

# Regulatory Analysis Form

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(1) Agency

State Board of Education

2007 OCT 31 AM 11:19

INDEPENDENT REGULATORY  
REVIEW COMMISSION

(2) I.D. Number (Governor's Office Use)

#006-302

IRRC Number: 2548

(3) Short Title

Chapter 36 – Foreign Corporation Standards

(4) PA Code Cite

22 Pa. Code Chapter 36

(5) Agency Contacts & Telephone Numbers

Primary Contact: Jim Buckheit  
(717) 787-3787  
jbuckheit@state.pa.us

(6) Type of Rulemaking (check one)

- Proposed Rulemaking  
 Final Order Adopting Regulation  
 Final Order, Proposed Rulemaking Omitted

(7) Is a 120-Day Emergency Certification Attached?

- No  
 Yes: By the Attorney General  
 Yes: By the Governor

(8) Briefly explain the regulation in clear and nontechnical language.

Chapter 36 addresses requirements for the institutional commitment, governance, curricula, faculty, admissions requirements, resources and facilities, and evaluation and approval of degree-granting post-secondary institutions either operated or owned by a foreign corporation. A foreign corporation is an entity that is registered or chartered by another state or country.

(9) State the statutory authority for the regulation and any relevant state or federal court decisions.

Public School Code of 1949 (24 P.S. §§ 1-101—27-2702).

## Regulatory Analysis Form

(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

The proposed amendment to the regulation is not mandated by federal statute or court order. The enabling statute for the State Board of Education requires it to "establish standards governing the educational program of the Commonwealth." 24 P.S. § 26-2603-B(a).

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

The regulations establish the requirements for the operation of post-secondary degree-granting institutions in this Commonwealth that are chartered in another state or country. The proposed regulations update Chapter 36 to address a statutory change that permits for-profit postsecondary institutions to operate in this Commonwealth and also modernize and align the regulations with other regulations applicable to all post-secondary degree-granting institutions.

(12) State the public health, safety, environmental or general welfare risks associated with nonregulation.

The regulations protect the interests of students to ensure that, in return for payment of their tuition dollars, they receive a quality postsecondary education.

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

The regulations directly benefit students who are enrolled or seek enrollment in a postsecondary degree-granting institution chartered by another state or country that operates within this Commonwealth.

### Regulatory Analysis Form

(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

No individual or entity is expected to be adversely affected by the regulation.

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

The 32 existing college and universities approved as foreign corporations operating within this Commonwealth are required to comply with the regulation. In addition, any out-of-state or out-of-country newly created or existing postsecondary institutions that wants to begin to offer postsecondary credit or degrees within the Commonwealth is required to comply with the regulation.

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

The State Board of Education committee charged with the responsibility to review and revise this Chapter held public roundtable meetings, hearings and committee meetings. Each of these forums presented opportunities for interested parties and stakeholders to provide input to the committee.

The roundtable meetings were advertised in newspapers and on the State Board web pages. Notices of the roundtables were mailed to the president of every postsecondary institution operating within the Commonwealth, including those operating as foreign corporations. The roundtables were held in February 2004 in Philadelphia, Harrisburg and Monroeville. A public hearing was held in Harrisburg on October 8, 2004. Two other hearings were cancelled as fewer than two individuals registered to attend either session. In addition to the input received at these meetings, the State Board sought and received a number of written comments from stakeholders. The Board also met with representatives of 12 independent colleges and universities at St. Francis University during its review process. In addition, the committee held open public meetings, which adhered to the requirements of the Sunshine Act, on 1/21/04, 7/21/04, 9/15/04, 11/17/04, 1/19/05, 3/16/05, 5/18/05, 6/29/05, 9/14/05, 11/16/05, 3/15/06, 5/17/06, 6/28/06, 9/20/06, 11/15/06 and 1/17/07. In addition, the Council of Higher Education discussed the proposed regulation and offered an opportunity for public comment before the Council took action on the proposed regulations at its meeting held on November 16, 2005 and final regulation on January 17, 2007. The State Board of Education also discussed the proposed regulations and accepted public comment before it approved the proposed regulation on November 17, 2005 and final regulation on January 18, 2007.

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.

