

Original: 2129 & #2144

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REPLY TO:

- HARRISBURG
 PHILADELPHIA



Senate of Pennsylvania

COMMITTEES

EDUCATION, DEMOCRATIC CHAIR
AGING AND YOUTH
BANKING AND INSURANCE
DEMOCRATIC POLICY
PUBLIC HEALTH AND WELFARE
JUDICIARY

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

February 26, 2001

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

Dear Chairman McGinley:

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

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

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

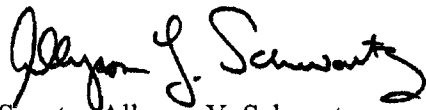
We are not persuaded that special education students will be adequately protected by the inclusion of teacher caseload limits in Final Form Regulation #6-270. Section 14.142 (B) of the proposed final form regulations allows school districts to seek a waiver from the Department of Education for alternative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

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

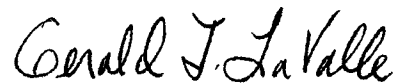
Again, had an official vote of the Senate Education Committee been taken, we would have voted to disapprove Final Form Regulation #6-270. For the reasons stated above, we urge the Independent Regulatory Review Commission to disapprove these regulations.

Thank you for your attention to this important matter.

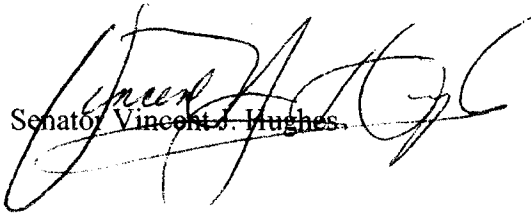
Sincerely,



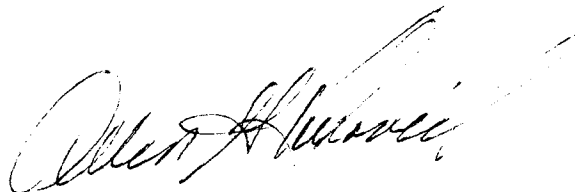
Senator Allyson Y. Schwartz
Democratic Chair



Senator Gerald J. LaValle



Senator Vincent J. Hughes



Senator Allen G. Kukovich

Original: 2144

IRRC

From: sara cohen [pastmidvale@hotmail.com]
Sent: Friday, March 16, 2001 12:17 PM
To: irrc@irrc.state.pa.us
Subject: Chapter 14 and class size limits

Thank you for standing together for my child and children like him who have IEP's and require class size limits in order to learn.

My son is a 15 year old boy with Down Syndrome and Autistic Spectrum Disorder. Elie is unable to learn or participate in class rooms with large numbers of people because of his disability. He learns best in small, quiet spaces where there is attention to each person. Without the class size limits he spends his day trying to avoid the noise and confusion that large groups of people engender. Then he becomes aggressive because the situation is so unstable.

Because the Intermediate Unit in our school district was unable to provide such an environment - his class there consisted of 30 students- he is now attending an Approved Private School paid for by our district and the state. Here he is learning how to care for himself and how to work. He has had no aggressive incidents since his transfer.

Without the changes requested to allow the Intermediate Units and the school districts determine class size, our school district and intermediate Unit treated the regulations as suggestions. If they are unable to follow the regulations now, removing class size limits mean that more children like my son will not learn but be simply warehoused, thus becoming a bigger burden to the state and the family unit.

Thank you for speaking up for my child.

Sara Cohen
1336 olive Street
Coatesville, Pa 19320
610-466-7793

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Original: 2144

IRRC

From: Nancy J. Thole [nthole@epix.net]
Sent: Thursday, March 15, 2001 12:41 PM
To: IRRC@irrc.state.pa.us
Subject: Chapter 14 Regulations

IRRC:

Please share this with all the IRRC members. Having just received the news regarding the Chapter 14 Special Education Regulations being rejected by you and returned to the State Board for further work, I want to thank you on my behalf and all the others who will benefit from this action.

It has been a long, hard struggle by parents of special needs students, and others, to obtain the help we needed in getting appropriate, helpful special education regulations.

It is very, very rewarding to know that you took the time, that you cared and that you did the right thing on behalf of our children.

THANK YOU!

