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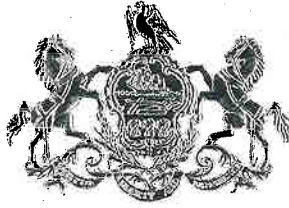
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February 14, 2006

Lee Burket, Acting Director
Bureau of Career and Technical Education
333 Market Street
Harrisburg, PA 17126-0333

Re: Title 22, Chapter 339

Dear Ms. Burket:

After further review of the regulations proposed by the Department of Education to amend Chapter 339 (relating to vocational education), my staff brought to my attention a question concerning the authority of the Department to write regulations concerning vocational education. I felt I should bring this matter to your attention immediately.

In its Preamble to the aforesaid regulations, the Department proposes to amend Chapter 339 pursuant to the authority set forth in certain named sections of the Public School Code. Our review of these sections, however, does not reveal support for this authority. Instead, many of the sections seem to imply (and some state quite clearly) that whether initiated by the Department or by one of the Board's Council, all rules and regulations shall be submitted to the Board for approval, modification or rejection. The process of approving changes to regulations would seem, therefore, to have to begin with issuance of the proposed changes *by the State Board, not by the Board of Vocational Education and not by the Department.* (I direct your attention, for example, to the following sections: 1801, 1803, 1804, 1810, 1841, 1849, 1851 and 2603, 2603-B (k) and 2606-B.)

If, in fact, the Department lacks authority to write regulations concerning vocational education, the likelihood of IRRC disapproval is great. It would therefore seem appropriate to take action now to correct this problem.

I would appreciate your review of and opinion on this matter.

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Thank you for your attention and cooperation.

Sincerely,



Raphael J. Musto
Democratic Chair
Senate Education Committee

Cc: John McGinley, Chair, IRRC ✓

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