

RULES AND REGULATIONS

Title 22—EDUCATION

STATE BOARD OF EDUCATION

[22 PA. CODE CH. 31]

Higher Education; Academic Programs

The State Board of Education (Board) amends Chapter 31 (relating to general provisions) to read as set forth in Annex A. This final-omitted rulemaking is under authority of the Public School Code of 1949 (24 P. S. §§ 1-101—27-2702).

Purpose

This final-omitted rulemaking conforms language in § 31.21(b)(2) (relating to curricula) regarding measuring specialized associate degree programs with related provisions in the regulations and guidance documents of the Pennsylvania Higher Education Assistance Agency (PHEAA) and the State Board of Private Licensed Schools. Conformation of the language in Chapter 31 will ensure consistency in policy implementation across agencies and clarify the Board's long-standing intention to allow specialized associate degree programs to be measured in credit hours or clock hours per a school's institutional mission.

Background

Chapter 31 generally addresses requirements for academic programs at postsecondary institutions that offer postsecondary degree programs in this Commonwealth, including provisions that establish parameters for measuring degree completion. The former parameters for earning a specialized associate degree required the satisfactory completion of "at least 60 semester credit hours with a minimum of 1,500 clock hours or a minimum of 90 quarter credit hours." This language is inconsistent with related regulations and guidance documents of PHEAA and the State Board of Private Licensed Schools and does not clearly reflect the Board's long-standing policy intention to allow specialized associate degree programs to be measured in clock hours or credit hours.

PHEAA's regulation in § 121.33(1) (relating to approved program of study in higher education grant program), which addresses student financial aid, establishes eligibility requirements for students in this Commonwealth seeking State higher education grants to support postsecondary studies. PHEAA regulations provide for a student pursuing a specialized associate degree to qualify for a State grant as long as the student is enrolled in an approved program of study that consists of at least 60 semester credit hours or at least 1,500 clock hours.

The State Board of Private Licensed Schools addresses requirements for student information publications in § 73.61(a)(5) (relating to general student information publications; program and course brochures; supplements) and directs institutions authorized to award specialized associate degrees to inform students of "the number of clock hours or credit hours, where applicable, of instruction in each course." The following guidance documents and forms used in day-to-day practice by the State Board of Private Licensed Schools and higher education institutions also consistently cite specialized associate degree requirements in the context of clock hours or credit hours:

PDE-3004 (Program/Course Outline); PDE-3003 (Summary Information About Proposed Program or Course); PDE 3744 (Program Change Sheet); PDE-4627 (Student Information Publication or Catalog); PDE-3786 (Board Member Review and Evaluation Guide); PDE-3774 (Enrollment Agreement); and State Board of Private Licensed Schools sample syllabus.

Summary of the Final-Omitted Rulemaking

The Board decided to conform § 31.21(b)(2), which addresses how specialized associate degree programs are measured, with related provisions in the regulations and guidance documents of PHEAA and the State Board of Private Licensed Schools by clarifying that programs may be measured in either clock hours or credit hours. The former use of "with" in § 31.21(b)(2) was inconsistent with related policies of these other State agencies. It did not reflect the Board's long-standing intention to provide flexibility to institutions of higher education in determining how programs are measured per a school's institutional mission. It was also misaligned with institutional practice as directed by the forms and guidance documents of the State Board of Private Licensed Schools. Amending § 31.21(b)(2) to refer to "or," rather than "with," creates consistency in policy implementation across State agencies.

Further, this amendment to § 31.21(b)(2) will safeguard students pursuing specialized associate degrees at institutions in this Commonwealth from a potential reduction in eligibility for Federal Pell Grant aid. These students could be subject to a reduction in aid due to the United States Department of Education's new interpretation of Federal regulations addressing credit and clock hour requirements for the awarding of financial aid. The United States Department of Education interprets its regulations to say that if a state refers to clock hours as an academic conversion measurement to credit hours, then programs using the conversion method will be considered a clock hour program for the purpose of determining eligibility for Title IV (financial aid).

