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DAVID SUMNER, EXECUTIVE DIRECTOR
LESLIE LEWIS JOHNSON, CHIEF COUNSEL



PHONE: (717) 783-5417
FAX: (717) 783-2664
irrc@irrc.state.pa.us
<http://www.irrc.state.pa.us>

INDEPENDENT REGULATORY REVIEW COMMISSION

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

May 28, 2014

James L. Preston, President and Chief Executive Officer
Pennsylvania Higher Education Assistance Agency
1200 North Seventh Street
Harrisburg, PA 17102-1444

Re: Regulation #58-24 (IRRC #3020)
Pennsylvania Higher Education Assistance Agency
Student Financial Aid

Dear Mr. Preston:

In our review of this regulation, we noted some drafting and formatting errors that should be corrected prior to the final publication of this regulation. We recommend that you toll the regulation to consider the following revisions:

1. **Preamble, Page 3:** The Preamble states “No public comments were submitted.” This should be amended to acknowledge the comment submitted by Richard Dumaresq.
2. **Section 121.1, definition of “Academic year”:** The word “examinations” should not be underlined because it is in the existing definition. See 1 Pa. Code § 305.1a. *Formatting the text of a proposed regulation.*
3. **Section 121.1, definition of “College entrance examination”:** The phrase “any number of” should be replaced with the underlined word “A.” Also the word “tests” should be singular. See the *Pa. Bulletin* version published October 26, 2013 (*Pa. Bulletin* version).
4. **Subsection 121.4(b):** As formatted, there would be two Subsections (b). Consistent with the *Pa. Bulletin* version, there is no need to add the second underlined “(b).”
5. **Section 121.5:** In existing regulation, this provision ends with the phrase “his action.” To amend it to read “this action,” the word “his” should be shown as a deletion in brackets and the underlined word “this” should be added. See the *Pa. Bulletin* version.

6. **Paragraph 121.7(e)(1):** The phrase “PHEAA Account Number” should be underlined to designate it as an addition to the regulation.
7. **Subsection 121.8(c):** In the second deletion in this subsection, the *Pa. Bulletin* version includes the deletion of the phrase “of the Agency.” We suggest moving the end bracket to include this deletion.
8. **Subsection 121.21(a):** The phrase “or other state-issued general equivalency diplomas” should be underlined to designate it as added language.
9. **Subsection 121.21(b):** The formatting of the amendments made between the proposed version and the final version does not follow 1 Pa. Code § 307.3a. *Formatting the text of a final regulation.* The deletion of the word “high” should have been shown by strikeout type and the addition of the word “secondary” should have been shown by using all capital letters.
10. **Paragraph 121.32(b)(1):** Toward the end of this paragraph, the existing regulation states “. . . and shall be fully accredited by the regional institutional accrediting body” Language was added in the midst of this phrase, but the word “the” is underlined and it should not be underlined.
11. **Paragraph 121.32(b)(2):** The first time the phrase “National League for Nursing” is used, the word “Nursing” is underlined, but should not be underlined as it is in the existing regulation.
12. **Paragraph 121.41(1):** To be consistent with the *Pa. Bulletin* version, the amended end of the sentence should read “Nationally-recognized college entrance examinations.”
13. **Subsection 121.47(a):** The *Pa. Bulletin* version of the proposed regulation is significantly reformatted from the PHEAA version.
 - It shows the deletion of existing language, whereas the final version does not. This deletion should be shown in brackets in the final regulation.
 - The *Pa. Bulletin* did not publish the phrase “the following.” Consequently, that language should not be shown in the final regulation.

- The paragraphs designated using the format (i), (ii) . . . (vi), were published by the *Pa. Bulletin* using the numbers (1), (2) . . . (6). The small Roman numerals should be replaced with numbers in the final regulation.

These revisions are needed because the version of the regulation published in the *Pa. Bulletin* at the proposed rulemaking stage is the official version, and the final regulation needs to track the proposed version published by the Legislative Reference Bureau.

14. **Paragraph 121.47(a)(5):** All capital letters should have been used to designate the addition of the word “approved” to Paragraph 121.47(a)(5).
15. **Subsection 121.47(b):** To be consistent with the *Pa. Bulletin* version, the final version should state: “The State Higher Education Grant Program Manual will be available on the Agency’s web site.”
16. **Section 121.55:** The cross-reference to Section 121.58 was expanded in the *Pa. Bulletin* version to include “(relating to academic progress).” We suggest adding this phrase to the final regulation version as underlined language.
17. **Subsection 121.58(a):** The phrase “in order” is designated as a deletion in the *Pa. Bulletin* version. We suggest adding brackets around this phrase to designate it as a deletion.

If you choose to toll the review period, your agency must deliver written notice to both the Standing Committees and the Commission on the same day. The written notice must be delivered before either Committee takes action on the regulation, or before the end of the Committees’ review period on June 18, 2014, whichever occurs first. 71 P.S. § 745.5a(g)(1).

As required by Section 307.5 of our regulations, written notice must include:

1. A citation to the section(s) the Department is considering revising,
2. A description of the revisions the agency is considering, and
3. An explanation of how the revisions will satisfy the concerns listed above.

If your written notice includes revisions that are beyond the scope of our recommendations, the Commission may object to tolling the review period. We will notify you and the Committees

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within two business days after receipt of your tolling notice if we object. If the Commission objects to your tolling notice, the review period will not be tolled and your regulation will be considered by the Commission at our public meeting on June 19, 2014. If the Commission does not object, the review period is tolled for up to 30 days beginning with receipt of your letter and ending on the day you resubmit the regulation. 71 P.S. § 745.5a(g)(2).

Please contact me if you have any questions.

Very truly yours,



David Sumner
Executive Director

Enclosure

cc: Honorable Mike Folmer, Majority Chairman, Senate Education Committee
Honorable Andrew E. Dinniman, Minority Chairman, Senate Education Committee
Honorable Paul I. Clymer, Majority Chairman, House Education Committee
Honorable James R. Roebuck, Jr., Minority Chairman, House Education Committee
Robert A. Mulle, Esq., Office of Attorney General
Shawn E. Smith, Esq., Office of General Counsel
Christine Zuzack, Vice President, State Grant and Special Programs, PHEAA
Leonidas Pandeladis, Director of Enterprise Compliance, AES/PHEAA