

Regulatory Analysis Form

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(1) Agency

State Board of Education

2008 APR 10 AM 11:29

INDEPENDENT REGULATORY
REVIEW COMMISSION

(2) I.D. Number (Governor's Office Use)

006-311

IRRC Number: 26857

3) Short Title

Chapter 42 – Program Approval

(4) PA Code Cite

22 Pa. Code Chapter 42

(5) Agency Contacts & Telephone Numbers

Primary Contact: Jim Buckheit
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(6) Type of Rulemaking (check one)

- Proposed Rulemaking
 Final Order Adopting Regulation
 Final Order, Proposed Rulemaking Omitted

(7) Is a 120-Day Emergency Certification Attached?

- No
 Yes: By the Attorney General
 Yes: By the Governor

(8) Briefly explain the regulation in clear and nontechnical language.

Chapter 42 addresses the program approval requirements for specialized associate degree programs, degree programs at two-year colleges, colleges, seminaries, universities, or foreign corporations that have not had prior approval, upper division undergraduate programs at two-year colleges or community colleges, and additional educational offerings of a foreign corporation approved to operate in the Commonwealth.

(9) State the statutory authority for the regulation and any relevant state or federal court decisions.

Section 2603-B of the Public School Code of 1949 (24 P.S. § 2603-B).

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(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

The proposed amendment to 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)).

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

The regulations establish program approval standards for certain postsecondary degree programs. The proposed regulations update Chapter 42 to create a waiver process for private licensed schools meeting certain criteria for the past 10 years from needing a team site visit; permit two-year colleges, colleges, universities, seminaries and graduate degree granting institutions to request a waiver from certain aspects of the program approval application process; require new graduate degree programs to document the academic need and workforce demand for each program or educational offering; and removes sections that address vocational degree programs which are no longer used.

(12) State the public health, safety, environmental or general welfare risks associated with nonregulation.

The regulations protect the interests of students to ensure that in return for payment of their tuition dollars they will attend a quality postsecondary program.

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

The regulations benefit students who enroll or will enroll in more than 225 postsecondary degree-granting institutions that operate within this Commonwealth and are required to obtain program approval due to the provisions of their charter or this regulation.

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(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

No individual or entity is expected to be adversely affected by the regulation.

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

The proposed regulation impacts licensed trade, business, correspondence or beauty culture schools offering specialized associate degree programs; two year colleges, colleges, seminaries or universities offering programs leading to degrees that have not had prior approval; two year colleges and community colleges offering upper division undergraduate programs; and foreign corporations. Approximately 225 postsecondary degree-granting institutions fall under the purview of this regulation.

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

The State Board of Education committee charged with the responsibility to review and revise this Chapter held numerous public roundtable meetings, hearings and committee meetings. Each of these forums presented opportunities for interested parties and stakeholders to provide input to the committee. The roundtable meetings were advertised in newspapers and on the State Board web pages. Notices of the roundtables were mailed to the president of every postsecondary institution operating in the Commonwealth, including those operating as foreign corporations. The roundtables were held in February 2004 in Philadelphia, Harrisburg and Monroeville. A public hearing was held in Harrisburg on October 8, 2004. Two other hearings were cancelled as fewer than two individuals registered to attend either session. The hearings were advertised in newspapers, notice placed on the State Board web page and notices were mailed to presidents of postsecondary institutions. In addition to input received at these meetings, the State Board also sought and received a number of written comments from stakeholders. In addition, the committee held open public meetings, which adhered to the requirements of the Sunshine Act, on 1/21/04, 7/21/04, 9/15/04, 11/17/04, 1/19/05, 6/28/06, 5/18/07, and 7/18/07. In addition, the Council of Higher Education discussed the regulation and offered an opportunity for public comment before the Council took action at its meeting held on July 18, 2007. The State Board of Education also discussed the Chapter and accepted public comment before it approved the regulation on September 20, 2007.

(17) 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.

The regulated community could save \$41,250 annually.

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(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

None

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required.