None

## Regulatory Analysis Form

(18) Provide specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

None

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required.

None

## Regulatory Analysis Form

(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
<b>SAVINGS:</b>	\$	\$	\$	\$	\$	\$
Regulated Community	0	0	0	0	0	0
Local Government	0	0	0	0	0	0
State Government	0	0	0	0	0	0
<b>Total Savings</b>	0	0	0	0	0	0
<b>COSTS:</b>						
Regulated Community	0	0	0	0	0	0
Local Government	0	0	0	0	0	0
State Government	0	0	0	0	0	0
<b>Total Costs</b>	0	0	0	0	0	0
<b>REVENUE LOSSES:</b>						
Regulated Community	0	0	0	0	0	0
Local Government	0	0	0	0	0	0
State Government	0	0	0	0	0	0
<b>Total Revenue Losses</b>	0	0	0	0	0	0

(20a) Explain how the cost estimates listed above were derived.

N.A.

### Regulatory Analysis Form

(20b) Provide the past three-year expenditure history for programs affected by the regulation.

Program	FY -3	FY -2	FY -1	Current FY
N.A.				

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

N.A.

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

Nonregulation would place citizens of the Commonwealth at risk of suffering financial and other damages resulting from poor quality or fraudulent programs. These regulations provide standards of quality and recourse to the Department of Education to take action against poor quality or fraudulent programs.

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

No other strategies were considered since only legal authority provided by statute or regulation is needed by the Department of Education to intervene when necessary.

### Regulatory Analysis Form

(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

No

(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

These regulations provide proven protection to the citizens of the Commonwealth. The requirements do not place the Commonwealth at a competitive disadvantage with other states.

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

No

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

As outlined in number 16, numerous roundtables, public hearings and public meetings were already held. Therefore, additional meetings are not planned.

## Regulatory Analysis Form

(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

No

(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

None

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

The regulation will be effective upon publication of the final form regulation in the *Pennsylvania Bulletin*.

(31) Provide the schedule for continual review of the regulation.

It is the policy and practice of the State Board of Education to normally review its regulations every four years.



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FACE SHEET  
FOR FILING DOCUMENTS INDEPENDENT REGULATORY  
WITH THE LEGISLATIVE REFERENCE BUREAU REVIEW COMMISSION

(Pursuant to Commonwealth Documents Law)

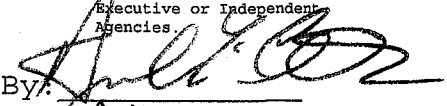
Copy below is hereby approved as to  
Form and legality. Attorney General

Copy below is hereby certified to be a true and correct  
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Executive or Independent  
Agencies.

By: \_\_\_\_\_  
(Deputy Attorney General)

State Board of Education  
(Agency)

By:   
Andrew C. Clark

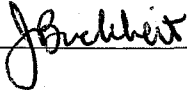
DOCUMENT/FISCAL NOTE NO. #006-302

OCT 26 2007

DATE OF ADOPTION: January 18, 2007

DATE OF APPROVAL

DATE OF APPROVAL

BY:  \_\_\_\_\_

Deputy General Counsel  
~~(Chief Counsel),~~  
~~(Independent Agency)~~  
(Strike inapplicable title)

TITLE:  
(EXECUTIVE DIRECTOR, CHAIRMAN OR SECRETARY)

( ) Check if applicable  
Copy not approved.

( ) Check if applicable.  
No Attorney General approval  
Or objection within 30 days  
After submission.

FINAL REGULATION  
COMMONWEALTH OF PENNSYLVANIA

22 PA. CODE, CH. 36  
FOREIGN CORPORATION STANDARDS

# STATE BOARD OF EDUCATION

[22 PA. CODE CH. 36]

## FOREIGN CORPORATION STANDARDS

The State Board of Education (Board) amends Chapter 36 (relating to foreign corporation standards) to read as set forth in Annex A. Notice of proposed rulemaking was published at 36 Pa.B. 3280 (July 1, 2006) with an invitation to submit written comments.

Chapter 36 sets forth requirements for out-of-state based post-secondary degree granting entities to conduct degree-granting programs within this Commonwealth. These requirements are in addition to other requirements that apply to both foreign corporations and other categories of post-secondary institutions as contained in Chapters 31, 32, 40 and 42.

