

# PROPOSED RULEMAKING

## DEPARTMENT OF EDUCATION

[22 PA. CODE. CH. 711]

### Charter School Services and Programs for Children With Disabilities

The Department of Education is providing additional opportunities for public input (including hearings) on proposed Chapter 711 as published in the *Pennsylvania Bulletin* on July 8, 2000, to meet Federal requirements.

The hearing schedule is as follows:

November 17, 2000—2 p.m. until 7 p.m.

Duquesne University, Rockwell Hall, Level G-1,  
Pittsburgh, PA

November 20, 2000—12 noon until 6 p.m.

Drexel University, Matheson Hall  
31st and Chestnut Streets  
Philadelphia, PA

Persons interested in presenting testimony may contact Tracy Willard at (717) 772-3260 or TDD (717) 787-7367.

Written comments should be sent to Dr. Dale Baker, Office of Educational Initiatives, 333 Market Street, Harrisburg, PA 17126-0333 by 4 p.m., December 15, 2000. Comments in alternative formats, such as Braille or taped comments and telephone comments from persons with disabilities are welcome. Persons needing additional information regarding this notice or persons with disabilities needing an alternative means of providing comment or testimony may contact Dr. Baker by calling (717) 705-0930 or TDD at (717) 783-8445.

The purposes of proposed Chapter 711 are to develop procedures for special education in charter schools and adopt by reference applicable Federal regulations. The proposed regulations will assist charter schools in compliance with Federal laws, regulations and court decrees as they apply to children with disabilities. In part, the rulemaking on Chapter 711 will become part of the Individuals with Disabilities Education Act, Part B grant application to the United States Department of Education (USOE) ensuring that provision of a free appropriate public education to students with disabilities in public charter schools. Public access to the IDEA-B grant award will be made available upon the USOE's approval.

EUGENE W. HICKOK,  
*Secretary*

[Pa.B. Doc. No. 00-1759. Filed for public inspection October 13, 2000, 9:00 a.m.]

## STATE BOARD OF CERTIFIED REAL ESTATE APPRAISERS

[49 PA. CODE CH. 36]

### Fees for Board Services

The State Board of Certified Real Estate Appraisers (Board) proposes to amend § 36.6 (relating to fees) to read as set forth in Annex A.

#### *Effective Date*

The proposed fees would become effective upon publication of the final-form regulation in the *Pennsylvania Bulletin*.

#### *Statutory Authority*

Section 5(6) of the Real Estate Appraisers Certification Act (REACA) (63 P. S. § 457.5(6)), authorizes the Board to establish fees for its operations. Section 9 of the REACA (63 P. S. § 457.9) requires the Board to establish fees by regulation and to ensure that revenues derived from fees are adequate to cover the Board's expenditures over a biennial period.

#### *Background and Purpose*

The Board's general operating expenditures are funded through fees for initial certification and biennial renewal of certification. Expenditures related to services that the Board provides to individual certificate holders and applicants are defrayed through user fees based on the actual costs of providing the services.

In a recent systems audit of the Board's operations conducted by the Revenue Office of the Bureau of Professional and Occupational Affairs, the fees for services provided to individual certificate holders and applicants were analyzed to determine if they accurately reflected the actual costs of providing the services. Actual cost calculations were based upon the following formula:

number of minutes to perform the service  
×  
pay rate for the classification of personnel performing  
the service  
+  
a proportionate share of administrative overhead.

The audit revealed that the fees for application for certification as a general or residential appraiser (by examination or by reciprocity), application for certification as a certified Pennsylvania evaluator, application for temporary practice registration, verification of certification or registration status and certification of examination scores were less than the actual costs of providing the services.

The Revenue Office recommended that the fees for those services be raised to reflect the Board's actual costs. The Revenue Office also recommended that a new fee be established to defray the Board's actual costs of processing an application for approval as a continuing education provider.

