

Original: #2144

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21112-6 (11/95)
REVIEW COMMISSION

REJECT

CHAPTER

14

Original: 2144



Serving Cumberland, Dauphin, Northern York and Perry Counties

School Programs & Services • 55 Miller Street • P.O. Box 489 • Summerdale, PA 17093-0489
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March 13, 2001

The Honorable Daniel F. Clark
401 South Office
Harrisburg, PA 17120

Dear Representative Clark:

I am writing to share my extreme disappointment with the action taken by the Independent Regulatory Review Commission (IRRC) on March 8, 2001. After all the meetings, testimony, and work on the part of the State Board and the legislature to ease regulations, I cannot believe that the action of the IRRC will be left standing.

The version of Chapter 14 disapproved by the IRRC would significantly reduce the regulatory burden and costs that have generated so much attention from our school districts. Although this version of Chapter 14 will not be perfect, it will allow districts more control over their finite resources, and it will protect children's rights to a free, appropriate public education.

I am also concerned that such a decision could disrupt over \$200 million in special education funds. We cannot afford to lose these funds.

After all the concerns that I have heard from school superintendents, board members, intermediate unit executive directors, special education leaders, and legislators about over-regulating mandates and exorbitant costs, I expected some relief. It just baffles me that our governing bodies will cave in to unsubstantiated areas from advocates for the status quo.

Sincerely,

A handwritten signature in cursive script, appearing to read "Glenn W. Zehner".

Glenn W. Zehner, Ed.D.
Executive Director

This letter is being sent to Senators and Legislators
within the Capital Area Intermediate Unit service area,
Senator Rhoads, and Representative Stairs

cc: CAIU Board Members
Superintendents in the Capital Area
Intermediate Unit
Cabinet
Secretary Hickok
Dr. Warkomski
Dr. Garland

The CAIU . . . Educational Excellence In The 21st Century.

It is the CAIU's mission to provide quality programs and services to its member districts and other customers.

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2001 MAR 20 PM 12:03
INDEPENDENT REGULATORY
REVIEW COMMISSION

Representative
DANIEL F. CLARK

82nd District

MIDDLEBURG:

9 S. Main St.
P.O. Box 282
Middleburg, PA 17044
Phone: (570) 837-1414

LEWISTOWN:

31 West 3rd Street
Lewistown, PA 17044
Phone: (717) 242-2141

MIFFLINTOWN:

Tuscarora Motor Inn Office
P.O. Box 225
Mifflintown, PA 17059
Phone: (717) 336-6001

HARRISBURG:

House P.O. Box 202020
Room 401 South Office
Harrisburg, PA 17120-2020
Phone: (717) 783-8830

Bob: White huge disappointment!!
CALL TOLL FREE: 1-800-242-5275



Date 3/19/01



For Your Information



As Per Your Request



Other: HQ

IRRC

From: Rebecca Costello [costello@wiu.k12.pa.us]
Sent: Friday, January 04, 1980 7:23 AM
To: 'irrc@irrc.state.pa.us'
Subject: Chapter 14 revision

Dear Committee Members:

I am the Director of Pupil Services at Hempfield Area School District. I have been a Special Education teacher and administrator for 27 years. I have been active in parent advocacy groups in the infant stages of special education. I served on the executive board of the Association of Children with Learning Disabilities advocating early identification and educational programs for these children back in the 70's. I am a very strong advocate for students with Disabilities. I am urging you to support the Chapter 14 draft as proposed by the State Board of Education.

The class size restrictions currently in Chapter 14 hamper districts in providing educational supports to our students. One scenario that occurs often is - - The resource room teacher has 8 students scheduled into her classroom. Two unplanned for students arrive needing help on an assignment. The teacher assistant is available but if these two additional students are allowed in the resource room then the room is overcrowded and violates Chapter 14 class size table. Another often occurring scenario - A ninth grade special education English class at the high school has 8 students. A ninth grade student moves into the school district and needs to be taught English by a special education teacher. That section is full. What do you do? The special education teacher feels that she can easily add this student to her class. You can break the law by adding this student to the class which meets his needs or you can devise a schedule that meets the requirements of the law but not in this student's best interest.

Relieving schools of the class size restrictions provide needed flexibility to best implement FAPE. It is inaccurate to assume that elimination of the class size table will mean that school entities will move to overcrowd their classes. At Hempfield we are committed to providing a quality education for all students please help us by supporting the State Board of Education's draft of Chapter 14.

Sincerely,

Rebecca Costello
Director of Pupil Services
Hempfield Area School District



BLUE MOUNTAIN SCHOOL DISTRICT

Joyce E. Romberger, Ed.D.
Supv. of Curriculum & Instruction

Jeffrey E. Ritschel
Supv. of Buildings & Grounds

Jon J. Rednak, Ed.D.
Superintendent of Schools

Andrew D. Smarnkanic, Ed.D.
Asst. to Supt. for Business Affairs

James R. Maffeo
Dir. of Support Services

March 13, 2001

The Honorable James J. Rhoades
Chairman, Senate Education Committee
Senate Box 203029
Harrisburg, Pa 17126-3029

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2001 MAR 14 AM 8:58
INDEPENDENT REGULATORY
REVIEW COMMISSION

School districts across Pennsylvania need your support regarding this revision. Please do everything you can to keep the revision in place.

Thank you for your time and consideration regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to be 'Jon J. Rednak', with a large loop and a horizontal line extending to the right.

Jon J. Rednak, Ed.D.
Superintendent

JJR/jar

cc: Eugene W. Hickok, Secretary of Education
Dr. Peter H. Garland, State Board of Education
Dr. Fran J. Warkowski, State Director of Special Education
John R. McGinley, Jr., Independent Regulatory Review Commission ✓



BLUE MOUNTAIN SCHOOL DISTRICT

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Majority Chairman, House Education Committee
East Wing Room 43A
Harrisburg, PA 17120-2020

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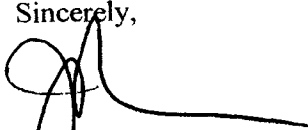
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Superintendent

JJR/jar

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Dr. Fran J. Warkomski, State Director of Special Education
John R. McGinley, Jr., Independent Regulatory Review Commission ✓



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Democratic Chairman, House Education Committee
Room 300
Main Capitol Building
Harrisburg, PA 17120-2020

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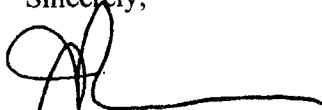
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Dir. of Support Services

"DEDICATED TO EXCELLENCE"

March 13, 2001

The Honorable Allyson Y. Schwartz
Minority Chairperson, Senate Education Committee
Senate Box 203004
Harrisburg, PA 17710-3004

Dear Madam:

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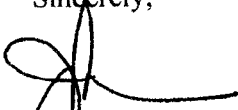
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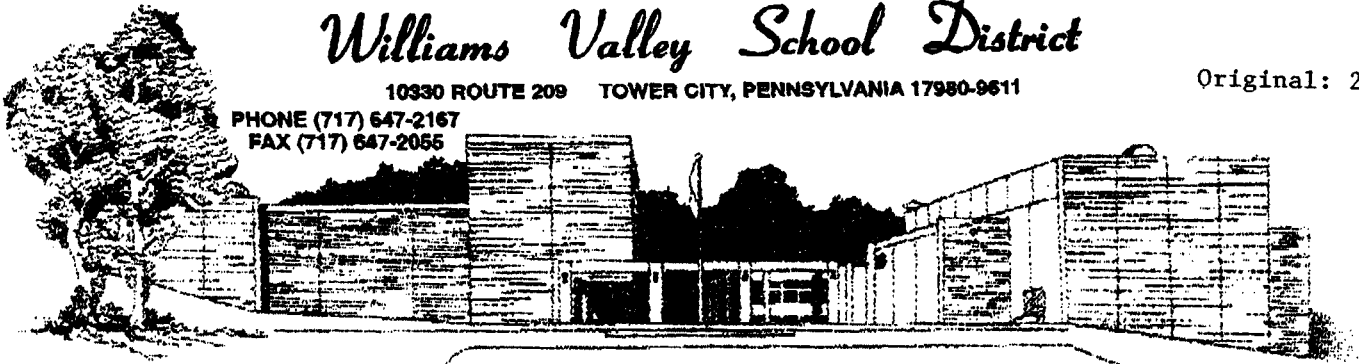
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Dr. Fran J. Warkomski, State Director of Special Education
John R. McGinley, Jr., Independent Regulatory Review Commission ✓

Williams Valley School District

10330 ROUTE 209 TOWER CITY, PENNSYLVANIA 17980-9611

PHONE (717) 647-2167
FAX (717) 647-2055

Original: 2144

**GLENN W. SHAFFER, PRSBA**
Business Manager**JULIANA PICOLA**
Superintendent**JOLENE D. SMITH**
Administrative Assistant

March 12, 2001

The Honorable Nicholas A. Colafella
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Room 300
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Superintendent

