From:	Terrence Walsh [twalsh@phila.k12.pa.us]
Sent:	Thursday, April 05, 2001 8:21 AM
То:	IRRC@irrc.state.pa.us
Subject:	Increase of Special ed. class sizes

Of all the hairbrained, bureaucratic schemes that have come down the pike this ranks right up there with trying to classify catsup as a vegetable for school lunches. These students initially got into small class settings because they could not function academically, behaviorally, or emotionally in a larger group. To increase the limit of children that can be serviced in a classroom is counterproductive to the mission of special education and detrimental to both the students of special ed and those having to work in these various settings.

I STRONGLY OPPOSE SUCH A CHANGE IN REGULATION 14 !!!!

Terrence Walsh Resource/Inclusion Teacher Special Ed. Liaison M. Hall Stanton Elementary School 2539 N. 16th St. Phila., Pa. 19132

# EMBARGOED MATERIAL

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From:	Tracey Wolf [twolf@phila.k12.pa.us]
Sent:	Thursday, April 05, 2001 5:29 AM
To:	IRRC@irrc.state.pa.us
Subject:	concern

To Whom It May Concern:

I am very surprised that you are even considering raising class size of students with special needs. With all the evidence showing tremendous achievement gains for students in small classes, why would anyone increase class size-especially students with serious physically, behaviorally, and cognitive disabilities.

As a teacher of students with disabilities I find it appalling that you would even consider to short change these children. If you must cut corners do it somewhere else. Please feel free to stop by my classroom any time to see the students in a full size classroom already.

Sincerely, Tracey Wolf Francis Scott Key Elementary School South Philadelphia Cluster Learning Support Teacher

REVER CONTROLS. : 7 1 APR - 5 1.10:22 9

From: Sent: To: Subject: Janet Richman [jrichman@phila.k12.pa.us] Thursday, April 05, 2001 7:57 AM IRRC@irrc.state.pa.us class size

To: John R. McGinley Jr. Alvin Bush Robert Nyce Arthur Coccodrilli Robert Harbison John Mizner

# EMBARGOED MATERIAL

I am writing to tell you that the State Board Of Education's plan to increase class size for special education students and to provide waivers from caseloads will be disastrous for students with special needs. These student have made significant gains in classes where there are fewer students than in the regular education population. These students have serious physical, behavioral, and cognitive deficits. Cost cutting by increasing class size is not in the best educational interests of these students. Come to my school and see what I am talking about! Sincerely, Janet Richman Counselor Key Elementary School South Philadelphia Cluster

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#### IRRC

From:	drennie [drennie@phila.k12.pa.us]
Sent:	Thursday, April 05, 2001 9:25 AM
To:	IRRC@irrc.state.pa.us
Subject:	Increased Special Education Class Size

To whom it may concern,

Increasing special education class size IS NOT SAFE!!!!! PLEASE PLEASE PLEASE don't eliminate regulations (Chapter 14) that limit the number of students in special education classes. With all the evidence showing tremendous achievement gains for students in small classes, why would anyone increase class size - especially for students with serious physical, behavioral and cognitive disabilities? I believe cost cutting, by increasing class size, puts all school staff and students in even greater jeopardy. The largest vacancy rate for teachers in Pennsylvania is for special education teachers. This rate is growing annually and it will grow to unseen heights if class size is increased.

Sincerely,

Donna Rennie

### EMBARGOED MATERIAL

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From: Sent: To: Margaret Plotkin [mplotkin@phila.k12.pa.us] Thursday, April 05, 2001 8:20 AM IRRC@irrc.state.pa.us

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John R. McGinley Jr, Chairman Alvin Bush, Vice Chairman Robert E. Nyce, Executive Director Arthur Coccodrilli Robert Harbison & John Mizner

Gentlemen:

As a teacher in the Pennsylvania school district with the greatest number and highest proportion of special education students in the state, I am contacting you to express my alarm and outrage over your proposed rules changes which would eliminate class size and caseload limits for special education in Pennsylvania. This proposal flies in the face of all available research findings about class size in general, and particularly for those students with identified special physical, behavioral, and cognitive needs. As a worker in the field, I can tell you with absolute assurance, that many special education students are already being shortchanged with class sizes and caseloads at the current level. Teachers are unable to fully implement IEPs and complete all required paperwork with the number of students they are presently assigned. What possible educational purpose could you claim for permitting school districts to increase the burden on these already overburdened teachers and students? The only conceiveable reason for this change is to reduce the state's liability to pay for the special education our children need. I urge you to face up to the state's responsibilities in this area. Don't punish the most vulnerable students just to allow the state to withhold the funds the school districts desperately need to provide the necessary services to those students. What could be more important than ensuring that all of the state's children can learn? Isn't that supposed to be the function of your office? I am appalled that anyone who would seriously propose eliminating class size and caseload limits for special education would still call himself an "educator." This has nothing to do with education; only parsimony.

Margaret Plotkin Librarian Wagner Middle School #713 1701 Chelten Avenue Philadelphia, PA 19126 215-276-5252 ext. 209 The Library is the HEART of the School!



# **Methacton School District**

David C. Evans, Ed.D. Superintendent

1001 Kriebel Mill Road Norristown, PA 19408-2011 (610) 489-5000 Fax (610) 489-5019

### EMBARGOED MATERIAL

2001 APR -5

Mr. Robert Nyce Executive Director, IRRC 333 Market Street, 14<sup>th</sup> Floor Harrisburg, PA 17101

ORIGINAL: 2144

Dear Mr. Nyce:

Please consider this letter as public comment regarding regulations scheduled for your review on April 5, 2001. Specifically, you will be reviewing resubmission of revisions to 22 Pa. Code Chapters 14 and 342.

We respectfully request that the Independent Regulatory Review Commission (IRRC) approve the above regulations as submitted by the State Board of Education. As submitted, these regulations already exceed the federal requirements of the Individuals with Disabilities Education Act (IDEA). Therefore, they contain sufficient regulatory protections for children with disabilities. These regulations impose on the citizens of this Commonwealth an unfounded federal mandate of significant proportions. Despite federal promises to the contrary, the federal government has never funded IDEA at the level originally proposed (40%). As a result, the ever escalating costs of special education are passed on to the citizens of the Commonwealth. Because of the spiraling costs associated with this program, it is essential that administrators have flexibility in developing programs to meet the needs of all children. A surfeit of regulations curtails this flexibility. The bottom line is that more regulations mean less services for disabled children.

The revised regulations currently submitted address many of the issues raised in the disapproval order of March 8, 2001. There are two notable exceptions that we would like to comment on here.

First, with regard to eliminating class size requirements, elimination of class sizes in favor of a case load limitation is much more consistent with a philosophy of delivering services in the least restrictive environment.

At the same time, there is no reason to believe that elimination of class sizes will result in classes approaching regular education levels. In our district, as in many others, class size is dictated by the unique needs of the students enrolled, not by some arbitrary regulation. We currently have classes at the primary level capped below the allowable state maximum, because the children in these classes require more attention. This has been true historically in our district, and will continue to be our practice.

Franklin E. Congdon, Jr. Assistant Superintendent (610) 489-5012	Dale A. Utt Director of Business & Operational Services (610) 489-5003	Dennis M. Flanagan, Ph.D. Director of Pupil Services (610) 489-5000 Ext. 5015	Robert F. Holly Director of Technology & Informational Services (610) 489-5016	Deborah L. Sabo Director of Human Resou Community Service. (61() 489-5011
	(610) 489-5003		(610) 489-5016	(610) 489-

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Moving to a case load limit will recognize that more disabled students are able to receive services in the regular education classroom under a flexible arrangement. Likewise, a caseload limit will necessarily limit class size for most handicapping conditions.

Second, regarding the suggestion to insert federal regulations into Chapter 14, we can see no increase in clarity by this action, and to do so may increase confusion by suggesting that there are, in fact, two sets of regulations. Pennsylvania's and the federal governments. It has been our experience that confusion in special education regulation results in increased litigation. Actually, we find this suggestion inconsistent with other actions of the IRRC, even on March 8, 2001. On that date, the IRRC approved 22 PA. CODE CH. 711 relating to Special Education and Charter Schools, which adopts federal IDEA regulations by reference. Why would such a practice be acceptable for charter school regulations, but unacceptable, on the same day, for public school regulations?

In conclusion, it is time for the IRRC to fulfill its duty under the Regulatory Review Act and approve revised Chapter 14 (and the elimination of Chapter 342) as submitted by the State Board of Education. Revised chapter 14 meets the criteria for review in Section 5.1(i) of the Act, and conforms with Governor Ridge's Executive order of 1996-1. Most importantly, Chapter 14 is the right course of action in that it allows administrators to direct resources to serving all children in the Commonwealth while protecting the rights of those children with disabilities.

Thank you for considering our views in this matter. If we can be of any assistance to the IRRC in this matter, please do not hesitate to contact us.

. Very truly yours,

David C. Evans, Ed.D Superintendent

Dennis M. Flanagan, Ph.D. Director of Pupil Services Methacton School District 1001 Kriebel Mill Road Norristown, PA 19408-2011 (610) 489-5000 ext. 5015 FAX:(610)489-5019

Donna Marie Koenig 2837 Gilham Street Philadelphia, PA 19149 <u>dmkoenig@msn.com</u>

John R. McGinley Jr. Alvin Bush Robert E. Nyce Arthur Coccodrilli Robert Harbison John Mizner

Dear Sirs:

I am a teacher in the Philadelphia Public Schools. It has been brought to my attention that the State Board of Education is trying to eliminate regulations that limit the number of students in special education classes. All classes should be small to ensure the optimal amount of attention from the teacher, but I believe that smaller classes for children with special needs is a MUST!!! I urge you to do everything in your power to oppose this proposal. Passage of this would be disastrous for the children who need special attention the most. Thank you for your help in this matter. Sincerely yours,

Donna M.Koeníg



ORIGINAL: 2144

From: Sent: To: Subject: DONNA KOENIG [DMKOENIG@email.msn.com] Thursday, April 05, 2001 12:13 AM irrc@irrc.state.pa.us Do not increase the size of special education classes



Untitled Attachment Donna Koenig.vcf

From:	William Hollenbach [whollenb@phila.k12.pa.us]
Sent:	Thursday, April 05, 2001 8:45 AM
То:	IRRC@irrc.state.pa.us

John R. McGinley Jr, Chairman Alvin Bush, Vice Chairman Robert E. Nyce, Executive Director Arthur Coccodrilli Robert Harbison & John Mizner

Gentlemen: The state Board of Education's plan to increase class size for special education students and to provide waivers from caseloads will be disastrous for students with special needs. As an educator of thirty years I vehemently oppose this plan and urge you to block it.

Sincerely, Bill Hollenbach Coordinator, Communications Magnet William Penn High School Philadelphia, PA 19122



From: Sent:	drennie [drennie@phila.k12.pa.us] Thursday, April 05, 2001 9:25 AM
То:	IRRC@irrc.state.pa.us
Subject:	Increased Special Education Class Size

To whom it may concern,

Increasing special education class size IS NOT SAFE!!!!! PLEASE PLEASE PLEASE don't eliminate regulations (Chapter 14) that limit the number of students in special education classes. With all the evidence showing tremendous achievement gains for students in small classes, why would anyone increase class size - especially for students with serious physical, behavioral and cognitive disabilities? I believe cost cutting, by increasing class size, puts all school staff and students in even greater jeopardy. The largest vacancy rate for teachers in Pennsylvania is for special education teachers. This rate is growing annually and it will grow to unseen heights if class size is increased.

Sincerely,

Donna Rennie

2001 APR -5 REVIEW COLLINGION ញ ភ្ល IJ े इ.स. ४ \$

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From:	Lisa Capponi [mommalis@earthlink.net]
Sent:	Thursday, April 05, 2001 7:02 AM
To:	IRRC@irrc.state.pa.us
Subject:	Special Education

To Whom it May Concern:

I am writing this letter because I am concerned that The State Board of Education is trying to eliminate regulations (Chapter 14) that limit the number of students in special education classes. As an elementary teacher in the Philadelphia School System I feel this would be disasterous to those children. The students are placed in smaller class sizes to help meet their needs. A teacher is only one person and can not possibly be split to teach an outrageous number of different level. Special ed children have IEPs so their needs can be met. Increasing the size would only make it harder for the teacher to help that student achieve his/her goals. With all the evidence showing tremendous achievement gains for students in small classes, why would anyone increase class size? The state Board of Education's plan to increase class size for special education students and to provide waivers from caseloads will be disastrous for students with special needs.

Lisa Capponi A Concerned Educator and Citizen

EMBARGOED MATERIAL

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From: Sent: To: Subject: DocMarv@aol.com Thursday, April 05, 2001 5:31 PM irrc@irrc.state.pa.us Fwd: PFT ACTION - EMERGENCY ACTION NEEDED NOW!



Fwd: PFT ACTION -EMERGENCY AC...

2001 APR - 6 ACAL MORE AND A STARK : 7 } - 1 <u>ر</u> • 9

From: Sent: To: Subject:	Charles Blitzstein [sensei@voicenet.com] Wednesday, April 04, 2001 4:48 PM undisclosed-recipients PFT ACTION - EMERGENCY ACTION NEEDED NOW!		
ATTENTION PFT MEMBER	λ		
Special Education cl	-PFT Action From the Philadelphia Federation of Teachers Special Education class size could INCREASE -if we don't act NOW!		
The State Board of Education is trying to eliminate regulations (Chapter 14) that limit the number of students in special education classes. With all the evidence showing tremendous achievement gains for students in small classes, why would anyone increase class size - especially for students with serious physical, behavioral and cognitive disabilities? We believe cost cutting - not the educational needs of students - is driving the state Board of Education's plan.			
Call the PA Independent Regulatory Review Commission at 717-783-5506 today and voice your opposition to raising special ed class size			
E-mail the IRRC at IRRC@irrc.state.pa.w	15		
Address your comment John R. McGinley Jr, Alvin Bush, Vice Cha Robert E. Nyce, Exec Arthur Coccodrilli Robert Harbison & John Mizner	Chairman airman cutive Director		
Call/write now and I	let them know that this is unacceptable!		
We must swamp the Commission's offices with calls, letters and e-mail telling them the state Board of Education's plan to increase class size for special education students and to provide waivers from caseloads will be disastrous for students with special needs.			
Protect our students and our classrooms.			
You have been put on this mailing list because you have written the PFT in the past. If you are receiving duplicate mailings, or would like them at a different email address, please write back with the correction. Thank you.			

### IRRC

From:	Dennis Coren [houdini@home.com]
Sent:	Thursday, April 05, 2001 5:15 PM
То:	IRRC@irrc.state.pa.us
Subject:	Chapter 14 Regulations Limiting the Size of Special Ed Classes

RE: Chapter 14 Regulations Limiting the Size of Special Ed Classes

I am a special education teacher that can attest for the need to give specialized instruction to special education students in small classrooms.

Children with severe mental and physical disabilities need more attention. The only way to provide the kind of learning experience that works for these students is through well staffed small classrooms.

Sincerely yours,

Dennis Coren 196 Marc Lane Huntingdon Valley PA 19006 Vocational Teacher for Special Education Students George Washington High School Philadelphia PA

2001 APR -6 ì REVIEW CONTRACTOR : 🤊 1771 2 -----------1 င္မာ 3 S ् १ ्

From:	David Brann [dbrann@phila.k12.pa.us]
Sent:	Thursday, April 05, 2001 1:29 PM
То:	IRRC@irrc.state.pa.us
Subject:	Special Ed. Changes

John McGinley, Jr. Alvin Bush Robert Nyce Arthur Coccodrilli Robert Harbison John Mizner

Dear Sirs:

1 understand you are planning to drop the limit on the number of students in special education classes. You obviously have no understanding of the needs of these students. They need massive amounts of time to help them become useful citizens. We need more classes to help these students become happy and productive members of society. You may save a buck now, BUT all of us will pay when they fail and turn to criminal activity. While they are young we need to get them every aid possible. The foolishness of this change absolutely floors me. I have been teaching for 25 years, I know what is happening in our schools, and I care. I don't know where you got such ideas, but it will only further damage the public school system.

I hope you will reconsider this change.

Sincerely,

David Brann --David Brann Office tel# 215-281-2602 FitzPatrick School #839 Fax# 215-281-3330 11061 Knights Road Lab# 215-281-2670 Phila., PA 19154

dbrann@phila.k12.pa.us

Politics is war with dull instruments.

