

RULES AND REGULATIONS

Title 22—EDUCATION

DEPARTMENT OF EDUCATION

[22 PA. CODE CH. 338]

Interim Standards for Technical College Programs

The Department of Education (Department) is promulgating interim standards to ensure the establishment of quality Technical College Programs to read as set forth in Annex A.

Contact Person

Questions regarding these interim standards should be directed to Sandra O. Edmunds, Director, Office of Access Initiatives, Department of Education, 333 Market Street, 12th Floor, Harrisburg, PA 17126, (717) 787-7013.

Effective Date

These interim standards will be effective upon publication in the *Pennsylvania Bulletin* as provided by section 1906-F of the Public School Code of 1949 (School Code) (24 P. S. § 19-1906-F).

Statutory Authority

The Department acts under the authority of section 1906-F of School Code. Section 1906-F of the School Code empowers the Department, to promulgate interim standards to ensure the establishment of quality Technical College Programs.

Interim standards promulgated by the Department under section 1906-F of the School Code must be published in the *Pennsylvania Bulletin* and are exempt from the following laws:

(A) Sections 201—205 of the act of July 31, 1968 (P. L. 769, No. 240) (71 P. S. §§ 1201—1205), known as the Commonwealth Documents Law.

(B) Section 204 of the Commonwealth Attorneys Act (71 P. S. § 732—204).

(C) The Regulatory Review Act (71 P. S. §§ 745.1—745.15).

In light of these exemptions, the Department is depositing these interim standards for publication in the *Pennsylvania Bulletin*.

Description of Process

These interim standards are promulgated by the Department to implement the Technical College Program. Within 1 year, the Department will promulgate proposed standards which will go through the regulatory review process. At that time, there will be outreach for public comments. Guidelines were initially developed in coordination with the Department of Labor and Industry to launch the program and which form the basis for these interim standards.

Background and Need for Standards

The new Technical College Program recognizes the need for college-level technical education in areas of this Commonwealth where there is a shortage of adult education, continuing education and postsecondary education opportunities. The initiation of Technical College Programs in these educationally underserved areas will provide high-quality, credit-bearing education and training targeted to high priority occupations for high-skill,

high wage jobs to a currently underserved population. It will also provide this Commonwealth's employers with a skilled work force that is needed in today's global economy.

It has long been recognized that there are areas of this Commonwealth that lack postsecondary educational opportunities. Further, programs, such as technical programs to prepare students for high priority occupations, are costly to run and often difficult to offer in underserved areas due to high equipment costs and other costs associated with offering a program of study. Pennsylvania's workforce development strategy aims to target training to high demand, high skill and high wage jobs throughout this Commonwealth. The Technical College Programs will bridge the educational gap by providing high-quality, credit bearing education and training targeted to Pennsylvania's high priority occupations in locations currently lacking the training.

Description of Standards

The interim standards ensure the establishment of quality Technical College Programs and describe the process used by the Department for granting approval and funding to institutions of higher education to operate Technical College Programs in this Commonwealth. The Technical College Program interim standards provide a reference point against which all Technical College Programs will be evaluated. The Technical College Program approval procedures describe the program approval criteria and priority in the selection process. The standards describe the role of the lead sponsor with regard to oversight, fiscal responsibility, delivery of the Technical College Programs, student support services and relationship with educational partners. Further, the standards specifically describe eligible credentials that may be awarded, eligible programs of studies, duration of approval and course requirements. The transferability of the credits, enrollment and entrance requirements are explained. The standards communicate the intent of the Technical College Programs to be affordable to students by placing limitations on tuition and fees and ensuring that financial aid is available to all students. The limitations with regard to State reimbursement or payment for purposes of State reimbursement or payment under any other appropriation for higher education are explained. The provision of equipment, needed to deliver the technical programs, is described. The reporting requirements of the institution are described.

Fiscal Impact

The Technical College Program awards grants to institutions of higher education for the purpose of providing operating funds and equipment grants for the delivery of the program. An annual budget allocation will provide the necessary funding for these programs. For 2007-2008, \$2 million was appropriated for the new Technical College Programs. The Department has added a new position to assume the responsibilities associated with the additional workload to administer the Technical College Programs. The promulgation of these standards will not result in any additional fiscal impact.