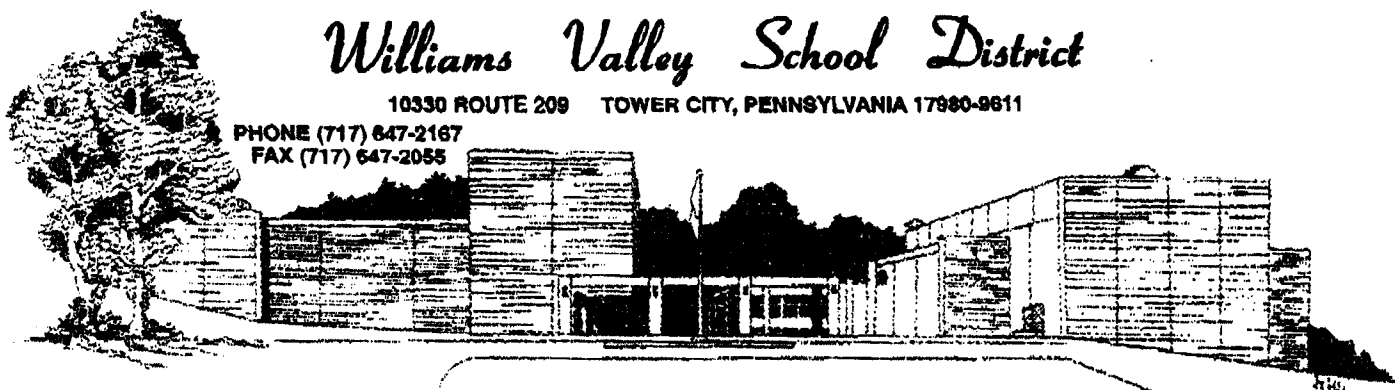
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John R. McGinley, Jr., Independent Regulatory Review Commission

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2001 MAR 12 PM 3:41
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Williams Valley School District

10330 ROUTE 209 TOWER CITY, PENNSYLVANIA 17980-9611

PHONE (717) 647-2167
FAX (717) 647-2055



GLENN W. SHAFFER, PRSBA
Business Manager

JULIANA PICOLA
Superintendent

JOLENE D. SMITH
Administrative Assistant

March 12, 2001

The Honorable James J. Rhoades
Chairman, Senate Education Committee
Senate Box 203029
Harrisburg, PA 17126-3029

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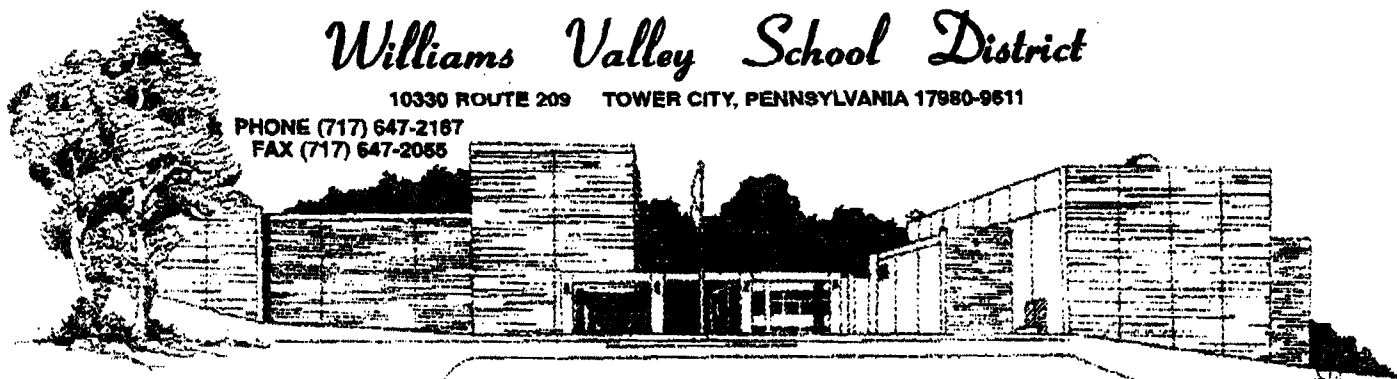
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Williams Valley School District

10330 ROUTE 209 TOWER CITY, PENNSYLVANIA 17980-9611

PHONE (717) 647-2187

FAX (717) 647-2055



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JULIANA PICOLA
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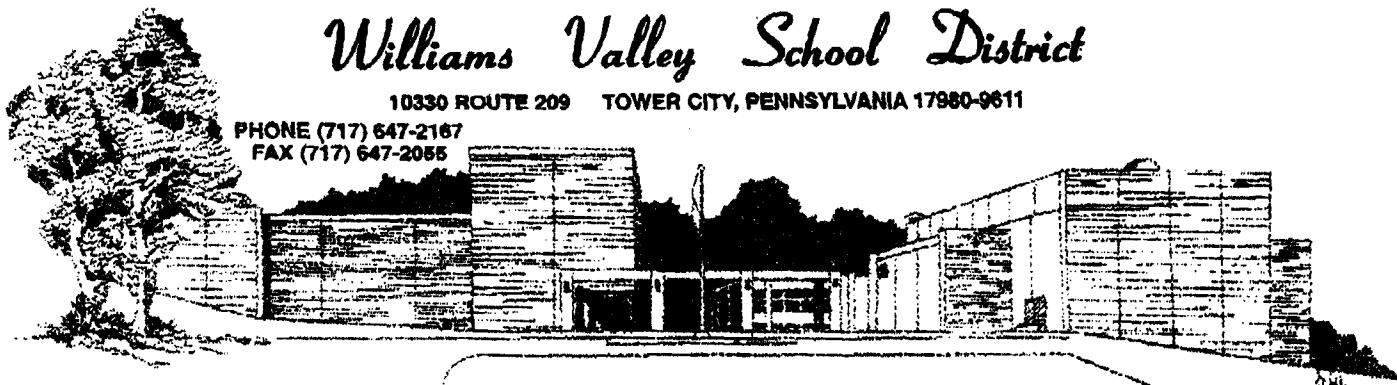
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Williams Valley School District

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MAR-12-01 MON 03:15 PM WILLIAMS VALLEY S.D.

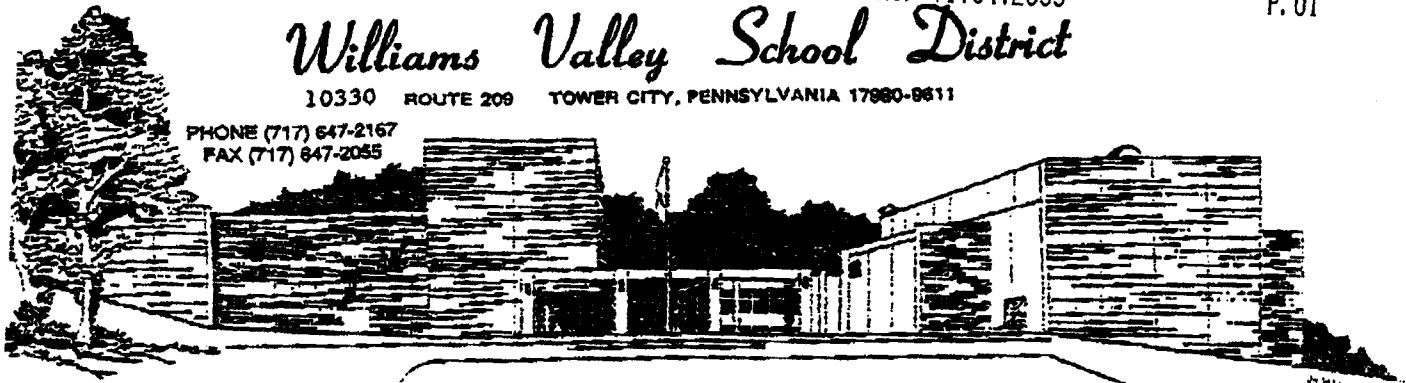
FAX NO. 7176472055

P. 01

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FAX (717) 647-2055



GLENN W. SHAFFER, PRSBA
Business Manager

JULIANA PICOLA
Superintendent

JOLENE D. SMITH
Administrative Assistant

TO: John McGinley

FROM: Juliana Picola

DATE: 3-12-01

PAGES BEING FAXED, INCLUDING COVER SHEET: 5

(IF YOU DID NOT RECEIVE THIS FAX IN ITS ENTIRETY, PLEASE CALL (717)647-2167.)