2001 AFR -5 REVIE i .... Ĵ . ເກັ

From:	Julie Baranauskas [jbaranauskas@phila.k12.pa.us]
Sent:	Thursday, April 05, 2001 8:35 PM
То:	IRRC@irrc.state.pa.us
Subject:	pupil /teacher ratio changes

I vehemently oppose the abolition of class size limits for special education classes. I cannot imagine what the rationale is for this change. It goes against considerable research and seems itself illegal in relation to existing regulations and intent.

While Pennsylvania is frequently home to regressive legislation, much has been done in the past few years to align our educational requirements to national standards. Please explain how this change will benefit our kids.

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From:Sheryl C. Berger [tchrsheryl@yahoo.com]Sent:Thursday, April 05, 2001 10:03 PMTo:IRRC@irrc.state.pa.usSubject:Special Education Class Size

Dear Mr. McGinley,

I am a first grade teacher in the School District of Philadelphia. I urge you to deeply consider limiting the Special Education class size as now stated in Chapter 14. Numerous studies have proven that effective education takes place with smaller class size. Since Special Needs students may often be more easily distracted, or have physical, behaviorial or cognitive needs, it only makes sense that these students should be in classes where class size is limited. I believe that the needs of the students are not being considerd. Instead you are only looking at what money can be saved. SAVE THE CHILDREN -- KEEP THE LIMIT ON SPECIAL EDUCATION CLASSES.

Thank you for your consideration in this matter,

Sheryl C. Berger

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From:Wilfredo Rodriguez [wrphd@msn.com]Sent:Wednesday, April 04, 2001 11:36 PMTo:IRRC@irrc.state.pa.usSubject:Special Education and classroom size.

John R.McGinley Jr. Chairman

I am a School Psychologist in the School District of Philadelphia. I must object to the State Board of Education in trying to change class sizes or to seek more waivers to increase class sizes in Special Education. As it is, the school district in certain areas have already gotten rid of emotional support classes and placed these children in need of services into Learning Support classes or in so called "inclusion" classes read regular education. This is already causing significant problems with the schools.

I would ask you to reconsider & and push for more funding to the Federal Government to find the resources to prevent these things from happening. As it is I am trying to get parents to try inclusion where possible, but not all children fit this model, nor does increasing class sizes in the special education classes make any sense, given the push to reduce class sizes in the regular class room.

I feel this is ill conceived, and poorly thought out. I protest strongly and will be writing my state and local congressman.

Sincerely

Wilfredo Rodriguez, Ph.D. School Psychologist

1014 Carpenter Street Philadelphia PA, 19147

wrphd@msn.com

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### ORIGINAL: 2144

### IRRC

From:JOYCEMORE@aol.comSent:Wednesday, April 04, 2001 7:12 PMTo:IRRC@irrc.state.pa.usSubject:special ed class size

I have been advised that there is discussion about raising the class size of special ed. students. I'm an Esl teacher, an have substituted in spec ed classes on numerous occasions. I can barely get through one period with **15** students. Unfortunately special ed classes are filled with aggressive children and extremely hyperactive children with very limited attention spans. I think that 15 in a class is too many. BEFORE YOU CONSIDER THIS, TRY SPENDING SOME TIME IN A SPECIAL ED CLASS IN PHILA. YOU MAY WANT TO REDUCE THE SIZE INSTEAD. PLEASE DO NOT RAISE THE LIMIT OF STUDENTS IN SPECIAL ED CLASSES. REMEMBER, IF THESE STUDENTS DIDN'T NEED THE EXTRA ATTENTION THAT A SMALL CLASS GIVES THEM, THEY

WOULD BE FUNCTIONING FINE IN THEIR REGULAR CLASSROOM. Joyce Schneider

Baldi Middle School

From: james pinto [jpinto@phila.k12.pa.us]

Sent: Wednesday, April 04, 2001 8:09 PM

To: IRRC@irrc.state.pa.us

it is incredible to me that you would be increasing the size of the special ed classes. why don't you come into a school and teach a special ed class to see what it is like. as always education is not a prime consideration; rather, the savings of a few dollars.

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# EMBARGOED MATERIAL

From:	Nancy Patrick [npatrick@cdsd.k12.pa.us]
Sent:	Wednesday, April 04, 2001 12:55 PM
То:	'irrc@irrc.state.pa.us'
Subject:	Support for Passage of the 22 Pa. Code Chapter 14.

Dear Mr. Nyce:

Ierc

I am writing to express my support for the Independent Regulatory Review Commission approving the resubmitted revisions to 22 Pa. Code Chapters 14 and 342. As a supervisor of special education in the Central Dauphin School District in Harrisburg, Pennsylvania and as a parent of a special needs student I think that passage is absolutely necessary.

The lack of flexibility in the current regulations and standards is having a tremendous negative effect on the delivery of educational services to all children in Pennsylvania. Because of the ever increasing cost of special education in terms of dollars and manpower our entire educational system is being burdened beyond what it can hold much longer.

The number of college students selecting special education as a career has reduced dramatically in the past 10 years and the number of experienced special educators leaving the field for other areas is growing every year. We are already experiencing a shortage of qualified certified special educators. Those who are teaching in special education are consistently expressing their dissatisfaction with their jobs due to the extensive amount of time they spend preparing paper work and attending meetings. Their biggest concern is that they are not teaching.

The federal requirements of the Individuals with Disabilities Education Act (IDEA) contain sufficient regulatory protections for children with disabilities. The additional burdens placed on Pennsylvania school districts, by the regulations that exceed the federal requirements, are having a tremendous negative impact on the entire educational system. You must listen to those of us who have dedicated our lives to serving the needs of disabled children and the public education system. Especially those of us who have experienced both sides of the scenario.

I am asking that you vote in favor of the passage of the revised Chapter 14 tomorrow. Thank you.

Respectfully,

Nancy J. Patrick, M.Ed. Ph.D. Supervisor of Elementary Special Education Central Dauphin School District Harrisburg, Pennsylvania

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IRRC	
From:	DamnRebel [dwleach@rcn.com]
Sent:	Wednesday, April 04, 2001 11:16 PM
То:	IRRC@irrc.state.pa.us; Ed & Mary Dicenzo; Josh Gordon; Bruce Klugman; Rose McCormick; Rob Purpura; Roger Jann; Ira Lunsk; Mike Reitz; Jim Gordon; Jay Saddington; Alan Soslow; Irene Karpinski
Subject:	Re: Special Education Class Size
-	

With all the evidence showing tremendous achievement gains for students in small classes, why would anyone increase class size, especially for students with serious physical, behavioral and cognitive disabilities? I believe cost cutting

not the educational needs of students -- is driving the state Board of Education's plan.

Gov. Ridge's credibility on the issue of improving schools is questionable enough, with his attempts to placate his right wing with vouchers and attacks on educational professionals, despite all the evidence that sopporting teachers and the public schools is the best solution.

We have seen Orwellian wonders in Philadelphia: If there is a teacher shortage, the solution must be to attack teachers, cut their benefits, lengthen their day, and do everything possible to make the profession even LESS attractive, right?

Now, to improve education, we will reverse the single most important variable -- lower class size. Less teacher time per student will definitely improve things, right? Give me a break. Do this, and don't ever even pretend to care about the kids again. Even the most uninformed voter can smell this hypocrisy.

Regards, Douglas W. Leach Philadelphia Federation of Teachers dwleach@rcn.com

"Believe it if you need it, or leave it if you dare...."

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# ORIGINAL: 2144

From: Lakshmi Pillalamarri [marripilla@hotmail.com] Sent: Wednesday, April 04, 2001 5:43 PM To: IRRC@irrc.state.pa.us

Dear State Senator,

It does not make any sense to increase the class size in a special education class, knowing that they need extra help and attention from the teacher. Please think carefully before sponsoring such bills. We have to help specialhildren rather than hurting their education.

Thank you,

Lakshmi

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IRRC

From:	karen kelly-nickens [kkellynickens@phila.k12.pa.us]
Sent:	Wednesday, April 04, 2001 7:26 PM
To:	IRRC@irrc.state.pa.us
Subject:	Special Education Class Size

April 4, 2001

Mr. John McGinley, Jr., Chairman

Dear Mr. Chairman:

As a teacher of children with special needs, I implore you to consider the present class size regulations in the state of Pennsylvania as a necessary accomodation for these students. There are many ways to trim a budget. Simply eliminate middle managers within the system and put them back in the classroom, reducing class size even further, for all children of the Commonwealth. Thank you for your time and consideration. Sincerely,

Karen Kelly-Nickens



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From: DENISE41@aol.com

Sent: Wednesday, April 04, 2001 7:51 PM

To: IRRC@irrc.state.pa.us

Subject: Special Ed

Board of Education's plan to increase class size for special education students and to provide waivers from caseloads will be disastrous for students with special needs.

Denise Muldoon School Nurse Roberto Clemente Middle School 122 W. Erie Ave. Philadelphia, PA 19140

# EMBARGOED MATERIAL

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From:JMines7324@aol.comSent:Wednesday, April 04, 2001 7:09 PMTo:IRRC@irrc.state.pa.usSubject:Special Education class size

# EMBANGUED MATERIAL

John R. McGinley Jr, Chairman Alvin Bush, Vice Chairman Robert E. Nyce, Executive Director Arthur Coccodrilli Robert Harbison & John Mizner

The state Board of Education's plan to increase class size for special education students and to provide waivers from caseloads will be disastrous for students with special needs.

Please protect our students and our classrooms from this disastrous plan.

Sincerely,

Anna C. Mines Philadelphia School Teacher

100 100 200 . F . . . . . . . ¢... : ~ ~ ~ ~ ~ <u>.</u> . . . 

From:	Ann Martha [amartha@phila.k12.pa.us]
Sent:	Wednesday, April 04, 2001 10:24 PM
То:	IRRC@irrc.state.pa.us
Subject: Chapter 14	

The Philadelphia Federation of Teachers has issued an alert regarding a proposed elimination of Chapter 14 which requires smaller class size for special education classes. Larger classes will greatly harm special needs children. Larger classes would be chaotic and dangerous by classes increasing violent disruption: tantrums, fights, and attacks upon school personnel. Many special needs have special emotional needs. These students crave attention from their teachers, and if they feel slighted, they act out. The changes in state law that created smaller classes for special education were won through parental advocacy and litigation. Certainly, any adverse legislation will result in expensive protracted litigation from teachers' organizations and from parental advocacy groups seeking reversals. A few dollars saved in cutting salaries could result in great financial waste for the public school districts.

Ann Christine MarthaLibrarianHomeAustin Meehan Middle SchoolP. O. Box 0533001 Ryan AvenueCheltenham, PA 19012Philadelphia, PA 19152(215) 548-8482 answering machine(215) 335-5662 libraryibrary(215) 335-5654 ext. 525

http://amartha.homestead.com

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From: TERRIWTMR@aol.com

Sent: Wednesday, April 04, 2001 7:24 PM

To: IRRC@irrc.state.pa.us

Subject: (no subject)

THE PLAN TO INCREASE THE CLASS SIZE OF SPECIAL NEEDS CHILDREN IS A DISASTROUS IDEA. THESE CHILDREN ARE LABORING AGAINST INSURMOUNTABLE ODDS IN THESE TROUBLOUS TIME.

> WILLIAM O. MILLER PFT.

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From:	Karlitakat@aol.com
Sent:	Wednesday, April 04, 2001 8:22 PM
To:	IRRC@irrc.state.pa.us
Subject:	Attacks on Special Education: Attn: John R. McGinley

As a public school teacher and a concerned community member, I am appalled at your cost-saving tactics of dismantling Special Education. You obviously have no firsthand knowledge from either a student's, parent's or educator's view of what smaller class size means to special education students. Since you are part of the Ridge administration and carrying out his program, I know you have no intention of spending any time in a Special Education class to become more informed of the issues and realities. STOP THE CUTS NOW! USE STATE SURPLUS MONEY to help people, not destroy their lives. Karel Kilimnik

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	k [dkrick@excite.com] ay, April 04, 2001 7:57 PM
To: IRRC@irr	c.state.pa.us g class size for special needs students

To whom it may concern:

How can anyone justify the increase of class size for special education students? As a teacher in the Phila. public school system for nearly thirty years I have seen students achieving solid progress in the classroom that will enable them to be self-sufficient for life. There are so many success stories that will not be rewritten in the future if these special needs students are forced to compete in regular classroom activities under the guise of "mainstreaming" to save money. Let's at least be honest with the public and tell everyone that the real reason for this change in policy is because there are just too many students involved in these programs and the amount of money to continue them is enormous. Taxpayers are not willing to foot the bill, and that is that. Stop teaching our youngsters that it's their teachers' fault for not being able to teach to several different levels of ability at the same time, while doing the parents' job of disciplining, teaching responsibility, and being a policeman. Give our kids a break!!!!!!!

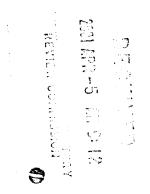
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# EMBARGOED MATERIAL

• :

From:	MKess9592@aol.com
Sent:	Wednesday, April 04, 2001 6:34 PM
То:	IRRC@irrc.state.pa.us
Subject:	special ed class size

I've heard some dumb things, but raising the number of students in these classes is insame. They should actually be lowered. We need more special ed services, not less. Come and spend a week in my school- you'll see. Carole Kessler



### IRRC

From:	SMWoodlei@aol.com
Sent:	Wednesday, April 04, 2001 10:06 PM
To:	IRRC@irrc.pa.us
Subject:	Issue of Increasing Class Size for Special Education

Dear Mr. Mc Ginley,

It has come to my attention as a Special Education teacher and a PFT member that you are intending to increase class size for Special Education classes. This would make it virtually impossible to assure parents of a quality education for their special child. By allowing more children to make a larger group in one setting makes it very difficult for these children to focus, no matter how many assistants in the room.

This is not a way to economize by increasing class size. I am strongly suggesting that you and your committee reconsider this idea. This would make effective teaching virtually impossible.

Marjorie Gaines Special Education Teacher, Philadelphia

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From: JackieUD@aol.com

Sent: Wednesday, April 04, 2001 6:50 PM

To: IRRC@irrc.state.pa.us

Subject: Special Education Class size regulations

#### To:

John R. McGinley Jr, Chairman Alvin Bush, Vice Chairman Robert E. Nyce, Executive Director Arthur Coccodrilli, Robert Harbison &John Mizner

## EMBARGOED MATERIAL

Dear Sirs:

I am writing to you to protest the change of Special Education class size requirements. At your recommendations, you want to remove any limits to the number of special education students per class. The hardships and disadvantages you want to inflict upon these students is a horror. There are very little supportive programs that are currently in existence. There is a shortage of special education teachers, and students are receiving minimal services. The action that you propose, will damage the fragile self-esteem that threatens these students everyday. The idea of warehousing students might save immediate funds, but will be costly down the road, when many students who were unsuccessful in achieving their rightful education, will not be able to compete in the job market. Smaller class sizes help students with educational needs get additional supports and teacher attention that they desperately need, it doesn't take an educator to point out that many students at risk who are part of a large class setting keep quiet and slip by unnoticed and unassisted because they didn't attract attention. On the other hand emotional supportive students who are now dumped in growing numbers into "regular" education classes often create such havoc that other students education are affected.

As the school's Science Lead Teacher, PFT Building Representative, and Parent Council Member, I will make it a point to notify every parent that I have contact with of your names and of your objectives. Parents of Special Education students are voting parents and I will make sure that they are aware of your future plans of destroying their children's education. I hope you reconsider your objectives.

