

Regulatory Analysis Form

(Completed by Promulgating Agency)

**INDEPENDENT REGULATORY
REVIEW COMMISSION**

(All Comments submitted on this regulation will appear on IRRC's website)

(1) Agency
State Board of Education

(2) Agency Number: 006
Identification Number: 328

IRRC Number: **2990**

(3) PA Code Cite: 22 Pa. Code Chapter 31

(4) Short Title: Higher Education – General Provisions

(5) Agency Contacts (List Telephone Number and Email Address):

Primary Contact: Karen Molchanow, Executive Director, State Board of Education, (717) 787-3787, ra-stateboardofed@pa.gov

Secondary Contact:

(6) Type of Rulemaking (check applicable box):

- Proposed Regulation
- Final Regulation
- Final Omitted Regulation

- Emergency Certification Regulation;
- Certification by the Governor
- Certification by the Attorney General

(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)

Chapter 31 generally addresses requirements for academic programs at postsecondary institutions that offer postsecondary degree programs in the Commonwealth. This final-omitted regulation affects only institutions authorized to award specialized associate degrees by providing clarity that such programs may be measured in either clock hours or credit hours. The regulation would conform language in Chapter 31 with the current regulatory framework and guidance documents of the Pennsylvania Higher Education Assistance Agency (PHEAA) and the State Board of Private Licensed Schools that also address measurement of specialized associate degree programs.

(8) State the statutory authority for the regulation. Include specific statutory citation.

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)). Further, the School Code delegates to the State Board’s Council of Higher Education the power to “develop standards for the

2013 MAR -5 PM 1:09

RECEIVED
IRRC

approval of colleges and universities for the granting of certificates and degrees” and the power to “investigate programs, conduct research studies and formulate policy proposals in all areas pertaining to higher education in this Commonwealth” (24 P.S. § 26-2604-B(c)).

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

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)).

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

This final-omitted regulation conforms Chapter 31 with the current regulatory framework and guidance documents of the Pennsylvania Higher Education Assistance Agency (PHEAA) (22 Pa. Code § 121.33) and the State Board of Private Licensed Schools (22 Pa. Code § 73.61(a)(5); PDE-3004: Program/Course Outline; PDE-3003: Summary Information About Proposed Program or Course; PDE-3744: Program Change Sheet; PDE-4627; Student Information Publication or Catalog; PDE-3786: Board Member Review and Evaluation Guide; PDE-3774: Enrollment Agreement; and Sample Syllabus). The amendment provides consistency across agencies regarding how specialized associate degree programs may be measured and clarifies the Board’s long-standing policy intention to allow such programs to be measured in either clock hours or credit hours per a school’s institutional mission.

This clarification benefits current and future Pennsylvania students pursuing specialized associate degrees at institutions in the Commonwealth. These students could be subject to a reduction in federal Pell Grant aid due to the U.S. Department of Education’s (USDE) new interpretation of federal regulations addressing credit and clock hour requirements for the awarding of financial aid. The USDE has interpreted its regulations to say that if a state refers to clock hours as an academic conversion measurement to credit hours, then all such programs using the conversion method will be considered a clock hour program for the purpose of determining eligibility for Title IV (financial aid).

In the 2011-2012 school year, 35,198 Pennsylvania students enrolled in specialized associate degree programs received \$118,448,952 in federal Pell Grant aid. Under the USDE’s new interpretation of federal rules, Pell Grant aid to those Pennsylvania students potentially could be reduced by \$23 million to \$35 million. Conforming Chapter 31 to clarify that specialized associate degree programs may be measured in either clock hours or credit hours, as already provided for in the regulatory framework and guidance documents of PHEAA and the State Board for Private Licensed Schools, safeguards current and future students pursuing specialized associate degrees from a potential reduction in Pell Grant aid.

(11) 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 regulations.

No.

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania's ability to compete with other states?