EXTRA NOTES:

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2001 MAR 12 PM 3:41

REVIEW COMMISSION



Schuylkill Intermediate Unit
Serving the Needs of Education

JAMES S. FOGARTY, Ph. D.
Executive Director

GERALD ACHENBACH, Ed. D.
Assistant Executive Director

Original: 2144

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The Honorable James J. Rhoades
Chairman, Senate Education Committee
Senate Box 203029
Harrisburg, PA 17126-3029
Fax: 717-783-9149

The Honorable Jess M. Stairs
Majority Chairman, House Education Committee
East Wing Room 43A
Harrisburg, PA 17120-2020
Fax: 717-787-0859

The Honorable Nicholas A. Colafella
Democratic Chairman, House Education Committee
Room 300
Main Capitol Building
Harrisburg, PA 17120-2020
Fax: 717-787-5066

The Honorable Allyson Y. Schwartz
Minority Chairperson, Senate Education Committee
Senate Box 203004
Harrisburg, PA 17120-3004
Fax: 717-772-0572

Dear Sirs and Madam:

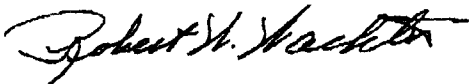
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Robert W. Wachter
Board President

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Dr. Peter H. Garland, State Board of Education
Dr. Fran J. Warkowski, State Director of Special Education
John R. McGinley, Jr., Independent Regulatory Review Commission

RECEIVED

2001 MAR 13 AM 9:13 Schuylkill Intermediate Unit 29

REVIEW COMMISSION

TORY

P.O. Box 130
17 Maple Avenue
Mar-Lin, PA 17951

From Fax: 570-544-2169

To Fax Number: 717-783-2664Date: 3-13-01To: John R. McGinley, Jr.From: James S. Fogarty, Ph.D.

Re: _____

Number of Pages to Follow: 4

Message:

If there is trouble with this transmission, please contact the
Schuylkill Intermediate Unit at 570-544-9131.

**Schuylkill Intermediate Unit***Serving the Needs of Education***JAMES S. FOGARTY, Ph. D.**
Executive Director**GERALD ACHENBACH, Ed. D.**
Assistant Executive Director

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Majority Chairman, House Education Committee
East Wing Room 43A
Harrisburg, PA 17120-2020
Fax: 717-787-0859

The Honorable Nicholas A. Colafella
Democratic Chairman, House Education Committee
Room 300
Main Capitol Building
Harrisburg, PA 17120-2020
Fax: 717-787-5066

The Honorable Allyson Y. Schwartz
Minority Chairperson, Senate Education Committee
Senate Box 203004
Harrisburg, PA 17120-3004
Fax: 717-772-0572

Dear Sirs and Madam:

I am writing to express my concern with the Independent Regulatory Review Commission's, (IRRC), disapproval of the revisions to Pennsylvania Special Education Regulations and Standards, (22 Pa. Code - Chapters 14 and 342). As a public school official and educational advocate for children with disabilities in Pennsylvania, I must express my grave concerns regarding this action by the IRRC. School Districts and Intermediate Units continue to be faced with serving children who have increasingly comprehensive as well as complex educational needs.

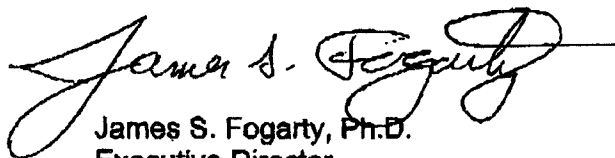
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2001 MAR 13 11 51 AM
INDEPENDENT REGULATORY REVIEW COMMISSION

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Sincerely,



James S. Fogarty, Ph.D.
Executive Director

cc: Eugene W. Hickok, Secretary of Education
Dr. Peter H. Garland, State Board of Education
Dr. Fran J. Warkomski, State Director of Special Education
John R. McGinley, Jr., Independent Regulatory Review Commission

Original: 2144

Pottsville Area School District

Howard S. Fernsler Academic Center

1501 WEST LAUREL BOULEVARD
POTTSVILLE, PA 17901

March 12, 2001

The Honorable Nicholas A. Colafella
Democratic Chairman, House Education Committee
Room 300
Main Capitol Building
Harrisburg, PA 17120-2020

Dear Sir:

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Sincerely,



Daniel A. Balkiewicz, Ed.D.
Director of Elementary and Secondary Education
Pottsville Area School District

DAB:dk

cc: Eugene W. Hickok, Secretary of Education
Dr. Peter H. Garland, State Board of Education
Dr. Fran J. Warkomski, State Director of Special Education
John R. McGinley, Jr., Independent Regulatory Review Commission

WE ARE AN EQUAL RIGHTS AND OPPORTUNITY SCHOOL DISTRICT

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MAR 13 PM 4:07
INDEPENDENT REGULATORY REVIEW COMMISSION

Pottsville Area School District

Howard S. Fernsler Academic Center

1501 WEST LAUREL BOULEVARD
POTTSVILLE, PA 17901

March 12, 2001

The Honorable James J. Rhoades
Chairman, Senate Education Committee
Senate Box 203029
Harrisburg, PA 17126-3029

Dear Sir:

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Director of Elementary and Secondary Education
Pottsville Area School District

DAB:dk

cc: Eugene W. Hickok, Secretary of Education
Dr. Peter H. Garland, State Board of Education
Dr. Fran J. Warkomski, State Director of Special Education
John R. McGinley, Jr., Independent Regulatory Review Commission

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Pottsville Area School District

Howard S. Fernsler Academic Center

1501 WEST LAUREL BOULEVARD
POTTSVILLE, PA 17901

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Majority Chairman, House Education Committee
East Wing Room 43A
Harrisburg, PA 17120-2020

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Daniel A. Balkiewicz, Ed.D.
Director of Elementary and Secondary Education
Pottsville Area School District

DAB:dk

cc: Eugene W. Hickok, Secretary of Education
Dr. Peter H. Garland, State Board of Education
Dr. Fran J. Warkomski, State Director of Special Education
John R. McGinley, Jr., Independent Regulatory Review Commission

WE ARE AN EQUAL RIGHTS AND OPPORTUNITY SCHOOL DISTRICT

Pottsville Area School District

Howard S. Fernsler Academic Center

1501 WEST LAUREL BOULEVARD
POTTSVILLE, PA 17801

March 12, 2001

The Honorable Allyson Y. Schwartz
Minority Chairperson, Senate Education Committee
Senate Box 203004
Harrisburg, PA 17120-3004

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Daniel A. Balkiewicz, Ed.D.
Director of Elementary and Secondary Education
Pottsville Area School District

DAB:dk

cc: Eugene W. Hickok, Secretary of Education
Dr. Peter H. Garland, State Board of Education
Dr. Fran J. Warkomski, State Director of Special Education
John R. McGinley, Jr., Independent Regulatory Review Commission

WE ARE AN EQUAL RIGHTS AND OPPORTUNITY SCHOOL DISTRICT

POTTSVILLE AREA
SCHOOL DISTRICT

1501 W. Laurel Blvd., Pottsville, PA 17901

FAX

Date: 3/13/01

Number of pages including cover sheet: 5

To: John R. McGinley, Jr.
Independent Regulatory Review
Commission

Phone:

Fax phone: 717-783-2664

CC:

From:

Dr. Daniel A. Balkiewicz

Director Elementary/Secondary
Education

Phone: (570) 621-2907

Fax phone: (570) 621-2025

REMARKS: ☒ Urgent ☐ For your review ☐ Reply ASAP ☐ Please comment

RECEIVED
MARCH 13 2001
POTTSVILLE AREA SCHOOL DISTRICT
INDEPENDENT REGULATORY REVIEW COMMISSION

Original: 2144

IRRC

From: Nancy Poekert [pa.mom@mindspring.com]
Sent: Monday, March 12, 2001 9:27 AM
To: IRRC@irrc.state.pa.us
Subject: Thank you!!

Dear commissioners:

Thank you so much for your courageous move in rejecting the proposed Chapter 14 regulations. You did the right and moral thing!

Very sincerely yours,

Nancy Coleman Poekert

Original: 2144

PINE GROVE AREA SCHOOL DISTRICT

Rosemary Kramer, Pres.
John Brill, V. Pres.
Kevin Klinger, Sec.
David Lukasewicz, Treas.
Thomas Nickels, Esq.



Marc Griffiths
Wayne Kurtz
Edward Lehr
Terry Wolfe
Dr. Richard Russell, Jr.

March 12, 2001

Dr. Lawrence J. Mussoline, Jr.
Superintendent

The Honorable James J. Rhoades
Chairman, Senate Education Committee
Senate Box 203029
Harrisburg, PA 17126-3029

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2001 MAR 16 AM 9:05
REVIEW COMMISSION

Dear Senator Rhoades:

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Sincerely,

Lawrence J. Mussoline, Jr., Ph.D.
Superintendent of Schools

cc: Eugene W. Hickok, Secretary of Education
Dr. Peter H. Garland, State Board of Education
Dr. Fran J. Warkowski, State Director of Special Education
John R. McGinley, Jr., Independent Regulatory Review Commission

Original: 2144

*North Schuylkill School District**15 Academy Lane - Route 61, Ashland, PA 17921-9301
FAX 570-874-3334 570-874-0466**John E. Eisenhauer, Ed. D., Superintendent**Philip S. Rapant, Jr., Business Manager*

March 12, 2001

John R. McGinley, Jr.
Independent Regulatory Review Commission
333 Market Street
14th Floor
Harrisburg, PA 17101

Dear Mr. McGinley:

I am writing to express my concern with the Independent Regulatory Review Commission (IRRC) disapproval of the revisions to Pennsylvania Special Education Regulations and Standards (22 Pa. Code - Chapters 14 and 342). As a public school official and educational advocate for children with disabilities in Pennsylvania, I must express my grave concerns regarding this action by the IRRC. School districts and Intermediate Units continue to be faced with serving children who have increasingly comprehensive as well as complex educational needs.

