

2961

Cooper, Kathy

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Subject: FW: Regulation changes

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Comment on 2961

From: Landis, Patricia A. (PDE) [<mailto:plandis@pa.gov>]
Sent: Thursday, November 01, 2012 3:06 PM
To: Schalles, Scott R.
Subject: FW: Regulation changes

Attached is the comment on 006-324 that I received on Tuesday, 10-30-12. Note that the deadline for submitting comments was 10-15-12.

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From: Robert Jantsch [<mailto:director@pghschmass.com>]
Sent: Tuesday, October 30, 2012 4:52 PM
To: Landis, Patricia A. (PDE)
Subject: Regulation changes

I have some questions/feedback.

Description of Proposed Amendments

The proposed amendment to § 73.54(b) (relating to surety) raises the minimum surety from \$10,000 to \$25,000 with the maximum surety raised from \$100,000 to \$250,000. Rising tuition costs and school closure rates require higher surety levels to protect students when schools close without delivering the instruction for which the students have paid.

I just see the potential for problems here but not sure I am clear on how it would affect existing schools. As an example we are members of the private fund initially organized through PAPSA. A few years ago the school had three years of losses in a row so we were required to put a cash deposit into the fund until the school turned around. We are on more solid ground now and the extra has been returned. Will this be done in a way

that existing schools hitting a rough patch will not have to put up a higher bond level, which could potentially cause a floundering school to close rather than work toward a turnaround.

The proposed amendment to § 73.104(b) (relating to instructor) deletes "Demonstrated competency in the specific field for which training is offered" as a basis to determine that an instructor is qualified. This qualification enabled a school to subjectively determine that an instructor is qualified to teach any course, which has resulted in substantiated student complaints regarding instructor quality. The proposed amendment also updates and tightens the instructor qualification language by substituting "program" for "field" and changing "journeyman's license" to "industry-recognized certification."

When I read field before I defined field as being the individual class being taught. I.E. a class in anatomy could be taught by a Chiropractor, Rn. etc. If this is changed to program would all instructors need to be qualified in the overall program area even if they are teaching a subject that is just a part of the field? So would all instructors need to be massage therapists even if the subject does not require it.

Would industry recognized certification include state licensing?

The proposed amendment to § 73.112 (relating to statement of reasonable service and business ethics) clarifies that failure to abide by the ethics agreement is a violation of Chapter 73.

The proposed amendment to § 73.135 (relating to termination date) clarifies options for a school to determine a student's last date of recorded attendance.

The proposed amendment to § 73.136 (relating to period of refund) clarifies that the date to be used for purposes of calculating the refund due to a student is the same date to be used to determine the beginning of the time period during which the refund shall be made. The proposed amendment also extends the length of time that a school has to make a refund from 30 days to a more reasonable time frame of 45 days, thereby allowing for greater compliance.

The proposed amendment to § 73.173(k) (relating to advertisements and representations) changes "endorsements" to "inducements," which is a correction of a mistake in the original language.

The proposed amendment to § 73.189(b) (relating to guidelines for civil penalties) deletes tiered fines for first, second and third violations and establishes fines at the statutory limit of \$1,000 per violation, thereby bringing the regulations into line with the maximum fine allowed under the Board's statutory authority.

Sorry for the late feedback.

Robert Jantsch, Executive Director
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