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#### Authority

The provisions of this Chapter 42 issued under section 1319 of The Administrative Code of 1929 (71 P. S. § 369), unless otherwise noted.

#### Source

The provisions of this Chapter 42 adopted April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389, unless otherwise noted.

#### Cross References

This chapter cited in 22 Pa. Code § 31.1 (relating to purpose and scope); 22 Pa. Code § 31.2 (relating to definitions); 22 Pa. Code § 31.21 (relating to curricula); 22 Pa. Code § 35.1 (relating to scope); 22 Pa. Code § 35.21 (relating to curricula); and 22 Pa. Code § 73.1 (relating to definitions).

### PRELIMINARY PROVISIONS

#### § 42.1. Scope.

This chapter and Chapter 31 (relating to general provisions) apply to approval of all of the following:

- (1) Specialized associate degree programs at a licensed trade, business, correspondence or beauty culture school which is chartered or established by statute in this Commonwealth.
- (2) Additional programs at a chartered junior college, college or university which lead to degrees and which have not had prior approval consistent with the articles of incorporation. See § 40.56 (relating to additional programs).
- (3) Upper division undergraduate programs at junior or community colleges.

(4) Additional programs of a foreign corporation approved to operate at a specific site in this Commonwealth. A program having prior approval may be transferred to another site only after receiving approval of the Department.

(5) Vocational educational programs at institutions desiring approval for State/Federal money allotted for vocational education. Federal eligibility restrictions will apply when necessary.

#### **Authority**

The provisions of this § 42.1 issued 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 § 42.1 amended through May 16, 1986, effective May 17, 1986, 16 Pa.B. 1724. Immediately preceding text appears at serial pages (90438) to (90439).

### **§ 42.2. Exception.**

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

## **SPECIALIZED ASSOCIATE DEGREE PROGRAMS APPROVAL PROCEDURE**

### **§ 42.11. Application.**

(a) A licensed trade, business, correspondence or beauty culture school desiring approval for a specialized associate degree program shall, after consultation with the Department, submit a formal application to the Department on forms provided by the Department.

(b) The application shall include a statement of the school's philosophy, goals, and objectives. The philosophy shall express the school's responsibility for education in the areas in which approval is desired and its provisions for affirmative action and equal educational opportunity. The statement of goals shall set forth what the institution regards as its terminal objectives for each program requested. The statement of institutional objectives shall express specific institutional attainments necessary to accomplish the goals.

(c) There shall be a 3-year projection of anticipated income and expenditures. This projection shall demonstrate the ability of the institution to support the requested program.

#### **Cross References**

This section cited in 22 Pa. Code § 31.52 (relating to accreditation); and 22 Pa. Code § 73.42 (relating to exemptions from licensure).

**§ 42.12. Evaluation.**

(a) An evaluation committee shall be selected by the Department. Members of the committee shall qualify as authorities in the program areas to be investigated. The committee shall consist of a representative of the Department and such other representation as is appropriate to the specific goals of the applying institution.

(b) The committee shall consider:

- (1) The philosophy and goals of the institution.
- (2) The educational objectives, counseling services, record-keeping system and the status of the extracurricular activities.
- (3) The potential 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) Faculty retention and the qualification of the faculty at the institution.
- (7) The accommodations and facilities of the institution, including the adequacy of the library.
- (8) The plans for the growth and expansion of the educational program, facilities and financial resources.
- (9) The nature of the community relations and use of community resources and facilities.
- (10) The admission and graduation requirements.
- (11) The administration and organization.
- (12) The need within the community or regional area for the proposed program.
- (13) The placement records of graduates.
- (14) The promotional materials and public information programs to insure that these accurately reflect the institution's programs.

(c) The committee shall evaluate all documentation submitted by the applicant, conduct a site visit to evaluate the program and submit a written report, with recommendations, to the Department. This report shall be submitted to the institution by the Department for the institution's reaction. The committee's report and the institution's reaction are the basis on which the Secretary makes a decision.