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Sincerely,

John E. Eisenhauer, Ed.D.
Superintendent

cc: James J. Rhoades, Chairman, Senate Education Committee
Jess M. Stairs, Majority Chairman, House Education Committee
Allyson Y. Schwartz, Minority Chairperson, Senate Education Committee
Nicholas A. Colafella, Democratic Chairman, House Education Committee

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2001 MAR 14 PM 4:47
INDEPENDENT REGULATORY REVIEW COMMISSION

Original; 2144

IRRC

From: OJJJ@aol.com
Sent: Monday, March 12, 2001 12:26 PM
To: IRRC@irc.state.pa.us
Subject: Proposed Changes to Chap 14

The thank you goes to you and your staff for listening to the parents and the needs of the children.

3/12/2001



North Schuylkill School District

RECEIVED

15 Academy Lane - Route 61, Ashland, PA 17921-9301

FAX 570-874-3334

570-874-0466

2001 MAR 19

AM 10:17

INDEPENDENT REGULATORY
REVIEW COMMISSION



John E. Eisenhower, Ed. D., Superintendent

Philip S. Rapant, Jr., Business Manager

March 12, 2001

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Independent Regulatory Review Commission
333 Market Street
14th Floor
Harrisburg, PA 17101

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Sincerely,

John E. Eisenhower, Ed.D.
Superintendent

cc: James J. Rhoades, Chairman, Senate Education Committee
Jess M. Stairs, Majority Chairman, House Education Committee
Allyson Y. Schwartz, Minority Chairperson, Senate Education Committee
Nicholas A. Colafella, Democratic Chairman, House Education Committee

MIDDLETOWN AREA SCHOOL DISTRICT

Original: 2144

55 West Water Street Middletown, PA 17057

Superintendent
Gary E. Shank

Assistant Superintendent
Audrey L. Ross-Utley

Coordinator of Student Services
Richard P. Weinstein



Business Manager
Keith D. Ramsey

Supervisor of Special Education
Jill Craig

Phone Number
(717) 948-3300
Fax (717) 948-3329

March 12, 2001

The Honorable Jess Stairs
East Wing Room 43A
Harrisburg, PA 17120-2020

Dear Mr. Stairs:

This letter is written to express my frustration at the recent action taken by the Independent Regulatory Review Commission on March 8, 2001. The Commission's disapproval of the revisions to Pennsylvania's special education regulations and standards was nothing short of a tragedy.

Special education is currently in a state of chaos. Special and regular educators are faced with serving children with disabilities who have increasingly complex needs. The burden of federal special education regulatory requirements has increased since 1975, with a commensurate lack of adequate federal funding. The stress of meeting such complex needs, adhering to burdensome regulations, and doing so in an environment with inadequate funding have combined to leave us with a critical shortage of teachers and administrators willing to work in the field.

I have been an advocate for the State Board's intent to craft a minimal set of regulations by adopting the federal regulations by reference and adding minimum Pennsylvania-specific regulations. The version of Chapter 14 disapproved by the Independent Regulatory Review Commission would have significantly reduced the regulatory burden and the associated costs of meeting such regulations without adverse results for our students. The federal special education regulations, which the State Board sought to adopt by reference, contain more than enough procedural protections for each individual child with a disability. Just the due process procedures alone, which protect a child's individual right to a free appropriate public education in the least restrictive environment, virtually eliminates any problems on the part of a local educational agency.

RECEIVED
2001 MAR 14 AM 9:01
REVIEW COMMISSION


The Honorable Jess Stairs
March 12, 2001
Page 2

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Special education is virtually drowning of its own weight in over-regulation and under-funding. Words cannot express my discouragement at the commission's decision. I am requesting that you over-ride the commission's disapproval of Chapters 14 and 342. It is the right thing to do for children, for parents, for educators, and for taxpayers.

Thanking you in advance for your consideration of this matter.

Sincerely,



Gary E. Shank
Superintendent of Schools

GES:bmb

cc: Secretary Eugene W. Hickok
Independent Regulatory Review Commission
Dr. Frances J. Warkomski
Dr. Peter H. Garland

MIDDLETOWN AREA SCHOOL DISTRICT

55 West Water Street Middletown, PA 17057

Superintendent
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Assistant Superintendent
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(717) 948-3300
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March 12, 2001

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Senate Box 203029
Harrisburg, PA 17120-3029

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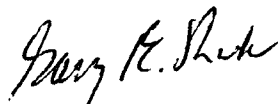
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GES:bmb

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Dr. Frances J. Warkomski
Dr. Peter H. Garland

MIDDLETOWN AREA SCHOOL DISTRICT

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Superintendent
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March 12, 2001

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Harrisburg, PA 17120-3029

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Sincerely,

A handwritten signature in black ink, appearing to read "Gary E. Shank".

Gary E. Shank
Superintendent of Schools

GES:bmb

cc: Secretary Eugene W. Hickok
Independent Regulatory Review Commission
Dr. Frances J. Warkomski
Dr. Peter H. Garland

Original: 2144

TAMAQUA AREA SCHOOL DISTRICT

Box 112 - Tamaqua, PA 18252
Phone: (570) 668-2570 - FAX: (570) 668-6850

FREDERICK T. BAUSCH

Superintendent

JOHN CORBY

Assistant Superintendent

CONNIE LIGENZA

Business Manager

March 12, 2001

The Honorable James J. Rhoades
Chairman, Senate Education Committee
Senate Box 203029
Harrisburg, PA 17126-3029

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RECEIVED
2001 MAR 16 10:51 AM
HARRISBURG, PA
SENATE EDUCATION COMMITTEE

Page Two
March 13, 2001

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Sincerely,

A handwritten signature in black ink, appearing to read "Fred Bausch", written in a cursive style.

Frederick T. Bausch
Superintendent

FTB:jah

cc: Eugene W. Hickok, Secretary of Education
Dr. Peter H. Garland, State Board of Education
Dr. Fran J. Warkomski, State Director of Special Education
John R. McGinley, Jr., Independent Regulatory Review Commission

Original: 2144

TAMAQUA AREA SCHOOL DISTRICT

Box 112 - Tamaqua, PA 18252
Phone: (570) 668-2570 - FAX: (570) 668-6850

FREDERICK T. BAUSCH

Superintendent

JOHN CORBY

Assistant Superintendent

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March 12, 2001

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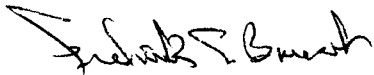
The burden of federal special education regulatory requirements has consistently increased since 1975. Unfortunately, funding for those requirements has and continues to be, at best, inadequate. This combination of extensive regulatory requirements and inadequate funding has, in my opinion, contributed to the deterioration of a once proud and respected educational system for students with disabilities in the Commonwealth of Pennsylvania. I would strongly encourage you to support the version of Chapter 14 that was recently disapproved by the IRRC. This proposed version reflects the federal regulations with selected Pennsylvania specific regulations. I believe that this version of Chapter 14 would provide a comprehensive and effective means of meeting the needs of students with disabilities in the Commonwealth of Pennsylvania.

RECEIVED
2001 MAR 16 AM 9:10
HOUSE OF REPRESENTATIVES
EDUCATION COMMITTEE
CORBY

Page Two
March 13, 2001

To our dismay, we learned that there may be the impression that educators are not committed to the proposed version of Chapter 14. Please know that during the past two years, complete and accurate testimony was provided by educators. That guidance was heard and applied as the proposed version of Chapter 14 was being developed. I remain committed to Chapter 14 as proposed and ask that you also support this critical and appropriate regulation.

Sincerely,



Frederick T. Bausch
Superintendent

FTB:jah

cc: Eugene W. Hickok, Secretary of Education
Dr. Peter H. Garland, State Board of Education
Dr. Fran J. Warkowski, State Director of Special Education
John R. McGinley, Jr., Independent Regulatory Review Commission

TAMAQUA AREA SCHOOL DISTRICT

Box 112 - Tamaqua, PA 18252
Phone: (570) 668-2570 - FAX: (570) 668-6850

FREDERICK T. BAUSCH

Superintendent

JOHN CORBY

Assistant Superintendent

CONNIE LIGENZA

Business Manager

March 12, 2001

The Honorable Nicholas A. Colafella
Democratic Chairman, House Education Committee
Room 300
Main Capitol Building
Harrisburg, PA 17120-2020

Dear Sir:

I am writing to express my concern with the Independent Regulatory Review Commission's (IRRC) disapproval of the revisions to Pennsylvania Special Education Regulations and Standards (22 Pa. Code -Chapters 14 and 342). As a public school superintendent and educational advocate for children with disabilities in Pennsylvania, I must express my grave concerns regarding this action by the IRRC. School districts and Intermediate Units continue to be faced with serving children who have increasingly comprehensive as well as complex educational needs.