Paper Work Requirements

Because this is a new program it does not change existing reporting or other paperwork requirements. However, a new application process will be implemented. Additionally, the institutions approved for Technical Col-

lege Programs will be required to submit reports to the Department. This will require the Department to develop reporting forms, as well as provide an annual report to the Legislature regarding demographic and program data and student progress and achievement measures.

Regulatory Review

Under section 1906-F of the School Code, these standards are exempt from the Regulatory Review Act.

Findings

The Department finds that:

(1) Proposed rulemaking in advance of the promulgation of interim standards is not required under section 1906-F of the School Code, which expressly provides that the interim standards are exempt from the requirements of sections 201—205 of the Commonwealth Documents Law; section 204 of the Commonwealth Attorneys Act; and the Regulatory Review Act.

(2) The promulgation of these interim standards is necessary for compliance with Article XIX-F of School Code.

Order

The Department, acting under the authorizing statute, orders that:

(a) The interim standards of the Department regarding technical college programs, 22 Pa. Code, are adopted by adding §§ 338.1—338.11 to read as set forth in Annex A.

(b) The Secretary of Education will certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(c) This order is effective upon publication in the *Pennsylvania Bulletin*.

GERALD L. ZAHORCHAK, D.Ed.
Secretary

Fiscal Note: 6-309. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 22. EDUCATION

PART XVI. STANDARDS

CHAPTER 338. INTERIM STANDARDS FOR TECHNICAL COLLEGE PROGRAMS

Sec.	
338.1.	Scope and purpose.
338.2.	Definitions.
338.3.	Program approval procedures.
338.4.	Lead sponsor responsibilities.
338.5.	Credentials and programs of study.
338.6.	Transferability of credits.
338.7.	Enrollment and entrance requirements.
338.8.	Tuition and fees.
338.9.	Prohibition.
338.10.	Equipment.
338.11.	Annual reporting.

§ 338.1. Scope and purpose.

(a) This chapter provides standards and eligibility criteria for Programs operated by institutions of higher education, as authorized by the act.

(b) This chapter applies only to programs operated under the act.

(c) Programs are established to create economic opportunity by providing postsecondary occupational education and training in educationally underserved areas of this Commonwealth. Technical College Programs shall prepare students for occupations that require a postsecondary

certificate or associate degree and that demonstrate a high level of current and projected work force demand in fields that require technical knowledge and skill.

§ 338.2. Definitions.

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

Act—The Program provisions of Article XIX-F of the School Code (24 P. S. §§ 19-1901-F—19-1907-F).

Department—The Department of Education of the Commonwealth.

Eligible applicant—Any of the following:

(i) An institution of higher education.

(ii) An institution of higher education in partnership with one or more of the following:

(A) Another institution of higher education.

(B) An area vocational-technical school or ATVS, as defined in § 4.3 (relating to definitions).

(C) A community education council or CEC, as defined under section 1901-D of the School Code of 1949 (24 P. S. § 19-1901-D).

(D) A private licensed school as the term is defined under the Private Licensed Schools Act (24 P. S. §§ 211—225.5), that is authorized to confer the degree of Associate in Specialized Technology or Associate in Specialized Business and is accredited by the Accrediting Commission of Career Schools and Colleges of Technology or the Accrediting Council for Independent Colleges and Schools.

Equipment—An instrument, machine, apparatus or set of articles that is used to teach skills or provide information directly related to the eligible Technical College Program based on Statewide and regional needs and in accordance with Department guidelines.

High-demand occupation—Job categories that are in demand by employers, have higher skill needs and are likely to provide a family-sustaining wage. These occupations require an associate degree or a certificate that may lead to an associate degree.

Institution of higher education—Any of the following:

(i) An institution of the Pennsylvania State System of Higher Education.

(ii) A Pennsylvania community college created under Article XIX-A of the School Code (24 P. S. §§ 19-1901-A—19-1918-A).

(iii) The Pennsylvania State University, the University of Pittsburgh, Temple University, Lincoln University and their branch campuses.

(iv) An institution as the term is defined under 24 Pa.C.S. § 6501(a) (relating to applicability of chapter) that is accredited by the Middle States Commission on Higher Education and that is not a theological seminary or school of theology or a sectarian or denominational institution.

