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COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

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INDEPENDENT REGULATORY REVIEW COMMISSION

March 8, 2010

Kim Kaufman
Executive Director
Independent Regulatory Review Commission
333 Market Street
14th Floor
Harrisburg, PA 17101

RE: Pre-K Counts Regulation (IRRC#2817)

Dear Mr. Kaufman:

I write regarding the above-noted regulation, which is scheduled for action at the Commission's meeting on March 11, 2010 and ask that the Commission agree to toll the time for review of the regulation by the Commission. I am simultaneously making similar requests of the Education Committees of the General Assembly.

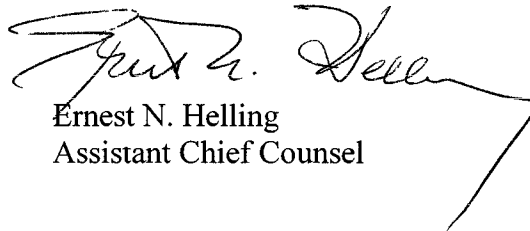
On February 17 and March 4, 2010, representatives of the Department of Education and I met with Commission staff to discuss this final-omitted regulation, the comments and recommendations of your staff and also additional comments that had been received. At those meetings, your staff suggested that we toll the regulation in order to make changes regarding the issues raised. This suggestion to toll review of the regulation was reiterated in a March 5, 2010 letter to Secretary Zahorchak.

As a result of our careful consideration of all of the comments received, consistent with section 745.5a(g)(1) of the Regulatory Review Act, the Department asks to toll the period for review of this final omitted regulation. Tolling the period of review will allow time for the Department to consider the suggested revisions to this final omitted regulation that have been recommended by your staff and to make those changes that the Department agrees are necessary to conform with the intention of the General Assembly and with applicable law. Consistent with your letter of March 5, we will be considering and in most cases making the changes recommended to the following sections of the regulation: 405.2, 405.3(c)-(h), 405.3(e), 405.3(g), 405.31(e), 405.42(a), 405.44(a)(4), 405.44(c), 405.46(b), 405.46(d), 405.47 through 405.51. We are confident that the changes the Department will make to this regulation will satisfy the concerns set forth in your March 5, 2010 letter.



I thank you for your attention to this request and anticipate that the Commission will not object to the tolling of its review time. Pursuant to section 745.5a(g)(2) the Department will return this regulation to you with revisions on or before April 7, 2010.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Ernest N. Helling". The signature is fluid and cursive, with a long, sweeping underline that extends to the right and then curves downwards.

Ernest N. Helling
Assistant Chief Counsel

cc: Gerald L Zahorchak, D.Ed.
Judy Shopp, Esq.
Leslie Lewis-Johnson, Esq.
Harriet Dichter
Todd Klunk



**COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL**

March 8, 2010

The Honorable Andrew Dinniman
Minority Chair
Senate Education Committee
Room 183 Main Capitol
Harrisburg, PA 17120

RE: Pre-K Counts Regulation (IRRC#2817)

Dear Senator Dinniman:

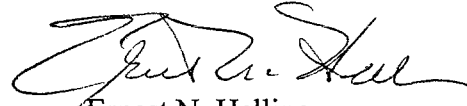
I write regarding the above-noted regulation, which is scheduled for action at the March 11, 2010 meeting of the Independent Regulatory Review Commission. I have asked the Commission and am asking your Committee as well, to toll the time for review of this regulation.

On February 17 and March 4, 2010, representatives of the Department of Education and I met with Commission staff to discuss this final-omitted regulation, the comments and recommendations of Commission staff and also additional comments, including comments from Committee staff, that had been received. At those meetings, Commission staff suggested that the Department toll the regulation in order to make changes regarding the issues raised. This suggestion to toll review of the regulation was reiterated in a March 5, 2010 letter from Executive Director Kaufman to Secretary Zahorchak.

As a result of the Department's careful consideration of all of the comments received, consistent with section 745.5a(g)(1) of the Regulatory Review Act, the Department asks to toll the period for review of this final omitted regulation. Tolling the period of review will allow time for the Department to consider the suggested revisions to this final omitted regulation that have been recommended and to make those changes that the Department agrees are necessary to conform with the intention of the General Assembly and with applicable law. Consistent with Executive Director Kaufman's letter of March 5, the Department will be considering and in most cases making the changes recommended to the following sections of the regulation: 405.2, 405.3(c)-(h), 405.3(e), 405.3(g), 405.31(e), 405.42(a), 405.44(a)(4), 405.44(c), 405.46(b), 405.46(d), 405.47 through 405.51. We are confident that the changes the Department will make to this regulation will satisfy the concerns set forth in the March 5, 2010 letter.