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RECEIVED
2001 MAR 16 AM 9:10
EDUCATION COMMISSION

Page Two
March 13, 2001

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Sincerely,

A handwritten signature in dark ink, appearing to read "Frederick T. Bausch". The signature is fluid and cursive, with the first name "Frederick" and last name "Bausch" clearly distinguishable.

Frederick T. Bausch
Superintendent

FTB:jah

cc: Eugene W. Hickok, Secretary of Education
Dr. Peter H. Garland, State Board of Education
Dr. Fran J. Warkomski, State Director of Special Education
John R. McGinley, Jr., Independent Regulatory Review Commission ✓

Original: 2144

TAMAQUA AREA SCHOOL DISTRICT

Box 112 - Tamaqua, PA 18252
Phone: (570) 668-2570 - FAX: (570) 668-6850

FREDERICK T. BAUSCH

Superintendent

JOHN CORBY

Assistant Superintendent

CONNIE LIGENZA

Business Manager

March 12, 2001

The Honorable Allyson Y. Schwartz
Minority Chairperson, Senate Education Committee
Senate Box 203004
Harrisburg, PA 17120-3004

Dear Madam:

I am writing to express my concern with the Independent Regulatory Review Commission's (IRRC) disapproval of the revisions to Pennsylvania Special Education Regulations and Standards (22 Pa. Code - Chapters 14 and 342). As a public school superintendent and educational advocate for children with disabilities in Pennsylvania, I must express my grave concerns regarding this action by the IRRC. School districts and Intermediate Units continue to be faced with serving children who have increasingly comprehensive as well as complex educational needs.

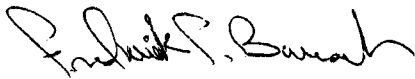
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RECEIVED
2001 MAR 16 PM 9:10
EDUCATION
HARRISBURG, PA

Page Two
March 13, 2001

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Sincerely,

A handwritten signature in cursive script, appearing to read "Frederick T. Bausch".

Frederick T. Bausch
Superintendent

FTB:jah

cc: Eugene W. Hickok, Secretary of Education
Dr. Peter H. Garland, State Board of Education
Dr. Fran J. Warkomski, State Director of Special Education
John R. McGinley, Jr., Independent Regulatory Review Commission ✓

Original: 2144

IRRC

From: Buckley-Bachman [bbam@erols.com]
Sent: Sunday, March 11, 2001 4:51 PM
To: IRRC@irc.state.pa.us
Subject: Chap 14

Dear Mr. Nyce,

As the parent of two learning disabled kids(one Aspergers and the other a nonverbal learning disability with ADD) I am extremely grateful that the Chapter 14 mandates have a chance of being preserved. Regarding class size we feel that the teachers are well intentioned and want to teach our children but need help in preserving the tools, keeping the class size regulations will help us and them. I feel the teachers are sometimes pressured by administration, who may want to get more bang for their buck, into adding a few kids here and there into a class and becoming oversized creating a strain and difficult situation for all. Our kids have potential to be gainfully employed someday and an education, as all of us know, is the best method of having a chance at a good job. We are having extreme difficulty in my school district with the timelines. My daughter has been waiting since last May for the school district to complete their testing for her and write the CER. ONE YEAR TO GET TO AN IEP, after waiting 6 months to get them to agree to testing. As parents to do want to retain attorneys we patiently wait, but a year and a half is a long time to wait. Please retain the timelines for testing to CER to IEP so that we do not have to wait longer and lose a child's potential. Thank you Maggie Buckley at bbam@erols.com

3/12/2001

Original: 2144

IRRC

From: schnicki@webtv.net
Sent: Saturday, March 10, 2001 3:27 PM
To: IRRC@irrc.state.pa.us
Subject: THANKS!!!!!!!

Dear Mr. Nyce,

I would like to thank you and the committee for voting against the proposed changes by the state BOE to Chapter 14. I appreciate this action because the changes that the board tries to make effects 2 of my kids. I was too late in finding out about the changes that were made for gifted education. I was also too late to add my story about FAPE for Chapter 14. But, I appreciate the fact that at least my son's rights will still be protected. If the committee ever intends to interview families to find out if their children are receiving FAPE, please keep this email so that you can contact me. My daughter's chances for FAPE are slim to none and I guess I have to accept that because in Dec of 2000, I went to Due Process for her program. I appealed to HO's decision and of course the appeal panel affirmed the HO's decision. I have now attempted at state level to get my daughter FAPE according to her intellectual abilities, but from what I am hearing, I might as well pack my bags and find another school district. My son's hearing (he has Autism/ADHD) was held in 2 sessions and I am awaiting the decision from this. However, I just requested another DP hearing regarding my son's ESY program.

If the IRRC ever investigates if special ed children in PA are receiving FAPE according to Federal and State laws, please contact me. I am in a district where no special ed kids are receiving FAPE and parents are running out of options to find resolutions.

Sincerely,
Vicki Sheehan

Have a good one!!!!

Original: 2144

IRRC

From: Rendeis@aol.com
Sent: Saturday, March 10, 2001 11:28 AM
To: irrc@irrc.state.pa.us
Subject: Chapter 14 Changes

THANK YOU! THANK YOU!

The proposed changes which you voted not to accept would have destroyed the special education that many of us need for our children. I have a son who is high functioning autism, who needs the small class size for success. Yes, it may cost a little more now, but this will provide him with what he needs to be a working, contributing member of society in the future, rather than a 50-60 year dependent on disability and government support. 12-15 years of additional cost now, over the 50-60 year drain later is well worth it. This is both economical and gives these children a real future.

Thanks to all of you, again.

Renee M. Deis
504 Beaumont Circle
West Chester, PA 19380

Original: 2144

IRRC

From: RGRIF42@aol.com
Sent: Saturday, March 10, 2001 7:16 AM
To: IRRC@irrc.state.pa.us
Subject: Thank you

Dear Mr. Robert E. Nyce,

I would like to thank you for rejecting the proposed Chapter 14. Thank you for listening to the hundreds of parents who are fighting for their children.

My 11 year old son, Bryan was diagnosed with autism at the age of 3, and with hard work and wonderful communication and understanding with my school district and special school. Bryan has made progress in so many ways that I didn't expect. He isn't in a world of his own, very responsive to the public, and fun loving. Bryan is still non-verbal (due to Apraxia) but he communicates in sign language and PECS (Picture Exchange Communication System). Bryan has gained some receptive language, expressive language, academic skills, functional skills and social skills, but he has a long ways to go. Without the communication and understanding of his school, I truly don't think that Bryan would have improved at all. You don't know how much I love seeing Bryan communicating with his older brothers.

As a parent, I was determine to teach my son everything that is expected of him. However, I was not prepared to fight the Educational System. With the rejection of the proposed Chapter 14, you're helping me to continue to help my son. Thank you very much....

Sincerely,
Gianina Griffin

Original: 2144

IRRC

From: JulsFish@aol.com
Sent: Saturday, March 10, 2001 7:27 AM
To: IRRC@irrc.state.pa.us
Subject: Chapter 14

Dear Mr. Robert E. Nyce:

I just received information that the IRRC rejected the proposed changes to Chapter 14 and that it now goes back to the State Board of Education. As a parent of a child affected by Chapter 14 I would like to thank you for listening to the many parents and teachers who voiced their opposition to the changes. We were all especially concerned about the lack of class size controls. It is so important that our very special children receive individualized and special instruction. This would prove to be extremely difficult if the class sizes were allowed to grow out of control. I can't imagine my 3 year old receiving an appropriate education in a class of 20 or more. Once again, thank you to you and your colleagues for your efforts in the very important matter.

Julia Fisher
Parent
Berwyn, PA

3/12/2001

Original: 2144

**Joseph Kaye Cupples, Ph.D.
7027 Clubview Drive
South Fayette, PA 15017
412.221.1890**

March 10, 2001

The Honorable Jess Stairs
East Wing Room 43A
Harrisburg, PA 17120-2020

The Honorable James J. Rhoades
Senate Box 203029
Harrisburg, PA 17120-3029

The Honorable Timothy F. Murphy
170 Capitol Building
Senate Box 203037
Harrisburg, PA 17120-3037

The Honorable John R. Pippy
402 South Office Building
Harrisburg, PA 17120-2020

RECEIVED
2001 MAR 16 PM 5:05
OFFICE OF THE
COMMISSIONER
OF
EDUCATION

Dear Sirs:

I am writing to you today to express my profound disappointment with the recent action of the Independent Regulatory Review Commission (IRRC) this past week regarding their disapproval of the proposed revisions to Pennsylvania's Special Education Regulations and Standards (22 PA Code, Chapters 14 and 342). I was surprised and shocked at this action given the fact that the Bureau of Special Education and the State Board of Education had thoughtfully and collaboratively crafted a set of state special education regulations that not only adopted the federal special education regulations (IDEA 1997) by reference but also further enhanced the rights of students with disabilities in Pennsylvania by creating Pennsylvania specific regulations as a part of this document. Clearly, both the House and Senate Education Committees found these proposed state regulations acceptable and appropriate, and moved them forward to the Independent Regulatory Review Commission. The IRRC's disapproval of these regulations on March 8th is a step backwards in assisting school districts with their charge of providing a free, appropriate, public education for all students with disabilities.