Conforming Chapter 31 to the regulatory framework and guidance documents of PHEAA and the State Board for Private Licensed Schools brings Pennsylvania in sync with other states that provide for measuring specialized associate degree programs in credit hours. Both Minnesota and Arizona measure specialized associate degree programs only in credit hours. Ohio recently amended all relevant state forms to clarify that the calculation of specialized associate degree programs in clock hours is voluntary for credit hour programs. Likewise, Virginia recently enacted changes to forms, definitions and policy statements to stipulate that specialized associate degree programs are measured in credit hours. New Jersey has taken similar action to amend relevant forms to clarify that accredited schools in New Jersey may measure specialized associate degree programs in credit hours. Finally, Nevada recently modified its specialized associate degree program renewal forms to make clear that "the length of the program may be measured in clock hours or credit hours," while retaining an hours of instruction requirement in its initial application for licensure.

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

The regulation will bring Chapter 31 into alignment with other state entities by conforming Chapter 31 with the regulatory framework and guidance documents of the Pennsylvania Higher Education Assistance Agency (22 Pa. Code § 121.33) and the State Board of Private Licensed Schools (22 Pa. Code § 73.61(a)(5); PDE-3004: Program/Course Outline; PDE-3003: Summary Information About Proposed Program or Course; PDE-3744: Program Change Sheet; PDE-4627; Student Information Publication or Catalog; PDE-3786: Board Member Review and Evaluation Guide; PDE-3774: Enrollment Agreement; and Sample Syllabus).

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. ("Small business" is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

The State Board solicited input from the Pennsylvania Association of Private School Administrators (PAPSA) in preparing the regulation. PAPSA represents private career colleges and schools in the Commonwealth. The State Board also consulted with the Pennsylvania Department of Education and gathered data on the potential fiscal impact to students from both the Pennsylvania Higher Education

Assistance Agency (PHEAA) and the State Board of Private Licensed Schools.

To garner input from small business owners, the Board submitted a copy of the proposed final-omitted regulation to the National Federation of Independent Business (NFIB) with a request that NFIB review and provide feedback relevant to the impact of the regulation on small business owners in the Commonwealth. The Board has not been apprised of any concerns on behalf of the small business community.

In addition, during its November 14, 2012 public meeting, the Board discussed the issue and announced its intention to pursue a clarification to Chapter 31 via a final-omitted regulation in January 2013. Opportunities for public comment on the matter were made available at the State Board's public meetings on both November 14 and November 15, 2012. Additional opportunities for public comment were made available at the January 9, 2013 meeting of the State Board's Council on Higher Education and at the January 10, 2013 meeting of the State Board of Education.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

The regulation will affect institutions authorized to award specialized associate degrees in the Commonwealth by providing consistency among the regulations and guidance documents issued across agencies that address the measurement of such degree programs. In addition, the regulation will affect current and future students who are enrolled in specialized associate degree programs in the Commonwealth and receive federal Pell Grant aid by safeguarding these students from potentially being subject to reduced eligibility for federal aid.

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

The regulation applies to the 90 institutions that are currently authorized to offer specialized associate degree programs in the Commonwealth, as well as to any school that is approved to offer such programs in the future.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

The regulation will safeguard students enrolled in specialized associate degree programs from potentially being subject to reductions in federal Pell Grant aid. In the 2011-2012 school year, 35,198 Pennsylvania students enrolled in specialized associate degree programs received \$118,448,952 in federal Pell Grant aid. Under the United States Department of Education's new interpretation of federal rules pertaining to the awarding of financial aid for programs measured in clock hours versus credit hours, Pell Grant aid to those Pennsylvania students could potentially be reduced by \$23 million to \$35 million.

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

The regulation will provide consistency across state agencies in regulations and guidance documents addressing the measurement of specialized associated degree programs. Further, the regulation will

safeguard Pennsylvania students pursuing specialized associate degrees from a potential reduction in federal Pell Grant aid.

(19) 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. Explain how the dollar estimates were derived.

The amendment to Chapter 31 does not carry an anticipated cost to the institutions subject to its requirements. The regulation does not impose any new legal, accounting or consulting procedures.

(20) Provide a specific estimate of the costs and/or savings to the **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

Local governments are not affected by this regulation.

(21) Provide a specific estimate of the costs and/or savings to the **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

The regulation carries no anticipated cost to state government.

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

The regulation maintains the status quo and does not establish additional compliance requirements.

