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## INDEPENDENT REGULATORY REVIEW COMMISSION

333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

June 26, 2008

James Buckheit, Executive Director  
State Board of Education  
333 Market Street, 1st Floor  
Harrisburg, PA 17126

Re: Regulation #6-311 (IRRC #2684)  
State Board of Education  
Program Approval

Dear Mr. Buckheit:

Enclosed are the Commission's comments 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](http://www.irrc.state.pa.us). If you would like to discuss them, please contact me.

Sincerely,

Kim Kaufman  
Executive Director

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Enclosure

cc: Honorable James J. Rhoades, Chairman, Senate Education Committee  
Honorable Raphael J. Musto, Minority Chairman, Senate Education Committee  
Honorable James R. Roebuck, Jr., Majority Chairman, House Education Committee  
Honorable Jess M. Stairs, Minority Chairman, House Education Committee

# Comments of the Independent Regulatory Review Commission



## State Board of Education #6-311 (IRRC #2684)

### Program Approval

June 26, 2008

We submit for your consideration the following comments on the proposed rulemaking published in the April 26, 2008 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the State Board of Education (Board) to respond to all comments received from us or any other source.

#### **Section 42.1. Scope. – Clarity.**

To be consistent with the rest of the regulation, the phrase “2-years” in Subsection (3) should be “2-year.”

#### **Section 42.11. Application. – Clarity.**

##### *Subsection (d)(1)(iv)*

This subsection references “applicable statutes and regulations.” To give the regulated community clear guidance on the requirements it is expected to follow, a cross-reference to the “applicable statutes and regulations” should be added. A similar concern applies to Section 42.32(c)(1)(iii).

##### *Subsection (d)(2)*

This subsection requires that waivers must be made “in the form and content prescribed by the Department in its application guidelines.” We note that similar provisions in Section 42.32(c)(3) state that these requirements will be posted on the Department’s website. Will the guidelines in this subsection also be posted on the Department’s website?

Further, Section 42.32(c)(4) states that the Department will respond to waiver requests in writing. Will the Department also respond to the waiver requests under this subsection in writing?

## Facsimile Cover Sheet



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INDEPENDENT REGULATORY REVIEW COMMISSION  
333 MARKET STREET, 14<sup>TH</sup> FLOOR, HARRISBURG, PA 17101

**To:** James Buckheit  
**Agency:** State Board of Education  
**Phone:** 787-3787  
**Fax:** 787-7306  
**Date:** June 26, 2008  
**Pages:** 3

**Comments:** We are submitting the Independent Regulatory Review Commission's comments on the State Board of Education's regulation #6-311 (IRRC #2685). Upon receipt, please sign below and return to me immediately at our fax number 783-2664. We have sent the original through interdepartmental mail. You should expect delivery in a few days. Thank you.

Accepted by: Barbara Baker Date: 6/26/08