As you know, special education administrators, teachers and families are faced with a myriad of very complex issues in attempting to appropriately educate students

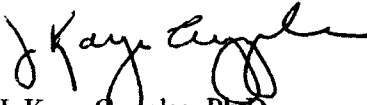
with disabilities. The burden of increased federal regulatory requirements over the past two decades coupled with inadequate federal and state funding of special education programs and services continues to add fiscal and programmatic stressors to a system that is already in great distress. The proposed Chapter 14 regulations that were moved forward by your Education Committees and recently rejected by the IRRC would have significantly reduced a variety of regulatory burdens and reduced costs for districts in attempting to meet these burdens without damaging programs and services for students.

The Office of Special Education of the United States Department of Education has been closely monitoring the Commonwealth with respect to the provision of programs and services for students with disabilities. They are expecting Pennsylvania to have a set of state regulations in place this Spring that support and augment the IDEA 1997. The consequences of not having these regulations in place could be a loss of over 200 million dollars in federal funding for special education for the upcoming school year. The action of the IRRC was irresponsible, uniformed and possibly driven by selected advocacy groups who would like the IRRC to believe that the proposed Chapter 14 regulations will be damaging for students with disabilities. These claims are unfounded.

The field of special education is already overburdened with over-regulation and under-funding. In spite of this fact, programs and services for students with disabilities in the Commonwealth of Pennsylvania are well designed and of a very high quality. The State Board of Education and both the House and Senate Education Committees have moved this process forward in a responsible and thoughtful manner. The recent decision of the IRRC needs to be overridden immediately so that the proposed Chapter 14 special education regulations can become a reality in the Commonwealth this Spring. It is the right thing to do for our students, families, educators, and taxpayers of the Commonwealth. My sincere thanks for your attention to this matter.

If you have questions regarding my comments and concerns, please feel free to call me at home (412.221.1890) or at my workplace (412.323-3950).

Sincerely,



J. Kaye Cupples, Ph.D.

Cc: Governor Thomas Ridge
Dr. Peter Garland
Independent Regulatory Review Commission
Dr. Eugene W. Hickok
Dr. Fran J. Warkowski

Original: 2144

IRRC

From: Rhonda [jteague@blazenet.net]
Sent: Friday, March 09, 2001 7:10 AM
To: IRRC@irrc.state.pa.us
Subject: The IRRC has DEFEATED the Special Education Regulations by a vote of 4-1.

Thank You!!!

Rhonda Teague

RECEIVED
2001 MAR -9 PM 9:37
REVIEW COMMITTEE

Original: 2144

IRRC

From: PA Tourette Syndrome Association [mlrpatsa@cvn.net]
Sent: Friday, March 09, 2001 5:04 PM
To: IRRC@imc.state.pa.us
Subject: Chapter 14 Regulations

Thank you Robert Nyce!!!!

The children (3,154 of them) with Tourette Syndrome and their parents thank you from the bottom of our hearts.

Take care now.

Mary Lou Reaver, R.N.
Executive Director

3/12/2001

Original: 2144

IRRC

From: Luann532@aol.com

Sent: Friday, March 09, 2001 4:24 PM

To: IRRC@irc.state.pa.us

Subject: CHAPTER 14

I WISH TO SEND MY THANKS FOR REJECTING THE CHANGES TO CHAPTER 14.
LUANN REEL

3/12/2001

IRRC

From: william francis [billyfrancis@intergrafix.net]
Sent: Friday, March 09, 2001 9:15 AM
To: IRRC@irrc.state.pa.us
Subject: Special Education Regulations

To Whom It May Concern:

Please accept my sincere thanks for listening to the parents of children who are involved in Special Education and taking action by NOT approving the changes to Chapter 14.

This could renew a person's faith in the "system".

Diana Morris Francis
1424 Johns Ave.
Hazleton, PA 18201

RECEIVED
2001 MAR -9 AM 9:37
REVIEW COMPLETED
1

Original: 2144

IRRC

From: FORFRANKI@aol.com
Sent: Friday, March 09, 2001 6:26 PM
To: IRRC@irrc.state.pa.us
Subject: A short letter of thanks.....

Dear Mr. Robert E. Nyce,

I just wanted to send a short letter to let you know the gratitude and great sigh of relief you gave to me in your decision on Chapt 14, as a mother, and advocate to a "SPED" Child, you I pray will never have to enter this arena from the other side of the fence so to speak, but please know..... your vote made my day.

I wasn't one of the parents to write during the time, as it was Franki was extremely sick, so I just prayed your office would do the right thing. So it goes to show prayers still do get answered and God is still on the throne, it was comforting :o)

Thank you again.

*Sincerely,
Marlene:o)*

Mom to Franki ~ ACC, DWS, SID, LMC-TCS, PDD-NOS, ABCDEFG Kid

"A man who wants to lead an orchestra must turn his back to the crowd." ~Max Lucado

HyperBaric Oxygen Treatments ~ Franki's Success Story <~Click

For Franki Foundation

**"Be careful. Don't think these little children are worth nothing. I tell you they have angels in heaven who are always with my Father in heaven."
Matthew 18:10**

THE POWER OF GOD

**When there is nothing left but God....
that is when you find out God is all you need.**

3/12/2001

Original: 2144

27 Oakglade Drive
Hummelstown, PA 17036
9 March 2001

RECEIVED
2001 MAR 12 AM 9:09
INDEPENDENT REGULATORY
REVIEW COMMISSION

The Honorable James J. Rhoades
Senate Box 203029
Harrisburg, PA 17120-3029

The Honorable Jeffrey E. Piccola
Senate Box 203015
Harrisburg, PA 17120-3015

The Honorable Ronald S. Marsico
South Office Building
Room 410
Harrisburg, PA 17120-2020

The Honorable Jess Stairs
East Wing Room 43A
Harrisburg, PA 17120-2020

Dear Sirs:

I am writing to express my **outrage** at the action taken by the Independent Regulatory Review Commission (IRRC) on 8 March 2001. The IRRC's disapproval of the revisions to Pennsylvania's special education regulations and standards (22 Pa. Code Chapters 14 and 342) was nothing short of a travesty.

As I am sure you know, special education is currently in a state of extreme distress. Special (and regular) educators are faced with serving children with disabilities who have increasingly complex needs. The burden of federal special education regulatory requirements has increased exponentially since 1975, with a commensurate lack of adequate federal funding (funding which was promised at 40%, has hovered under 10%, and may be around 13% now). The stress of meeting such complex needs, adhering to burdensome regulations, and doing so in an environment with inadequate funding have combined to leave us with a critical shortage of teachers and administrators willing to work in the field. Data spouted about there being no teacher shortage is faulty: I can tell you with confidence that we cannot find qualified special education teachers and administrators. I attribute that, in part, to the stress of the job previously mentioned.

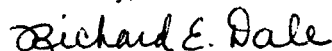
Given the above, I have been a strong supporter of the State Board's intent to craft a minimal set of regulations by adopting the federal regulations by reference and adding minimum Pennsylvania-specific regulations. The version of Chapter 14 disapproved by the IRRC would have significantly reduced the regulatory burden and the associated costs of meeting such regulations, all without, in my professional opinion as a special education administrator, adverse results for children. Simply put, limiting the regulatory burden on public educational agencies will allow those agencies to focus their finite resources on providing quality special education services. The federal special education regulations, which the State Board sought to adopt by reference, contain more than enough procedural protections for each individual child with a disability. Just the due process procedures alone, which protect a child's individual right to a free appropriate public education in the least restrictive environment, virtually eliminate **any** mischief on the part of a local educational agency even in a total vacuum of state-specific regulations.

The IRRC's action was irresponsible, uninformed, and bad for children with disabilities. Do you realize that they have jeopardized **all** of Pennsylvania's federal special education funds, which will amount to over **\$200 million** next year? The United States Department of Education Office of Special Education Programs expects state special education rules to be in place in March. How can Pennsylvania government be so irresponsible? How can it continue to crumble to anecdotal

and unfounded cries of "bad for kids" from PSEA, when we all know their motivation is only to protect teacher jobs when advocating for class size limits? How can you ignore Governor Ridge's Executive Order 1996-1, which forbids regulating beyond the federal limit without a compelling and articulable public interest (which, by the way, has never been articulated)? How can the IRRRC, if it did, dislike "adoption by reference," when other state agencies have done the very same thing?