(23) 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
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community	N/A	N/A	N/A	N/A	N/A	N/A
Local Government	N/A	N/A	N/A	N/A	N/A	N/A
State Government	N/A	N/A	N/A	N/A	N/A	N/A
Total Savings	N/A	N/A	N/A	N/A	N/A	N/A
COSTS:						
Regulated Community	N/A	N/A	N/A	N/A	N/A	N/A
Local Government	N/A	N/A	N/A	N/A	N/A	N/A
State Government	N/A	N/A	N/A	N/A	N/A	N/A

Total Costs	N/A	N/A	N/A	N/A	N/A	N/A
REVENUE LOSSES:						
Regulated Community	N/A	N/A	N/A	N/A	N/A	N/A
Local Government	N/A	N/A	N/A	N/A	N/A	N/A
State Government	N/A	N/A	N/A	N/A	N/A	N/A
Total Revenue Losses	N/A	N/A	N/A	N/A	N/A	N/A

(23a) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3	FY -2	FY -1	Current FY

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

- (a) An identification and estimate of the number of small businesses subject to the regulation.
- (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.
- (c) A statement of probable effect on impacted small businesses.
- (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

The regulation does not carry an adverse impact for small businesses.

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

The provision of Chapter 31 amended by the regulation applies only to institutions authorized to award specialized associate degrees in the Commonwealth.

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

Alternative regulatory approaches were not considered as the purpose of revising Chapter 31 is to conform the chapter to related provisions in the current regulatory framework and guidance documents of PHEAA and the State Board for Private Licensed Schools. Given that context, considering alternative regulatory provisions would lead to less consistency in implementing policy across state agencies.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses;
- b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- c) The consolidation or simplification of compliance or reporting requirements for small businesses;
- d) The establishment of performing standards for small businesses to replace design or operational standards required in the regulation; and
- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

The regulation does not carry an adverse impact for small businesses.

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

Empirical data does not serve as the basis for the regulation.

(29) Include a schedule for review of the regulation including:

- A. The date by which the agency must receive public comments: N/A
- B. The date or dates on which public meetings or hearings will be held: N/A
- C. The expected date of promulgation of the proposed regulation as a final-form regulation: N/A
- D. The expected effective date of the final-form regulation: June 2013
- E. The date by which compliance with the final-form

regulation will be required:

June 2013

F. The date by which required permits, licenses or other approvals must be obtained:

N/A

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

The State Board will review Chapter 4 on a regular basis in accordance with the Board's policy and practice respecting all its regulations. Therefore, no sunset date is necessary.

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU
(Pursuant to Commonwealth Documents Law)

RECEIVED
IRRC

2013 MAR -5 PM 1:09

DO NOT WRITE IN THIS SPACE

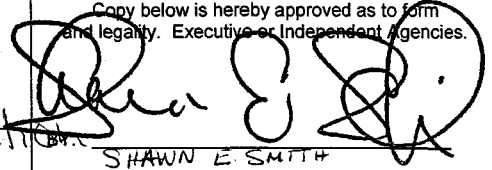
Copy below is hereby approved as to form and legality. Attorney General

Copy below is here by certified to be a true and correct copy of a document issued, prescribed or promulgated by:

Copy below is hereby approved as to form and legality. Executive or Independent Agencies.

BY: _____
(DEPUTY ATTORNEY GENERAL)

State Board of Education
(AGENCY)


