

Original: 2129 & #2144

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## Senate of Pennsylvania

### COMMITTEES

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PA HISTORICAL AND MUSEUM COMMISSION  
STATE BOARD OF EDUCATION  
EDUCATION COMMISSION OF THE STATES

REPLY TO:  
 HARRISBURG  
 PHILADELPHIA

February 26, 2001

John R. McGinley, Jr., Esq.  
Chairman  
Independent Regulatory Review Commission  
333 Market Street, 14<sup>th</sup> Floor  
Harrisburg, PA 17101

Dear Chairman McGinley:

The Senate Education Committee convened a meeting today for the purpose of considering Final Form Regulation #6-270, and Final Form Regulation #2-269. Due to the absence of a quorum, the Committee took no votes on these regulations. Pursuant to the Regulatory Review Act, these regulations are deemed to have been approved by the Committee due to the absence of a vote by the Committee to disapprove these regulations.

The below signed members of the Senate Education Committee wish to state for the record to you and your fellow Commissioners that had a vote been taken today, we would have voted to disapprove Final Form Regulation #6-270. We do not object to Final Form Regulation #2-269.

Our primary objection to Final Form Regulation #6-270 is the elimination of class size maximums for special education students. Current regulations (22 Pa Code Chapter 342.42) set in policy what research tells us to be true: if children with special needs are to receive the individualized instruction they need to succeed, small class sizes must be maintained. Final Form Regulation #6-270 represents a substantial policy shift that has the potential for negative consequences for students with special needs.

We are not persuaded that special education students will be adequately protected by the inclusion of teacher caseload limits in Final Form Regulation #6-270. Section 14.142 (B) of the proposed final form regulations allows school districts to seek a waiver from the Department of Education for alternative caseload limits.

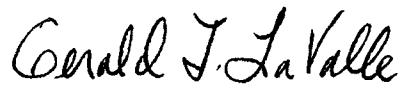
We are sympathetic to the concerns of school districts that view the current class size limits in regulation to be inflexible and therefore costly. The solution to that concern, however, should not be the total elimination of regulatory language intended to protect the interests of students. In fact, we are well aware of alternative class size proposals that have been discussed in the public arena which provide for district flexibility while maintaining the policy objective of limited class size for special needs students.

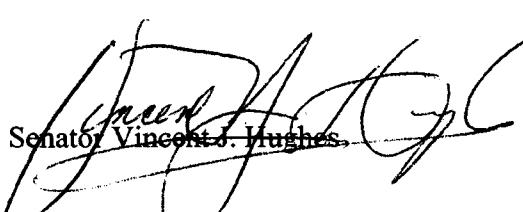
Again, had an official vote of the Senate Education Committee been taken, we would have voted to disapprove Final Form Regulation #6-270. For the reasons stated above, we urge the Independent Regulatory Review Commission to disapprove these regulations.

Thank you for your attention to this important matter.

Sincerely,

  
Senator Allyson Y. Schwartz  
Democratic Chair

  
Senator Gerald J. LaValle

  
Senator Vincent J. Hughes

  
Senator Allen G. Kukovich