None

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(20) 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	0	\$41,250	\$41,250	\$41,250	\$41,250	\$41,250
Local Government	0	0	0	0	0	0
State Government	0	0	0	0	0	0
Total Savings	0	\$41,250	\$41,250	\$41,250	\$41,250	\$41,250
COSTS:						
Regulated Community	0	0	0	0	0	0
Local Government	0	0	0	0	0	0
State Government	0	0	0	0	0	0
Total Costs	0	0	0	0	0	0
REVENUE LOSSES:						
Regulated Community	0	0	0	0	0	0
Local Government	0	0	0	0	0	0
State Government	0	0	0	0	0	0
Total Revenue Losses	0	0	0	0	0	0

(20a) Explain how the cost estimates listed above were derived.

A typical program review costs approximately \$2,750. This includes overnight accommodations for three reviewers for four nights, travel expenses like air fare, and food. It is anticipated that up to 15 waivers of the program review process could be granted and thus eliminating the need to pay the costs associated with the program review.

Regulatory Analysis Form

(20b) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3	FY -2	FY -1	Current FY
N.A.				

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

N.A.

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

Nonregulation would place citizens of the Commonwealth at risk of suffering financial and other damages resulting from poor quality or fraudulent programs. Chapter 42 provides criteria to evaluate programs and the conditions that must be met before approval is granted.

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

No other strategies were considered since only legal authority provided by statute or regulation is needed by the Department of Education to intervene when necessary.

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(24) 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 regulation.

No

(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

These regulations provide proven protection to the citizens of the Commonwealth. The requirements do not place the Commonwealth at a competitive disadvantage with other states.

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

No.

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

As outlined in number 16, numerous roundtables, public hearings and public meetings were already held. Therefore, additional meetings are not planned.

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(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

No

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

None

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

The regulation will be effective upon publication of the final form regulation in the *Pennsylvania Bulletin*.

(31) Provide the schedule for continual review of the regulation.

It is the policy and practice of the State Board of Education to normally review its regulations every four years.

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INDEPENDENT REGULATORY
REVIEW COMMISSION

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

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

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to form and legality.
Executive or Independent
Agencies.

[Signature]

[Signature]
Andrew C. Clark

By: _____
(Deputy Attorney General)

State Board of Education
(Agency)

DOCUMENT/FISCAL NOTE NO. #006-311

APR 04 2008

DATE OF ADOPTION: September 20, 2007

MAR 12 2008

DATE OF APPROVAL

DATE OF APPROVAL

BY: *[Signature]*

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

TITLE: Executive Director
(EXECUTIVE DIRECTOR, CHAIRMAN OR SECRETARY)

() Check if applicable
Copy not approved.

() Check if applicable.
No Attorney General approval
Or objection within 30 days
After submission.

PROPOSED REGULATIONS
COMMONWEALTH OF PENNSYLVANIA
22 PA CODE CHAPTER 42
PROGRAM APPROVAL

PREAMBLE

STATE BOARD OF EDUCATION

[22 PA CODE— CH. 42]

Program Approval

The State Board of Education (Board) proposes to amend Chapter 42 (relating to Program Approval)—part of the Board's regulations governing higher education (22 Pa. Code Part I, Subpart C)—to read as set forth in Annex A. The Board is acting under the authority of section 2603-B of the act of March 10, 1949 (P.L. 30, No.14), § 26-2603-B, known as the Public School Code of 1949 (School Code).

Purpose

The purpose of amending Chapter 42 is to update and clarify the regulations that establish requirements for the approval of certain programs offered by postsecondary degree-granting institutions in this Commonwealth. The provisions of Chapter 42 apply to specialized associate degree programs offered by a licensed trade, business, correspondence or beauty culture school; an incorporated two-year college, college, seminary or university that lead to degrees that have not had prior approval; upper division undergraduate programs at two two-year colleges or community colleges; and additional educational offerings of a foreign corporation approved to operate at a specific site in the Commonwealth. The Board last revised Chapter 42 in 1986.

