited programs and of practicing professionals who have graduated from accredited programs in the program area of the applicant's request. At least one person in each category shall be from outside this Commonwealth. At least one person in each category shall be from a Commonwealth institution or be practicing in this Commonwealth.

(b) The committee will consider the following:

(1) Information provided by the institution in its application which documents the unmet need for the proposed school in the professional field; relatedness of need to Commonwealth, regional, national and international manpower needs; and the projected enrollment demand for the proposed professional school.

(2) Evidence of adequate financial support and clinical resources for the proposed professional school.

(3) Evidence of prior consultation with and progress toward meeting standards of the appropriate nationally recognized accrediting agency or association.

(c) The committee will evaluate documentation submitted by the applicant, conduct an onsite visit and submit a written report, with recommendations, to the Secretary. This report will be submitted to the applicant by the Department for response. The report of the committee and the response by the applicant are the basis on which the Secretary makes a decision on the request of the applicant.

(d) When departments are organized within existing institutions with the intent of developing these toward establishment of professional schools, this chapter applies.

Authority

The provisions of this § 40.43 amended under sections 1317 and 1319 of The Administrative Code of 1929 (71 P. S. §§ 367 and 369); sections 5 and 9 of the Indiana University of Pennsylvania Act (24 P. S. §§ 2510-105 and 2510-109); and sections 2002-A and 2421 of the Public School Code of 1949 (24 P. S. §§ 20-2002-A and 24-2421).

Source

The provisions of this § 40.43 adopted April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389; amended May 16, 1986, effective May 17, 1986, 16 Pa.B. 1724. Immediately preceding text appears at serial pages (69418) to (69419).

Cross References

This section cited in 22 Pa. Code § 40.44 (relating to evaluation for approval of a professional school by an applicant not previously authorized to grant degrees in Pennsylvania); and 22 Pa. Code § 40.52 (relating to approval of a professional school).

§ 40.44. Evaluation for approval of a professional school by an applicant not previously authorized to grant degrees in this Commonwealth.

Evaluation shall be in accordance with §§ 40.42(b) and (c) and 40.43(a) and (b) (relating to evaluation for approval as a junior college, college or university; evaluation for the establishment of a new professional school by a State System, a State-related or State-aided institution or an independent institution not having the required authorization in its enabling legislation or approved articles of incorporation).

Source

The provisions of this § 40.44 adopted April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389.

Cross References

This section cited in 22 Pa. Code § 40.52 (relating to approval of a professional school).

§ 40.45. Exception.

The establishment of schools for the preparation of professional educators shall be subject to Chapter 49 (relating to certification of professional personnel).

Source

The provisions of this § 40.45 adopted April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389.

§ 40.46. Evaluation for State System, or State-related or State-aided status.

The Department will evaluate documentation submitted by the applicant, conduct an onsite visit and submit a written report, with recommendations, to the Secretary.

Authority

The provisions of this § 40.46 amended under sections 1317 and 1319 of The Administrative Code of 1929 (71 P. S. §§ 367 and 369); sections 5 and 9 of the Indiana University of Pennsylvania Act (24 P. S. §§ 2510-105 and 2510-109); and sections 2002-A and 2421 of the Public School Code of 1949 (24 P. S. §§ 20-2002-A and 24-2421).

Source

The provisions of this § 40.46 adopted April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389; amended May 16, 1986, effective May 17, 1986, 16 Pa.B. 1724. Immediately preceding text appears at serial page (69420).

APPROVAL**§ 40.51. Approval of an independent junior college, college, university or foreign corporation.**

(a) The applicant will receive approval to operate in this Commonwealth when, in the opinion of the Secretary, it has met the prescribed conditions. To be approved the applicant shall conform to generally accepted academic practices and to the regulations of the Board and applicable statutes. The articles of incorporation and the bylaws are subject to change if directed by the Secretary in order for the applicant to receive approval. In this Commonwealth, university approval is not a prerequisite to granting graduate degrees, either at the master's or doctoral level. For university approval, exceptions to the minimum three-unit structure may be granted for exceptional educational reasons—such as, avoidance of program duplication at the doctoral level or universities established for limited or

special purposes—when the need for the exception is documented by the institution. Reference should be made to § 31.2 (relating to definitions).

(b) If the institution fails to maintain standards prescribed by this chapter and Chapter 31 (relating to general provisions), the court shall, upon the recommendation of the Department, revoke the degree-granting privilege of the institution as provided in section 312C of the Nonprofit Corporation Law (15 P. S. § 7312C). The recommendation will be made only after the institution has been informed in writing of its inadequacies and has been given reasonable time in which to restore itself to the level of the required minimum standards.

Authority

The provisions of this § 40.51 amended under sections 1317 and 1319 of The Administrative Code of 1929 (71 P. S. §§ 367 and 369); sections 5 and 9 of the Indiana University of Pennsylvania Act (24 P. S. §§ 2510-105 and 2510-109); and sections 2002-A and 2421 of the Public School Code of 1949 (24 P. S. §§ 20-2002-A and 24-2421).

Source

The provisions of this § 40.51 adopted April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389; amended May 16, 1986, effective May 17, 1986, 16 Pa.B. 1724; amended November 13, 1987, effective November 14, 1987, 17 Pa.B. 4651. Immediately preceding text appears at serial pages (108482) to (108483).

Cross References

This section cited in 22 Pa. Code § 31.52 (relating to accreditation); and 22 Pa. Code § 31.53 (relating to visitation).

§ 40.52. Approval of a professional school.