**Cross References**

This section cited in 22 Pa. Code § 31.52 (relating to accreditation); and 22 Pa. Code § 73.42 (relating to exemptions from licensure).

**§ 42.13. Approval.**

(a) A program may receive initial approval, including institutional authorization to award the degree specified, for a period of 3 to 6 years during which the program is subject to periodic review by the Department.

(b) A program may receive approved status upon completion of initial approval when it has met all prescribed conditions. The Department shall be notified immediately by the chief executive officer or his designee if the school has new management or ownership. In order to assure the maintenance of the quality of programs, the institution shall be subject to visitation and inspection by the Department and action, when appropriate, as specified in § 42.14 (relating to revocation of degree-granting privilege).

**Cross References**

This section cited in 22 Pa. Code § 31.52 (relating to accreditation); and 22 Pa. Code § 73.42 (relating to exemptions from licensure).

**§ 42.14. Revocation of the degree-granting privilege.**

If the institution fails to maintain compliance with this subpart or pertinent laws, or fails to implement the recommendations of the Department's report of evaluation, the Secretary may revoke the degree-granting privilege. Such revocation shall be made only after the institution has been given a reasonable time in which to restore its program to the level of the minimum standards.

**Cross References**

This section cited in 22 Pa. Code § 31.52 (relating to accreditation); 22 Pa. Code § 42.13 (relating to approval); and 22 Pa. Code § 73.42 (relating to exemptions from licensure).

**UPPER-DIVISION UNDERGRADUATE PROGRAM APPROVAL  
FOR JUNIOR OR COMMUNITY COLLEGES**

**§ 42.21. Approval.**

(a) A junior or community college may offer an upper-division program not culminating in a baccalaureate degree when approval of the Department is obtained based upon the following criteria:

- (1) The need for the proposed program in the area and its relation to Commonwealth and regional manpower needs.
- (2) The adequacy of existing institutions in the region to meet identified needs of the community.
- (3) The adequacy of the proposed program to expand the educational opportunities needed by the community.
- (4) The advice of the regional coordinating council of the region in which the junior or community college is located.
- (5) For a junior college, evidence of financial support for the proposed upper-division program.
- (6) For a community college, an estimate of the cost to the Commonwealth of funding the proposed upper-division program.

(b) If a junior college desires to grant a baccalaureate degree at the end of upper-division programs, it should make application to the Department to become a college in accordance with the provisions of Chapter 40 (relating to institutional approval).

**Cross References**

This section cited in 22 Pa. Code § 335.12 (relating to standards for reimbursable credit courses at community colleges).

**APPROVAL OF ADDITIONAL PROGRAMS NOT PREVIOUSLY APPROVED****§ 42.31. Applicability.**

At a junior college, college, university or foreign corporation, additional programs which lead to degrees and which have not had prior approval, as appropriate, may be instituted only after receiving approval from the Secretary.

**Authority**

The provisions of this § 42.31 issued 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 § 42.31 amended May 16, 1986, effective May 17, 1986, 16 Pa.B. 1724. Immediately preceding text appears at serial page (90442).

**§ 42.32. Approval process.**

(a) The process shall incorporate the institutional approval process, peer evaluation, use of consultants, and coordination with the Department; and shall be implemented according to guidelines or standards or both approved by the Board and issued by the Department.

(b) An institution having no prior approval for graduate programs and requesting approval of a program leading to a graduate degree shall also comply with §§ 42.41—42.47 (relating to graduate program approval procedure).

(c) An institution having charter status shall also comply with § 40.56 (relating to additional programs).

**GRADUATE PROGRAM APPROVAL PROCEDURE****§ 42.41. Statement of philosophy and need.**

An institution applying for approval to grant graduate degrees shall submit a statement of its philosophy of graduate education as part of the application. This statement shall set forth the philosophy of the institution with respect to research, instruction and the goals of graduate education, including the major categories of graduate programs to be provided and the institution's provisions for affirmative action and equal educational opportunity. The statement shall show the total planning of the institution for graduate instruction and shall include the evalua-

tion procedures used to determine future developments. The statement also shall document how the proposed graduate instruction fulfills the educational needs of this Commonwealth and does not duplicate education already provided in the institution's service region and this Commonwealth.