Sincerely, Jacqueline Dubin

Jay Cooke Middle School

201 652 REVIEW COLD ) - 1 2 ង 12 co 9

From: EJones7551@aol.com

Sent: Wednesday, April 04, 2001 8:01 PM

To: IRRC@irrc.state.pa.us

Subject: (no subject)

I've been informed that you intend to increase the class size of our Special Education students. How easy it is to cast aside the needs of the weakest among us. We have three Special Education teachers in our school. The problems are so severe and the need is so great that the teachers are falling apart. I challenge any one of you to spend one whole day directing the services of our students. I guarantee you will not increase the class size. Ethel M. Jones EJones7551@aol.com Teacher Philadelphia School District

# EMBARGOED MATERIAL

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### IRRC From

### IRRC

From:Phillydude718278@aol.comSent:Wednesday, April 04, 2001 7:18 PM

To: irrc@irrc.state.pa.us

Subject: Special Education Class Size

To Whom It May Concern,

As a Philadelphia School District employee I am urging you to not vote for special education class sizes to be increased. Currently I am a paraprofessional and work on the discipline side of things and find especially with these type of children that small numbers are more successful for the children. Please don't vote for increased class size in special education. Thanks for your support. Sincerely, William P. Gerace

2001 APR -- 5 ç 9

#### ORIGINAL: 2144

#### IRRC

From:Bonnie Gevurtz [bgairdry@home.com]Sent:Wednesday, April 04, 2001 6:15 PMTo:IRRC@irrc.state.pa.usSubject:Special Ed

John R. McGinley Jr, Chairman Alvin Bush, Vice Chairman Robert E. Nyce, Executive Director Arthur Coccodrilli Robert Harbison & John Mizner

Dear Sirs,



The state Board of Education's plan to increase class size for

special education students and to provide waivers from caseloads will be

disastrous for students with special needs. With all the evidence showing tremendous achievement gains for students in small classes, why would anyone increase class size - especially for students with serious

physical, behavioral and cognitive disabilities?

It is also disastrous to place 15 or more special needs students in regular ed. elective classes where the class size is up to 35 students. Special needs students need special help in these elective classes. How do you think an elective teacher can meet the needs of the special ed. students and at the same time meet the needs of the regular ed. students?

Bonnie Gevurtz Art Teacher School District of Philadelphia

## EMBARGOED MATERIAL

Original: 2144 EMBARGOED MATERIAL

	IRRC.		
Se To Co		susan.dixon@juno.com Wednesday, April 04, 2001 2:56 PM rice7980@city-net.com; writerforhire@juno.com; dmorriso@pahouse. Tmurphy@pasen.gov; irrc@irrc.state.pa.us; Fwarkomski@state.PA.us susan.dixon@juno.com Re: Chapter 14	
Su On > > > > > > > > > > > > > > > > > >	Thu, 22 Mar 2001 Disabled kids win Schools long faile Pat Kossan The Arizona Republ March 19, 2001 12: Arizona education the state Department to protect the rig according to a fee expected to be set Now the department done. After losing a bio department has age therapy their chill school, and give b to help compensate No one is willing cost the state or \$100,000 in addi Parents in the law districts did not provide sp children needed. F through as require even when its own State officials wo provide the services, but and never withwhele the services were As a result, some Many children went education or tutos department knew th according to the in Center for Disabili "This is a class-a being	<pre>Tmurphy@pasen.gov; irrc@irrc.state.pa.us; Fwarkomski@state.PA.u susan.dixon@juno.com Re: Chapter 14 09:01:29 -0500 <susan.dixon@juno.com> writes: funds ad to provide services lic 00:00 chief Lisa Graham Keegan and ent of Education failed for years hts of disabled students, deral class-action lawsuit tiled next week. t must make up for damage d to have the case dismissed, the reed to repay parents for laren should have gotten at kids extra tutoring and services a for lost time. to guess what the settlement will schools, but one district is anticipating itional costs next school year. wsuit turned to the state after their school becial education services the parents felt their But the Department of Education din't follow ed by state and federal laws, the lawsuit charged, investigators backed the parents complaints. buld write a letter instructing the school to stopped there. They rarely insisted or mediated, d money to ensure offered. districts didn't comply. t years without speech or physical therapy, special ring, which the he students were legally entitled to receive, lawsuit by the Arizona lity Law. action lawsuit where parents felt they weren't</susan.dixon@juno.com></pre>	
>	heard," said Patt: spokeswoman for Ke unwilling to perso	eegan. The superintendent of public instruction was onally	
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> discuss the possible settlement. > Likens said the districts are to blame for the lawsuit, since they > failed to follow Department of > Education directives. > "Generally speaking, it was our impression that the local level was > taking care of it and that wasn't > happening," Likens said. "The state special education investigators > are now going in and being more > active at the school level." > Since 1997, about 1,000 parents have complained to the Department of > Education about lack of special > education and services at their schools, and investigators have > backed about 300 of those complaints. > If any of those 300 parents did not receive the services their > children needed, they can file a claim in > the next 18 months with a new five-member commission, made up of > volunteers appointed by both > sides of the lawsuit. > The new commission could decide to repay parents for out-of-pocket > expenses, such as speech > therapy or tutoring, which can run more than \$50 an hour, or require > the offending district to provide > students extra hours of therapy and services. > Under the proposed settlement, the Department also must be more > responsive to complaints and > strictly enforce laws, even if it means withholding special > education > money from a district or shutting > down a charter school. > "We shouldn't have a situation where that happens," said John > Pedicone, superintendent of Flowing > Wells Unified District in Tucson and an Arizona School > Administrators > Association board member. > "We should be monitoring ourselves and, if we are not, we should be > cleaning up our collective acts." > > Cleanup costs could run high for some districts. > Paradise Valley Unified School District, the third largest in the > state, has nearly 4,000 special needs > students and has had six complaints filed with the Department of > Education this school year. > If this settlement is approved, the district anticipates spending > about \$100,000 a year for the next two > years to repay parents and offer students extra therapy services, > Special Education Director Laura > Bistrow said. She expects her budget to remain about \$50,000 higher > each year after that because of a > stricter state compliance policy that would be forced by the > settlement, which Bistrow clearly doesn't > like. > "I don't feel school districts were involved in that and I don't > think we had good representation," > Bistrow said, adding that once the first parents receive > compensation, more and more parents will start > making costly demands. "It's more sure than winning the Powerball." > Sheila Acres tried for months to get her son Justin Simons, 17, into 2

> a Paradise Valley High School. > Julian reads and does math at about a first-grade level, knows > rudimentary sign language, and must be > fed by a tube. But he did so well at a Roosevelt Elementary District > grade school that kids gave him a > standing ovation at his eighth-grade graduation. > "You can't help but love him," Acres said. "He's so much fun." > > Then Justin moved to a group home in the Paradise Valley School > District. Officials there wanted to > send him to a school for special kids, according to the lawsuit. But > Acres knew Justin would be > isolated at the special school and that he flourished on a regular > campus. He is motivated by other kids > his own age, Acres said, and he loves to attend school pep rallies > and band concerts. > "But they just kept putting me off, and putting me off," said Acres, > who took her complaints to the > Department of Education, where investigators agreed and sent the > district a directive to enroll Justin. > But nothing happened, according to the lawsuit. > Acres called the Center for Disability Law and Justin became one of > five students representing all > disabled students in the class-action lawsuit filed two years ago. > "I was ready," Acres said. "I knew something had to be done and I > knew a lot of other people who > were not getting services." > > This year, Justin started at the bustling Shadow Mountain High > School > campus, attending class with > five other disabled kids. > The settlement goes before a federal judge for final approval next > Monday. > Reach the reporter at pat.kossan@arizonarepublic.com or (602) > 444-8960. > http://www.arizonarepublic.com/news/articles/0319specialed19.html > > > > > My e-mail is not intended as a substitute for professional advice. Every measure has been taken to make this information accurate, however, most of this information comes from a variety of sources such as published journals. The goal of freedom of speech is to hear all sides of the issue in order to get closer to the truth. My goal is to develop a healthy atmosphere of free and open discussion.

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### ORIGINAL: 2144

IRRC

From:	Jeanne J. Farrell [jj3663@home.com]
Sent:	Wednesday, April 04, 2001 5:03 PM
То:	IRRC@irrc.state.pa.us
Subject:	state changes

Dear John R. McGinley Jr, Chairman Alvin Bush, Vice Chairman Robert E. Nyce, Executive Director Arthur Coccodrilli Robert Harbison & John Mizner

As an educator I urge you not to increase the class size of the special education classes. Studies have shown that smaller class size helps all children learn. I can't help but wonder why you would want to make this change when regular education classes are try to move toward small class size???? Please be realistic in your decision and don't just do this to save money, otherwise I fear there being an even greater teacher shortage. Thank you for your time. J. Farrell

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EMBARGOED MATERIAL

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#### IRRC

From:	Mark Berman [mberman@phila.k12.pa.us]
Sent:	Wednesday, April 04, 2001 7:15 PM
To:	IRRC@irrc.state.pa.us
Subject:	Chapter 14
i o: Subject:	

The state Board of Education's plan to increase class size for special education students and to provide waivers from caseloads will be disastrous for students with special needs.

# LED, ULGUED MATERIAL

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 IRRC
 ORIGINAL:
 2144

 From:
 Alan Bronstein [bronstein@home.com]

 Sent:
 Wednesday, April 04, 2001 8:33 PM

To:IRRC@irrc.state.pa.usSubject:Special Ed. Class Size Proposal

to: John R. McGinley Jr, Chairman Alvin Bush, Vice Chairman Robert E. Nyce, Executive Director Arthur Coccodrilli, Robert Harbison & John Mizner

With all the research showing that smaller classes aid student achievement, why, in Heaven's name, would you consider raising class size for Pennsylvania's neediest students. Please vote against this proposal.

Just a few days ago I had the value of smaller classes jump out and hit me in the face. I teach in a high school for the gifted -- Central High School of Philadelphia, but my students still struggle with much of the work. [I teach chemistry.]

Last Friday was the day of the "soph hop" and those students who purchased tickets were permitted to leave school early to prepare. [That I and others strongly disapprove of this practice is another subject.] During the 2 periods remaining those students still in class were performing as never before. Several of them remarked that they were "finally getting" the material. The smaller class size allowed me to pay more attention to each. It wasn't lost on them that this is the kind of attention that most private schools and many suburban schools consider routine.

I hope it's not lost on you either.

Alan Bronstein Science Teacher Central High School

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#### IRRC

From:	KnCBar1@aol.com
Sent:	Wednesday, April 04, 2001 7:52 PM
То:	IRRC@irrc.state.pa.us
Subject:	Raising class size

I am a teacher and parent in Philadelphia. I would like to voice my opinion about dropping the cap on Special Ed class. In a time when we are fighting to reduce regular Ed class size, why would we want to raise the Special Ed cap? All children learn better in smaller class, especially children with special needs. We fight to get kids placed so the can get the individual attention they need and deserve. Without the cap districts like our will stuff as many kids as possible I a room, This benefits no one. Thank you, Kelly Barone

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EMBARGOED MATERIAL



Original: 2144

### M. Joseph Brady, Superintendent - (570) 544-4764 • Fax - (570) 544-6162 Andrew M. Terry, High School Principal - (570) 544-4761 • Fax - (570) 544-5866

Judith A. McGrory, Elementary Principal - (570) 544-2077 • Fax - (570) 544-1404

April 3, 2001

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

Dear Mr. McGinley and Commission Members

the purpose of this correspondence is to request that the Independent Regulatory Review Commission approve Chapter 14 as submitted by the State Board of Education. This proposed regulation has been discussed, debated and scrutinized for quite some time. The final form provides to Pennsylvania's children with disabilities the full range of protections or red through federal law. In addition, Chapter 14 also puts forth services and structure unique to our Commonwealth. This is a sound regulation that mandates that educators meet, without compromise, the needs of our special education population.

As a school superintendent, I am most concerned about having reasonable flexibility in establishing appropriate class sizes for special education students. When the Commission disapproved the proposed regulation on March 8, you did so because you were not persuaded that exceptional children would received the necessary staff attention to achieve IEP goals if class size limits were not in place. I want to take this opportunity to offer you realistic rationale for not mandating class size limits.

Quite often, school administrators find themselves forced into making program decisions based on the current class size restrictions. For example, consider a hypothetical situation where a student named Randy, who is in need of learning support, moves from another Pennsylvania district into my school district. In reviewing Randy's IEP, we learn that he is in seventh grade and receives his math, science and English programs in a learning support classroom. The district and parents agree that Randy's IEP is appropriate; however, as we prepare to implement Randy's program, we realize that an obstacle exists. There is only one age appropriate learning support class in the building and the teacher informs us that eight students (the maximum currently allowed) are already enrolled in the math and English classes.

At this point, our choices are limited. Even though Randy would benefit by attending his new neighborhood school, due to this artificially established limit of eight students per class, our only choice may be to bus him 25 minutes to a neighboring district. Sure, there are other options. We could hire a special education teacher on an hourly basis and provide Randy with one-to-one instruction during those periods if, (and mind you, it is a big if) we could locate and employ a special education teacher on an hourly basis which is rather unrealistic. We could also star: a second learning support class in the building, but again, we are faced with issues such as finding a qualified teacher and attempting to locate appropriate space in a building that is already at maximum usage.

P.O. BOX 787, MINERSVILLE, PA 17954 An Equal Opportunity Employer

### Minersville Area School District

Mr. John R. McGinley, Jr. Page Two April 3, 2001

Mandating strict class size limits is just not fair to students. We take away options not only when students move into our district but also when students struggle in regular education and could benefit from a special education class only to find a sign that says "no vacancy." On behalf of myself and the other superintendents in Schuylkill County, I strongly urge you to consider the necessity of not mandating maximum class size limits. Our experience tells us that such limits have functionally closed the doors on appropriate special education options for many students.

Thank you for providing me the time to address the issue of why class size limits actually serve to limit educational opportunities.

Sincerely yours

migh Brady

M. Joseph Brady, Superintendent MINERSVILLE AREA SCHOOL DISTRICT

MB/lap

cc: Honorable James J. Rhoades Honorable Jess M. Stairs Honorable Nicholas A. Colafella Honorable Allyson Y. Schwartz Dr. Peter H. Garland, State Board of Education Dr. Fran Warkomski, State Director of Special Education

# **EMBARGOED MATERIAL**

#### IRRC

Original: 2144

From:	Rhonda Wagner [rpwagner@paonline.com]			2	
Sent:	Tuesday, April 03, 2001 1:05 PM	1	20) 10)	2031	
To:	irrc@irrc.state.pa.us		- K E	E9	्य
Subject	: Fw: Rulemaking #6-270, "Special Education Services and Program"		ti) Ci	τΫ - 3	<u></u>
Indepen 333 Mar	n R. McGinley, Jr., Chairman dent Regulatory Review Commission ket Street, 14th Floor rg, PA 17101		10000 000 000 000 000 000 000 000 000 0		

Dear Mr. McGinley:

I am writing to you in regards to changes in the regulations regarding class size for special education students. In particular, I am referring to Rulemaking #6-270, "Special Education Services and Program."

I am the parent of a child with Asperger's syndrome, a high-functioning form of autism. I can tell you that children with disorders such as Autism, ADHD, and other neurobiological brain disorders function better with less distractions and more one on one attention.

At one point my daughter was in an Emotional Support Classroom that Cumberland Valley School District created for the Elementary program. The program was designed to provide specialized instruction in Social Skills, understanding and handling their emotions and other appropriate behaviors. The children in the group had a variety of diagnoses but similar needs. Some of the children were in the classroom for almost the entire day. Others, like my daughter, attended partially to be present for Social Skills instruction. Since some of the children were getting their primary instruction in academic subjects in that room, this had to be provided by the one teacher in the room with assistance from classroom aides. Luckily, the attendance in that room was small, usually under 10 children. My daughter progressed with her social skills and behavior and is completely mainstreamed now. I do not believe she would have been able to focus her attention and learn these new skills in a larger group at that time. I can't imagine how children could be taught academics at the appropriate level or how social skills could be taught in such large group with no class-size restrictions.

As I mentioned earlier, many children with a brain disorder can be easily distracted so the more children you add to the classroom, the more distraction there will be. I would think the goal of a Special Education program should be to provide appropriate education so that the child can learn and grow to their full potential and be able to function as best as they can in society once they transition from school to adult life. I realize that small classrooms and additional teachers and aides are an added expense for the school districts. However, the elimination of class-size restriction could lead to a scenario where children with special needs are simply "warehoused" until graduation. That will not benefit the child or society. I think we need to look to the long-term benefits to special needs children and society rather than the short-term dollar cost.

I certainly hope you will consider these comments and consider the children and families affected by this ruling, and ultimately the impact on society as a whole in this important decision.