SHAWN E. SMITH

DOCUMENT/FISCAL NOTE NO. 6-328
DATE OF ADOPTION: Jan. 10, 2013

MAR 01 2013

DATE OF APPROVAL

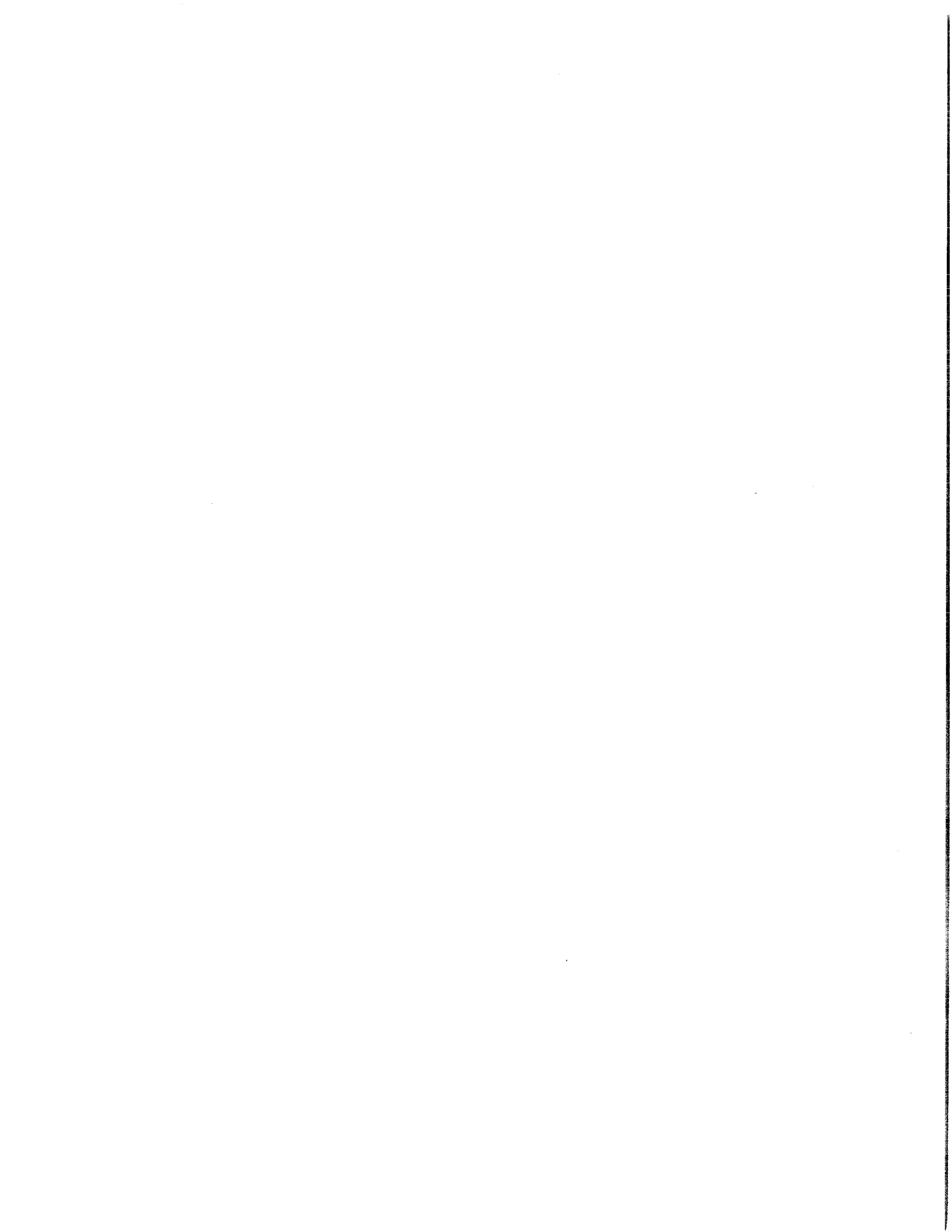
BY: Kane Mollhanon
TITLE Executive Director
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

DATE OF APPROVAL

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

Check if applicable
Copy not approved. Objections attached.

Check if applicable. No Attorney General approval or objection within 30 days after submission.



Final-Omitted Rulemaking
STATE BOARD OF EDUCATION

[22 PA. CODE CH. 31]

Higher Education – General Provisions

The State Board of Education (Board) amends Chapter 31 (relating to Higher Education – General Provisions) to read as set forth in Annex A as a final-omitted rulemaking. The Board acts under authority of the Public School Code of 1949 (24 P.S. §§ 1-101—27-2702).