### *Statutory Authority*

The Board is acting under the authority of section 2603-B of the Public School Code of 1949 (School Code), 24 P. S. § 26-2603-B.

### *Background*

The purpose of amending Chapter 36 is to update the regulations that establish requirements for the approval and operation of postsecondary degree-granting institutions in this Commonwealth.

Chapter 36 sets forth requirements for the corporate commitment, governance, curricula, faculty, admissions requirements, resources and facilities, and evaluation and approval of degree-granting post-secondary institutions either operated or owned by a foreign corporation. A foreign corporation is an entity that is registered or chartered by another state or country.

The proposed rulemaking is designed primarily to align the regulations with section 2601-H of the School Code, 24 P.S. § 26-2601-H (relating to power to confer degrees). Enacted by the act of June 25, 1997 (P.L. 297, No. 30), § 20, section 2601-H authorizes the Department of Education (Department) to authorize for-profit corporations to confer post-secondary degrees in the Commonwealth.

***Summary of Public Comments and Responses to Proposed Rulemaking***

The proposed rulemaking was published in the *Pennsylvania Bulletin* on July 1, 2006 (36 Pa.B. 3280). The proposed rulemaking was also available on the Department's website and notice was provided to the Board's stakeholder e-mail distribution list. The Board accepted formal written comments during a 30-day public comment period that began upon publication of the proposed rulemaking.

The Board received comments from the Disabilities Law Project and the Independent Regulatory Review Commission (IRRC).

Following is a summary of the comments and the Board's response to the comments.

**General –**

*Comment:* The Disabilities Law Project commented that Chapter 36 should provide students with disabilities the same level of protection as does Chapter 31.

*Response:* Chapter 31, in § 31.1, clearly states it applies to all post-secondary institutions that operate within the Commonwealth, including foreign corporations, with the exception of community colleges. Therefore, there is no need to incorporate Chapter 31 requirements into Chapter 36.

*Comment:* IRRC noted numerous uses in the proposed regulation of the terms *Commonwealth enterprise* and *Commonwealth endeavor* and that neither term is defined. IRRC suggested that the terms be defined and that there be consistent use of terms in the regulation.

*Response:* The Board has revised the regulation to use one term throughout the chapter and has made reference to the definition in § 31.2 (relating to definitions).

### **Section 36.2—Corporate commitment**

*Comment:* IRRC stated the phrase “provide adequate support to” is vague and should be deleted.

*Response:* The Board deleted the phrase as suggested.

*Comment:* IRRC suggested that a cross-reference be made to the section in Chapter 31 that outlines criteria for determining if an accrediting body is acceptable to the Department and questioned whether the Department is to provide a list of acceptable accrediting bodies on its web site.

*Response:* Since Chapter 31 applies to foreign corporations and all other categories of post-secondary institutions, the Board does not believe such a reference is necessary. The Board added language that requires the Department to list acceptable accrediting agencies on its web site.

### **Section 36.4—Curricula**

*Comment:* Subsection (d) states that evaluations are “to be conducted periodically, and at least once every 5 years.” IRRC suggested that the term *periodically* is not needed and should be deleted.

*Response:* The Board deleted the term “periodically.”

*Comment:* IRRC suggested the Board include cross-references to the appropriate criteria for Commonwealth approvals in Chapters 31, 36 and 42.

*Response:* Chapters 31, 32, 33, 40 and 42 apply to foreign corporations and all other categories of post-secondary institutions, except where otherwise provided. The six chapters of regulations do not stand alone; rather they work together to provide the body

of regulations that govern post-secondary institutions operating in Pennsylvania. Each type of post-secondary institution, including foreign corporations, must comply with the appropriate sections of each of the chapters where applicable. The Board believes that to include references to other chapters in Chapter 36 would necessitate doing the same for other categories of institutions, resulting in a jumbled mess of references in all six chapters that would confuse rather than help readers to understand the requirements applicable to a particular type of institution. The result would be confusing and not provide any real benefit to readers. Therefore, the Board did not insert the references as suggested.