Requirements of the Regulations

The proposed rulemaking establishes a waiver process for private licensed schools meeting certain criteria for the past 10 years from needing a team site visit; permits two-year colleges, colleges, universities, seminaries and graduate degree granting institutions to request a waiver from certain aspects of the program approval application process; requires new graduate degree programs to document the academic need and workforce demand for each program or educational offering; and removes sections addressing vocational degree programs which are no longer used.

Affected Parties

The proposed regulations affect the students and professional employees of the degree-granting postsecondary institutions of this Commonwealth. This includes all institutions of postsecondary education, domestic or foreign, including out-of-State and out-of-country, legally authorized to award college credits or grant degrees in this Commonwealth.

Cost and Paperwork Estimates

Since the proposed regulations clarify current requirements, they do not impose any new costs or savings for the Department of Education. The proposed regulations may save postsecondary institutions approximately \$41,250 annually.

Effective Date

The proposed regulations will become effective upon publication of final-form regulations in the *Pennsylvania Bulletin*.

Sunset Date

In accordance with its policy and practice respecting all regulations promulgated by the Board, the Board every 4 years will review the effectiveness of Chapter 42. Thus, no sunset date is necessary.

Regulatory Review

Under Section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on *April 10*, 2008, the Board submitted a copy of this proposed rulemaking and a copy of the Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Committees on Education. A copy of this material is available to the public upon request.

Under Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)), IRRC may convey any comments, recommendations or objections to the proposed regulations within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria that have not been met. The Act specifies detailed procedures for review, prior to final publication of the regulations, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

Public Comments and Contact Person

Interested persons are invited to submit written comments, suggestions or objections regarding this proposal to Jim Buckheit, Executive Director, State Board of Education, 333 Market Street, Harrisburg, PA 17126-0333, jbuckheit@state.pa.us, within 30 days following publication in the *Pennsylvania Bulletin*.

Persons with disabilities needing an alternative means of providing public comment may make arrangements by calling Jim Buckheit at (717) 787-3787 or TDD (717) 787-7367.

Jim Buckheit
Executive Director

ANNEX A

TITLE 22. EDUCATION

PART I. STATE BOARD OF EDUCATION

CHAPTER 42. PROGRAM APPROVAL

UPPER-DIVISION UNDERGRADUATE PROGRAM APPROVAL FOR
[JUNIOR] TWO-YEAR OR COMMUNITY COLLEGES

42.21. Approval criteria.

GRADUATE PROGRAM APPROVAL PROCEDURE

42.46. [Evaluation] (Reserved).

42.47. [Approval] (Reserved).

[VOCATIONAL EDUCATION PROCEDURE]

42.51. [Approval] (Reserved).

42.52. [Long-range plans] (Reserved).

42.53. [Local advisory committee] (Reserved).

42.54. [Occupational advisory committee] (Reserved).

42.55. [Admissions policies] (Reserved).

42.56. [Program content] (Reserved).

42.57. [Method of compliance review] (Reserved).

42.58. [Plan for improvement] (Reserved).

42.59. [Contemporary equipment] (Reserved).

PRELIMINARY PROVISIONS

§ 42.1. Scope.

This chapter and Chapter 31 (relating to general provisions) apply to approval of all of the following:

(1) Specialized associate degree programs at a licensed trade, business, correspondence or beauty culture school **[which] that** is **[chartered or]** established by statute in this Commonwealth.

(2) Additional programs at a chartered **[junior] two-year** college, college, **seminary** or university **[which] that** lead to degrees and **[which] that** have not had prior approval consistent with the articles of incorporation. See § 40.56 (relating to additional programs).

(3) Upper division undergraduate programs at junior or community colleges.

(4) Additional **[programs] educational offerings** of a foreign corporation approved to operate at a specific site in this Commonwealth. **[A program] Educational offerings** having prior approval may be transferred to another site only after receiving approval of the Department.

[(5) Vocational educational programs at institutions desiring approval for State/Federal money allotted for vocational education. Federal eligibility restrictions will apply when necessary.]

SPECIALIZED ASSOCIATE DEGREE PROGRAMS APPROVAL PROCEDURE

§ 42.11. Application.

