



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF EDUCATION

333 MARKET STREET
HARRISBURG, PA 17126-0333

February 11, 1992

The Honorable Italo S. Cappabianca
House of Representatives
House Post Office, Main Capitol Building
Harrisburg, PA 17120

Dear Representative Cappabianca:

Secretary of Education, Donald M. Carroll, Jr., asked me to respond to your January 7, 1992 letter regarding the incorporation of the Erie Technical Institute.

Mr. Brian Glowacki, Esquire, on behalf of Erie Technical Institute, recently corresponded with us in regard to this matter. Research concludes that an institution created under the Community College Act, 24 P.S. §19-1901 - A et seq., may not take advantage of the Nonprofit Corporation Law found at Title 15. Please find attached a copy of our letters in response to his inquiry.

Please further note that on January 8, 1992, President Judge Craig of the Commonwealth Court held that community colleges are local governmental agencies for the purposes of governmental immunity. This should provide the assurance Attorney Glowacki is requesting - that all of the benefits under Pennsylvania law available to local government agencies would apply to members of the Board of Trustees of the Erie County Technical Institute as an unincorporated entity.

Thank you for expressing your concern with this situation. The Department will continue, as always, to be supportive of the Institute.

Sincerely,

A handwritten signature in cursive script that reads "Warren D. Evans".

Warren D. Evans
Chartering/Governance/Accreditation
Specialist

ITALO S. CAPPABIANCA, MEMBER
1216 WEST 26TH STREET
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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

COMMITTEES
FEDERAL-STATE RELATIONS, CHAIRMAN

January 7, 1992

Donald M. Carroll, Secretary
Department of Education
333 Market Street
Harrisburg, PA 17126

Dear Secretary Carroll:

I am in receipt of a copy of a letter directed to you in December from Brian Glowacki, Esq. with regard to the Incorporation of the Erie Technical Institute. After reading Attorney Glowacki's letter, I must say that I am concerned that your Department has erroneously objected to their filing for Incorporation.

If, in fact, by being incorporated, the Institute is able to provide additional benefits and coverage to their trustees and officers, I firmly believe that they should be permitted to do so. Attorney Glowacki has apparently made every attempt to secure assurances that the lack of incorporation would not endanger this institute. He has not been able to gain such assurances. That being the case, I would ask that the Institute be permitted to err on the side of caution and incorporate. The argument that since no one else does it, Erie does not need to either does not work. We are unique in many instances, this may be yet another one.

Your careful review of this situation would be greatly appreciated by all concerned. You have been extremely supportive of the Institute and have, in the past been able to help us put this school on the right track. Perhaps you can intervene once again. Thanking you in advance for your attention to this matter, I remain,

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Italo S. Cappabianca'.
Italo S. Cappabianca,
State Representative

ISC/cmr

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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

June 10, 1991

COMMITTEES
FEDERAL-STATE RELATIONS, CHAIRMAN

Honorable Donald W. Carroll, Secretary
Department of Education
10th Floor, Harristown Bldg. #2
Harrisburg, PA 17120

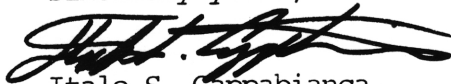
Dear Secretary Carroll:

As you know, the State Board of Education approved the establishment of the Erie County Technical Institute on May 9, 1991. This approval marked the culmination of two years of effort on the part of the Erie community toward this common goal. With the Institute in place, the economic well-being of Erie and northwest Pennsylvania will be enhanced for the future.


The Plan submitted to the State Board proposed a start-up budget of \$210,843 for the period of July 1, 1991 thru December 31, 1991. Initial operating costs for January 1, 1992 thru June 30, 1992 were projected at an additional \$557,128. The Commonwealth's share of these costs under the Community College Act is approximately \$330,000 for the 1991-92 fiscal year.

Erie and northwest Pennsylvania have waited a long time for this type of institution to be established. We trust that the financial commitment from the Governor will be there for Erie as it has been for other areas served by such institutions. Your past and future support for the Erie Technical Institute is greatly appreciated.

Sincerely yours,


Italo S. Cappabianca
Representative, 2nd District

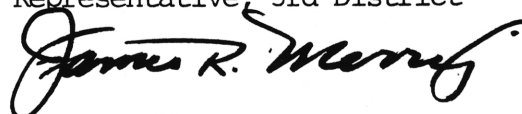

Kenneth Kruszewski
Representative, 1st District


Thomas J. Scrimenti
Representative, 4th District

ISC/cmr


A. Buzz Andrezeski
Senator


Karl W. Boyes
Representative, 3rd District


James R. Merry
Representative, 5th District