In the 2011-2012 school year, 35,198 students in this Commonwealth enrolled in specialized associate degree programs received \$118,448,952 in Federal Pell Grant aid. Under the United States Department of Education's new interpretation of Federal regulations, Pell Grant aid to those students potentially could be reduced by \$23 million to \$35 million. Amending § 31.21(b)(2) to clearly and consistently state that specialized associate degree programs may be measured in either clock hours or credit hours, as already provided by PHEAA and State Board for Private Licensed Schools regulations, will safeguard current students and future students pursuing specialized associate degrees from a potential reduction in Pell Grant aid.

Affected Parties

The final-omitted rulemaking will affect postsecondary education institutions in this Commonwealth authorized to award specialized associate degrees.

Cost and Paperwork Estimates

This final-omitted rulemaking does not carry a new cost for the regulated community. This final-omitted rulemaking does not change current paperwork or reporting requirements and does not create additional paperwork or reporting requirements.

Effective Date

The final-omitted rulemaking is effective upon publication in the *Pennsylvania Bulletin*.

Sunset Date

The Board will review the effectiveness of Chapter 31 every 4 years in accordance with the Board's policy and practice. Therefore, a sunset date is not necessary.

Contact Person

Interested persons may contact Karen Molchanow, Executive Director, State Board of Education, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-3787, ra-stateboardofed@pa.gov.

Final-Omitted Rulemaking

The Board promulgated this amendment as a final-omitted rulemaking. The Board believes this amendment meets the criteria in section 204(3) of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204(3)), known as the Commonwealth Documents Law (CDL), because the final-omitted rulemaking conforms § 31.21(b)(2) to related provisions in the regulations and guidance documents of PHEAA and the State Board of Private Licensed Schools. Any other amendment to § 31.21(b)(2) would lead to less consistency in policy implementation across State agencies and, therefore, consideration of alternative formulations is contrary to the public interest.

Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on March 5, 2013, the Board submitted a copy of the final-omitted rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Education and the Senate Committee on Education. On the same date, the regulations were submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5.1(j.2) of the Regulatory Review Act, on April 17, 2013, the final-omitted rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on April 18, 2013, and approved the final-omitted rulemaking.

Findings

The Board finds that:

(1) Notice of proposed rulemaking is impracticable, unnecessary and contrary to the public interest under section 204(3) of the CDL and the regulation promulgated thereunder, 1 Pa. Code § 7.4(3).

(2) The amendment of the regulation in the manner provided in this order is necessary and appropriate for administration of the Public School Code of 1949.

Order

The Board, acting under the authority of the Public School Code of 1949, orders that:

(a) The regulations of the Board, 22 Pa. Code Chapter 31, are amended by amending § 31.21 to read as set forth in Annex A.

(b) The Executive Director shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form as required by law.

(c) The Executive Director of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

KAREN MOLCHANOW,
Executive Director

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 43 Pa.B. 2530 (May 4, 2013).)

Fiscal Note: 6-328. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 22. EDUCATION

PART I. STATE BOARD OF EDUCATION

Subpart C. HIGHER EDUCATION

CHAPTER 31. GENERAL PROVISIONS

ACADEMIC PROGRAM

§ 31.21. Curricula.

(a) The curricula must provide the opportunity for the achievement of the stated objectives of the institution, as related to its statement of philosophy and mission, and must be structured in a group of coherent, integrated degree programs.

(b) Degree requirements stated in this section may be stated in terms of semester credit hours or quarter credit hours, as determined by the institution and conforming to generally accepted academic practices. General education, as defined in this section, refers to the curricular inclusion of humanities, arts, communications, social sciences, mathematics, technology and science courses in support of the mission of the institution. A semester credit hour represents a unit of curricular material that normally can be taught in a minimum of 14 hours of classroom instruction, plus appropriate outside preparation or the equivalent as determined by the faculty. A quarter credit hour represents a unit of curricular material that normally can be taught in a minimum of 10 hours of classroom instruction, plus appropriate outside preparation or the equivalent as determined by the faculty.