I thank you for your attention to this request and anticipate that neither your Committee nor the Commission will object to the tolling of the review time. Pursuant to section 745.5a(g)(2) the Department will return this regulation to you with revisions on or before April 7, 2010.

Sincerely yours,



Ernest N. Helling
Assistant Chief Counsel

cc: Gerald L Zahorchak, D.Ed.
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Judy Shopp, Esq.
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Todd Klunk



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

March 8, 2010

The Honorable Paul I. Clymer
House Education Committee
216 Ryan Office Building
Harrisburg, PA 17120

RE: Pre-K Counts Regulation (IRRC#2817)

Dear Representative Clymer:

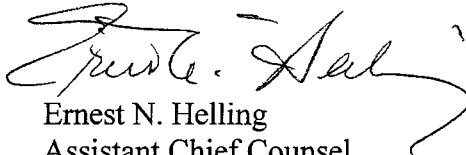
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On February 17 and March 4, 2010, representatives of the Department of Education and I met with Commission staff to discuss this final-omitted regulation, the comments and recommendations of Commission staff and also additional comments, including comments from Committee staff, that had been received. At those meetings, Commission staff suggested that the Department toll the regulation in order to make changes regarding the issues raised. This suggestion to toll review of the regulation was reiterated in a March 5, 2010 letter from Executive Director Kaufman to Secretary Zahorchak.

As a result of the Department's careful consideration of all of the comments received, consistent with section 745.5a(g)(1) of the Regulatory Review Act, the Department asks to toll the period for review of this final omitted regulation. Tolling the period of review will allow time for the Department to consider the suggested revisions to this final omitted regulation that have been recommended and to make those changes that the Department agrees are necessary to conform with the intention of the General Assembly and with applicable law. Consistent with Executive Director Kaufman's letter of March 5, the Department will be considering and in most cases making the changes recommended to the following sections of the regulation: 405.2, 405.3(c)-(h), 405.3(e), 405.3(g), 405.31(e), 405.42(a), 405.44(a)(4), 405.44(c), 405.46(b), 405.46(d), 405.47 through 405.51. We are confident that the changes the Department will make to this regulation will satisfy the concerns set forth in the March 5, 2010 letter.

I thank you for your attention to this request and anticipate that neither your Committee nor the Commission will object to the tolling of the review time. Pursuant to section 745.5a(g)(2) the Department will return this regulation to you with revisions on or before April 7, 2010.

Sincerely yours,



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Assistant Chief Counsel

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COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

March 8, 2010

The Honorable Jeffrey Piccola
Chairman
Senate Education Committee
Room 173 Main Capitol
Harrisburg, PA 17120

RE: Pre-K Counts Regulation (IRRC#2817)

Dear Senator Piccola:


I write regarding the above-noted regulation, which is scheduled for action at the March 11, 2010 meeting of the Independent Regulatory Review Commission. I have asked the Commission and am asking your Committee as well, to toll the time for review of this regulation.

On February 17 and March 4, 2010, representatives of the Department of Education and I met with Commission staff to discuss this final-omitted regulation, the comments and recommendations of Commission staff and also additional comments, including comments from Committee staff, that had been received. At those meetings, Commission staff suggested that the Department toll the regulation in order to make changes regarding the issues raised. This suggestion to toll review of the regulation was reiterated in a March 5, 2010 letter from Executive Director Kaufman to Secretary Zahorchak.

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**COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL**

March 8, 2010

The Honorable James R. Roebuck, Jr.
Chair, House Education Committee
Room 208 Irvis Office Building
Harrisburg, PA 17120

RE: Pre-K Counts Regulation (IRRC#2817)

Dear Representative Roebuck:

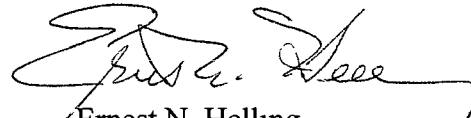
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