Sincerely,

Mrs. Rhonda P. Wagner

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April 2, 2001	



400 North Third Street PO Box 1724 Harrisburg, PA 17105-1724

(717) 255-7000 • (800) 944-PSEA (7732) Fax: (717) 255-7128 • (717) 255-7124

Patsy J. Tallarico, PRESIDENT Susan E. Houghton, VICE PRESIDENT James P. Testerman, TREASURER Carolyn C. Dumaresq, EXECUTIVE DIRECTOR

Affiliated with the National Education Association

Robert E. Nyce, Executive Director Independent Regulatory Review Commission 333 Market Street 14<sup>th</sup> Floor Harrisburg, PA 17101

Dear Mr. Nyce:

As the Commissioners prepare for their reconsideration of proposed Chapter 14, PA Special Education Regulations, I would like to encourage rejection. In representing over 150,000 educators within the Commonwealth, I speak with a collective voice to say that the changes made by the State Board of Education on March 15, 2001 were not significant enough for approval.

The State Board of Education indicated that they had made a conscious decision after many hours of thought, to delete class-size limits for all levels of special education intervention, except full-time classes. This is unacceptable to educators in this state.

State Board of Education members have made the following explanations on their position. I will respond to each comment:

- Educating students in the Least Restrictive Environment conflicts with state policy on special education class-size limits. Indeed, the federal law does require education in the Least Restrictive Environment, but it also requires that each school district provide a full continuum of placement options. If the State Board is indicating that no special education classes, except full-time classes, are to be considered, they are misconstruing Section 614 of IDEA.
- Most students needing specialized settings are in full-time classes and there are classsize limits for these classes. Most students needing specialized settings are NOT in fulltime classes. Most students with IEPs are in inclusive environments for part of the school day. The majority of IEP students receive either resource or part-time intervention. Yet, proposed Chapter 14 protects neither of these groups.

- School districts will make wise decisions regarding class size. From current information, this does not seem to be true. School districts face unbelievable fiduciary responsibilities. As a result, there exist, even today with class-size limits included in Chapter 14, resource rooms with 24 students assigned at a time; part-time classes with 20 students at a time. Under current Chapter 14, individuals and organizations can file complaints with PDE on these noncompliance situations. Such complaints result in PDE's investigation and findings on compliance, with a possible order for the school to come into compliance. Such a procedure will be significantly impaired with the removal of numerical class-size limits.
- Appropriate grouping will be discussed during IEP meetings. It is true that appropriate grouping is a possible discussion item during such a meeting. However, PDE has not included in the IEP format a requirement for such a consideration/decision. As a result, many districts are likely to avoid such a discussion, and parents/teachers may be unaware or unable to force districts to decide appropriately on class size for a given student.
- PDE will provide a written report in October of each school year to the Senate Education Committee. October is not the right time for such a report, especially if it is the only report provided annually. IEP enrollment and class size often builds over the school year. There should be at least two reports, one in the late fall and another in late winter. Also, the provisions of this report should be included in Chapter 14, not left to the discretion of PDE.

Thank you for your consideration and thoughtful deliberation on this important set of regulations. We urge your rejection of this proposal. If we can offer any assistance in expanding upon the elements of this letter, please feel free to contact me.

Sincerely,

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allarico

Patsy J. Tallarico President

Cc: Board of Directors Special Education Board Coalition of Special Education Advocates

## EMBARGOED MATERIAL

Original: 2144

From:	Mrs. McBride [camcbride@phila.k12.pa.us]
Sent:	Tuesday, April 03, 2001 10:31 AM
To:	IRRC@irrc.state.pa.us
Subject:	Increasing class size for special education stucents

Dear John R. McGinley Jr, Chairman, Alvin Bush, Vice Chairman, Robert E. Nyce, Executive Director, Arthur Coccodrilli, Robert Harbison &John Mizner

My name is Carole McBride, I have been a special education teacher for the past 31 years. I am writing to inform you that I am opposed to increasing class size for special education. Increasing class size for special education students is an obvious ploy to save money, and once again say to students, the state does not care about you. Special education students need personalized and individualized attention in order to be successful in school. Why subject these students to one more strike against them!

I am sure you all are aware that in the School District of Philadelphia we have a shortage of special education teachers. Increasing class size will deter teachers from entering the field of special education. I certainly would not recommend, to any college student the field of special education, if class size increases.

In my opinion, increasing class size would not be in the best interest of the special education population, therefore, I urge you not to increase class size.

Sincerely, Carole McBride Olney Elementary

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#### IRRC

From:	Mary Lou Ray [mlr5@aasdcat.com]
Sent:	Monday, April 02, 2001 9:02 AM
To:	IRRC@irrc.state.pa.us
Subject:	Chapter 14

I am writing to urge your approval of Chapter 14. It is extremely important to all school districts that the parenthetical numbers be eliminated. Not only are the parenthetical numbers unrealistic in terms of finding special education teachers, but districts would have to add numerous classrooms to facilities that simply do not have room.

Aside from these financial considerations, there is absolutely no research or proof that students will benefit. The parenthetical numbers have not been helpful to students and seem to contradict the inclusion movement. On one hand, the state encourages the placement of special needs children in classes that are conducted by regular education teachers who typically have 22+ students, while on the other hand, the state limits the number of students in self-contained special education classes. This does not make sense.

Once again I urge you to approve Chapter 14.

2001 APR - 2 MI 10: 55 REVIEW GUILINGSICH 9

Original: 2144

#### IRRC

From:	joan murdoch [murdoc01@home.com]
Sent:	Monday, April 02, 2001 3:55 PM
To:	IRRC@irrc.state.pa.us
Subject:	Chapter 14 Revisions

#### Dear IRRC:

I am writing to urge the adoption of the revised Chapter 14 regulations. I am a School Director of the Quaker Valley School District as well as a parent of two recent graduates who qualified for special eduction services.

I feel Chapter 14 provides the flexibility schools need to meet the special education needs of its students. I think it is more effective to establish class size limits and request each district to establish its own policy. I do not feel that fixed numbers for class size are an appropriate way to deal with individual situations.

I believe the federal and state laws guarantee that each special education student receive an education designed to meet his/her educational needs. I do not feel that the elimination of the class size limits will encourage districts to overcrowd classes. For me the test is, "How do we best meet the educational needs of an individual? There are other monitoring provisions as well as procedures for schools to be accountable to the Department of Education as well as parents and ultimately the student.

I can assure you that our district is committed to meeting the educational needs of special needs students. Changing the mandate will give the district needed flexibility in designing appropriate education plans.

Thank you for your consideration.

Best regards,

Joan W. Murdoch 21 Thorn Street Sewickley, PA 15143 412-741-9395

2001 APR - 2 Fill to 25 REVIEW COLDINARY NECHARDA

#### **Methacton School District** Original: 2144

David C. Evans, Ed.D. Superintendent

#### 1001 Kriel

Mr. Exec 333  $14^{th}$ Harr

Dear

Please consider this letter as public comment regarding regulations scheduled for your review on April 5, 2001. Specifically, you will be reviewing resubmission of revisions to 22 Pa. Code Chapters 14 and 342.

We respectfully request that the Independent Regulatory Review Commission (IRRC) approve the above regulations as submitted by the State Board of Education. As submitted, these regulations already exceed the federal requirements of the Individuals with Disabilities Education Act (IDEA). Therefore, they contain sufficient regulatory protections for children with disabilities. These regulations impose on the citizens of this Commonwealth an unfounded federal mandate of significant proportions. Despite federal promises to the contrary, the federal government has never funded IDEA at the level originally proposed (40%). As a result, the ever escalating costs of special education are passed on to the citizens of the Commonwealth. Because of the spiraling costs associated with this program, it is essential that administrators have flexibility in developing programs to meet the needs of all children. A surfeit of regulations curtails this flexibility. The bottom line is that more regulations mean less services for disabled children.

The revised regulations currently submitted address many of the issues raised in the disapproval order of March 8, 2001. There are two notable exceptions that we would like to comment on here.

First, with regard to eliminating class size requirements, elimination of class sizes in favor of a case load limitation is much more consistent with a philosophy of delivering services in the least restrictive environment.

At the same time, there is no reason to believe that elimination of class sizes will result in classes approaching regular education levels. In our district, as in many others, class size is dictated by the unique needs of the students enrolled, not by some arbitrary regulation. We currently have classes at the primary level capped below the allowable state maximum, because the children in these classes require more attention. This has been true historically in our district, and will continue to be our practice.

Franklin E. Congdon, Jr. Assistant Superintendent (610) 489-5012

Dale A. Utt Director of Business & **Operational Services** (610) 489-5003

Dennis M. Flanagan, Ph.D. Director of Pupil Services (610) 489-5000 Ext. 5015

**Robert F. Holly** Director of Technology & Informational Services (610) 489-5016

Deborah L. Sabol Director of Human Resources & **Community Services** (610) 489-5011

Methacton School District is an equal opportunity employer

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ebel Mill Road Norristown, PA 19408-2011 (6	10) 489-5000 Fax	(610)	489-5019
Robert Nyce ecutive Director, IRRC Market Street, Floor risburg, PA 17101		REVIEW COMPLETION	2001 APR - 2 - 2011 - 3
ur Mr. Nyce:	4	<b>S</b>	ture

Moving to a case load limit will recognize that more disabled students are able to receive services in the regular education classroom under a flexible arrangement. Likewise, a caseload limit will necessarily limit class size for most handicapping conditions.

Second, regarding the suggestion to insert federal regulations into Chapter 14, we can see no increase in clarity by this action, and to do so may increase confusion by suggesting that there are, in fact, two sets of regulations, Pennsylvania's and the federal governments. It has been our experience that confusion in special education regulation results in increased litigation. Actually, we find this suggestion inconsistent with other actions of the IRRC, even on March 8, 2001. On that date, the IRRC approved 22 PA. CODE CH. 711 relating to Special Education and Charter Schools, which adopts federal IDEA regulations by reference. Why would such a practice be acceptable for charter school regulations, but unacceptable, on the same day, for public school regulations?

In conclusion, it is time for the IRRC to fulfill its duty under the Regulatory Review Act and approve revised Chapter 14 (and the elimination of Chapter 342) as submitted by the State Board of Education. Revised chapter 14 meets the criteria for review in Section 5.1(i) of the Act, and conforms with Governor Ridge's Executive order of 1996-1. Most importantly, Chapter 14 is the right course of action in that it allows administrators to direct resources to serving all children in the Commonwealth while protecting the rights of those children with disabilities.

Thank you for considering our views in this matter. If we can be of any assistance to the IRRC in this matter, please do not hesitate to contact us.

Very truly yours,

David C. Evans, Ed.D Superintendent

Dennis M. Flanagan, Ph.D. Director of Pupil Services Methacton School District 1001 Kriebel Mill Road Norristown, PA 19408-2011 (610) 489-5000 ext. 5015 FAX:(610)489-5019

# 1/ 3

METHACTON SCHOOL	DISTRICT
DATE: 4/2/01 TIME: 11:25	
TO: COMPANY: <u>PA IRR</u>	
ATTN: MR. Robert Nyce	2[
FAX NUMBER: 1917 783 2664	REVIEW
NUMBER OF PAGES (including cover)	
mour Deni El	
FROM: Dennis Flanagon	
MESSAGE: Hard Copy TO Follow	

#### CONFIDENTIALITY NOTICE

The information contained in this telefacsimile transmission is privileged and confidential, and intended only for the use of the individual(s) and/or entity(ies) named above. If you are not the intended recipient, you are hareby notified that any unauthorized disclosure, copying, distribution or taking of any action in reliance on the contents of the telecopied materials is strictly prohibited. If you have received this transmission in error, please notify us immediately by telephone to arrange for the return of the materials. Thank you.

# IF ANY PORTION OF THIS TRANSMISSION IS INCOMPLETE OR UNCLEAR, PLEASE CALL M.S.D. WORD PROCESSING CENTER - (619) 489-5000, ext. 5007

### OUR FAX NUMBER IS - (610) 489-5019

1001 Kriebel Mill Road, Norristown, PA 19408-2011

#### METHACTON SCHOOL DISTRICT IS AN EQUAL OPPORTUNITY EMPLOYER

#### Original: 2144

#### IRRC

From:	[jjanko912@earthlink.net]
Sent:	Monday, April 02, 2001 1:00 AM
To:	IRRC@irrc.state.pa.us
Cc:	reid nancy; huf betty
Subject	: Chapter 14 Revisions

Dear Mr. Nyce,

The Commission has a very important vote scheduled for Thursday, April 5 regarding proposed revisions to Chapter 14 Regulations. I am writing to urge the Commission to support the revisions proposed by the State Board of Education. The revisions, particularly the one on class size, provide school districts with some needed relief from an over-regulated, over-burdensome and under funded mandated program. On the whole, the revisions provide a fair and well-balanced system for the delivery of services to students with special needs.

The Centennial School District has every intention of maintaining responsible class sizes to ensure that the rights and privileges of special needs students are not compromised. In fact, at recent budget deliberations, it was noted that we already have lower class sizes for some special needs students than are required by the Regulations.

For your information, I would like to point out that the upcoming budget for the Centennial School District projects an 8.5 million dollar cost for special education. State and federal sources will provide \$2.5 million dollars toward that cost. The remaining \$6 will be directly funded by local taxes. This equates to 48 mills of local real estate taxes. Over the past three years, the Special Education budget has gone from a 6.9 million dollar program cost to the 8.5 million dollar expenditure projected to 2001-02 school year.

We would genuinely appreciate the opportunity to have some flexibility in the delivery of special education program and services. On behalf of the Centennial community, please request the Commission's support of the proposed revisions to the Chapter 14 Regulations.

Respectfully,

Joan Jankowsky Centennial School Board Member

--- EarthLink: It's your Internet.

Apr 02 01 01:35p

Original: 2144

Wexford, Pennsylvania 15090 April 2, 2001	2
Mr. Robert E. Nyce Executive Director, IRRC Pennsylvania Department of Education 333 Market Street, 14th Floor Harrisburg, Pennsylvania 17126	REVENCIA
FAX: 717-783-2664	2:

Dear Mr. Nyce:

Thank you for speaking to me on the phone today. 1 wanted to put my request on record in order to plead with you and the other members of the IRRC to not allow the State Board of Education to eliminate class sizes in their latest special education proposal.

As I told you, in Pittsburgh, we take the education of ALL of our students very seriously. I am very proud to be a part of the special education team at Thaddeus Stevens Elementary (working as the nearly full-time speech-language specialist). The class size and caseload limits currently in place allow us to provide quality services to all of the learning support, emotional support and speech-language support students at our school. I invite you at any time to visit our program or any of the other quality special education programs provided in our public school system.

If the no class limit language is passed by your commission, the effect it would have on the quality of the education of all of our students would be catastrophic. Special education students would simply be warehoused because school districts would take advantage of cost savings and load up the special education teachers-please do not be naive enough to think that school boards would not do it simply because it was not the proper thing to do. During my twenty years working with the public schools, I am frequently saddened by the myriad of decisions made by administrators and school boards that have nothing to do with educationally sound practice! Money seems to be the motivator for far too many of their decisions.

With no special education class size limits, even the education of mainstream students would be compromised since both special education and regular education teachers would be stretched beyond what would be humanly possible to cover all the needs of all of their students. In a society where teachers are judged by the performance of their "constituents," (unlike any other professionals)-- who would ever choose to go into a profession where you are immediately set up for failure?

Sincerely, Mina Esposito-Ukon Nina Esposito-Visgitis Speech-Language Specialist Pittsburgh Public Schools

p.2

# **Stevens Elementary School**

822 Crucible Street Pittsburgh, PA 15220 Phone: 412-928-6550 Fax: 412 928-6554 Joseph J. Foriska, Principal Julius Redd. Asst. Principal Nene Lesser, ITL-Gr. K-2 Gertrude Thomas, ITL-Gr. 3-5

This transmi Please call St this message	FAX TRANSMITTAL FORM ittal ispages, including this cover. tevens Elementary School at 412-928-6550 if any part of	7m1 AP2 -2 P3 2:41	
TO:	Mr Nyce		
	Allon Espacito Ilisatio		
FROM:	Nina Esposito - VISgitis		
DATE:	4-2-01.		
SUBJECT:	Please retain		
MESSAGE:	- Clano-Sland-		
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SUPPORTING OUR CHILDREN, OUR SCHOOLS AND OUR FUTURE WE ARE AN EQUAL RIGHTS AND OPPORTUNITY SCHOOL DISTRICT. Original: 2144

EMBARGOED MATERIAL

CENTRAL SUSQUEHANNA INTERIAEDIATE UNIT

P.O. Box 213 Lewisburg, PA 17837 570-522-1155 FAX 57C-524-7104 www.csiu-pa.org



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April 2, 2001

Robert E. Nyce, Executive Director Independent Regulatory Review Commission 333 Market Street, 14<sup>th</sup> Floor Harrisburg, PA 17101

Dear Mr. Nyce:

I am writing to express my support of the resubmission of Chapter 14 by the State Board of Education to the Independent Regulatory Review Commission (IRRC). During the past several weeks I had numerous discussions with my colleagues in intermediate units and school districts. with widespread support of the proposal. Adopting IDEA by reference along with other state requirements in special education makes sense.