(1) An associate degree exclusive of a specialized associate degree must require the satisfactory completion of a minimum of 60 semester credit hours, which includes a minimum of 20 semester credit hours of general education, or a minimum of 90 quarter credit hours, which must include a minimum of 30 quarter credit hours of general education.

(2) A specialized associate degree must require the satisfactory completion of at least 60 semester credit hours or a minimum of 1,500 clock hours or a minimum of 90 quarter credit hours. At least 70%, but no more than 80%, of the program must consist of specialized instruction that bears directly upon the employment objectives of the program; and at least 20% of the program must consist of general education.

(3) A baccalaureate degree must require the satisfactory completion of a minimum of 120 semester credit hours or a minimum of 180 quarter credits. Of the total baccalaureate degree program course requirements, at least 40 semester credit hours or 60 quarter credit hours must be in general education and represent a broad spectrum of disciplines in general education.

(4) A first professional degree, except those for the preparation of professional educators, must require the satisfactory completion of a minimum of 60 semester credit hours or 90 quarter credit hours for admission to the degree program and the satisfactory completion of a total minimum of 150 semester credit hours or 225 quarter credit hours for the program. Professional educator preparation programs must comply with Chapter 354 (relating to preparation of professional educators).

(5) A master's degree must require the satisfactory completion of a minimum of 30 semester credit hours or 45 quarter credit hours beyond the baccalaureate level.

(6) The number of semester or quarter credit hours for a degree beyond a first professional or master's degree shall be determined by the faculty and reflect the recommendations of professional associations or National learned societies.

(c) An institution may enter into agreements with other institutions, individuals or other providers of educational services to provide all or part of certain programs on behalf of the institution. A course offered for institutional credit shall be operated directly by or under the control of the institution granting the credit.

(d) To assure academic integrity, an institution shall provide students in a distance education program access to academic and student services, including textbooks, study guides, library and other learning resources, personal interaction with faculty, tutors or other educational personnel by computer, telephone, mail or face-to-face meetings. The institution shall assure integrity of student work and provide opportunity for student assessment. These programs must comply with the regulations that apply to resident-based programs as prescribed in this chapter and Chapters 35, 36, 40 and 42 and conform to generally accepted academic practices for delivery of instruction through distance education.

[Pa.B. Doc. No. 13-817. Filed for public inspection May 3, 2013, 9:00 a.m.]

Title 34—LABOR AND INDUSTRY

DEPARTMENT OF LABOR AND INDUSTRY

[34 PA. CODE CH. 63]

Responsibilities of Employers; Effective Date of 34 Pa. Code § 63.52(e)

In the final-form rulemaking published at 41 Pa.B. 3094 (June 18, 2011), the order stated that § 63.52(e) “will take effect on the date designated by the Department in a notice published in the *Pennsylvania Bulletin* and will apply to calendar quarters and billing periods that begin on or after the effective date.”

Under section 201(a) of the Unemployment Compensation Law (43 P. S. § 761(a)) and the effective date provision published at 41 Pa.B. 3097, the effective date of § 63.52(e) is January 1, 2014.

Section 63.52(e) requires that employers file unemployment compensation reports by specified electronic methods. The Department of Labor and Industry (Department) intends to distribute information and instructions to employers regarding the implementation of electronic filing.

The final-form rulemaking published at 41 Pa.B. 3094 also stated that §§ 63.111—63.115 will take effect upon publication of a notice in the *Pennsylvania Bulletin*. The Department will publish a separate notice indicating this effective date.

Questions concerning this notice should be directed to Gregg D. Shore, Deputy Secretary for Unemployment Compensation Programs, Labor and Industry Building, 651 Boas Street, Harrisburg, PA 17121.

JULIA K. HEARTHWAY,
Secretary

[Pa.B. Doc. No. 13-818. Filed for public inspection May 3, 2013, 9:00 a.m.]