

Comments of the Independent Regulatory Review Commission



Pennsylvania Higher Education Assistance Agency Regulation #58-24 (IRRC #3020)

Student Financial Aid

December 24, 2013

We submit for your consideration the following comments on the proposed rulemaking published in the October 26, 2013 *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 Pennsylvania Higher Education Assistance Agency (Agency) to respond to all comments received from us or any other source.

1. Section 121.21. Requirement for higher education grant applicants. – Clarity.

Existing language of Subsection (b) concludes with the phrase “. . . standards of instruction of the public high schools located in this Commonwealth.” To be consistent with other amendments, should this state “public **secondary** schools,” rather than “public **high** schools”?

2. Section 121.32. Approved institution in higher education grant program. – Clarity

Regarding Paragraphs (b)(1) and (3), the public commentator suggests the removal of the phrase “or the Council for Higher Education Accreditation” because it is outdated. The Agency should explain why this accreditation is still valid or delete it.

3. Section 121.44. Required family financial data. – Clarity.

As amended the exception in Paragraph (b)(2) would state:

If the applicant is in compliance with other criteria established by the Agency for the processing of applicants without regard to parental financial data which generally are the United States Department of Education criteria for financial independence for Title IV Federal student aid programs.

We find this provision to be vague because it does not provide a definitive standard for the exception. First, the phrase “other criteria” should be clearer so that the applicant can understand what criteria he or she must meet to qualify for the exception. Second, the phrase “. . . which generally are the United States Department of Education criteria . . .” implies that the Agency may use other criteria. We recommend amending Paragraph (b)(2) so that it provides a clear standard for an applicant to qualify for an exception.

4. Section 121.47. State Higher Education Grant Program Manual. – Clarity.

Paragraph (a)(5) begins with the phrase “When applicable, a list of programs of study” Should this state “. . . a list of **approved** programs” to be consistent with the other paragraphs in this section?