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*House of Representatives*  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

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THE RURAL CAUCUS

February 19, 1999

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Smith, Sandusky, Legal, Notebook

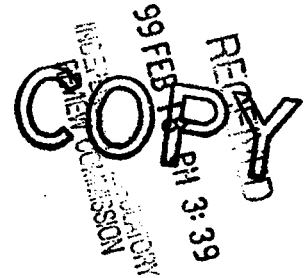
Dr. Peter Garland, Executive Director  
State Board of Education  
333 Market Street—First Floor  
Harrisburg, PA 17126-0333

Dear Dr. Garland:

I am writing to request that the State Board of Education formally consider withdrawing the final-form regulations (#6-258) to 22 Pa. Code, Chapter 49 (Certification of Professional Personnel), which were forwarded on February 9, 1999, to the House Education Committee for final approval or disapproval under provisions of the Regulatory Review Act.

These regulations were last reviewed by the House Education Committee in June of 1997, at which time the members of the Committee made extensive comments regarding needed revisions to the document. There has been virtually no public action on these critical regulations since the Board's final action in September of 1997. In the interim, new academic standards (22 Pa Code, Chapter 4) have been implemented; a new legislative session has been convened, with a new Minority Chairman and new members added to the House Education Committee; and official action by the General Assembly regarding continuing professional development is under way. Complicating matters further is the fact that the 20-day time frame for the Committee's action on the final-form regulations occurs during a period when the General Assembly is not in session, making the establishment of the official quorum of the Committee necessary to vote to approve or disapprove the regulations extremely problematic.

Under this scenario, and given the provisions of the Regulatory Review Act, the possibility exists that these very critical and important regulations could be deemed approved by the House Education Committee simply because of the lack of a quorum. I can find no justification for placing the Committee in such a position solely due to an 18-month lapse of activity by those involved in the promulgation process. I believe that the current situation does not afford the standing committee appropriate time to properly consider these extensive and critical final-form regulations and circumvents the intent of the Regulatory Review Act.



February 18, 1999

Page Two

The Education Committee is making every effort to comply with the 20-day IRRC time frame and has scheduled a meeting to consider regulation #6-258 on Monday, February 22, 1999. Assuming a quorum can be established to take formal action, the extraordinary time delay from September of 1997 to the present, and the rush to action on the Committee's part necessitated as a result, may lead to action to disapprove these regulations solely on procedural issues. This controversy could be completely averted if the regulations were withdrawn and resubmitted in a time frame which will allow for appropriate review and comment by our committee, and I am asking that the State Board give every consideration to this course of action.

Your attention to this matter is greatly appreciated.

Sincerely,



Representative Jess M. Stairs  
Chairman, House Education Committee

JMS/er

cc: Honorable Eugene Hickok, Secretary, Pennsylvania Department of Education  
Honorable James Rhoades, Chairman, Senate Education Committee  
Robert E. Nyce, Executive Director, Independent Regulatory Review Commission ✓  
House Education Committee Members