The field of special education is virtually drowning of its own weight in over-regulation and under-funding. Words cannot express my discouragement at the IRRRC's decision. **I implore you to over-ride the IRRRC's disapproval of Chapters 14 and 342.** It is the right thing to do for children, for parents, for educators, and for taxpayers. If you have any questions, please do not hesitate to contact me at home (717-566-3060) or at work (717-732-8400, ext. 504). Thank you in advance for your consideration.

Sincerely,



Richard E. Dale, D.Ed.

cc: Glenn W. Zehner
Governor Tom Ridge
Dr. Peter H. Garland
Independent Regulatory Review Commission
Eugene W. Hickok
Fran J. Warkomski

Original: 2144

IRRC

From: MLBarbera@aol.com
Sent: Friday, March 09, 2001 3:48 PM
To: IRRC@irc.state.pa.us
Subject: Thank you to Robert Nyce

Dear Mr Nyce,

Thank you for listening to concerned parents and professionals regarding the proposed changes to Chapter 14. I am the parent of a 4 year old with autism and have to struggle each day emotionally, physically, medically, and legally to help my child. Parents with special needs kids should not have to work any harder to obtain an appropriate education for their children. Thank you again.

Mary Barbera RN, MSN
President
Berks County Chapter
Autism Society of America

Original: 2144

IRRC

From: kallenbell [kallenbell@email.msn.com]
Sent: Friday, March 09, 2001 10:21 PM
To: irrc@irrc.state.pa.us
Subject: Chapter 14

Dear Commissioners-

On behalf of Pennsylvania's special needs children, we thank you for your consideration of the many concerns regarding the proposed changes to Chapter 14! We hope the Board of Education will now create changes that will provide for the provision of FAPE to all of our children.

Sincerely,
Peter and Elizabeth Bell

Original: 2144

IRRC

From: Kendall E. Martin [kem@adelphia.net]
Sent: Friday, March 09, 2001 5:21 PM
To: IRRC@irc.state.pa.us
Subject: Proposed changes to Chapter 14

As a parent of an autistic child I want to thank you for the reasoned rejection of proposed changes to Chapter 14. The lack of controls on class size would have had a serious negative impact on my daughter's opportunities to build a meaningful life. Our family thanks you.

Dr. Kendall E. Martin
Dr. Jeff W. Neslen

Lansdale, PA

3/12/2001

Original: 2144

IRRC

From: The Arc of Lehigh & Northampton [thearc@ptd.net]
Sent: Friday, March 09, 2001 2:45 PM
To: IRRC@irrc.state.pa.us
Subject: Chapter 14

Mr. Robert E. Nyce
Executive Director

Dear Mr. Nyce,

On behalf of the students receiving special education services in Lehigh and Northampton Counties, thank you for listening to our concerns. Educating our students for the future is very important, more so for those who require specialized instruction. We encourage you to continue Pennsylvania's history of providing strong protection and exemplary practices in special education services.

Sincerely,
Robyn L. Oplinger
Children's Advocate, Arc of Lehigh and Northampton Counties

RECEIVED
2001 MAR -9 PM 5:01
REVIEW COMMISSION

3/9/2001

IRRC

From: Sue Scott Dolan [SisterJoy@paonline.com]
Sent: Thursday, March 08, 2001 10:35 PM
To: IRRC@irrc.state.pa.us
Subject: Thank you

Dear Commissioners,

Thank you for your decision to reject the proposed Chapter 14 regulations.

My "trust" has been restored! (see letter I sent!)

After many sleepless nights, parents will sleep well tonight all over Pennsylvania. Thank you.

Susan M. Dolan - mother and grandmother

RECEIVED
2001 MAR -9 AM 9:37
REVIEW COMMISSION

Original: 2144

IRRC

From: PAC796NPC@aol.com
Sent: Wednesday, March 07, 2001 12:07 AM
To: IRRC@irrc.state.pa.us
Subject: special education chapter 14

To Whom It May Concern:

I am a special education teacher, former supervisor of special education, and currently serve as a monitor for PDE as special education programs are reviewed state wide. I believe the idea of deleting the mandatory numbers in the caseload chart and classsize chart is going to have a negative impact on the special education programs in the Commonwealth. The federal government has offered financial incentives for districts to keep the class sizes small in the regular education programs in the primary grades. I am teaching in a school where the special education teacher is responsible for more students than the regular education teacher. Plus I have all the mandatory paperwork of IEPs and I am obligated, by law, to provide an individualized program. Special education programs are unpopular and districts look for ways to cut costs. Please do not give them carte blanche to turn the special ed classrooms into situations where we are simply warehousing students because the numbers of children in there at any one time is only a recommendation. If it isn't mandated..... the districts won't do it. That is human nature. Thank you for your attention to this matter.
Nancy Payton Checchia

Western Pennsylvania Coalition of Education Advocates

Original; 2144

A Coalition of Advocates for Children with Disabilities

EMBARGOED MATERIAL

Dear Mr. Nyce,

We are writing on behalf of the Western Pennsylvania Coalition of Education Advocates, a group which is composed of 50 organizations and individuals concerned with the provision of special education services to children in Pennsylvania. Many of these organizations and individuals have participated in the process of commenting on the various drafts of Chapter 14 Special Education Regulations through written comment, public testimony and conversations with legislators.

We were very impressed by IRRC's November 2, 2000 analysis of the proposed Chapter 14 Special Education Regulations. We hope that you will remain firm in your disapproval of the many areas in which we share your concerns.

We are primarily concerned with the lack of class size requirements in these regulations as well as the confusing format created by referencing the Federal IDEA. School Reform nationwide is stressing the need for smaller classes and more individual attention. In addition, parents, advocates, and others will have difficulty understanding state regulations that merely reference federal law.

Other areas of concern in the proposed regulations are:

- Absence of language specific to para-professionals.
- Absence of language specific to graduation requirements to age 21.
- Lack of specificity in regard to comparable facilities.
- The inability of lay advocates to represent parents at due process hearings.

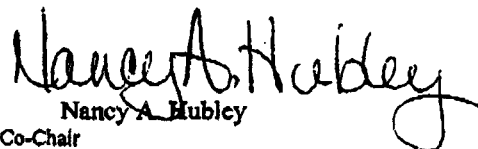
As a coalition of advocates for children with disabilities, we welcome positive regulatory change for children. In 1990 many stakeholders were invited to and did take part in changing our state special education regulations. We are concerned that the proposed and confusing special education regulations will increase litigation in our state. Our preference would be to have clear regulations that enable parents and advocates to work effectively with school officials to enhance the learning of all children.

Our state regulations should not only enforce the Federal IDEA but should also support best education practices for our children. Accordingly, we ask that IRRC reject the Chapter 14 Special Education Regulations as proposed.

Sincerely,



Stephanie Tecza
Co-Chair



Nancy A. Hubley
Co-Chair

Cc: Honorable Jess M. Stairs, Majority Chairman, House Education Committee
Honorable Nicholas Colafella, Democratic Chairman, House Education Committee
Honorable James J. Rhoades, Chairman, Senate Education Committee
Honorable Allyson Y. Schwartz, Minority Chairperson, Senate Education Committee
Eugene W. Hickok, Jr., Secretary, Department of Education

Contact: Western PA Coalition of Advocates
C/o Stephanie Tecza - ARC Allegheny - 711 Bingham Street, Pittsburgh, PA 15203
(412) 993-5000 Ext. 486

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REVIEW COMMISSION

Stephanie Tecza
3411 Bethoven Street
Pittsburgh, PA 15219

Fax

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To: The Independent Regulatory Review
Commission

From: Stephanie Tecza

Fax: 1 (717) 783-2884

Pages: 5 including the cover sheet.

Phone: (412) 683-2830 or 995-5000 ex: 486

Date: 03/06/01

Re: Testimony on Chapter 14

CC:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

• **Comments:**

Please share my testimony with the
Commission.

Your assistance is appreciated.

Thank you,

Stephanie Tecza
Stephanie Tecza

Original: 2144

IRRC

From: VRATSANOS, LORI A. [VRATSALA@apci.com]
Sent: Tuesday, March 06, 2001 1:20 PM
To: 'irrc@irrc.state.pa.us'
Subject: Proposed Chapter 14 revisions

To: Commissioners of the Independent Regulatory Review Commission
John R. McGinley, Jr., Esq.
Chairman, IRRC

Alvin C. Bush
Vice Chairman, IRRC

Arthur Coccodrilli
Commissioner, IRRC

Robert J. Harbison
Commissioner, IRRC

John F. Mizner, Esq.
Commissioner, IRRC

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I am writing you to request that your commission reject the proposed changes to Chapter 14.

I am the parent of a child with special needs, and the protection that he receives under this statute as it stands would be greatly impacted by these changes. It is essential that children like my son have behavior plans to deal with problem behaviors in the classroom and I cannot support any changes to this requirement.

Please think carefully about the impact these changes may have on children who very much need our help and protection to learn and grow to become productive members of society. The short term cost for this protection can prevent much higher costs in the future.