(d) An approved Pennsylvania private licensed school may request a waiver from a team site visit as part of the evaluation process if it meets the following criteria for the 10 consecutive years just prior to application. The school has:

- (1) been an approved private licensed school.**
- (2) not been subjected by its accrediting agency to an order to show cause, probation or loss of accreditation.**
- (3) not undergone major corporate change.**
- (4) maintained compliance with applicable statutes and regulations.**
- (5) not been under corrective action status, as defined at § 31.2 (relating to definitions).**
- (6) held authority to award specialized associate degrees (the Associate in Specialized Business degree or the Associate in Specialized Technology degree).**
- (7) not been found in violation of the Private Licensed Schools Act (24 P.S. §§ 6501—6518) or its implementing regulations (§§ 73.1—73.201 (relating to State Board of Private Licensed Schools; general provisions)).**

The process for requesting the waiver shall be by written request made to the Department, along with the completed full application in the form and content prescribed by the Department in its application guidelines. The Department shall review the request for waiver within 30 days of receipt. Upon review, the Department shall approve the waiver request and proceed with the application process, request more information, or explain why the institution must proceed with the site visit. Upon request for additional information, the institution will have 30 days to respond, and the Department will have 30 days subsequent to that response to make a determination on the waiver.

§ 42.12. Evaluation.

(a) An evaluation committee shall be selected **[by the Department] in accordance with § 42.32(a) (relating to approval process)**. Members of the committee shall qualify as authorities in the program areas to be investigated. The committee shall consist of a representative of the Department and such other representation as is appropriate to the specific goals of the applying institution.

(b) The committee shall consider:

- (1) The philosophy and goals of the institution.
- (2) The educational objectives, counseling services, record-keeping system and the status of the extracurricular activities.
- (3) The potential enrollment.
- (4) The sources and adequacy of the financial support.
- (5) The provision that has been made for the necessary administrative, instructional and maintenance personnel.
- (6) Faculty retention, **[and] the qualification of the faculty, and provisions for faculty development** at the institution.
- (7) The accommodations and facilities of the institution, including the adequacy of the library **and learning resources necessary to support all aspects of the degree and program**.
- (8) The plans for the growth and expansion of the educational program, facilities and financial resources.
- (9) The nature of the community relations and use of community resources and facilities.
- (10) The admission and graduation requirements.

- (11) The administration and organization.
- (12) The need within the community or regional area for the proposed program.
- (13) The placement records of graduates.
- (14) The promotional materials and public information programs to insure that these accurately reflect the institution's programs.

(c) The committee shall evaluate all documentation submitted by the applicant[, **conduct a site visit**] (**in accordance with Department guidelines**) to evaluate the program, **conduct a site visit if not waived as per § 42.11 (relating to application)**, and submit a written report, with recommendations, to the Department. This report shall be submitted to the institution by the Department for [**the institution's reaction**] **response by the institution**. The committee's report and the institution's [**reaction**] **response** are the **primary** basis on which the Secretary makes a decision.

§ 42.13. Approval.

(a) [A program may receive initial approval, including institutional authorization to award the degree specified, for a period of 3 to 6 years during which the program is subject to periodic review by the Department.

(b) A program may receive approved status upon completion of initial approval when it has met all prescribed conditions.] **An institution may be granted authority to offer the program and award the degree specified. The institution's implementation of the degree program remains subject to periodic review by the Department.** The Department shall be notified immediately by the chief executive officer or his designee if the school has new management or ownership. In order to assure the maintenance of the quality of programs, the institution shall be subject to visitation and inspection by the Department and action, when appropriate, as specified in § 42.14 (relating to revocation of degree-granting privilege).

UPPER-DIVISION UNDERGRADUATE PROGRAM APPROVAL FOR [JUNIOR] TWO-YEAR OR COMMUNITY COLLEGES

§ 42.21. Approval.

(a) A [**junior**] **two-year** or community college may offer an upper-division program not culminating in a baccalaureate degree when approval of the Department is obtained based upon the following criteria:

(1) The need for the proposed program in the area and its relation to Commonwealth and regional manpower needs.