On March 8, 2001 the Independent Regulatory Review Commission expressed concerns with the elimination of the class size requirements as part of their rationale for disapproval. However, in my experiences working with administrators in school districts and the Pennsylvania Department of Education there are sufficient safeguards in place to ensure the delivery of appropriate special education services without further restrictions imposed by a class size chart

The proposed regulations have been thoughtfully developed by the State Board of Education with sufficient time for public comment and input. Therefore, I respectfully request the Independent Regulatory Review Commission to approve the revised Chapter 14 and the elimination of Chapter 342 as submitted by the State Board of Education.

Sincerely.

Bro Weth

Robert G. Witten, Ph. D. Executive Director

# 

#### CENTRAL SUSQUEHANNA INTERMEDIATE UNIT P.O.Box 213 · Lewisburg, PA 17837 570-523-1155 · FAX 570-523-1668 ·

### TRANSMIT TO:

Organization	Independent Regulate	ory Review Commission		
Attention	Robert E. Nyce, Exec	Director		
FAX No	(717) 783-2664			
Location	Harrisburg			
Cover Sheet plus	1 Page(s)			
FROM:				
Sender	R	obert Witten	Ext. #	2301
Date	4/03/01	Program	Admin.	

Note: Please call IMMEDIATELY if this FAX is not received in its entirety or if it is unreadable.

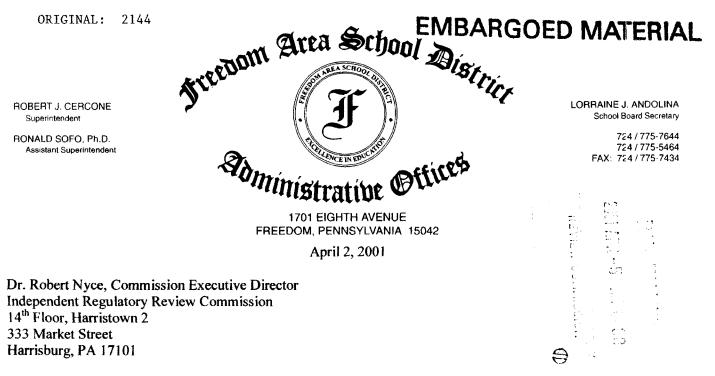
### MESSAGE:

Please see following letter of support for resubmission of Chapter 14 by the State Board of Education.

Hard copy to follow in US Mail.

Bob Witten

	2011/17-3	
<b>Ф</b> Адан		



Dear Dr. Nyce:

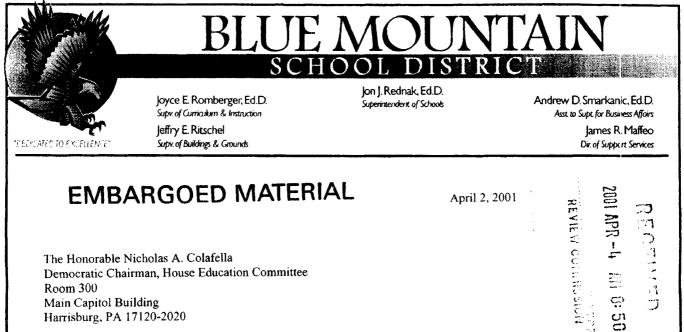
The Freedom Area School District supports the revised final form of Chapter 14 regulations addressing special education. We believe the revised regulations provide needed flexibility for schools to best implement the rules for special education. Passage of the revised Chapter 14 regulations is an opportunity for state government to provide relief from state mandates that exceed federal requirements. Of specific concern are:

- A 410 question special education compliance monitoring audit system which required 19 district special education teachers and administrators to spend the equivalent of 71 days of work time for which to prepare over 24 required reports and student records.
- Part of the audit reviews class size restrictions, which are not federally mandated. These state required class size limits would mean that a school district would have to hire additional staff if the number of students in the special education class exceeded the number by even just 1 student. We believe the maximum caseload limitations, under Chapter 14, effectively control class sizes while giving schools flexibility in their staffing needs in individual situations.
- In communications with our special education teaching staff, they feel an inordinate amount of time is spent on paper work which otherwise could be committed to instructing students.
- Chapter 14 contains monitoring provisions as well as procedures for schools to be accountable to the Department
  of Education as well as parents and students. Our district will maintain responsible class sizes to insure that our
  students' IEP goals and needs are met.
- We believe the revised Chapter 14 regulations gives the necessary balance for a continuum of providing quality special education programs.

Sincerely,

Robert & Cenore

Robert J. Cercone, Superintendent



Room 300 Main Capitol Building Harrisburg, PA 17120-2020

Dear Mr. Colafella:

I am writing to express my concern with the Independent Regulatory Review Commission's (IRRC) disapproval of the revisions of Pennsylvania Special Education Regulations and Standards (22 Pa. Code-Chapters ...4 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.

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.

To our dismay, we learned that there might 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, Jon J. Rednak, Ed. D. Superintendent of Schools

Eugene W, Hickok, Secretary of Education Cc: 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

Red Dale Road • Orwigsburg, Pennsylvania 17961 • (570) 366-0515 • FAX (570) 366-0838



# BLUE MOUNTAIN SCHOOL DISTRICT

Joyce E. Romberger, Ed.D. Supv. of Curriculum & Instruction Jeffry E. Ritschel Supv. of Buklings & Grounds Jon J. Rednak, Ed.D. Superintendent of Schools

April 2, 2001

Andrew D. Smarkanic, Ed.D. Asst to Supt for Busiress Affairs James R. Maffeo Dir. of Support Services

APR-4 63 6:5

# EMBARGOED MATERIAL

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

Dear Mr. Stairs:

I am writing to express my concern with the Independent Regulatory Review Commission' RRE disapproval of the revisions of 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 mus: 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, Rednak, Ed. D. Superintendent of Schools

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

Red Dale Road • Orwigsburg, Pennsylvania 17961 • (570) 366-0515 • FAX (570) 366-0838



April 2, 2001

"DEDICATED TO EXCELLENCE

Ion I. Rednak, Ed.D. Superintendent of Schools

Andrew D. Smarkanic, Ed.D. Asst to Supt for Business Affairs James F., Maffeo Dir. of Support Services

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# EMBARGOED MATERIAL

Joyce E. Romberger, Ed.D.

Supv. of Curriculum & Instruction

Supr. of Buildings & Grounds

leffry E. Ritschel

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

Dear Senator Schwartz:

çp cл I am writing to express my concern with the Independent Regulatory Review Commission [IRRC] disapproval of the revisions of 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, Jon J. Rednak, Ed. D. Superintendent of Schools

Eugene W, Hickok, Secretary of Education Cc: 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

Red Dale Road • Orwigsburg, Pennsylvania 17961 • (570) 366-0515 • FAX (570) 366-0838



# BLUE MOUNTAIN SCHOOL DISTRICT

"DEDICATED TO EXCELLENCE"

Joyce E. Romberger, Ed.D. Supv. of Curriculum & Instruction Jeffry E. Ritschel Supv. of Buildings & Grounds Jon J. Rednak, Ed.D. Superintendent of Schools

April 2, 2001

Andrew D. Smarkanic, Ed.D. Asst to Supt for Busi less Affairs James R. Maffeo Dir. of Support Services

### FMRARGOED MATERIAL

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

Dear Senator Rhoades:

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I am writing to express my concern with the Independent Regulatory Review Commissio (IRRC) disapproval of the revisions of 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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Sincere Jon J Rednak, Ed. D.

Jon J Rednak, Ed. D. Superintendent of Schools

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

Red Dale Road • Orwigsburg, Pennsylvania 17961 • (570) 366-0515 • FAX (570) 366-0838

#### Original; 2144 IRRC

From:	George Cardone [gcardone@aasdcat.com]
Sent:	Monday, April 02, 2001 10:02 AM
To:	IRRC@irrc.state.pa.us
Subject:	message

I am writing to encourage you to support the approval of the revised Chapter 14 regulations. Thanke you.

2001 APR -2 1110: 54 REVEN CONTRACTOR ÷ •

Original: 2144 April 2, 2001

DECENT-2001 APR-9 ALLI: 33 REVIEW COLLIGUEST 1 . . . . . . .

Independent Regulatory Review Commission 14th Floor Pennsylvania Department of Education 333 Market Street Harrisburg, PA 17105

Dear Robert E. Nyce, Executive Director,

I have just received a letter containing the arguments from the Executive Director of the PA Association of School Administrators in support of the proposed Chapter 14. I am assuming that you received the same arguments, and I would like to dispute some of the misinformation supplied by Stinson Stroup.

Concerning the statement "The existing class size limits were devised for an old model based on discreet groupings of children in separate classes": This model may have been around for some time, but Keystone has perfected it into a service model that gives our students the best chances at success. My day begins with a class of 4th grade only students who are in need of learning support for math. I teach them at their individual levels of learning which varies from mid 1st grade level to beginning 3rd grade level using direct instruction along with various other individualized instructional methods. Next, I have a class of 3rd grade only students who are in need of learning support for math. Next, 4<sup>th</sup> grade students in need of learning support for reading are taught at their individual levels of learning targeting comprehension and word attack skills. Forty minutes later three students from 3rd grade in need of language arts learning support join the fourth graders. They are taught with these 4<sup>th</sup> graders because their achievement levels more closely align with these students than with any of the other third graders. This IS descreet grouping of children in separate classes. This is an extremely effective model and is one that needs to be continued. We manage to organize most of the classes for our students requiring learning support in this manner. Out of the 14 students that I have been teaching all year, all but 3 are in learning support for math, reading, English, and spelling.

The comment "The class size chart, sought by some who oppose the regulations as revised, does not translate easily to current organizational patterns designed to provide eligible children with special education supports in the full range of regular school programs. Today's inclusionary practices render the existing caseload requirements obsolete" is just false. This is not my opinion, it is a fact. The class size chart has not affected students' participation in the regular school program in the least. There were never any class size maximums for students with IEPs when in the regular classroom. Some classes, like Health at the high school level, have had more students with learning disabilities in a class than regular education students. They did this as a form

of "inclusion". It was not a good practice, but there were, and still are, no laws against it.

Today's "inclusionary practices", referred to in this letter must be watched and monitored vigilantly at those school districts that have implemented the cost-saving service model which is "total inclusion". This method of "supposedly" preparing our high school learning support students for independent living and future employment is not working, but is being used because it saves districts dollars. Special education classes are practically non-existent in these high schools. Students are put in classes regardless of the fact that the subject material is far above their level-of-learning.

As for the statement, "Indeed, rigidly prescribed class size requirements actually hinder a school's ability to provide the most appropriate education for children, and unquestionably bind a school district financially with no enhancement of services": These class size maximums do exactly the opposite. They are what makes an appropriate education possible for our students who are already too far behind the rest of their peers in achievement levels. Just two years ago, I clashed with an administrator at Keystone who wanted to put 15 third and fourth grade students in one class for language arts. She actually managed to keep that class that large until around Christmas. If one of those students had been your own, you would have been extremely upset at the situation since the ability levels were so diverse, and the specific needs to be addressed were all so different. This happened with the class size maximums in place.

Administrations will do what they always do. When budgetary woes surface (and when don't they????) special education classrooms will be the most targeted in next year's attempts to find money. Taking away the class size maximums will do damage to the learning experiences of many of Pennsylvania's children and will not be recoverable within their 12 years of public education.

I would love the opportunity to discuss this further if you have any questions.

Sincerely,

gathy Dish

Kathý Bish Keystone Elementary School Knox, PA

and the second second

Kathy A., Bish RD 1 Box 52 New Bethlehem, PA 16242 Original: 2144

INTERMEDIATE UNIT I Fayette-Greene-Washington

ONE INTERMEDIATE UNIT DRIVE COAL CENTER PA 15423-9642 TELEPHONE 724-938-3241 FAX 724-938-8722



SAMUEL J. CRAIGHEAD Executive Director

April 1, 2001

Robert E. Nyce, Executive Director Independent Regulatory Review Commission 333 Market Street, 14<sup>th</sup> Floor Harrisburg, PA 17101

Dear Mr. Nyce:

Please accept this letter as public comment regarding the proposed revisions of 22 Pa. Code Chapters 14 and 342. Given the fact that the members of the IRRC have already heard or read myriad arguments advanced to support the proposed changes of 22 Pa. Code Chapters 14 and 342, I would like to present a brief and general rationale for the commission's passing the purposed regulations as written.

Since the passage of P. L. 94-142 in 1975, there have been a series of refinements at the federal and state level to the regulatory protections afforded individuals with disabilities. These refinements have had a cumulative impact on the operations of special education programming. The positive impact has been that students with disabilities are included in educational programs where they once were not. Therefore, the current focus of special education is not on access to education, but access to a <u>quality</u> education.

In order for educators to make this significant transition, there needs to be relief from regulations that draw resources away from teachers refining their instructional practices (e.g., excessive paperwork, non-instructional documentation and onerous legal proceedings). One such relief is the alignment of Pennsylvania's regulations with the federal IDEA regulations. As a consequence of this alignment, educators and parents will spend less time sorting out the differences between state and federal regulations. Second, the refinements that reduce unnecessary and unproductive requirements will enable educators to redirect their efforts toward instructional quality. For example, the two-year reevaluation cycle mandates evaluation activities that often are unnecessary and contribute little to the quality of the educational programs of individuals with disabilities. The proposed three year cycle places no child in jeopardy, yet reduces the number of evaluations and related procedural activities by 33 percent.

By approving the adoption of the proposed revisions to Chapter 14, The Board of Education and the IRRC will assist educators to improve instruction in ways that will enable students to better achieve curriculum standards and reduce the undue emphasizes on procedural safeguards. I strongly urge you to approve the proposed revisions of 22 Pa. Code Chapters 14 and 342.

Sincerely,

Vaurence J. O. Alex

Lawrence J. O'Shea, Ph.D. Assistant Executive Director INTERMEDIATE UNIT I



LJO/jlh cf/O'Shea/Correspondence/ Nyce re/Chapter 14 2000/04/01

Intermediate Unit I is an Equal Rights and Opportunities Educational Agency

#### Original; 2144

#### TAMAQUA AREA SCHOOL DISTRICT

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

March 30, 2001

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

FREDERICK T. BAUSCH

Superintendent

JOHN CORBY Assistant Superintendent

**CONNIE LIGENZA** 

**Business Manager** 

Dear Mr. McGinley and Commission Members:

The purpose of this correspondence is to request that the Independent Regulatory Review Commission approve Chapter 14 as submitted by the State Board of Education. This proposed regulation has been discussed, debated and scrutinized for quite some time. The final form provides to Pennsylvania's children with disabilities the full range of protections offered through federal law. In addition, Chapter 14 also puts forth services and structure unique to our Commonwealth. This is a sound regulation that mandates that educators meet, without compromise, the needs of our special education population.

As a school superintendent, I am most concerned about having reasonable flexibility in establishing appropriate class sizes for special education students. When the Commission disapproved the proposed regulation on March 8<sup>th</sup>, you did so because you were not persuaded that exceptional children would receive the necessary staff attention to achieve IEP goals if class size limits were not in place. I want to take this opportunity to offer you realistic rationale for not mandating class size limits.

Quite often, school administrators find themselves forced into making program decisions based on the current class size restrictions. For example, consider a hypothetical situation where a student named Randy, who is in need of learning support, moves from another Pennsylvania district into my school district. In reviewing Randy's IEP, we learn that he is in seventh grade and receives his math, science and English programs in a learning support classroom. The district and parents agree that Randy's IEP is appropriate; however, as we prepare to implement Randy's program, we realize that an obstacle exists. There is only one age appropriate learning support class in the building and the teacher informs us that eight students (the maximum currently allowed) are already enrolled in the math and English classes.