Purpose

The amendment conforms language in 22 Pa. Code § 31.21(b)(2) (relating to curricula) pertaining to measuring specialized associate degree programs with related provisions in the current regulatory framework and guidance documents of the Pennsylvania Higher Education Assistance Agency (PHEAA) and the State Board of Private Licensed Schools. Conforming the language in Chapter 31 not only will ensure consistency in policy implementation across agencies, but will clarify the Board’s long-standing intention to allow specialized associate degree programs to be measured in credit hours or clock hours per a school’s institutional mission.

Background

Chapter 31 generally addresses requirements for academic programs at postsecondary institutions that offer postsecondary degree programs in the Commonwealth, including provisions that establish parameters for measuring degree completion. The current parameters for earning a specialized associate degree require the satisfactory completion of “at least 60

semester credit hours with a minimum of 1,500 clock hours or a minimum of 90 quarter credit hours.” This language is inconsistent with related regulations and guidance documents of PHEAA and the State Board of Private Licensed Schools, and does not clearly reflect the Board’s long-standing policy intention to allow specialized associate degree programs to be measured in clock hours or credit hours.

Section 121.33(1) of PHEAA’s regulations addressing Student Financial Aid (22 Pa. Code § 121.33(1) (relating to approved program of study in higher education grant programs)) establishes eligibility requirements for Pennsylvania students seeking state higher education grants to support their postsecondary studies. PHEAA rules provide for a student pursuing a specialized associate degree to qualify for a state grant as long as the student is enrolled in an approved program of study that consists of at least 60 semester credit hours or at least 1,500 clock hours.

Regulations of the State Board of Private Licensed Schools addressing requirements for student information publications (22 Pa. Code § 73.61(a)(5) (relating to general student information publications; program and course brochures; supplements)) direct institutions authorized to award specialized associate degrees to inform students of “the number of clock hours or credit hours, where applicable, of instruction in each course.” The following guidance documents and forms used in day-to-day practice by the State Board of Private Licensed Schools and higher education institutions also consistently cite specialized associate degree requirements in the context of clock hours or credit hours: PDE-3004 (Program/Course Outline); PDE-3003 (Summary Information About Proposed Program or Course); PDE 3744 (Program Change Sheet); PDE-4627 (Student Information Publication or Catalog); PDE-3786 (Board Member

Review and Evaluation Guide); PDE-3774 (Enrollment Agreement); and State Board of Private Licensed Schools Sample Syllabus.

Summary of the Final-Omitted Rulemaking

The Board has decided to conform 22 Pa. Code § 31.21(b)(2), which addresses how specialized associate degree programs are measured, with related provisions in the current regulatory framework and guidance documents of PHEAA and the State Board of Private Licensed Schools by clarifying that programs may be measured in either clock hours or credit hours. The use of the term “with” in the current version of 22 Pa. Code § 31.21(b)(2) is inconsistent with related policies of these other state agencies; it does not reflect the Board’s long-standing intention to provide flexibility to institutions of higher education in determining how such programs are measured per a school’s institutional mission; and it is misaligned with institutional practice as directed by the forms and guidance documents of the State Board of Private Licensed Schools. Amending 22 Pa. Code § 31.21(b)(2) to refer to “or”, rather than “with”, will create consistency in policy implementation across state agencies.

Further, conforming the regulation will safeguard students pursuing specialized associate degrees at institutions in the Commonwealth from a potential reduction in eligibility for federal Pell Grant aid. These students could be subject to a reduction in aid due to the U.S. Department of Education’s (USDE) new interpretation of federal rules addressing credit and clock hour requirements for the awarding of financial aid. The USDE has interpreted its regulations to say that if a state refers to clock hours as an academic conversion measurement to credit hours, then all such programs using the conversion method will be considered a clock hour program for the purpose of determining eligibility for Title IV (financial aid).

In the 2011-2012 school year, 35,198 Pennsylvania students enrolled in specialized associate degree programs received \$118,448,952 in federal Pell Grant aid. Under the USDE's new interpretation of federal rules, Pell Grant aid to those Pennsylvania students potentially could be reduced by \$23 million to \$35 million. Conforming Chapter 31 to clearly and consistently state that specialized associate degree programs may be measured in either clock hours or credit hours, as already provided by regulations promulgated by PHEAA and the State Board for Private Licensed Schools, will safeguard current students and future students pursuing specialized associate degrees from a potential reduction in Pell Grant aid.