### **Section 36.7(a)–Facilities**

*Comment:* The Disabilities Law Project suggested that language be added that facilities must be comparable to the standards prescribed in § 31.43 (relating to building and equipment) regarding accessible buildings and equipment and integrated academic and nonacademic programs.

*Response:* Chapter 31, including § 31.43, already applies to foreign corporations. Therefore, adding the reference would merely duplicate the existing regulation.

*Comment:* The Disabilities Law Project suggested that language be added that web sites and Internet-delivered instruction be accessible to persons with disabilities in accordance with federal and state laws and guidelines for accessibility established by the World Web Consortium.

*Response:* The Board believes that since federal and state laws for accessibility address delivery of educational services, it is not necessary to include this language in the regulation.

*Comment:* The Disabilities Law Project suggested adding a new subsection that would require that student services for students with special needs be comparable to student services prescribed in § 31.33(b)(7) (relating to student records and services).

*Response:* Since Section 31.33(b)(7) already applies to foreign corporations, there is no need to repeat the provision in Chapter 36.

### **Section 36.8–Evaluation and approval**

*Comment:* IRRC suggested that subsection (g) be clarified as to when an objection received by the Department is considered timely. IRRC also suggested that the regulation include procedures that address how the Department will address objections raised regarding an institution’s application to operate in Pennsylvania.

*Response:* The Board added language to address the manner in which the Department must handle a protest or objection.

### **Miscellaneous**

In its letter regarding the Chapter 36 regulations, The Disabilities Law Project shared that it had previously commented that Chapter 31 be strengthened to reflect the rights and protections to students with disabilities are entitled and attached a copy of its letter regarding Chapter 36. The comments were provided to the Board after it had already submitted the final form regulations for consideration and action by the House and Senate Education Committees and IRRC. A second jointly signed letter from The Disabilities Law Project and Education Law Center was sent to the Board after IRRC approved Chapter 31 on June 1, 2006. The Disabilities Law Project asserts that the Board committed to incorporate the recommendations made by The Disabilities Law Project in a future review of Chapter 31.

The letter misrepresents the commitment the Board made at the IRRC meeting. The Disabilities Law Project alleges the Board gave IRRC its assurance that “our proposed changes would be timely incorporated into a future form of the Chapter 31 regulations.” The Board immediately replied to the letter refuting the statements made by The Disabilities Law Project, stating that the Board had merely agreed to review the concerns expressed by the Disabilities Law Project when it next reviews Chapter 31.

### ***Fiscal Impact and Paperwork Requirements***

Since the proposed rulemaking clarifies current requirements, it does not impose any new costs or savings to the Department of Education or to postsecondary institutions.

### ***Effective Date***

The proposed rulemaking will become effective upon publication of final-form rulemaking in the *Pennsylvania Bulletin*.

### ***Sunset Date***

In accordance with its policy and practice respecting all regulations promulgated by the Board, every 4 years the Board will review the effectiveness of Chapter 36. Thus, no sunset date is necessary.

### ***Regulatory Review***

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on June 19, 2006, the Board submitted a copy of the notice of proposed rulemaking, published at 36 Pa.B. 3280, to IRRC and the Chairpersons of the House and Senate Committees on Education for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Board has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on \_\_\_\_\_, the final-form rulemaking was approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on \_\_\_\_\_, and approved the final-form rulemaking.

**Contact Person**

The official responsible for information on this final-form rulemaking is Jim Buckheit, Executive Director, State Board of Education, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-3787, TDD (717) 787-7367.

**Findings**

The Board finds that:

(1) Public notice of the intention to adopt this final-form rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202), and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law, and all comments were considered.

(3) The final-form rulemaking is necessary and appropriate for the administration of the code.

**Order**

The Board, acting under authorizing statute, orders that:

(a) The regulations of the Board, 22 Pa. Code Chapter 36, are amended by amending §§ 36.5 and 36.6 to read as set forth at 36 Pa.B. 3280; and by amending §§ 36.2, 36.3, 36.4, 36.7 and 36.8 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Executive Director will submit this order, 36 Pa.B. 3280 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, 36 Pa.B. 3280 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*.