(2) The adequacy of existing institutions in the region to meet identified needs of the community.

(3) The adequacy of the proposed program to expand the educational opportunities needed by the community.

(4) **[The advice of the regional coordinating council of the region in which the junior or community college is located.]**

[(5)] For a [junior] **two-year** college, evidence of financial support for the proposed upper-division program.

[(6)] (5) For a community college, an estimate of the cost to the Commonwealth of funding the proposed upper-division program.

(b) If a [junior] **two-year** college desires to grant a baccalaureate degree at the end of upper-division programs, it should make application to the Department to become a college in accordance with the provisions of Chapter 40 (relating to institutional approval).

APPROVAL OF ADDITIONAL PROGRAMS NOT PREVIOUSLY APPROVED

§ 42.31. Applicability.

At a [junior] **two-year** college, college, university, **seminary** or foreign corporation, additional programs **[which] that** lead to degrees and **[which] that** have not had prior approval, as appropriate, may be instituted only after receiving approval from the Secretary. **An institution with charter status shall also comply with § 40.56 (relating to additional programs).**

§ 42.32. Approval process.

(b) An institution having no prior approval for graduate programs and requesting approval of a program leading to a graduate degree shall also comply with §§ 42.41—**[42.47] 42.45** (relating to graduate program approval procedure).

(c) **[An institution having charter status shall also comply with § 40.56 (relating to additional programs).] (1) An approved Pennsylvania two-year college, college, university, seminary or graduate degree granting institution may request a waiver from the application process for program approval if it meets the following**

criteria for the 10 consecutive years just prior to the request for waiver. To be eligible, institutions must have:

(i) maintained its current institutional status.

(ii) not undergone major corporate change.

(iii) maintained compliance with applicable statutes and regulations.

(iv) maintained good standing with its institutional accrediting agency, if applicable).

(v) not been under corrective action status as defined in § 31.2 (relating to definitions).

(2) A waiver may not be granted to add a new degree level, programs leading to new degrees, new broad areas of curricular content, new locations of operation within this Commonwealth for State-supported institutions or for changing institutional status.

(3) Institutions shall request the waiver in writing following the form and content described in guidelines issued by the Department and posted on the Department's website.

(4) The Department shall provide written notification to the institution regarding the status of the waiver request within 30 business days of receipt. The notification shall advise the institution that its request is approved, request additional information to be submitted within 30 business days necessary for the Department to make a determination, or provide an explanation why the institution must proceed through the regular application process.

(5) Foreign corporations operating within this Commonwealth shall comply with subsections (a), (b), (d), (e) and (f) to obtain approval to revise their educational offerings.

(d) Initial approval of programs, including institutional authorization to award the degree specified, is provisional. Annual reports, or more frequent reports if requested, shall be sent to the Department by the institution as requested.

(e) Following provisional approval, an institution may receive final approval for the requested programs when, in the opinion of the Secretary, it has met prescribed conditions.

(f) Programs requiring accreditation at the time of provisional approval will need such designation before the program will be recommended for final approval by the Secretary.

GRADUATE PROGRAM APPROVAL PROCEDURE

§ 42.41. Statement of philosophy and need.

An institution applying for approval to grant graduate degrees shall submit a statement of its philosophy of graduate education as part of the application. This statement shall set forth the philosophy of the institution with respect to research, instruction and the goals of graduate education, including the major categories of graduate programs to be provided and the institution's provisions for affirmative action and equal educational opportunity. The statement shall show the total planning of the institution for graduate instruction and shall include the evaluation procedures used to determine future developments. The statement also shall document how the proposed graduate instruction fulfills the educational needs of this Commonwealth and **[does not duplicate education already provided in the institution's service region and this Commonwealth] shall document the academic need and workforce demand for each program or educational offering.**

§ 42.45. Application.

[An institution desiring approval to offer graduate programs shall, after consultation with the Department, submit an application to the Department on forms provided by the Department.] **The application, evaluation and approval of graduate programs shall follow the procedures outlined in § 42.32 (relating to approval process).** The application [may] **shall** be filed [not later than] **by** July 1 of the calendar year preceding the academic year in which the institution desires the approval.

