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**INDEPENDENT REGULATORY REVIEW COMMISSION
COMMONWEALTH OF PENNSYLVANIA
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August 20, 2003

Patricia A. Landis, Chief of Division
State Board of Private Licensed Schools
Department of Education
333 Market Street, 12th Floor
Harrisburg, PA 17126

Re: Regulation #6-286 (IRRC #2343)
State Board of Private Licensed Schools
General Provisions

Dear Ms. Landis:

Enclosed are the Commission's Comments that include objections and recommendations for consideration when you prepare the final version of this regulation. These Comments are not a formal approval or disapproval of the regulation. However, they specify the regulatory review criteria that have not been met.

The Comments will be available on our website at www.irrc.state.pa.us. If you would like to discuss them, please contact my office at 783-5417.

Sincerely,

Robert E. Nyce
Executive Director
evp
Enclosure

cc: Honorable Jess M. Stairs, Majority Chairman, House Education Committee
Honorable James R. Roebuck, Jr., Democratic Chairman, House Education Committee
Honorable James J. Rhoades, Chairman, Senate Education Committee
Honorable Allyson Y. Schwartz, Minority Chairman, Senate Education Committee
Honorable Vicki L. Phillips, Secretary, Department of Education

Comments of the Independent Regulatory Review Commission

on

State Board of Private Licensed Schools Regulation No. 6-286

General Provisions

August 20, 2003

We submit for your consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The State Board of Private Licensed Schools (Board) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on July 21, 2003. If the final-form regulation is not delivered within two years of the close of the public comment period, the regulation will be deemed withdrawn.

1. 73.51. General requirements. – Clarity.

Subsection (b) adds a requirement that persons who desire to operate a private licensed school “shall attend a new school orientation seminar conducted by the Board....” It is not clear when and where these orientation seminars are held. For clarity, the Board should add language that states how often orientation seminars are held and the location of such seminars.

2. 73.54. Surety. – Clarity.

The new language proposed in Subsection (b)(5) is unrelated to the existing provisions under (b). We suggest that proposed (b)(5) be changed to become Subsection (c) and all subsequent subsections should be amended accordingly.

3. 73.151. Fees. – Consistency with existing regulations; clarity.

We have two concerns with Subsection (a)(1).

First, the subsection begins, “For an original school license or registration-- \$1,500 annually” (Emphasis added). As written, this conflicts with the renewal school license fee schedule in Subsection (a)(3). It is our understanding that the Board intended this to mean that the original license fee only applies to the first year. After that, the biennial renewal fee in Subsection (a)(3) applies. The language should be amended in Subsection (a)(1) to clearly reflect the Board’s intent.

Second, this subsection contains the phrase, “shall be accompanied by an additional new program approval fee.” If the Board is referring to the fee charged in Subsection (b)(1) in its existing regulations, a cross-reference to the appropriate fee should be added to Subsection (a)(1).

Regulation No. 6-286 (IRRC #2343)
State Board of Private Licensed Schools
General Provisions

Patricia A. Landis, Chief of Division

Melissa Brown
Signature

August 20, 2003
Date