Jim Buckheit  
Executive Director

**State Board of Education  
List of Commentators  
22 PA Code Chapter 36  
Foreign Corporation Standards  
Regulation No. 006-302**

Ms. Chava Kintisch, Esquire  
Disabilities Law Project  
1315 Walnut Street, Suite 400  
Philadelphia, PA 19107-4798

Annex A

TITLE 22. EDUCATION

PART I. STATE BOARD OF EDUCATION

Subchapter C. HIGHER EDUCATION

CHAPTER 36. FOREIGN CORPORATION STANDARDS

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§ 36.2. [Institutional] Corporate commitment.

[The commitment of a] A foreign corporation [to an off-campus enterprise] having operations in this Commonwealth shall provide adequate support to ensure compliance with the requirements of an accrediting body recognized by the United States Department of Education and acceptable to the Pennsylvania Department of Education, as well as with applicable Pennsylvania statutes and regulations. THE DEPARTMENT SHALL POST A LIST OF ACCEPTABLE ACCREDITING BODIES ON ITS WEBSITE. The education enterprise shall be consistent with [its] the statement of philosophy and objectives and [shall be] equivalent to [its] the commitment to similar programs conducted by the corporation on its main campus or as approved by the Department. THE TERM EDUCATION ENTERPRISE IS DEFINED IN § 31.2 (RELATING TO DEFINITIONS).

§ 36.3. Governance.

(a) The board of trustees shall have approved [off-campus endeavors] the Commonwealth EDUCATION enterprise of the institution and shall have authorized the request for approval of an educational enterprise in this Commonwealth.

(b) Planning, administration and evaluation of [an off-campus enterprise] the Commonwealth EDUCATION enterprise shall be an integral and continuous part of the [institution's] corporation's normal procedures.

\*\*\*\*\*

(d) Institutional policies that govern the Commonwealth [off-campus enterprises shall] endeavor EDUCATION ENTERPRISE must be in written form and, when applicable, shall have the approval of the education program advisory committee.

(e) Appropriately qualified, full-time administrative or supervisory personnel, or both, shall be employed and delegated responsibility for operating **[off-campus enterprises] the Commonwealth EDUCATION enterprise** in this Commonwealth. The **[employees] employees**, the number depending on the size of the operation, shall be available **[on site] onsite** for academic advisement and consultation with enrollees and prospective enrollees.

#### § 36.4. Curricula.

\*\*\*\*\*

(d) The quality of each program, course or offering shall be evaluated **[annually] periodically, and at least once every 5 years;** by the **[institution] Commonwealth EDUCATION enterprise** for compliance with **[institutional objectives] Commonwealth approvals and regulations** SUBPART C (RELATING TO HIGHER EDUCATION) AND INSTITUTIONAL ACCREDITATION.

#### § 36.5. Faculty.

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(c) Full- and part-time faculty shall, in addition to classroom instruction, be available for academic advisement and interaction with students. Graduate programs shall be planned **[jointly] by [the students and a] faculty [member] members** and approved by a faculty committee. Guidance of thesis or dissertation studies shall be the responsibility of **[a] faculty [member] members** with appropriate specialization.

#### § 36.6. Admissions requirements.

Admissions standards **[shall] must** be comparable to the standards for admissions **[to the main campus of the parent institution] prescribed by § 31.31 (relating to admissions requirements).**

#### § 36.7. Resources and facilities.

(a) Appropriate physical facilities and instructional equipment shall be adequate to initiate and continue the program, course or offering. **[Teaching space, seminar rooms, computer resources and other facilities shall be provided onsite either by the parent institution or by contract with a Commonwealth-based entity.]**

(b) Library and research resources shall be provided onsite by **[a foreign corporation] the Commonwealth EDUCATION enterprise** or by contract **[with a Commonwealth-based entity]**, or both, for each educational endeavor in accordance with standards of professional associations and learned societies.

(c) **[Books, periodicals, microfilms, microfiche, monographs and other collections shall] Library, learning and research resources must** be sufficient in

quality, number and currency to serve the program, course or offering at the required level of instruction. Records of materials provided and usage statistics shall be maintained to determine the adequacy and accessibility of library resources.

**§ 36.8. Evaluation and approval.**

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(d) During the first [semester] year of operation, a site visit shall be conducted by an evaluation committee in accordance with this chapter and this subpart.