§ 42.46. [Evaluation] (Reserved).

[(a) An evaluation committee will be selected by the Department and chaired by a staff person from the Department. The committee will consist of authorities in the areas to be investigated.

(b) The committee will evaluate documentation submitted by the applicant, conduct a site visit to validate the information and assess the readiness of the institution to offer the requested graduate program, and submit a written report, with recommendations, to the Secretary. This report will be submitted to the applicant by the Department for response. The report of the committee and the response by the applicant are the basis on which the Secretary makes a decision on the request of the applicant.]

§ 42.47. [Approval] (Reserved).

[(a) Initial approval of graduate programs, including institutional authorization to award the degree specified, is provisional. Annual reports, or more frequent reports if requested, shall be sent to the Department by the institution.

(b) An institution having charter status shall also comply with § 40.56 (relating to additional programs).

(c) Following provisional approval, an institution may receive final approval for the requested graduate programs when, in the opinion of the Secretary, it has met prescribed conditions.

(d) If an independent institution fails to maintain standards prescribed by this chapter and Chapter 31 (relating to general provisions) for its graduate programs the court shall, upon the recommendation of the Secretary, revoke the degree-granting privilege of the institution for these programs as provided in section 312C of the Nonprofit Corporation Law (15 P. S. § 7312C). A recommendation as in the case of an independent institution will be made only after the institution or university has been informed in writing of the weaknesses of its programs and has been given reasonable time in which to restore the programs to the level of the required minimum standards.]

[VOCATIONAL EDUCATION PROCEDURE]

§ 42.51. [Approval] (Reserved).

[An institution desiring approval to receive State/Federal money for vocational education shall notify the Department of its intent to participate in project resource funding. In order to be eligible for funding, the institution must have long-range plans, a local advisory committee, an occupational advisory committee, admissions policies, planned courses and programs, a method of compliance review, a plan for improvement and contemporary equipment.]

§ 42.52. [Long-range plans] (Reserved).

[(a) Once every 5 years an institution conducting approved vocational education programs shall submit to the Department a long-range vocational education plan.

(b) An institution offering less than five vocational education programs may participate in the plan of a school district, area vocational-technical school, or another institution within the same higher education planning region.

(c) A long-range vocational education plan shall include all of the following:

(1) A needs assessment of the supply of and demand for trained workers by local businesses and industries, based on available data.

(2) An action plan for delivering vocational education that is based on the results of the needs assessment referred to in paragraph (1).

(3) Plans to achieve or maintain coordination/articulation among secondary, postsecondary, adult and apprenticeship programs.

(4) A continuing education plan for professional staff development designed cooperatively by administrators and teachers.

(5) A written policy outlining the institution's plan for job placement services.

(6) A plan for repair, replacement and addition of instructional equipment.]

§ 42.53. [Local advisory committee] (Reserved).

[(a) Institutions administering or planning to administer an approved vocational educational program shall appoint an advisory committee.

(b) The appointed advisory committee shall give advice to the administration of the institution concerning its needs and the needs of business and industry as they relate to long-range planning, educational planning, and recruitment of personnel.

(c) A minimum of one meeting shall be held each year.]

§ 42.54. [Occupational advisory committee] (Reserved).

[An occupational advisory committee shall be established for each vocational program or cluster of related programs offered by an institution. The committee shall meet at least once each year to advise on curriculum.]

§ 42.55. [Admissions policies] (Reserved).

[(a) Institutions administering vocational education programs shall have a written policy regarding admissions.

(b) Policies regarding admissions shall be publicized and shall be nondiscriminatory.

(c) Course announcements, guidance materials, brochures, and similar materials shall convey the philosophy of equal access to students considering enrollment.]

§ 42.56. [Program content] (Reserved).

[(a) Institutions offering vocational education programs shall include the elements of a planned course in vocational program offerings.

(b) For planned vocational courses, the list of objectives expected to be achieved by students and expected levels of achievement shall be derived from industry analysis that is critical to success in a work environment.]