Mr. John R. McGinley, Jr. Page Two March 30, 2001

At this point, our choices are limited. Even though Randy would benefit by attending his new neighborhood school, due to this artificially established limit of eight students per class, our only choice may be to bus him 25 minutes to a neighboring district. Sure, there are other options. We could hire a special education teacher on an hourly basis and provide Randy with one-to-one instruction during those periods <u>if</u>, (and mind you, it is a big if), if we could locate and employ a special education teacher on an hourly basis which is rather unrealistic. We could also start a second learning support class in the building, but again, we are faced with issues such as finding a qualified teacher and attempting to locate appropriate space in a building that is already at maximum usage.

Mandating strict class size limits is just not fair to students. We take away options not only when students move into our district but also when students struggle in regular education and could benefit from a special education class only to find a sign that says "no vacancy". On behalf of myself and the other superintendents in Schuylkill County, I strongly urge you to consider the necessity of not mandating maximum class size limits. Our experience tells us that such limits have functionally closed the doors on appropriate special education options for many students.

Thank you for providing me the time to address the issue of why class size limits actually serve to limit educational opportunities.

Yours in education,

alink Baush

Frederick T. Bausch Superintendent

FTB:jah

Cc: Honorable James J. Rhoades Honorable Jess M. Stairs Honorable Nicholas A. Colafella Honorable Allyson Y. Schwartz Dr. Peter H. Garland, State Board of Education Dr. Fran Warkomski, State Director of Special Education Original: 2144

#### DONNA M. MULLEN 1200 FARIVIEW AVENUE HAVERTOWN, PA 19083 610-446-2468

March 30, 2001

Mr. Robert Nyce Executive Director IRRC 333 Market Street 14<sup>th</sup> Floor Harrisburg, PA 17101

77

**RE:** Proposed Special Education Regulations

Dear Mr. Nyce:

Please accept the following information as you consider the proposed special education regulations. As you will see, I have attached the documentation to support the events I have experienced this year. Please keep in mind that the following experiences occurred while there were class size limits in place during the current school year. Having said this, I would like to take this opportunity to share my experience this past year regarding my son, Jacob. My son Jacob is in kindergarten half-day learning support and half day regular kindergarten at our local elementary school.

My trouble began in September 2000. I noticed in learning support there were seventeen children at one time in Jacob's class. I brought it to the attention of the principal and the Special Education director, Mrs. Judy Quenzel. Mrs. Quenzel's response was, "you know what you need to do." In short, I filed a complaint with the State of Pennsylvania Bureau of Special Education regarding class size and age range. I enclosed all the appropriate documentation and it was found that the School District of Haverford Township, Manoa Elementary was out of compliance on both class size and age range. I received State findings in the mail on November 18,2000

Ms. Masako Farrell, Special Education Advisor, sent me her report dated November 17,2000. Haverford School District responded to the complaint by calling Ms. Farrell at the end of November to tell her they would be opening another learning support class room for third grade thus alleviating the size issue and age issue. In January 2001 a new third grade learning support teacher was hired at Manoa and the new classroom was begun. There were now nine students in my son's learning support classroom. I was very happy. I sent Ms. Farrell a thank you note expressing my happiness. However, the

March 30,2001 Re: Proposed Special Education Regulations

compliance issue was not ever really resolved because within two weeks four to five new students were added to Jacob's learning support class. It was February after receiving a Valentine class list that I realized the school district never intended on solving the class size regulation and blatantly disregarded the class size compliance issue.

After receiving confirmation in writing by the Manoa School principal on learning support class size, I called Ms. Farrell on 2-6-01 and spoke to her regarding my ongoing concern. Ms. Farrell told me that she was surprised that this situation was not resolved and she just assumed that after receiving the phone call from Haverford School District at the end of November things would be resolved. Ms. Farrell said Haverford School District is usually good about things. It was then that she said it was her fault and she "dropped the ball" Ms. Farrell realized she never followed up and the issue was never closed.

Next, I filed another formal complaint that the first complaint for class size was never resolved. This time I sent a copy of my second complaint to OSEP. My concern was that all this time from September 2000 to February 2001 had passed and class size was not resolved. What about my son's opportunity to make meaningful progress? On his IEP it states small class size. I could not believe the State "dropped the ball." My next step was contacting Dr. Fran Waromski on 3-3-01 by phone. However, my call was intercepted by Mr. Michael A Carricato, Chief Divison of Compliance Monitoring and Planning East. I spoke briefly to Mr. Carricato as I realized quickly that he was just going to recommend a waiver due to the chapter 14 issues going on. My response was, "now wonder OSEP is watching the State of Pennsylvania." Mr. Carricato's response was " OSEP gets along fine with us and you have to remember this business is a PASS – FAIL. I wanted documentation that the State received my second complaint but, Mr. Carricato said, "we just need to close out the first one."

I immediately followed up my phone call in writing to Dr. Fran Warkomsi (3-5-01) and sent it with a signature return. Mr. Carricato responded to me for Dr. Warkomski. I received a letter from Mr. Carrucicato on March 23,2001 and on this same day I received a letter from Mrs. Judy Quenzel. The letter from Mr. Carricato stated dates that the State received letters from the District regarding this class size issue. It also recommended a class size waiver. The letter from Mrs. Quenzel stated that the district applied for a class size waiver.

I found it quite interesting that when I had called Ms. Farrell on 2-6-01 and M. Carricato on 3-3-01 they both stated over the phone that they did not receive any written documentation from the school district. That is why the first complaint was never closed and went beyond the sixty days. Isn't it ironic in Mr. Carricato's letter dated March 21,2001 listed three different dates such as November 29,2000, December 1,2000 and March 30,2001 Re: Proposed Special Education Regulations

March 5,2001 that he was in receipt of District written response. I never received any carbon copies of these letter for your review.

I did received a letter from Ms. Farrell dated Feb. 23,2001 stating that the State has not received documents necessary to verify corrective action. I have enclosed this letter.

The letter from Ms. Farrell (Feb. 23,2001) provides evidence of the irony of Mr. Carricato giving me dates that Haverford School District responded. I believe it to be Mr. Carricato and/or the district "fixing" the loose ends.

However, I did receive a carbon copy of the final letter from Mr. Carricato to Mrs. Judy Quenzel approving the class size waiver. The time between my receiving notice of a possible waiver and the approval of the waiver was two days. (March 21,2001-March 23,2001)

I realize now that Mr. Carricato is serving the system and not the children. I realize that filing a complaint does not really matter even when there is full documentation and clear evidence of noncompliance. I realize now that Haverford School District and the State were just waiting all along for Chapter 14 changes to pass. They are one of many just waiting for the green light to increase class size and diminish the quality of services to our youngsters. You have heard much about the need for flexibility for districts and Intermediate Units. As Mr. Carricato's letter describes, the flexibility was already available to districts.

While this is just one example of the attitude and lack of integrity on the part of district and Department administrator, I hope your committee will see fit to again refuse the proposed Special Education Regulations. They are now, as they were originally, not in the best public interest. I hope that the information I have provided will show the intent of the Department and the Board. I also hope that this will establish that the IEP cannot and will not offer protection to children as you and the Senate and House Education Committees have been told by Department representatives.

Thank you for your support and attention to this matter.

Sincerely,

Donna M. Mullen

Donna M. Mullen



PENNSYLVANIA DEPARTMENT OF EDUCATION 333 MARKET STREET HARRISBURG, PA 17126-0333

Bureau of Special Education Division of Compliance Monitoring and Planning-East Voice: 717-783-6913 FAX: 717-783-6139 TTD: 717-787-7367

March 21, 2001

Ms. Donna M. Mullen 1200 Fairview Ave. Havertown, PA 19083

Dear Ms. Mullen:

Dr. Warkomski asked me to respond to your March 5, 2001, letter in which you indicate that the Haverford Township School District had not completed the corrective action directed by the Complaint Investigation Report, dated November 17, 2000, regarding the class size for learning support at Manoa Elementary School, where your son receives education.

The investigation report directed the district to develop a plan to bring the Learning Support class for your son into compliance with the special education standards for the age-range, caseload, and class size and submit the Special Education Plan Revision (SEPRN) to this office by December 29, 2000. We received a letter from the district dated November 29, 2000, indicating that the district was in the process of securing a full-time equivalent staff member to be assigned to Manoa Elementary School. We received another letter from the district dated December 1, 2000, indicating that the district had begun interviews for a full-time teacher. On March 5, 2001, we received a SEPRN from the district to add a new part-time learning support at Manor Elementary School. We are waiting for additional information for the SEPRN. We will continue to pursue the district to reach a conclusion in accordance with the corrective action enforcement procedures and hope to resolve the issue within the 60 days.

Please note that the state provides the district with several options for requesting a waiver for the class size. The district may file a request for a waiver with the Pennsylvania Department of Education in accordance with the Special Education Basic Education Circular, 22 Pa Code Sec. 342.42, or the Mandate Waiver Program under the Education Empowerment Act. We will grant a waiver after we have determined that the district had provided sufficient documents and assurance to provide special education and related services in accordance with the student's IEP, and to make a good faith effort to assist the child to achieve the goals and objectives or benchmarks listed in the IEP. You may obtain additional information on these programs at our web site: www.pde.psu.edu.

Thank you for your patience in this matter. If you have any questions, please let me know.

Sincerely, Juleil & Cercut Michael A. Carricato, Chief Division of Compliance Monitoring and Planning-East

MAC/MNF

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#### PENNSYLVANIA DEPARTMENT OF EDUCATION 333 MARKET STREET HARRISBURG, PA 17126-0333

Burean of Special Education 717-783-6913 TTD: 717-787-7367 FAX: 717-783-6139 PENN\*LINK: PASE

March 23, 2001

Judith A. Quenzel Supervisor of Special Education Haverford Township School District 1801 Darby Road Havertown, PA 19083

Dear Ms. Quenzel:

Your March 20, 2001, request for a waiver regarding class size/caseload was received by the Bureau of Special Education on March 23, 2001.

In accordance with Basic Education Circular 22 PA Code §342.42, your request has been approved. This approval is effective only for the 2000-2001 school year.

If you have any additional questions, you may contact Masako Farrell at 717-783-6875.

Sincerely,

Michael A. Carricato, Chief Division of Compliance Monitoring and Planning-East

cc: Donna M. Mullen Masako Farrell

## School District of Haverford Township DEPARTMENT OF PUPIL SERVICES Office of Special Education

1801 Darby Road • Havertown, PA 19083 • (610) 853-5900 Ext. 5565

Judith A. Quenzel Supervisor of Special Education

March 20, 2001

.

Mr. and Mrs. William Mullen 1200 Fairview Avenue Havertown, PA 19083

RE: Jacob Mullen - Request for Class Size Waiver

Dear Mr. and Mrs. Mullen:

The School District has sought an exception to the class size for your child's Learning Support class from March 2001 through the remainder of the school year.

In doing so, the District recognizes that, in spite of the addition of a full-time teacher this year to address class size and for caseload concerns, student caseloads have continued to grow in your child's class, increasing the class size for some periods of the day beyond 8 students.

Your child's teacher, Ms. Miller, can deliver the Individualized Education Plan (IEP) for your child, and has the assistance of a full-time Instructional Aide. Next year, the class sizes and caseloads will be in compliance, and a remedy to this situation will be in place. A corrective plan has been sent to the Department of Education.

Below, please find the specific item of non-compliance:

"From 9:15 a.m. to 10:20 a.m., and from 11:30 a.m. to 12 noon, there are 14 students in the room with Ms. Miller and two Instructional Aides."

If you have any questions or concerns to express about this waiver request, please give me a call. Thank you for your understanding.

Sincerely, A. Luenzel Judith A. Quenzel

Supervisor of Special Education

JAQ/hv

CC: Dr. William S. Keilbaugh Ms. Nancy Donahue

### DONNA M. MULLEN 1200 FAIRVIEW AVENUE HAVERTOWN, PA 19083 610-446-2468

March 5, 2001

Dr. Fran - James Warkomski, Ed.D. Director Department of Education Bureau of Special Education 333 Market Street, 7<sup>th</sup> Floor Harrisburg, PA 17126-0333

RE: Jacob Mullen/ Haverford School District

Dear Dr. Warkomski:

I thought it was important to forward this information to you regarding my son, Jacob Mullen, and his educational information regarding Haverford School District.

I am enclosing the first and second complaint I filed regarding class size violations regarding learning support at Manoa Elementary School in Havertown, PA. I am forwarding this information with the hope and intention that this matter be brought to your attention and that you could oversee it's resolution.

Please be aware that this is the second complaint and it has been since September 2000 that the District has been out of compliance with no penalties.

I look forward to hearing from you in the near future. Please contact me if you have further questions. Thank you for your time and assistance.

Sincerely,

Jonna M. Mullen

Donna M. Mullen



#### PENNSYLVANIA DEPARTMENT OF EDUCATION 333 MARKET STREET HARRISBURG, PA 17126-0333

Bureau of Special Education Division of Compliance Monitoring and Planning-East Voice: 717-783-6875 or 717-783-6136 FAX: 717-783-6139 TTD: 717-787-7367 E Mail: mfarrell@state.pa.us

February 23, 2001

Ms. Judith A. Quenzel Supervisor of Special Education School District of Haverford Township 1801 Darby Rd. Havertown, PA 19083

Dear Ms. Quenzel:

To date, we have not received documents necessary to verify the corrective action for the complaint investigation report on behalf of Jacob Mullen. In order to bring this investigation to closure, this office requires documentation of the corrective action. The following verification is due:

The Superintendent or the designee is directed to develop a plan to bring the Learning Support class for the student to comply with the special education standards for the age-range, caseload, and class size and submit the Special Education Plan Revision (SEPRN) to this office by December 29, 2000.

Please provide this office by March 2, 2001 the required documents and/or the status of the corrective action in order to avoid the further action against your district as indicated on the attached enforcement procedures. Thank you in advance for your immediate attention to this issue.

Sincerely,

ake n. Fanell Masako N. Farrell

Masako N. Farrell Special Education Advisor

Attachment

cc. Mrs. Donna Mullen Dr. Leonard J. Vender Dr. William S. Keilbaugh

To be completed by Mo. Miller

### AR5

Teacher's Signature and Date:

**TEACHER'S CLASS REPORT** 

DIRECTIONS TO DISTRICT ADMINISTRATION: Copying from your Special Education Plan, complete the line below. Use one page for every teacher. Include teachers contracted from the IU and all other sources.

ID	OPR	BUILDING NAME TCHR'S NAME (+ ASS'T)	BLDG TYPE	sup GRP	LEVEL	AGE RANGE LOW HIGH	 # STU

Begin with Monday, Period 1. In the top half of the block, enter the DIRECTIONS TO THE TEACHER: number of students you have in your class. In the bottom half of the block, enter the age of the youngest and the oldest student in that class. Continue with Period 2, etc. and for each day of the week. Sign below.

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
Period					
1 Period					
2 Period					
3 Period					
4 Period					
5 Period					
5 Period					
7 Period					
B Period					
Period					
0					

Case	load and Cl	ass Size Cha	rt 22 Pa. Co	de 342.42(j)			PDE USE:	
	চা	PT	R		-11	Age	Caseload	Class
AS	4-8(8)	6-8(6)	6-8(6)	8-12(4)		Range		Size
ES	6-12(12)	10-15(10)	15-20(6)	15-50(4)				
GS	10-15(15)	10-30(15)	12-50(15)	15-75(15)				
HIS	5-8(8)	6-10(6)	6-15(6)	15-50(4)				
LS	6-12(12)E	10-15(8)E	15-20(8)	15-50(6)				
_	8-15(15)S	15-18 9)5						
LSS	8-12(12)E	10-15( 8)E	10-20(6)	10-20(4)				
	8-15(15)S	15-18(9)5			.			
MDS		4-8(6)	6-8(6)	8-12(4)				
PS	6-12(12)	6-12(6)	6-15(6)	15-50(4)				
SLS	5-8(8)			20-90(4)				
VIS	5-12(12)	8-15(8)	6-15(6)	15-50(4)				
	elem = 3	years	sec = 4	rears				

AR5 - Caseloads, Class Sizes, Chronological Age Ranges - July, 2000

<b>TEACHER'S</b>	STUDENT	ROSTER (
------------------	---------	----------

Teacher's Name

) .

