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House of Representatives  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

February 7, 2001

Original: 2162

Honorable Eugene Hickok  
Secretary  
PA Department of Education  
333 Market Street, 10<sup>th</sup> Floor  
Harrisburg, PA 17120-0333

Dear Secretary Hickok:

Pursuant to Section 5(b.2) of the Regulatory Review Act (Act 1982-181), the House of Representatives' Education Committee met on Wednesday, February 7, 2001, to consider comments on the Department's proposed rulemaking #6-271. At that meeting, the Committee voted to send the following comment:

This Committee notes that the proposed regulations define and use throughout the text the phrases "eligible school lunch" and "eligible school breakfast". (Emphasis added.) The enabling statute, (Act 16 of 2000), on the other hand, uses the phrases "school lunch" and "school breakfast". This Committee suggests that the Department provide an explanation of the inadequacy of the statutory language for regulatory purposes when responding to comments in its submittal of final-form rulemaking. While there is good reason to add the word "eligible" as a measure of compliance with federal program standards, we feel the department should explain the difference.

Apart from the above comment, this Committee found no conflict between these regulations and the enabling statute, Act 16 of 2000.

On behalf of the Committee, we commend the Department for its assistance in this matter and for providing John Godliewski and Pat Birkenshaw to address the Committee members' questions at our meeting. If I can assist you further with our comments, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Jess M. Stairs".  
Representative Jess M. Stairs  
Chairman, House Education Committee

cc: John McGinley, Chairman, Independent Regulatory Review Commission ✓  
House Education Committee Members

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