Sincerely,

Lori A. Vratsanos, Ph.D.
1809 Jennifer Drive
Breinigsville, PA 18031

+

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Original: 2144

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Stephanie Tecza
3441 Bethoven Street
Pittsburgh, PA 15219
(412) 683-2830

March 6, 2001

Testimony on Proposed Chapter 14

I am saddened today because this is the last effort to save our Current State Law, Chapter 14/342.

I come before you today as a mother of a 16-year-old daughter, Leah, who has Down syndrome. I co-chair the Local Task Force on the Right to Education IU2 Pittsburgh Intermediate Unit and I am a member of the Parent Learning and Support Network. I work as an education advocate for students with disabilities 5-21 throughout Allegheny County and the City of Pittsburgh School systems.

In the early 1990's Leah was in an inclusive preschool. This was an excellent opportunity for Leah to learn from her non-disabled peers. When Leah transitioned from preschool to kindergarten there were no natural opportunities for inclusion. Hence my three years of "politely fighting" and pushing the system so that she could attend school with her non-disabled peers 100% of the time. And that she would be challenged by the general education curriculum. Leah was the first student in the Pittsburgh Public School system to be included full time in a regular education classroom. I am proud to say that inclusion exist in every school building in our district. Leah is benefiting greatly from her non-disabled peers at school and the quality education she is experiencing through the general education curriculum

Pennsylvania should be proud of the education offered to students with disabilities. I am disappointed to see that we are replacing a quality education system with the bare minimum to save a few dollars. Pennsylvania was on the right track by providing a quality education which provided a foundation for my daughter Leah and other children with disabilities in becoming valuable members of their communities, to hold meaningful competitive jobs, and be tax paying citizens of Pennsylvania. And not to become a burden for tax-payers once they are out of high school. Isn't that what Govern Ridge's goal was when he issued the Executive Order on Transition?

On February 14, 2001, I had the honor and privilege to witness the House Education Committees hearings on Chapter 14. I was very impressed to see that the Representatives intensively questioned Dr. Fran Warkomski, Director of Special Education for Pennsylvania and Dr. Peter Garland, State Board of Education. I was pleased to see the Representatives voice the same concerns that many citizens, parents and advocates had regarding Chapter 14. I was disheartened by the misinformation or the "not the whole truth" that Dr. Warkomski and Dr. Garland provided to the Representatives. As you are aware much of the discussion was on class size, case loads, advocates, and money.

If I may take a few moments to clarify the truth as to what really happens in the real lives of parents who have to fight the systems so that their children like Leah can benefit from a quality education. I have provided an easy chart to answer the questions raised on February 14th by the House Education Committee.

Questions By the House Education Committee	Responses By the Department of Education	Reality What families are dealing with currently and what they might have to do because of the changes.
<p>Currently - IEP's have to be implemented within 10 days after they are written.</p> <p>After the chapter 14 changes - IEP implementation will be "As Soon As Possible".</p>	<p>If parents do not feel their child's IEP is not in place in a reasonable amount of time they will be encouraged to go to mediation for resolution.</p>	<ul style="list-style-type: none"> • If it is left at 10 days there will not be any dispute. • Can the school districts and parents afford time and money to go to mediation? • Parents do not know that they can use mediation as a way to resolve disputes.
<p>Class size/caseload</p> <p>What is the process for a district to change their class size/caseload once the new regulations are in place?</p>	<p>Under the new regulations school districts will have to establish a process to change their class size numbers. One piece of the process will be that the school districts will have to provide opportunity for public comment.</p>	<ul style="list-style-type: none"> • How much of the public will be interested or notified about the public comment period? • Those students that will be affected by the class size changes, how much weight does the opinions of their parent have? And • Do parents really know they can voice their opinions? • Under the Empowerment Act, school districts can request to waive class size and caseloads by simply voting on it at a public school board meeting, it then goes to the Department of Education. In 30 day if the department does nothing the waiver is granted.

<p align="center">Class size/caseload</p> <p>In reality will a school district be able to have a large class size perhaps 30 kids with mixed disabilities in one class?</p>	<p>After much avoidance to the question the answer was yes.</p>	<p>Across America governments are advocating for smaller class sizes. Our students need to have a guarantee that their education will not be jeopardized just to save a few dollars because the district does not want to hire another teacher. With the diversity of educational opportunities, we need to look at students who are in inclusive settings as well as self-contained classrooms.</p>
<p>Advocates at Due Process Hearings</p> <ul style="list-style-type: none"> • Why add this when parents who cannot afford an attorney are able to use an advocate at their meeting? • How many due processes did the department have last year? • How many attorneys know education law? Vs. the knowledge of an education advocate who is knowledgeable of the education laws. 	<ul style="list-style-type: none"> • The attorney general suggested that the Department of Education look at this. • There were 170 Due Process Hearings last year, Attorneys represented 102 and advocates represented 11. 	<p>In reality advocates do not "pretend they are attorneys". As an education advocate myself and have attended a due process hearing along side an attorney who knew nothing about special Education law, I felt I was very effective to the family and the attorney. Those families who really need help but cannot afford an attorney should be able to use advocates as information partners in a due process hearing.</p>
<p>Difficulty in reading Chapter 14 by referencing IDEA</p> <p>What is the department going to do about the difficulty for parents to read the proposed Chapter 14 by referencing IDEA?</p>	<ul style="list-style-type: none"> • There will be a side-by-side version put out. • The Department of Education will mail the new regulations to the parents they have on their extensive mailing list. 	<ul style="list-style-type: none"> • After reviewing the proposed new regulations, in a side-by-side format it is still difficult finding what you need because it continues to reference IDEA by number and section. • I cannot foresee the Department of Education being able/willingness to send the regulations to all parents via their mailing list.

<p>Where will the Department of Education see them saving money with these changes?</p>	<ul style="list-style-type: none"> • Districts will evaluate students every three years instead of every two years. • They also said that parents could always ask for a new evaluation at any time. 	<ul style="list-style-type: none"> • Currently students are re-evaluated every two years. • Even now, parents do not know that they can ask for a re-evaluation at any time. • If students are not re-evaluated every two years school districts may fail by not catching something that a student may need to progress. • Or, if the student were doing so well that an evaluation would have enabled them to exit out of special education. Without an evaluation it may have kept the student in special education unnecessarily.
<p>March Deadline for Approval</p> <p>Will the Federal government hold IDEA funding from Pennsylvania if the Regulations are not approved by the March deadline?</p>	<p>There would be a threat of lack of federal funding coming into the state.</p>	<p>"An extension until the end of June is possible", states the Special Education Advocacy Group Represented by Ellen Mancuso and Janet Lonsdale.</p>

During the hearing on February 14th the Departments of Educations position relied strongly on the parents knowing what their rights are when in reality parents do not know their rights and are kept in the dark by their school districts.

I applaud IRRC's previous comments from November 2, 2000. Stay firm as you have shown the Department previously, please vote **NO** on the Proposed Chapter 14 changes. Empower parents so that their children will continue to have an equally benefiting education like Leah has had.

Thank you for your time and consideration.

Stephanie Tecza

Stephanie Tecza

Stephanie Tecza
3441 Bethoven Street
Pittsburgh, PA 15219

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Fax

To: The Independent Regulatory Review Commission
From: Stephanie Tecza

Fax: 1 (717) 783-2664
Pages: 5 including the cover sheet.

Phone: (412) 683-2830 or 995-5000 ex: 486
Date: 03/06/01

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Thank you,

Stephanie Tecza
Stephanie Tecza

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2001 MAR -6 PM 4:33
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REVIEW COMMISSION

Original: 2144

IRRC

From: RubMyBak@aol.com
Sent: Tuesday, March 06, 2001 12:39 PM
To: irrc@irrc.state.pa.us
Subject: Chapter 14 Proposed Changes

Commissioner McGinley, Vice Chairman Bush, Commissioner Coccodrilli,
Commissioner Harbison, and Commissioner Mizner:

I am the parent of a 7 year old boy diagnosed with Pervasive Developmental Disorder, on the autistic spectrum. My son and thousands like him would be adversely affected by the proposed changes to Chapter 14. The revised version of Chapter 14, if enacted, would include the repeal of state class size maximums, the elimination of the 10-day timeline for providing children with services in the IEPs (Individualized Education Plans), and the deletion of the requirement that the education plans of children with problem behaviors must contain behavior plans.

It is my firm hope that you will reconsider.

Sincerely,
Barbara Kaplan
1725 Sue Ellen Drive
Havertown, PA 19083
610-853-2737

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2001 MAR -6 PM 3:34
EDUCATION
REVIEW COMMISSION

Original: 2144

IRRC

From: Al & Anne Hoffman [anne@voicenet.com]
Sent: Tuesday, March 06, 2001 3:10 PM
To: irrc@irc.state.pa.us
Subject: Chapter 14

Dear Commissioners,

I am asking you to please reject the proposed changes to chapter 14. I feel that if these changes occur it will greatly effect the quality of education that these "special" children of ours need. Thank you for your time.

Sincerely,

Anne Hoffman

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