**Cross References**

This section cited in 22 Pa. Code § 42.32 (relating to approval process).

**§ 42.42. Financial stability.**

(a) Financial stability shall be determined by the comparison of current fund expenditure accounts of the institution against current fund revenue accounts over the 5-year period prior to the request for a graduate program.

(b) There shall be a 3-year projection of anticipated income and expenditures. This projection shall demonstrate the ability of the institution to support a graduate program.

**Cross References**

This section cited in 22 Pa. Code § 42.32 (relating to approval process).

**§ 42.43. Student enrollment.**

The projected graduate student enrollment shall be sufficient in size and quality to justify the program and to promise an intellectually stimulating environment.

**Cross References**

This section cited in 22 Pa. Code § 42.32 (relating to approval process).

**§ 42.44. Curricula.**

Educational policy and degree requirements shall be the responsibility of the graduate faculty. The requirements for a graduate degree shall reflect its objectives.

**Cross References**

This section cited in 22 Pa. Code § 42.32 (relating to approval process).

**§ 42.45. Application.**

An institution desiring approval to offer graduate programs shall, after consultation with the Department, submit an application to the Department on forms provided by the Department. The application may be filed not later than July 1 of the calendar year preceding the academic year in which the institution desires the approval.

**Cross References**

This section cited in 22 Pa. Code § 42.32 (relating to approval process).

**§ 42.46. Evaluation.**

(a) An evaluation committee will be selected by the Department and chaired by a staff person from the Department. The committee will consist of authorities in the areas to be investigated.

(b) The committee will evaluate documentation submitted by the applicant, conduct a site visit to validate the information and assess the readiness of the institution to offer the requested graduate program, 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 § 42.46 issued 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 § 42.46 amended May 16, 1986, effective May 17, 1986, 16 Pa.B. 1724. Immediately preceding text appears at serial page (90444).

**Cross References**

This section cited in 22 Pa. Code § 42.32 (relating to approval process).

**§ 42.47. Approval.**

(a) Initial approval of graduate programs, including institutional authorization to award the degree specified, is provisional. Annual reports, or more frequent reports if requested, shall be sent to the Department by the institution.

(b) An institution having charter status shall also comply with § 40.56 (relating to additional programs).

(c) Following provisional approval, an institution may receive final approval for the requested graduate programs when, in the opinion of the Secretary, it has met prescribed conditions.

(d) If an independent institution fails to maintain standards prescribed by this chapter and Chapter 31 (relating to general provisions) for its graduate programs the court shall, upon the recommendation of the Secretary, revoke the degree-granting privilege of the institution for these programs as provided in section 312C of the Nonprofit Corporation Law (15 P. S. § 7312C). A recommendation as in the case of an independent institution will be made only after the institution or university has been informed in writing of the weaknesses of its programs and has been given reasonable time in which to restore the programs to the level of the required minimum standards.



**Authority**

The provisions of this § 42.47 issued 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 § 42.47 amended May 16, 1986, effective May 17, 1986, 16 Pa.B. 1724. Immediately preceding text appears at serial page (90444).

**Cross References**

This section cited in 22 Pa. Code § 42.32 (relating to approval process).

**VOCATIONAL EDUCATION PROCEDURE****Source**

The provisions of these §§ 42.51—42.59 adopted June 15, 1984, effective September 1, 1984, 14 Pa.B. 2057, unless otherwise noted. Immediately preceding text appears at serial page (69432).

**§ 42.51. Approval.**

An institution desiring approval to receive State/Federal money for vocational education shall notify the Department of its intent to participate in project resource funding. In order to be eligible for funding, the institution must have long-range plans, a local advisory committee, an occupational advisory committee, admissions policies, planned courses and programs, a method of compliance review, a plan for improvement and contemporary equipment.