Ms. Miller

Completed by:

Date:

\_\_\_\_\_

Support Group (AS, LS, ES, MDS, etc.) Level of Intervention (SP,, IT, RR, PT, FT) Student's Initial Birth Date

BUREAU OF SPECIAL EDUCATION July 19, 2000

SUBJECT: Enforcement Procedures

TO: School District Superintendents Intermediate Unit Executive Directors Intermediate Unit Special Education Directors Charter School Chief Administrative Officers Instructional Support System of Pennsylvania Managing Directors

Under the Individuals with Disabilities Education Act (IDEA), the Department of Education has general supervisory responsibilities to ensure that each eligible student with a disability receives a free appropriate public education (FAPE). These responsibilities include a comprehensive system for coordinating various planning, funding and compliance elements. Issues regarding these compliance responsibilities are described in the Basic Education Circular 22 PA Code 14.8 (Special Education Compliance).

When compliance issues arise, they are usually resolved amicably and without undue delay. In an effort to expedite compliance with the required regulations on those occasions where complaint, cyclical monitoring or court ordered corrective action has not been implemented in a timely manner, the Bureau of Special Education in collaboration with the Office of Chief Counsel has implemented the following procedures:

- Within ten days after the due date of a corrective action the Special Education Adviser will contact the LEA/IU to determine the status of the corrective action and forward a summary to the Division Chief.
- The Division Chief will contact the Superintendent, Chief Administrative Officer or Executive Director to determine the actions needed to implement the required corrective action.
- Continued noncompliance will result in a recommendation to the Bureau Director to schedule a meeting in Harrisburg which the Superintendent, Chief Administrative Officer or Executive Director will be required to attend to address the noncompliance and, if necessary, the enforcement mechanisms that will be utilized to obtain compliance.
- Bureau personnel in attendance at this meeting will include the Bureau Director (or designee), Special Education Adviser, Division Chief, and, if requested, an attorney from the Office of Chief Counsel. At the discretion of the Bureau Director, other individuals may be required to attend.
- Within ten days of this meeting, the Department will issue a letter summarizing the results of the meeting (i.e. either confirming the LEA/IU's agreement to expeditiously complete the corrective action and explaining the penalty for failing to adhere to the agreement) or, in the absence of an agreement, setting forth the enforcement remedy the Department has decided is appropriate for the non-compliance

-- 2 --

FROM: Fran James Warkomski, Ed.D. Director

#### pursuant to BEC 22 PA Code 14.8.

It is not the desire of the Department to take enforcement action; however, in those cases where corrective action is not implemented within the time frames established by the Department, these compliance and enforcement measures must be initiated. We anticipate that consultation between the Department and LEA/IU will obviate the need to take the enforcement actions noted above and outlined in BEC 22 PA Code 14.8.

### PENNSYLVANIA DEPARTMENT OF EDUCATION BUREAU OF SPECIAL EDUCATION DIVISION OF COMPLIANCE CONSUMER COMPLAINT FORM

:

INFORMATION ABOUT PERSON FILING THIS COMPLAINT: NAME: DONNA M. Mullen						
ADDRESS: 1200 Fairview Avenue						
Havertown PA 19083						
HOME PHONE: 610-446-2468 WORK PHONE:						
RELATIONSHIP TO CHILD: ADVOCATE ATTORNEY OTHER						
INFORMATION ABOUT THE CHILD:						
NAME: Jacob Mullen AGE: 6 DATE OF BIRTH: 7-25-94						
IS THE CHILD CURRENTLY IN SCHOOL? X YES SCHOOL NAME: Manage Elementary NO						
WHERE IS THE CHILD'S CURRENT PROGRAM? <u>//2 Learning Support</u> <u>Special Education</u> <u>//2 Learning Support</u> <u>Regular K //2 day</u> <u>Regular Education</u>						
USE THIS SPACE TO DESCRIBE BRIEFLY THE COMPLAINT. (IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS. ATTACH COPIES OF ANY DOCUMENTS, SUCH AS THE IEP, YOU THINK ARE IMPORTANT FOR THIS COMPLAINT.) FOR INFORMATION ON EDUCATOR MISCONDUCT, PLEASE CALL THE LEGAL ASSISTANT FOR THE DEPUTY SECRETARY FOR POST SECONDARY AND HIGHER EDUCATION AT 717-783-0201. <i>Philadelphia</i> -Please circle the appropriate cluster: Audenreid, Bartram, Chain, Edison Fels, Franklin, Frankford, Furness, Germantown, Gratz, Kensington, Lincoln, Martin Luther King, Northeast, Olney, Overbrook, Roxborough, South Philadelphia, Strawberry Mansion, University City, West Philadelphia,						
William Penn. Please see attached letter, letter to Mrs Donahue, letter from Mrs Donahue, and Clags List for L.S. signature: Moring M. Mullen 2/13/01						
PLEASE RETURN THIS FROM TO: DIVISION OF COMPLIANCE AND PLANNING BUREAU OF SPECIAL EDUCATION PENNSYLVANIA DEPARTMENT OF EDUCATION 333 MARKET STREET, 7 <sup>TH</sup> FLOOR HARRISBURG, PA 17126-0333						

1-800-879-2301

.

### DONNA M. MULLEN 1200 FAIRVIEW AVENUE HAVERTOWN, PA 19083 610-446-2468

February 13, 2001

Ms. Masako Farrel Special Education Advisor Division of Compliance Monitoring and Planning East 333 Market Street 7<sup>th</sup> Floor Harrisburg, PA 17126-0333

RE: Jacob Mullen D.O.B 7-25-94

Dear Ms. Farrell:

This letter is confirming our conversation on February 6,2001. I had called you to update you on the class size status in Jacob's learning support classroom at Manoa Elementary, Haverford School District. This letter will serve as a follow-up complaint to a resolution the District has made of my previous complaint.

Enclosed is my prior complaint received by your office on September 22,2000, a copy of recent letter I sent to Mrs. Donahue, a recent letter of response from Mrs. Donahue and a class list sent home to parents in early February 2001.

My complaint is that Manoa School is again out of compliance regarding class size for Learning Support.

I would hope that this situation be considered serious since this compliance issue has reoccurred again this year. This predicament for a parent and child to be involved in again is not beneficial.

I look forward to hearing from you in the near future as you address this issue with Haverford School District. Your time and assistance once again is truly appreciated. Please contact me by phone or letter if you have any further questions.

Sincerely,

Donna M. Mullen

Donna M. Mullen Cc OSEP Education Law Center

#### DONNA M. MULLEN 1200 FAIRVIEW AVENUE HAVERTOWN, PA 19083 610-446-2468

February 2, 2001

Re: Jacob Mullen

Dear Mrs. Donahue:

I would like to know how many students are in Mrs. Miller's Learning Support classroom when Jacob is in her classroom. I would appreciate your prompt reply. I understand the third graders are now in another Learning Support. Are there new first grade students added to Jacob's L.S. class?

Also, I would like a response this week in regards to the OT issues I presented at the last IEP meeting on January 17,2001 and I put it in written form per your request.

I did not receive a copy of the attendance sheet from the IEP on January 17,2001. Please forward this to me as soon as possible.

Thank you, Jonna Mullen

Donna Mullen

# School District of Haverford Township MANOA ELEMENTARY SCHOOL

Manoa Rd. & Furlong Ave.o Havertown, PA 19083 o(610) 853-5900 X6000

Nancy K. Donahue Principal

February 5, 2001

Dear Mrs. Mullen;

In answer to your questions in the letter dated, February 2, 2001; there are presently 13 students, including 4 new first graders, in Ms. Miller's class with one more first grader expected to start shortly. Ms. Miller's class is now comprised of Kindergarten, first and second grade.

I expect that you will have a response on the OT issues in the next couple days and I will forward it to you when I receive it.

Enclosed, please find a copy of the attendance sheet from the IEP meeting on January 17, 2001.

Sincerely,

haven K. Donahue

Nancy K. Donahue Principal

# Valentine List

# <u>K</u> Jake Mullen

## <u>1st</u>

Mark Graves Jamie Russell Jenna Salvatore Shawn Gaskell Ryan Bangs

# <u>2nd</u>

Alexis Romeo Sean Waldron Carl Boyd Matthew Keenan Danielle Nuss Adam Puliti Lauren Cannon

## 3rd

Emily Lautenslager Nikki Marie Moretto Jacob Corsi Nicky DiCampli Jimmy Potter Kyle Burdick Katie Hawkins Jack Hudson

### BUREAU OF SPECIAL EDUCATION COMPLAINT INVESTIGATION REPORT

LOCAL EDUCATION AGENCY:	Haverford Township School District
DATE RECEIVED:	September 22, 2000
DATE OF REPORT:	November 17, 2000
COMPLAINANT:	Parent
NAME: ADDRESS:	Mrs. Donna M. Mullen 1200 Fairview Avenue Havertown, PA 19083

#### **SPECIFIC COMPLAINT(S):**

Haverford Township School District failed to meet the caseload and class size for the following class that Jacob attends at Manoa Elementary School: <sup>1</sup>/<sub>2</sub> day Learning Support Class.

**Jacob Mullen** 

#### **APPLICABLE REGULATORY AUTHORITY:**

Re:

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Commonwealth of Pennsylvania State Board of Education Chapters 14 and 342: Special Education Services and Programs

#### §342.42 Educational Placement.

- (f) An exceptional student may not be placed in a class in which the chronological age from the youngest to the oldest student varies beyond 3 years of the student's age in elementary school (grades K-6) and 4 years in secondary school (grades 7-12), unless an exception is determined to be appropriate by the IEP and is justified in the IEP. This standard shall be implemented according to the following phase-in schedule beginning July 1, 1992, and ending September 1, 1993. By September 1, 1992, the maximum age ranges shall be 4 years in elementary school and 5 years in secondary school. By September 1, 1993, the maximum age ranges shall be 3 years in elementary school and 4 years in secondary school. During the phase-in period, a school district may not increase the age range of existing special education classes beyond the final maximum age range.
- (j) Caseload and Class Size for Special Education

This chart presents the caseload allowed on a single teacher's rolls; the number in parenthesis is the maximum number of exceptional students in the room with the teacher at any one time.

Type of Service	Itinerant	Resource	Part-time	Full-time
Academic Support Class:				
Learning Support	15-50(6)	15-20(8)*	10-15(8)E	6-12(12)*E

\*Paraprofessional assistance available.

### SOURCE OF INFORMATION:

The source of information includes the followings:

- (a) The Consumer Complaint Form by the complainant.
- (b) Phone interview with the complainant.
- (c) Individualized Education Program (IEP) dated 7-20-00.
- (d) Teacher's Student Roster completed by Ms. Miriam Miller, the student's teacher, dated 10-27-00.
- (e) Teacher's Class Report for the student's teacher.
- (f) Special Education Plan Staff Profile, approved on January 19, 2000.

### FINDINGS:

1

- 1. According to the IEP, the student receives a <sup>1</sup>/<sub>2</sub> day Part-time Learning Support.
- 2. According to the Staff Profile, there are two Part-time Learning Support classes operated at Manoa Elementary School.
- 3. The Teacher's Student Roster indicated there are 17 students assigned to the student's teacher. The maximum number of students allowed for a Part-time Learning Support is 15.
- 4. The Teacher's Student Roster showed that the birth date of the youngest student in the class was July 25, 1994, while the oldest one was born on October 18, 1990. There are more than 3 years differences in age range.
- 5. The Teacher's Class Report showed that the class included students from grades K, 1, 2, and 3.
- 6. The Teacher's Class Report provided the total number of students for each class period as follow:

Period	Monday	<u>Tuesday</u>	<u>Wednesday</u>	Thursday	Friday
9:00		1172			
9:30				<b>新</b>	
10:00					
10:30					
11:00					
12:30	1	1	1	1	1
1:00	8	8	8	8	8
1:30	8	8	8		
2:00	7	7	7	7	7
3:00	8	8	8	8	8
		L'			

#### BUREAU OF SPECIAL EDUCATION COMPLAINT INVESTIGATION REPORT

Re:	Jacob Mullen
	Havertown, PA 19083
NAME: ADDRESS:	Mrs. Donna M. Mullen 1200 Fairview Avenue
COMPLAINANT:	Parent
DATE OF REPORT:	November 17, 2000
DATE RECEIVED:	September 22, 2000
LOCAL EDUCATION AGENCY:	Haverford Township School District

#### **SPECIFIC COMPLAINT(S):**

Haverford Township School District failed to meet the caseload and class size for the following class that Jacob attends at Manoa Elementary School: <sup>1</sup>/<sub>2</sub> day Learning Support Class.

#### **APPLICABLE REGULATORY AUTHORITY:**

Commonwealth of Pennsylvania State Board of Education Chapters 14 and 342: Special Education Services and Programs

§342.42 Educational Placement.

- (f) An exceptional student may not be placed in a class in which the chronological age from the youngest to the oldest student varies beyond 3 years of the student's age in elementary school (grades K-6) and 4 years in secondary school (grades 7-12), unless an exception is determined to be appropriate by the IEP and is justified in the IEP. This standard shall be implemented according to the following phase-in schedule beginning July 1, 1992, and ending September 1, 1993. By September 1, 1992, the maximum age ranges shall be 4 years in elementary school and 5 years in secondary school. By September 1, 1993, the maximum age ranges shall be 3 years in elementary school and 4 years in secondary school. During the phase-in period, a school district may not increase the age range of existing special education classes beyond the final maximum age range.
- (i) Caseload and Class Size for Special Education

This chart presents the caseload allowed on a single teacher's rolls; the number in parenthesis is the maximum number of exceptional students in the room with the teacher at any one time.

Type of Service	Itinerant	Resource	Part-time	Full-time
Academic Support Class:				
Learning Support	15-50(6)	15-20(8)*	10-15(8)E	6-12(12)*E
*Paranzafessional assistance available				

\*Paraprofessional assistance available.

### SOURCE OF INFORMATION:

The source of information includes the followings:

- (a) The Consumer Complaint Form by the complainant.
- (b) Phone interview with the complainant.
- (c) Individualized Education Program (IEP) dated 7-20-00.
- (d) Teacher's Student Roster completed by Ms. Miriam Miller, the student's teacher, dated 10-27-00.
- (e) Teacher's Class Report for the student's teacher.
- (f) Special Education Plan Staff Profile, approved on January 19, 2000.

### FINDINGS:

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- 1. According to the IEP, the student receives a <sup>1</sup>/<sub>2</sub> day Part-time Learning Support.
- 2. According to the Staff Profile, there are two Part-time Learning Support classes operated at Manoa Elementary School.
- 3. The Teacher's Student Roster indicated there are 17 students assigned to the student's teacher. The maximum number of students allowed for a Part-time Learning Support is 15.
- 4. The Teacher's Student Roster showed that the birth date of the youngest student in the class was July 25, 1994, while the oldest one was born on October 18, 1990. There are more than 3 years differences in age range.
- 5. The Teacher's Class Report showed that the class included students from grades K, 1, 2, and 3.
- 6. The Teacher's Class Report provided the total number of students for each class period as follow:

<u>Period</u> 9:00	<u>Monday</u>	Tuesday	Wednesday	Thursday	<u>Friday</u>
9:30					17
10:00				12	
10:30			2		10
11:00					
12:30	1	1	1	1	1
1:00	8	8	8	8	8
1:30	8	8	8		
2:00	7	7	7	7	7
3:00	8	8	8	8	8
		ţ			•

#### **CONCLUSIONS:**

Haverford Township School District is out of compliance for the caseload requirement, and the agerange and class size requirements for class periods shaded in the table under the item 5 of Findings above.

#### **CLOSURE/CORRECTIVE ACTION:**

The Superintendent or the designee is directed to develop a plan to bring the Learning Support class for the student to comply with the special education standards for the age-range, caseload, and class size and submit the Special Education Plan Revision (SEPRN) to this office by **December 29, 2000.** 

Masako n. Farrelleus

Masako N. Farrell Special Education Adviser Division of Compliance Monitoring and Planning-East 717-783-6875

**NOTICE:** If the parties to this complaint have documentation of any fact not considered herein that would change the conclusion reached in this report, or if the parties dispute the findings of this report, they may request reconsideration within 30 days of receipt of this report by submitting a request in writing to: Chief, Division of Compliance Monitoring and Planning-East, Bureau of Special Education, 333 Market Street, 7<sup>th</sup> Floor, Harrisburg, PA 17126-0333. Requests for reconsideration must specify the findings or corrective action the parties are contesting and must include the reasons for the disagreement(s).