Lead sponsor—An institution of higher education which as an eligible applicant receives approval to establish a Program.

Program—The Pennsylvania Technical College Program authorized by the act.

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

§ 338.3. Program approval procedures.

(a) *Approval.* An eligible applicant that seeks approval to establish a Program shall comply with the policies, guidelines and standards of the Department.

(b) *Program approval criteria.* An eligible applicant shall submit an application to the Department, which must include the following:

(1) Each program of study to be offered, along with the credential or credentials associated with each.

(2) The projected enrollment for each program, both on a head count and full-time equivalent basis.

(3) Designation of the educationally underserved area the Program intends to serve.

(4) Evidence of collaboration with partners in industry, elementary and secondary education and the community.

(5) The results of a regional economic demand analysis for a 5-year period that demonstrates the projected industry need for the occupation.

(6) Evidence of planning that includes a regional needs analysis of postsecondary education and training.

(7) Evidence of local support for the Program, which may include use of building space.

(8) A proposed operating budget to include State payment as provided under section 1907-F of the School Code (24 P. S. § 19-1907-F), student tuition as provided under section 1906-F of the act and other revenue available to the eligible applicant.

(9) A description of how the program will provide support necessary to remove barriers and maximize student success, including academic support, remedial education, student services and counseling when appropriate.

(10) If applicable, status of Program accreditation or approval.

(c) *Priority criteria.* Priority in the selection process will be given to applicants that:

(1) Seek renewal of Program funding and continue to provide access in educationally underserved areas; have met program standards; and have demonstrated satisfactory implementation of the program.

(2) Demonstrate a plan for and ability to serve educationally and economically disadvantaged students, including one or more of the following groups:

(i) Students with family income equal to or less than 300% of the Federal poverty level.

(ii) Unemployed workers or displaced homemakers.

(iii) Individuals receiving or having received Temporary Assistance for Needy Families within 6 months prior to the date of initial application for enrollment in the Program.

(iv) Students who require assistance in meeting entry requirements for offered programs.

(v) Working students, including full-time and part-time workers.

(3) Provide access to remedial and developmental coursework or that provide accelerated remediation.

§ 338.4. Lead sponsor responsibilities.

(a) *Duties.* Each Program lead sponsor shall perform the following duties:

(1) Grant certificates and associate degrees to students who have completed a program of study through the Program.

(2) Provide oversight of the Program through the governance entity of the lead sponsor.

(3) Establish the student entrance requirements which adhere to standards and guidelines issued by the Department.

(4) Administer the Program on a not-for-profit basis and submit annual financial information as required by the Department.

(5) Provide for faculty, curriculum and necessary equipment to ensure consistently high quality instruction for each program of study.

(6) Offer courses to students that enables the full-time student to complete the Program in the specified amount of time or equivalency if a part-time student.

(7) Ensure that academic support services are available to students in a Program.

(8) Provide access to remedial and developmental coursework or accelerated remediation.

(9) Ensure that students who have met the entrance requirements are not required to take courses separate from the Program to complete the certificate or associate degree.

(10) Ensure that students in the Programs will be eligible for financial aid in the same manner as similarly situated students enrolled in the lead sponsor.

(11) Ensure that the opportunity exists for all students to complete the Program.

(12) Ensure that each program of study offered by a Program is designed to maximize students' ability to transfer credits earned through the Program to another institution of higher education.

(13) Submit all reports as required by the Department.

(b) *Partnerships.* A lead sponsor of a Program that enters into a partnership with another applicant shall maintain final responsibility for the duties enumerated previously.

§ 338.5 Credentials and programs of study.

(a) *Credentials.* Each Program shall award, through the lead sponsor, credit-bearing certificates and associate degrees. A Program may award no other degree or credential. Associate degrees awarded through a Program shall be limited to one of the following:

(1) An associate of arts degree.

(2) An associate of sciences degree.

(3) An associate of applied sciences degree if an articulation agreement exists to enable the bearer of the associate of applied sciences degree to transfer the degree for full credit to an institution of higher education in pursuit of a bachelor degree.