**Cross References**

This section cited in 22 Pa. Code § 6.1a (relating to scope).

**§ 42.52. Long-range plans.**

- (a) Once every 5 years an institution conducting approved vocational education programs shall submit to the Department a long-range vocational education plan.
- (b) An institution offering less than five vocational education programs may participate in the plan of a school district, area vocational-technical school, or another institution within the same higher education planning region.
- (c) A long-range vocational education plan shall include all of the following:
  - (1) A needs assessment of the supply of and demand for trained workers by local businesses and industries, based on available data.
  - (2) An action plan for delivering vocational education that is based on the results of the needs assessment referred to in paragraph (1).
  - (3) Plans to achieve or maintain coordination/articulation among secondary, postsecondary, adult and apprenticeship programs.

- (4) A continuing education plan for professional staff development designed cooperatively by administrators and teachers.
- (5) A written policy outlining the institution's plan for job placement services.
- (6) A plan for repair, replacement and addition of instructional equipment.

**§ 42.53. Local advisory committee.**

- (a) Institutions administering or planning to administer an approved vocational educational program shall appoint an advisory committee.
- (b) The appointed advisory committee shall give advice to the administration of the institution concerning its needs and the needs of business and industry as they relate to long-range planning, educational planning, and recruitment of personnel.
- (c) A minimum of one meeting shall be held each year.

**§ 42.54. Occupational advisory committee.**

An occupational advisory committee shall be established for each vocational program or cluster of related programs offered by an institution. The committee shall meet at least once each year to advise on curriculum.

**§ 42.55. Admissions policies.**

- (a) Institutions administering vocational education programs shall have a written policy regarding admissions.
- (b) Policies regarding admissions shall be publicized and shall be nondiscriminatory.
- (c) Course announcements, guidance materials, brochures, and similar materials shall convey the philosophy of equal access to students considering enrollment.

**§ 42.56. Program content.**

- (a) Institutions offering vocational education programs shall include the elements of a planned course in vocational program offerings.
- (b) For planned vocational courses, the list of objectives expected to be achieved by students and expected levels of achievement shall be derived from industry analysis that is critical to success in a work environment.

**§ 42.57. Method of compliance review.**

- (a) Vocational education programs administered by an institution shall be evaluated every 5 years for compliance with this chapter.
- (b) The compliance review may utilize the techniques such as self-study, Department staff reviews or external evaluation to accomplish the review.

**§ 42.58. Plan for improvement.**

Within 6 months following the receipt of a formal compliance review report from the Secretary, an institution shall submit to the Secretary a plan for compliance improvement.

**§ 42.59. Contemporary equipment.**

Equipment shall be deemed appropriate if it is comparable, insofar as practical, to that used in occupations or households for which vocational education or related vocational instruction is provided.

**APPEALS****§ 42.61. Appeals, hearings and notice.**

A licensed trade, business, correspondence or beauty culture school denied approved status or having its degree-granting privilege revoked, or a junior college, community college, college, professional school, university or State System university denied approval of a program may request the Department to provide administrative hearings and notice under the appeal procedures of 2 Pa.C.S. §§ 501—508 (relating to practice and procedure of Commonwealth agencies).

**Authority**

The provisions of this § 42.61 issued 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 § 42.61 amended through May 16, 1986, effective May 17, 1986, 16 Pa.B. 1724. Immediately preceding text appears at serial page (95757).

**RECODIFICATION****§ 42.71. Recodification.**

(a) Sections of this chapter replace sections of Chapters 33, 37, 39, 41, 43, 45, 46, 47 and 48.

(b) This chapter is integrated with Chapter 31 (relating to general provisions) and Chapter 40 (relating to institutional approval).

**Source**

The provisions of this § 42.71 adopted June 15, 1984, effective September 1, 1984, 14 Pa.B. 2057.

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