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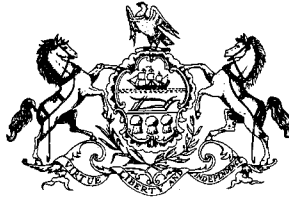
(f) Department site visits [will] may be conducted [independently of] jointly with other accrediting or approving agencies [and site], but decisions and recommendations must be arrived at independently by the Department evaluation committee. Site visit costs pertinent to the request of the applicant shall be borne by the applicant.

(g) Following submission of the evaluation committee's report to the institution, the institution shall within 60-calendar days of the receipt of the report file its response with the Department. **[Final] Upon receiving a response satisfactory to the Department, the Department will publish in the Pennsylvania Bulletin its intent to approve the enterprise at least 30 days before the date of approval. The decision of the Secretary regarding approval of the enterprise [by the Secretary] will be rendered within [30] 60-calendar days of [receipt of the institution's response to the evaluation committee's report] publication OF THE NOTICE in the Pennsylvania Bulletin if no protest or objection has been timely made to the application. IF A PROTEST OR OBJECTION IS RECEIVED, THE DEPARTMENT SHALL CONDUCT HEARING PROCEDURES IN ACCORDANCE WITH 1 PA CODE PART II (RELATING TO GENERAL RULES OF ADMINISTRATIVE PRACTICE AND PROCEDURE) BEFORE MAKING A FINAL DETERMINATION REGARDING THE APPLICATION.**

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(i) If an institution is approved to operate an educational enterprise in this Commonwealth, it shall file periodic progress reports as deemed necessary by the Department. The educational enterprise may be evaluated for cause at any time and shall be reevaluated every 5 years in accordance with this subpart and this chapter. If the institution fails to maintain its enterprise according to this subpart and this chapter, authority to operate in this Commonwealth shall be revoked as provided [in section 312C of the act of May 5, 1933 (P. L. 289, No. 105) (15 P. S. § 7312C)] by 24 Pa.C.S. § 6506(a) (relating to visitation of institutions and revocation of authority).

(j) To withdraw from its approved enterprise in this Commonwealth, a foreign corporation shall have the approval of the Secretary and shall be in compliance with §§ 31.71 and 31.72 (relating to **[institutional closings] major corporate change**).



**Commonwealth of Pennsylvania**  
**STATE BOARD OF EDUCATION**

October 31, 2007

Mr. Kim Kaufman  
Executive Director  
Independent Regulatory Review Commission  
14<sup>th</sup> Floor, 333 Market Street  
Harrisburg, PA 17126

Dear Mr. Kaufman:

Enclosed is a copy of final form State Board of Education regulation 22 Pa. Code, Chapter 36 – Foreign Corporation Standards (#006-302) for review and action by the Commission pursuant to section 5(c) of the Regulatory Review Act.

The State Board of Education will provide the Commission with any assistance it requires to facilitate a thorough review of this final-form regulation.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Jim Buckheit".

Jim Buckheit  
Executive Director

Enclosure

cc: Secretary Gerald Zahorchak  
Gregory Dunlap, Esq.  
Deborah Wynn

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE  
REGULATORY REVIEW ACT**

I.D. NUMBER: 6-302  
 SUBJECT: FOREIGN CORPORATION STANDARDS  
 AGENCY: STATE BOARD OF EDUCATION

**TYPE OF REGULATION**

- Proposed Regulation
- X Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor
- Delivery of Tolled Regulation
  - a. With Revisions
  - b. Without Revisions

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 INDEPENDENT REGULATORY  
 REVIEW COMMISSION

**FILING OF REGULATION**

DATE	SIGNATURE	DESIGNATION
10/31	Rita Markle 10/31 @ Paula Edwards	HOUSE COMMITTEE ON EDUCATION MAJORITY CHAIRMAN <u>James Roebuck, Jr.</u>
10-31	A. Rybarczyk 10/31 Monica Finstony	SENATE COMMITTEE ON EDUCATION MAJORITY CHAIRMAN <u>JAMES Rhoades</u>
10/31	Kathy Cooper	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL (for Final Omitted only)
		<del>LEGISLATIVE REFERENCE BUREAU (for Proposed only)</del>