Affected Parties

The final-omitted rulemaking will affect postsecondary education institutions in the Commonwealth authorized to award specialized associate degrees.

Cost and Paperwork Estimates

The final-omitted regulation does not carry a new cost for the regulated community. The amendment does not alter current paperwork or reporting requirements and does not create additional paperwork or reporting requirements.

Effective Date

The final-omitted rulemaking is effective upon publication in the *Pennsylvania Bulletin*.

Sunset Date

The Board will review the effectiveness of Chapter 31 every four years in accordance with the Board's policy and practice respecting all of its regulations. Thus, no sunset date is necessary.

Contact Person

Interested persons may contact Karen Molchanow, Executive Director of the State Board of Education, at 333 Market Street, Harrisburg, PA 17126-0333; (717) 787-3787; or ra-stateboardofed@pa.gov.

Final-Omitted Rulemaking

The Board has promulgated this regulation as a final-omitted rulemaking. The Board believes this regulation meets the criteria established in Section 204(3) of the Commonwealth Documents Law, 45 P.S. § 1204(3), because the proposed amendment will conform Chapter 31 to related provisions in the current regulatory framework and guidance documents of the Pennsylvania Higher Education Assistance Agency (PHEAA) and the State Board of Private Licensed Schools. Any other amendment to 22 Pa. Code § 31.21(b)(2) would lead to less consistency in policy implementation across agencies and, therefore, consideration of alternative formulations is contrary to the public interest.

Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on March 5, 2013, the Board submitted a copy of the final-omitted regulation to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Education and the Senate Committee on Education. On the same date, the regulations were submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P.S. §§ 732-101—732-506).

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), the regulation was approved/deemed approved by the House Education Committee on **TBD**, and was approved/deemed approved by the Senate Education Committee on **TBD**. Under section 5.1(e) of the Regulatory Review Act (71 P. S. § 745.5a(e)), IRRC met and approved the regulation on **TBD**.

Findings

The Board finds that:

(1) Notice of proposed rulemaking is impracticable, unnecessary and contrary to the public interest under section 204(3) of the Commonwealth Documents Law and the regulations thereunder, 1 Pa. Code § 7.4(3).

(2) The amendment of the regulation in the manner provided in this order is necessary and appropriate for administration of the Public School Code of 1949.

Order

Acting under the authority of the Public School Code of 1949, the Board orders that:

(a) The regulations of the Board, 22 Pa. Code Chapter 31, are amended by amending § 31.21(b)(2) to read as set forth in Annex A, with ellipses referring to the existing text of the regulation.

(b) The Executive Director shall submit this order and Chapter 31 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 and Chapter 31 and deposit them with the Legislative Reference Bureau as required by law.
- (d) This order is effective upon publication in the *Pennsylvania Bulletin*.

KAREN MOLCHANOW
Executive Director

Annex A
TITLE 22. EDUCATION
PART I. STATE BOARD OF EDUCATION
SUBPART C. HIGHER EDUCATION
CHAPTER 31. GENERAL PROVISIONS

ACADEMIC PROGRAM

§ 31.21. Curricula.

(b) Degree requirements stated in this section may be stated in terms of semester credit hours or quarter credit hours, as determined by the institution and conforming to generally accepted academic practices. General education, as defined in this section, refers to the curricular inclusion of humanities, arts, communications, social sciences, mathematics, technology and science courses in support of the mission of the institution. A semester credit hour represents a unit of curricular material that normally can be taught in a minimum of 14 hours of classroom instruction, plus appropriate outside preparation or the equivalent as determined by the faculty. A quarter credit hour represents a unit of curricular material that normally can be taught in a minimum of 10 hours of classroom instruction, plus appropriate outside preparation or the equivalent as determined by the faculty.

(2) A specialized associate degree must require the satisfactory completion of at least 60 semester credit hours **[with]** or a minimum of 1,500 clock hours or a minimum of 90 quarter credit hours. At least 70%, but no more than 80%, of the program must consist of specialized

All additions and deletions are highlighted in **Bold** type
[bracketed items] are deletions
underscored items are additions

instruction that bears directly upon the employment objectives of the program; and at least 20% of the program must consist of general education.