(a) For an applicant previously authorized to grant degrees in this Commonwealth, the Department will be required to establish an evaluation committee and perform the approval process within 6 months after receipt of an application. Reference should be made to § 40.41 (relating to application). Students shall not be admitted into professional programs prior to the first academic year for which the applicant has requested approval.

(b) The Secretary will approve the request of an applicant for a professional school, after consultation with the Board, when the applicant has met all prescribed conditions.

(c) Prior to accreditation by the appropriate nationally recognized agency or association, the Department will review the status of the program every 3 years, in accordance with §§ 40.43 or 40.44 (relating to evaluation for the establishment of a new professional school by a State System, a State-related or State-aided institution or an independent institution not having the required authorization in its enabling legislation or approved articles of incorporation; and evaluation for approval of a professional school by an applicant not previously authorized to grant degrees in this Commonwealth), as appropriate. The school shall be considered provisionally established until it achieves accreditation.

Source

The provisions of this § 40.52 adopted April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389.

§ 40.53. Approval of State System, State-related or State-aided status.

(a) The Secretary will approve the request of an institution for the status, after consultation with the Board, when the institution has met the conditions prescribed in this subpart and Commonwealth statutes. The Secretary will then forward to the General Assembly the appropriate budget request and, if required, a request for passage of appropriate enabling legislation.

(b) If the institution fails to maintain standards prescribed by this chapter and Chapter 31 (relating to general provisions), the Secretary will recommend to the General Assembly that no further appropriation be made to the institution. The recommendation will be made only after the institution has been informed in writing of its inadequacies and has been given reasonable time in which to restore itself to the level of the required minimum standards.

(c) When the Secretary has approved a new State System university and the General Assembly has approved and funded the institution, the institution shall be bound by the School Code, the policies of the Board of Governors of the State System of Higher Education and other statutes and provisions of this title which apply to existing State System universities. If an institution is approved as a State System university, its doctoral programs shall thereafter be offered only in conjunction with the Indiana University of Pennsylvania or an institution chartered to offer programs at the doctoral level.

Authority

The provisions of this § 40.53 amended under sections 1317 and 1319 of The Administrative Code of 1929 (71 P. S. §§ 367 and 369); sections 5 and 9 of the Indiana University of Pennsylvania Act (24 P. S. §§ 2510-105 and 2510-109); and sections 2002-A and 2421 of the Public School Code of 1949 (24 P. S. §§ 20-2002-A and 24-2421).

Source

The provisions of this § 40.53 adopted April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389; amended May 16, 1986, effective May 17, 1986, 16 Pa.B. 1724. Immediately preceding text appears at serial pages (69421) to (69422).

Cross References

This section cited in 22 Pa. Code § 31.52 (relating to accreditation); and 22 Pa. Code § 31.53 (relating to visitation).

§ 40.54. Approval of a closed institution to reopen.

An institution which has closed and wishes to reopen shall comply with the applicable provisions of this chapter. Reference should be made to § 31.72(8) (relating to obligations).

Source

The provisions of this § 40.54 adopted April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389.

§ 40.55. Other approval for State financial support.

(a) Aid to students or to institutions which is provided by State agencies other than the Department, or by State law, shall be governed by appropriate law and regulation.

(b) Forms of State financial support created subsequent to the adoption of this subpart, to be administered by the Department, shall be administered in accordance with regulations established by the Board.

Authority

The provisions of this § 40.55 amended under sections 1317 and 1319 of The Administrative Code of 1929 (71 P. S. §§ 367 and 369).

Source

The provisions of this § 40.55 adopted April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389; amended November 13, 1987, effective November 14, 1987, 17 Pa.B. 4651. Immediately preceding text appears at serial page (108485).

§ 40.56. Additional programs.

Additional programs which lead to degrees and which were not originally approved may be instituted only after receiving approval from the Secretary. A degree not authorized in the original articles of incorporation or approved amendments of a chartered institution will require approval by the Secretary.

Authority

The provisions of this § 40.56 amended under sections 1317 and 1319 of The Administrative Code of 1929 (71 P. S. §§ 367 and 369); sections 5 and 9 of the Indiana University of Pennsylvania Act (24 P. S. §§ 2510-105 and 2510-109); and sections 2002-A and 2421 of the Public School Code of 1949 (24 P. S. §§ 20-2002-A and 24-2421).

Source

The provisions of this § 40.56 adopted April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389; amended May 16, 1986, effective May 17, 1986, 16 Pa.B. 1724. Immediately preceding text appears at serial pages (69422).

Cross References

This section cited in 22 Pa. Code § 42.1 (relating to scope); 22 Pa. Code § 42.32 (relating to approval process); and 22 Pa. Code § 42.47 (relating to approval).

§ 40.57. Appeals, hearings and notice.

An applicant denied approval may request the Department to provide administrative hearings and notice in accordance with the appeal procedures of 2 Pa.C.S.

§§ 501—508 (relating to practice and procedure of Commonwealth agencies) and 1 Pa. Code Part II (relating to general rules of administrative practice and procedure), as applicable.

Authority

The provisions of this § 40.57 amended under sections 1317 and 1319 of The Administrative Code of 1929 (71 P. S. §§ 367 and 369).

Source

The provisions of this § 40.57 adopted April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389; amended November 13, 1987, effective November 14, 1987, 17 Pa.B. 4651. Immediately preceding text appears at serial page (108485).

§ 40.61. [Reserved].

Source

The provisions of this § 40.61 adopted April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389; reserved November 13, 1987, effective November 14, 1987, 17 Pa.B. 4651. Immediately preceding text appears at serial page (108486).

[Next page is 41-1.]