§ 42.57. [Method of compliance review] (Reserved).

[(a) Vocational education programs administered by an institution shall be evaluated every 5 years for compliance with this chapter.

(b) The compliance review may utilize the techniques such as self-study, Department staff reviews or external evaluation to accomplish the review.]

§ 42.58. [Plan for improvement] (Reserved).

[Within 6 months following the receipt of a formal compliance review report from the Secretary, an institution shall submit to the Secretary a plan for compliance improvement.]

§ 42.59. [Contemporary equipment] (Reserved).

[Equipment shall be deemed appropriate if it is comparable, insofar as practical, to that used in occupations or households for which vocational education or related vocational instruction is provided.]

APPEALS

§ 42.61. Appeals, hearings and notice.

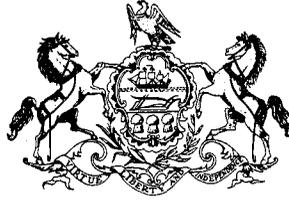
[A licensed trade, business, correspondence or beauty culture school denied approved status or having its degree-granting privilege revoked, or a junior college, community college, college, professional school, university or State System university] Institutions of any type offering degrees at any level denied approval of a program may request the Department to provide administrative hearings and notice under the appeal procedures of 2 Pa.C.S. §§ 501—508 (relating to practice and procedure of Commonwealth agencies).

RECODIFICATION

§ 42.71. Recodification.

(a) [Sections of this chapter replace sections of] Vocational education degree programs are covered by Chapters 33, 37, 39, 41, 43, 45, 46, 47 and 48.

(b) This chapter is integrated with Chapter 31 (relating to general provisions), [and] Chapter 35 (relating to community colleges), Chapter 36 (relating to foreign corporations), Chapter 40 (relating to institutional approval) and Chapter 73 (relating to State Board of Private Licensed Schools; general provisions).



Commonwealth of Pennsylvania
STATE BOARD OF EDUCATION

April 10, 2008

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

Dear Mr. Kaufman:

Enclosed is a copy of proposed State Board of Education regulation 22 Pa. Code, Chapter 42, Program Approval (#006-311) for review by the Commission pursuant to the provisions of section 5(c) of the Regulatory Review Act. The act provides that the Commission may, within thirty days after the close of the public comment period, convey to the Board and committees any comments, recommendations and objections to the proposed regulation. The comments, recommendations and objections shall specify the regulatory review criterion which the proposed regulation has not met.

The State Board of Education will provide the Commission with whatever assistance it requires to facilitate a thorough review of the proposed regulations.

I look forward to working with you, your staff and members of the Commission in the review and consideration of these regulations that address the educational services and programs public schools are to provide to students identified as gifted.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jim Buckheit".

Jim Buckheit
Executive Director

cc: Secretary Gerald Zahorchak
Deputy Secretary Kathleen Shaw
Gregory Dunlap, Esq.

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

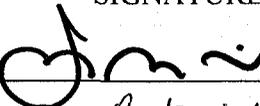
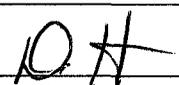
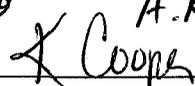
I.D. NUMBER: 6-311
 SUBJECT: PROGRAM APPROVAL
 AGENCY: STATE BOARD OF EDUCATION

TYPE OF REGULATION

- X Proposed Regulation
- Final Regulation
- 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

RECEIVED
 2008 APR 10 AM 11:29
 INDEPENDENT REGULATORY
 REVIEW COMMISSION

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
4/10/08		HOUSE COMMITTEE ON EDUCATION
4-10-08	Rita Marble	MAJORITY CHAIRMAN <u>James R. Roebuck</u>
4/10/08		SENATE COMMITTEE ON EDUCATION
4-10-08	A.R.	MAJORITY CHAIRMAN <u>James J. Rhoades</u>
4/10/08		INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL (for Final Omitted only)
4/10/08		LEGISLATIVE REFERENCE BUREAU (for Proposed only)