All additions and deletions are highlighted in **Bold** type
[bracketed items] are deletions
underscored items are additions



COMMONWEALTH OF PENNSYLVANIA
STATE BOARD OF EDUCATION

March 5, 2013

Mr. David Sumner
Executive Director
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17126

Dear Mr. Sumner:

Enclosed is a copy of a final-omitted regulation approved by the State Board of Education (22 Pa. Code, Chapter 31 – Higher Education – General Provisions, #006-328) for review and action by the Commission pursuant to section 5.1(c) of the Regulatory Review Act. The regulation also is being delivered today to the House and Senate Standing Committees on Education and the Office of Attorney General.

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

Thank you for your consideration.

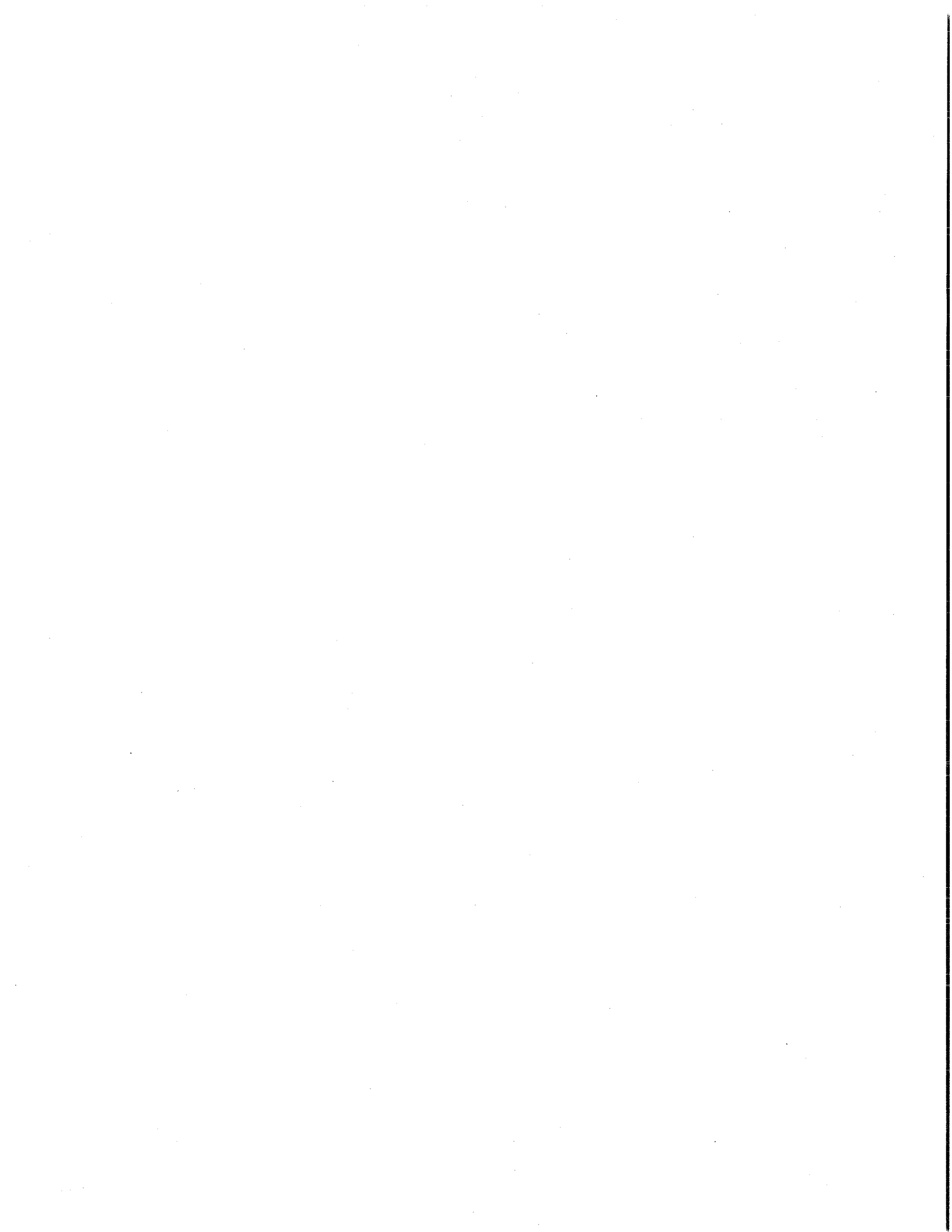
Sincerely,

A handwritten signature in cursive script, appearing to read "Karen Molchanow".

