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INDEPENDENT REGULATORY REVIEW COMMISSION

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

May 13, 2010

Honorable Gerald L. Zahorchak, Secretary
Department of Education
333 Market Street, 10th Floor
Harrisburg, PA 17126

Re: Regulation #6-319 (IRRC #2817)
Department of Education
Pennsylvania Pre-K Counts Requirements, Standards and Procedures

Dear Secretary Zahorchak:

The Independent Regulatory Review Commission approved the subject regulation today. Our order is enclosed and will be available on our website at www.irrc.state.pa.us.

We appreciate the joint effort that went into producing a regulation that meets the criteria and intent of the Regulatory Review Act.

Sincerely,

Arthur Coccodrilli

Chairman

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Enclosure

cc: Honorable Jeffrey E. Piccola, Majority Chairman, Senate Education Committee
Honorable Andrew Dinniman, Minority Chairman, Senate Education Committee
Honorable James R. Roebuck, Jr., Majority Chairman, House Education Committee
Honorable Paul I. Clymer, Minority Chairman, House Education Committee

**INDEPENDENT REGULATORY REVIEW COMMISSION
APPROVAL ORDER**

Commissioners Voting:

Public Meeting Held May 13, 2010

Arthur Coccodrilli, Chairman
George D. Bedwick, Vice Chairman
S. David Fineman, Esq.
Silvan B. Lutkewitte, III, Dissenting
John F. Mizner, Esq., by Phone

Regulation No. 6-319 (#2817)
Department of Education
Pennsylvania Pre-K Counts Requirements,
Standards and Procedures

On January 27, 2010, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Education (Department). This rulemaking establishes 22 Pa. Code Chapter 405. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*. On March 8, 2010, the Commission received a request from the Department to toll consideration of this final-omitted regulation to address statutory concerns, reliance on guidance documents and drafting errors. On April 7, 2010, the Department submitted its revisions to the final-omitted regulation to the Commission.

This final-omitted regulation establishes minimum standards for the operation of the Pre-K Counts Program

We have determined this regulation is consistent with the statutory authority of the Department (24 P.S. § 15-1513D(1)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

BY ORDER OF THE COMMISSION:

This regulation is approved.





Arthur Coccodrilli, Chairman