(b) *Program of study.* Each credential must be associated with an approved program of study. Programs of study shall be based on Statewide and regional work force needs and shall be selected from the list of eligible programs of study in high demand occupations issued by the Department under section 1903-F of the School Code (24 P. S. § 19-1903-F). Each program shall be designed to be completed in no more than 2 years for a full-time student or an equivalent period for a part-time student.

(c) *Duration of program approval.* The Department will grant approval for a Program to offer the program of study for 5 years. Prior to expiration of program approval, the lead sponsor may seek reapproval from the Department or may seek approval for an alternative program of study. These requests shall be made in accordance with the policies, guidelines and standards prescribed by the Department.

(d) *Courses.* Each course included in an approved program shall be offered for credit. No student that has met entrance requirements will be required to take courses separate from the Program to complete the certificate or associate degree. Courses may be offered by distance learning to the extent that distance learning is an appropriate method of delivering the content of the specific course, as described in the application of an eligible applicant.

§ 338.6. Transferability of credits.

Each program of study offered by a Program shall be designed to maximize the student's ability to transfer credits earned through a certificate or associate degree program to another institution of higher education.

§ 338.7. Enrollment and entrance requirements.

(a) Students who have earned a high school diploma or equivalent and who meet the admissions standards established by the lead sponsor and program-specific requirements that are specified as prerequisites for admission to the Program shall be eligible for enrollment if they have been residents of this Commonwealth for at least 18 months prior to enrollment.

(b) The lead sponsor shall determine the Commonwealth residency of each student in accordance with the guidelines established by the Department.

(c) Priority for enrollment shall be given to residents of the educationally underserved area the Program has been approved to serve.

(d) The full-time equivalent number of enrolled students on whose behalf the Program is eligible to receive State funding shall be limited to the number approved by the Department.

(e) Programs serve both full-time and part-time students. Full-time means that the student is carrying at least 12 credits in a semester. Part-time means that the student is carrying at least 6 credits but less than 12 credits in a semester.

(f) Students who wish to enroll in a Program but do not meet the entrance requirements shall be referred to or offered the remedial or developmental coursework necessary to meet the entrance requirements and may be granted admission upon meeting the entrance requirements as determined by the Program.

§ 338.8. Tuition and fees.

(a) *Affordability.* A Program may charge tuition and fees to enrolled students. The maximum tuition and fees that a Program may charge will be set by the Department adjusted and published annually and be limited to ensure the affordability of Programs for students in educationally underserved areas.

(b) *Limits on student charges.* A Program may not require any student charges, including application fees, lab fees and the like, beyond those approved by the Department.

(c) *Financial aid.* A student enrolled in a Program shall be eligible for publicly funded financial aid opportunities

in the same manner as similarly situated students enrolled in the lead sponsor institution.

§ 338.9. Prohibition.

A student enrolled in a Program will not count toward the enrollment of the lead sponsor or other eligible applicant for purposes of State reimbursement or payment for purposes of State reimbursement or payment under any other appropriation for higher education.

§ 338.10. Equipment.

(a) The Department will award grants for the purchase or lease of equipment that is essential to the approved program, will prepare students for jobs in the field of study and meet the requirements of the Department.

(b) Lead sponsors shall retain records of equipment purchases and use for at least 3 years after the disposition, transfer or replacement of the equipment in accordance with Department guidelines.

§ 338.11. Annual reporting.

(a) *Annual report.* The lead sponsor shall submit an annual report to the Department regarding each Program offered during the previous fiscal year. The annual report must include the following:

(1) Demographic and program data, including the following:

(i) Information on full-time and part-time faculty and student enrollments, in total and within each program of study.

(ii) Credit hours taught by faculty.

(iii) Distance learning courses offered.

(iv) Articulation and course equivalency agreements with higher education institutions.

(2) Student progress and achievement measures, including the following:

(i) Retention and completion rates.

(ii) Passing rates on certification and licensure examinations.

(iii) Number of students employed within 1 year of program completion.

(iv) Placement into additional education or employment in the student's field of study.

(b) *Disaggregation.* When available, data shall be disaggregated by categories, including eligibility for financial aid, part-time and full-time status, gender, race and age.

(c) *Submittal.* Reports required under this section shall be submitted to the Department prior to September 1, 2008, and September 1 of each year thereafter.

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