Karen Molchanow
Executive Director

Enclosure

cc: Secretary Ron Tomalis
Gregory Dunlap, Esq.
Aaron Shenck
Larry Wittig





Office of the President and Chief Executive Officer
1200 North Seventh Street, Harrisburg, PA 17102

December 17, 2012

Mr. David Sumner
Executive Director
Independent Regulatory Review Commission
14th Floor, 333 Market Street
Harrisburg, PA 17126

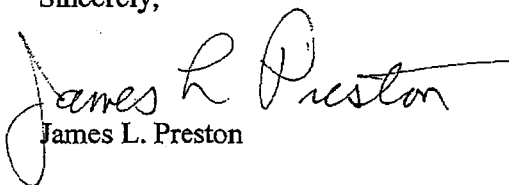
Dear Mr. Sumner:

The Pennsylvania Higher Education Assistance Agency (PHEAA) has been contacted by the State Board of Education about a change to higher education regulations in 22 Pa Code Chapter 31 General Provisions, Section 31.21(b)(2). We wish to provide you our comments on the proposed regulations change.

The amendment to the regulations in Section 31.21 would allow schools offering specialized associate degrees to measure satisfactory completion in credit hours OR clock hours. PHEAA has reviewed our regulations to determine what impact this may have on the State Higher Education Grant Program. This change conforms with PHEAA's regulations in 22 Pa Code Chapter 121 Student Financial Aid and PHEAA Policy.

I appreciate the opportunity to comment on the regulations. Should you have any questions or concerns on this matter, please feel free to contact me.

Sincerely,


James L. Preston

Cc: State Board of Education





pennsylvania
DEPARTMENT OF EDUCATION

February 14, 2013

Mr. David Sumner
Executive Director
Independent Regulatory Review Commission
14th Floor, 333 Market Street
Harrisburg, PA 17126

Dear Mr. Sumner:

It is our understanding that the State Board of Education will promulgate a revision to 22 Pa. Code Chapter 31 as a final-omitted regulation to clarify that specialized associate degrees may be reported in either clock hours or credit hours. The current language requires both clock hours and credit hours to be reported if the school uses credit hours and allows the school to report only credits if it uses quarter credits.

It is important to clarify and correct this wording because it could have a negative impact on student eligibility for federal financial aid. It is also clear to this Board that the discrepancy between semester hours and quarter credits was unintentional.

The Board has voted today to support this change to Chapter 31. We appreciate this opportunity to provide comments and support.

Sincerely,

Wayne Zanardelli, Chair
Board of Private Licensed Schools

cc. State Board of Education



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

I.D. NUMBER: 6-328
 SUBJECT: HIGHER EDUCATION – GENERAL PROVISIONS
 AGENCY: STATE BOARD OF EDUCATION

TYPE OF REGULATION

- Proposed Regulation
- Final Regulation
- X 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

2013 MAR -5 PM 1:09

RECEIVED
IRRC

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
3/5/13	<i>[Signature]</i>	HOUSE COMMITTEE ON EDUCATION
3/5/13	<i>Eileen Kruck</i>	MAJORITY CHAIRMAN <u><i>Clymer</i></u>
3/5/13	<i>[Signature]</i>	SENATE COMMITTEE ON EDUCATION
3/5/13	<i>[Signature]</i>	MAJORITY CHAIRMAN <u><i>Folmer</i></u>
3/5/13	<i>[Signature]</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
3-5-13	<i>M. Mummert</i>	ATTORNEY GENERAL (for Final Omitted only)
		LEGISLATIVE REFERENCE BUREAU (for Proposed only)