The Board's proposal would implement the Revenue Office's recommendations regarding user fees for Board services. The Board would continue to apportion its general operating costs to the general population of certificate holders when the Board makes its statutorily

required biennial reconciliation of revenue and expenditures.

The Board also proposes to relocate and make editorial changes to the descriptions of certain fees.

*Fiscal Impact*

The Board projects that the revised schedule of user fees would generate additional revenues totaling approximately \$40,100 during each fiscal biennium. The additional biennial revenues are broken down as follows:

<i>Service</i>	<i>Estimated Fee-Payers</i>		<i>Fee Increase</i>		<i>Additional Revenues</i>
Application for Certification as Appraiser or Certified Pennsylvania Evaluator by Examination	190	×	\$180	=	\$34,200
Application for Certification as Appraiser by Reciprocity	10	×	\$15	=	\$150
Application for Temporary Practice Registration	75	×	\$5	=	\$375
Application for Approval as Continuing Education Provider	25	×	\$85	=	\$2,125
Certification of Examination Scores	200	×	\$10	=	\$2,000
Verification of Certification or Registration Status	250	×	\$5	=	\$1,250
				<b>Total</b>	<b>\$40,100</b>

*Paperwork Requirements*

The Board's proposal would require the Board to change certain forms to reflect the revised schedule of user fees. The Board's proposal would not create additional paperwork requirements for the regulated community.

*Compliance with Executive Order 1996-1*

In accordance with Executive Order 1996-1 (relating to regulatory review and promulgation), the Board, in drafting and promulgating the proposed fees, considered the least restrictive alternative to regulatory costs for services requested by individual certificate holders and applicants.

*Regulatory Review*

On October 4, 2000, as required by section 5(a) of the Regulatory Review Act (71 P. S. § 745.4(a)), the Board submitted copies of this notice of proposed rulemaking to the Independent Regulatory Review Commission (IRRC), the Senate Standing Committee on Consumer Protection and Professional Licensure and the House Standing Committee on Professional Licensure. The Board also provided IRRC and the Committees with copies of regulatory analysis and fee report forms prepared in compliance with Executive Order 1996-1. Copies of these forms are available to the public upon request.

Under section 5(g), if IRRC has objections to the proposed fees, it will notify the Board within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria that have not been met. The Regulatory Review Act sets forth procedures that permit IRRC, the General Assembly and the Governor to review any objections prior to final adoption of the fees.

*Public Comment*

The Board invites interested persons to submit written comments, suggestions or objections regarding the pro-

posed fees to Steven Wennberg, Counsel, State Board of Certified Real Estate Appraisers, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days following publication of this notice of proposed rulemaking in the *Pennsylvania Bulletin*.

DAVID J. KING,  
*Chairperson*

**Fiscal Note:** 16A-7011. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 36. STATE BOARD OF CERTIFIED REAL ESTATE APPRAISERS**

**Subchapter A. GENERAL PROVISIONS**

**§ 36.6. Fees.**

The following is the schedule of fees charged by the Board:

- Certification of scores ..... \$[ 15 ] 25
- Verification of certification or registration . \$[ 10 ] 15

*Certified Real Estate Appraisers*

- Application [ fee ] by examination ..... \$[ 55 ] 235
- Application by reciprocity ..... \$40
- Temporary practice registration..... \$30
- Examination [ fee ]..... \$100

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*Certified Broker/Appraisers*

Application [ fee ] (for application period of 9/3/96 to 9/3/98) ..... \$40

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*Certified Pennsylvania Evaluators*

Application [ fee ] ..... \$[ 55 ] 235

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[ Reciprocity certification fee .....\$25 ]

[ Temporary practice registration fee .....\$25 ]

Examination [ fee ]..... \$200

***Continuing Education Provider***

**Application for continuing education provider approval ..... \$55**

[Pa.B. Doc. No. 00-1760. Filed for public inspection October 13, 2000, 9:00 a.m.]

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