Cc: Dr. Leonard J. Vender Dr. William Keilbaugh Ms. Judy Quenzel



PENNSYLVANIA DEPARTMENT OF EDUCATION 333 MARKET STREET HARRISBURG, PA 17126-0333

Bureau of Special Education 717-783-6913

TTD: 717-787-7367 FAX: 717-783-6139 PENN\*LINK: PASE

September 29, 2000

Mrs. Donna M. Mullen 1200 Fairview Ave. Havertown, PA 19083

Dear Mrs. Mullen:

This letter confirms receipt of your complaint regarding Jacob Mullen. We received your complaint on September 22, 2000.

Masako Farrell is the Special Education Advisor assigned to investigate this matter. Based on the information you have provided, the investigation will include these issues:

Haverford Township School District failed to meet the caseload and class size for the following class that Jacob attends at Manoa Elementary School: ½ Learning Support class.

Please note that I have tried to contact you several times with no avail. If additional information is needed, we will contact you. If you desire to provide additional information, you may do so in writing or by calling the assigned advisor directly at 717-783-6875.

Following the investigation, a report of findings and conclusions will be sent to you within 60 days.

Sincerely,

Michael A. Carricato, Chief Division of Compliance Monitoring & Planning East

Cc: Dr. Leonard J. Vender Dr. William Keilbaugh Dr. Judith A. Quenzel

MAC/MNF/clh

#### JACOB MULLEN COMPLAINT SEPTEMEBER 21,000

Division of Compliance and Planning Bureau of Special Education Pennsylvania Department of Education 333 market Street, 7<sup>th</sup> Floor Harrisburg, PA 17126-0333

Cover Sheet Attached

# My Complaint: compliance of enrollment class size in learning support at Manoa Elementary Mrs. Miller's Class.

My son Jacob Mullen is enrolled in the Learning Support at Manoa Elementary School in Havertown, PA. During his first week of class I asked the teacher over the phone how many children are in the learning support. I was getting overall information. Her response was 17 children. I believed that to be over the legal limit. I called Judy Quinzel, the Special Education Director of Haverford School District. I left Judy a voice mail to please call me between 4 pm and or during the evening. Judy did return my call around 6pm that night, September 14, 2000.

I said hello how are you? I then said, "can you explain why there are 17 children in the learning support?" Judy responded, "Mrs. Mullen it is what it is. I said, "oh" Judy then said, "there was a student that recently transferred. Now is about the time I take enrollment. I plan on asking the State for a waiver and I plan on sending a letter home to each parent and each parent can respond accordingly." I said, "What if I want the class size reduced?" Judy said, "Mrs. Mullen, I think you know what you need to do" I said thank you." We both hung up.

The next morning Friday September 15,2000 at 8:45 am I received a call from Judy Quinzel. Judy said, "Mrs. Mullen I just spoke to Nancy Donhue at Manoa and there are only 14.5 children in learning support at Manoa. Mrs. Donhue didn't know where I got my numbers but they are wrong." I asked, "how can there be half of a child?" Judy said, "there just is." I asked, "is it fulltime or partime?" Judy said, "there is no full time or part time it's all percentages. Oh by the way, I was speaking to Mrs. Donahue and hear Jake is having difficulty. We will be getting a full time aide for him and I will be contacting human Services today." I said, "oh" I was taking the information.

I understand 14.5 to still be over the legal limit.

I confirmed my original information of 17 children at Back to School Night when I directly asked the teacher in front of other parents what was the total number of students in the class. Her response 17 but two haven't arrived yet. I also counted the desks with pouches on the backs of desk chairs. I counted 17.

Scheduling is crazy and there are four levels to accommodate along with extra large class size.

## Original: 2144

#### IRRC

From:	Desmone, Mary [mary_desmone@iu5.org]
Sent:	Friday, March 30, 2001 9:41 AM
To:	'IRRC@irrc.state.pa.us'
Cc:	Minnis, Dave; Wallace, Margie
Subject:	Chapter 14
Follow Up Flag:	Follow up
Flag Status:	Flagged

Dear IRRC,

My name is Mary Desmone and I am the Director of Special Education for I.U. #5. I have been in the regular and special education profession since 1968. I have been a classroom teacher, speech and language therapist, pre-school case manager, school age supervisor and now Director. I was working when the original IDEA came out, so I have had significant experiences in the field.

Revising Chapter 14 was a very important task. Many people worked long and hard to revise the Chapter, to be in compliance with the federal IDEA. The revisions were made with the students' needs as a top priority.

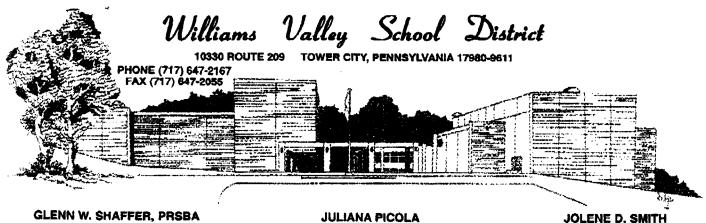
With your failure to approve the revision, I believe you have confused "needs" with "wants". I believe the State Board made more compromises than were necessary or helpful. However, they did make the compromises based on the concerns heard at the hearings. Of particular importance is the class list issue. There is no educational logic to having a specific number of students permitted in the classroom at one time. The case load number being retained is all the protection that is needed to ensure proper educational benefit. The law does not require that public schools provide the "best" education. We are required to provide an "appropriate" education and there is not enough money to do that. The schools and their taxpayers need some relief. When Chapter 14 is sent back to you, I hope you will reconsider your position.

If you have any questions, please feel free to call me at 814-734-5610.

2001 HAR 30 AT 9: REVIEW CONTINUION NECENTO -تي در)

Original: 2144

**Business Manager** 



Superintendent

JOLENE D. SMITH Administrative Assistant

March 29, 2001 John R. McGinley, Jr. Chairman Independent Regulatory Review Commission 333 Market Street 14<sup>th</sup> Floor Harrisburg, PA 17101 RECEIMEN 2001 APR 10 AT 9: 03

Dear Mr. McGinley and Commission Members:

The purpose of this correspondence is to request that the Independent Regulatory Review Commission approve Chapter 14 as submitted by the State Board of Education. This proposed regulation has been discussed, debated and scrutinized for quite some time. The final form provides to Pennsylvania's children with disabilities the full range of protections offered through federal law. In addition, Chapter 14 also puts forth services and structure unique to our Commonwealth. This is a sound regulation that mandates that educators meet, without compromise, the needs of our special education population.

As a school superintendent, I am most concerned about having reasonable flexibility in establishing appropriate class sizes for special education students. When the Commission disapproved the proposed regulation on March 8<sup>th</sup>, you did so because you were not persuaded that exceptional children would receive the necessary staff attention to achieve IEP goals if class size limits were not in place. I want to take this opportunity to offer you realistic rationale for not mandating class size limits.

Quite often, school administrators find themselves forced into making program decisions based on the current class size restrictions. For example, consider a hypothetical situation where a student named Randy, who is in need of learning support, moves from another Pennsylvania district into my school district. In reviewing Randy's IEP, we learn that he is in seventh grade and receives his math, science and English programs in a learning support classroom. The district and parents agree that Randy's IEP is appropriate; however, as we prepare to implement Randy's program, we realize that an obstacle exists. There is only one age appropriate learning support class in the building and the teacher informs us that eight students (the maximum currently allowed) are already enrolled in the math and English classes.

At this point, our choices are limited. Even though Randy would benefit by attending his new neighborhood school, due to this artificially established limit of eight students per class, our only choice may be to bus him 25 minutes to a neighboring district. Sure, there are other options. We could hire a special education teacher on an hourly basis and provide Randy with one-to-one instruction during those periods if, (and mind you, it is a big if), if we could locate and employ a special education teacher on an hourly basis which is rather unrealistic. We could also start a second learning support class in the building, but again, we are faced with issues such as finding a qualified teacher and attempting to locate appropriate space in a building that is already at maximum usage.

Mandating strict class size limits is just not fair to students. We take away options not only when students move into our district but also when students struggle in regular education and could benefit from a special education class only to find a sign that says "no vacancy". On behalf of myself and the other superintendents in Schuylkill County, I strongly urge you to consider the necessity of not mandating maximum class size limits. Our experience tells us that such limits have functionally closed the doors on appropriate special education options for many students.

Thank you for providing me the time to address the issue of why class size limits actually serve to limit educational opportunities.

Sincerely,

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Juliana Dicola

Juliana Picola Superintendent

cc: Honorable James J. Rhoades Honorable Jess M. Stairs Honorable Nicholas A. Colafella Honorable Allvson Y. Schwartz Dr. Peter H. Garland, State Board of Education Dr. Fran Warkomski, State Director of Special Education 409 Braddock Ave Uniontown, Pa 15401 March 29, 2001 RECEIVED 2001 APR-2 AH 9: 38 REVIEW COMMISSION PR

A later between a

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

Dear Mr. McGinley,

I am a Learning Support teacher in the Turkeyfoot Valley School District. I have worked in this district for 7 years. Before this, I was a Case manager in a school-based part-time hospitalization program for children with severe behavior problems. I have experienced many changes in the special education regulations over the years. The proposed change for deleting the class size maximums would be a great mistake and a step backward in special education programs.

Presently I have 4 seventh graders that are all on different reading levels. They are all in my room at the same time. Two of the students cannot read enough to do any work without assistance. If any other students come to my room to receive support at this same time, these 2 students end up having to sit and wait or complete a task without my help (which they usually can't do). OR they get frustrated and become disruptive for the others in the class. If the maximum size is deleted, school districts will have the ability to put as many as they want in the class regardless of their needs or disability. This will only cause more disruption and confusion. Then there would be very little education taking place and students with IEPs will not receive the individual attention they are required or they need. School districts will not provide more teachers or aides to help facilitate the proper implementation of the IEP goals.

At the partial hospitalization program, the behavioral problems are so varied that increasing their numbers would create more difficulties for all the students. The children don't need to add another student's problems to their own. Behaviors are learned and when students are put into a large classroom full of various problems, the students often assimilate other behaviors, which compound their own problems. So it is of the utmost importance that you VOTE NO to the proposed changes in Chapter 14, particularly the revisions on deleting class maximum size for special education students.

Sincerely

michael Shepard

Michael Shepard

Original: 2144

## SCHUYLKILL HAVEN AREA SCHOOL DISTRICT

#### 120 HAVEN STREET

#### SCHUYLKILL HAVEN, PENNSYLVANIA 17972

\*

Scott R. Jacoby, Pres. Samuel E. DeWald, V. Pres. John B. Hale, Sec. William M. Shay, Asst. Sec. Michele D. Boyer, Treas. **RICHARD J. RADA** Superintendent of Schools

TELEPHONE 570-385-6705 FAX 570-385-6736 Thomas Gordon George E. Kulp Richard Croneberger M. Elaine Miller Dr. Bernice A. Machamer

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March 29, 2001

Mr. Robert Nyce, Commission Executive Director IRRC 14<sup>th</sup> Floor, Harristown 2 333 Market Street Harrisburg, PA 17101

Dear Mr. Nyce:

I am writing to you to request that you vote for the revised Chapter 14 regulations on Thursday, April 5, 2001.

I understand that the main stumbling block appears to be class sizes. I assure you that our school district will maintain responsible class sizes to ensure that the rights and privileges of special needs students are not compromised.

The proposed regulations provide us the necessary flexibility to best implement the rules for special education. Please give us the opportunity to show our true professionalism and our caring spirit at the same time.

Our special needs students will be well protected under the guidelines of the new regulations.

Thank you for your hard work and dedication to providing quality education to all our students.

Sincerely,

Richard J. Rada Superintendent of Schools

RJR/nm

We are an equal rights and opportunity school district. "QUALITY ENDURES" ORIGINAL: 2144



Providing Educational Services to the Capital Region

Division of Special Services • 55 Miller Street • P.O. Box 489 • Summerdale, PA 17093-0489 (717) 732-8400 ext. 504 • FAX (717) 732-8425 • TDD (717) 732-8422

26 March 2001

Robert E. Nyce, Executive Director Independent Regulatory Review Commission 333 Market Street, 14<sup>th</sup> Floor Harrisburg, PA 17101 RECEIVED 2001 HAR 29 EL S: 29 TREVIEW COMMANDIO 0

Dear Mr. Nyce:

Please consider this letter as public comment regarding regulations scheduled for your review on 5 April 2001. Specifically, you will be reviewing a resubmission of revisions to 22 Pa. Code Chapters 14 and 342.

I respectfully request that the Independent Regulatory Review Commission (IRRC) approve the above regulations as submitted by the State Board of Education. The regulations already exceed the federal requirements of the Individuals with Disabilities Education Act (IDEA), and therefore contain sufficient regulatory protections for children with disabilities. The imposition of these regulations, even as submitted, imposes an unfunded federal mandate on the citizens of this Commonwealth: the federal government has never fulfilled its original promise to fund the IDEA at 40%. Instead, funding has historically hovered below 10%, and may currently be approaching 13%. Because of the severe under-funding of this federal mandate, the costs of special education, which are significantly rising each year, are passed on to citizens of the Commonwealth of Pennsylvania. Because the needs of children with disabilities routinely exceed the available resources, administrators need flexibility to direct our limited resources to serving children. More regulations mean less flexibility, and, therefore, more regulations mean less services for children with disabilities!

In its resubmission, the State Board has made some revisions pursuant to your disapproval order of 8 March 2001. However, the Board has wisely chosen not to change the regulations in two areas. I will comment about each of those areas in turn.

First, regarding the IRRC's suggestion to insert federal regulations into Chapter 14, I would argue that doing so will not increase clarity, but will cause more confusion to the field, therefore increasing litigation and diverting our limited resources away from serving children. Furthermore, I find the IRRC's position on this matter inconsistent. Why did you approve adoption by reference for other executive agencies? For example, 25 Pa. Code Chapter 92, National Pollutant Discharge Elimination System Permitting, Monitoring and Compliance, uses adoption by reference in the same manner as proposed in Chapter 14.

Letter to IRRC 26 March 2001 page 2

Second, regarding the IRRC's concerns about the reasonableness of eliminating class size requirements, I would argue that class size requirements are an unfounded regulation. A Winter 2001 research synthesis in CEC's research journal, <u>Exceptional Children</u>, stated:

...no identifiable caseload practice has consistently produced positive outcomes for students with disabilities.... The extant research provides few clear empirical directions for policymakers, administrators, and educators attempting to formulate consistent caseload policies. A myriad of complicating factors, which include inclusionary settings, cross-categorical models, and IDEA reauthorization, steer a complex problem into still murkier waters.

Regulating class size is bureaucratic micromanagement: it only serves to protect jobs and to provide litigation fodder, while at the same time hamstringing administrators. Regulating class size ignores the reality of how special education programs and services are delivered in 2001: the caseload restrictions alone will limit class sizes to current numbers by default. Regulating class size ignores the fact that the IDEA contains more than enough individual procedural protections for children with disabilities. Regulating class size diverts our limited resources away from serving children.

Where is the data to support class size restrictions as necessary to the public interest? I hope that the IRRC is not giving credence to anecdotal horror stories from advocates about the disastrous outcomes which would result from eliminating class size restrictions. I would point out that the Capital Area Intermediate Unit currently operates three autistic support classrooms which we self-limit to 4 children each (half the current maximum) because it is the right thing to do for children. We also self-limit our emotional support classrooms to 10 children, 2 under the current maximum. Our 24 districts support this financially. Why should it be assumed that districts will overload classes without regulation, when we currently self-impose a limit which is half the allowable number? The IRRC should give this anecdote as much credence as it gives to the anecdotes of advocates who predict dire consequences if the class size restrictions are eliminated.

In conclusion, it is time for the IRRC to fulfill its duty under the Regulatory Review Act and approve revised Chapter 14 (and the elimination of Chapter 342) as submitted by the State Board of Education. Revised Chapter 14 meets the criteria for review in Section 5.1(i) of the Act, and conforms with Governor Ridge's Executive Order 1996-1. Most importantly, revised Chapter 14 is the right course of action, because it will allow administrators to direct our limited resources to serving children in the Commonwealth of Pennsylvania.

Thank you for your consideration of my views in this matter. I plan to attend the 5 April 2001 meeting of the IRRC, and hope to have an opportunity to speak. If I can be of any assistance to the IRRC in this matter, please do not hesitate to contact me.

Sincerely,

Bichard & Dale

Richard E. Dale, D.Ed. Director of Special Services