Nancy Thole,
Mother of a student with neurological impairments

Mountain Top PA
nthole@epix.net

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2001 MAR 15 12:41
IRRC@IRRC.STATE.PA.US

Original: 2144

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2001 MAR 16 01:09:02
REVIEW COMMISSION

727 N. Irving Avenue
Scranton, Pa. 18510
March 14, 2001

Mr. Robert E. Nyce
Executive Director
IRRC
Pennsylvania Department of Education
333 Market Street
Harrisburg, Pa. 17105

Re: Chapter 14

Dear Mr. Nyce:

I am writing to thank you and your fellow Commissioners on the IRRC for rejecting the proposed changes to Chapter 14. My heartfelt thanks and appreciation goes out to all of you. You have protected the rights of special education children throughout Pennsylvania.

Respectfully yours,


Frank Koczwar

Original: 2144



Minersville Area School District

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

March 14, 2001

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

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

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

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

Dear Sirs and Madam

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

The burden of federal special education regulatory requirements has consistently increased since 1975. Unfortunately, funding for those requirements has and continues

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2001 MAR 21 AM 8:50
INDEPENDENT REGULATORY
REVIEW COMMISSION

Minersville Area School District

Senate/House Representative
Page Two
March 14, 2001

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

Sincerely yours



M. Joseph Brady, Superintendent
MINERSVILLE AREA SCHOOL DISTRICT

MJB/lap

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

Original; 2144

IRRC

From: john2468 [john2468@email.msn.com]
Sent: Tuesday, March 13, 2001 12:57 PM
To: IRRC@irrc.state.pa.us
Subject: thanks

Delighted that you voted in a way that supports our children and grandchildren.
Ruth McGuire

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2001 MAR 15 AM 8:57
REVIEW COMMISSION

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

March 13, 2001

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

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

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

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

Dear Sirs and Madam:

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

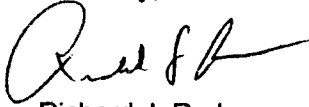
We are an equal rights and opportunity school district.

"QUALITY ENDURES"

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2001 MAR 16 AM 9:05
SENATE EDUCATION COMMITTEE

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

Sincerely,



Richard J. Rada
Superintendent of Schools

RJR/nm

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

Original: 2144

Janice L. Matthew, Ph.D.
577 Thorncliffe Drive
Pittsburgh, PA 15205
412-429-8453

RECEIVED

2001 MAR 19 AM 10:12

INDEPENDENT REGULATORY
REVIEW COMMISSION

March 13, 2001

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

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

Dear Sirs:

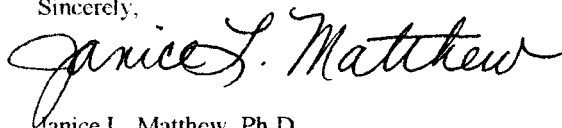
I am writing to express my extreme disappointment with the recent action of the Independent Regulatory Review Commission (IRRC) this past week regarding their disapproval of the proposed revisions to Pennsylvania's Special Education Regulations and Standards. I am shocked at this action because the Bureau of Special Education and State Board of Education have done an outstanding job of working collaboratively with a large number of agencies to write state special education regulations. Both the House and Senate Education Committees are to be commended for their thoughtful consideration and acceptance of the proposed state regulations. The IRRC's disapproval of these regulations on March 8, 2001 is reprehensible!

The proposed Chapter 14 regulations that were rejected by the IRRC would have significantly reduced the costs for MAWA holders in Pennsylvania while improving the quality of Early Intervention services for young children, three to five years of age with developmental delays. One specific example drives home the irresponsible, uninformed action of the IRRC. It was proposed that the Comprehensive Evaluation Report (CER) for Early Intervention be completed every two years although federal law only mandates its completion every three years. It is appalling and shocking that the IRRC wants to return to the completion of the Comprehensive Evaluation Report EVERY YEAR!! Every hour spent completing unnecessary CERs is time spent away from children and service delivery. I am shocked with their decision and invite them to spend time in the classrooms where Early Intervention services are delivered and to really talk with teachers. I think if the IRRC really knew the issues and the paperwork burden imposed by their decision, they would have to reverse their opinion!

The recent decision of the IRRC needs to be overturned immediately so that the proposed Chapter 14 special education regulations can be implemented. Thank you in advance for your thoughtful consideration of my comments.

If you have any questions, please feel free to contact me at home (412-429-8453) or at work (412-323-3960).

Sincerely,



Janice L. Matthew, Ph.D.

c: Governor Thomas Ridge
Dr. Peter Garland
Independent Regulatory Review Commission
Dr. Richard Price