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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

COMMITTEES

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EDUCATION COMMITTEE

PHEAA BOARD OF DIRECTORS

STATE BOARD OF EDUCATION

ORIGINAL: 2144

March 29, 2001

John R. McGinley, Jr., Chairman
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17120

Dear Chairman McGinley:

We would like to commend the Independent Regulatory Review Commission for disapproving Chapter 14 (Special Education Services and Programs) final-form regulations. As you know, the revised final form regulations came before the House and Senate Education Committees on March 21st. At that time, several members of the Committee expressed their concerns about the revised document that we would like to share with you.

We are disappointed in the revisions to the final-form regulations. We do not believe that the proposed changes will improve special education programs in the Commonwealth, nor do we think that students will be better served under this proposal. If anything, we believe families will struggle to find their way through the myriad of federal laws and regulations just to understand their rights.

We recognize that some revisions to Chapter 14 are necessary to bring Pennsylvania into compliance with federal law. However, some changes lack justification other than to state that there is no federal requirement to do so. This kind of explanation by the Board provides little assurance that these changes were made with the best interest of children in mind.

Federal and state funding for special education has diminished significantly over the last two decades, while program requirements have increased. There is no doubt that we need to address this issue and provide school districts with an adequate level of funding. But many of us are troubled by what seems to be an attempt to cut special education costs through dismantling the rights of exceptional students instead of providing adequate funds to school districts.

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The Board's reluctance to reinstate class size restrictions remains a serious concern. The class size standards are a necessary safeguard for exceptional students in a time of mounting pressure to cut educational costs at the local level. The current class size chart, while not a panacea, provides some assurance that these students will receive the necessary attention to meet their IEP goals.

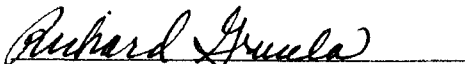
Members also expressed concern about the unwillingness of the Board as directed by the Attorney General to restore parent representation at due process hearings. As you know, the proposal limits the role of the advocate in those hearings. Our concern is that it will take a much greater effort on the part of parents to represent themselves during these hearings, as they will not have the benefit of clearly written regulations to guide them.

In the Board's drive to eliminate or modify areas in excess of federal requirements, it has strategically placed parents at a disadvantage. Only those parents who are well versed in federal law and able to coordinate it with state law or who have the financial wherewithal will overcome the barriers.

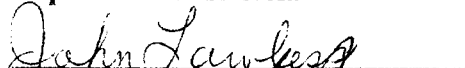
Therefore, we urge you to disapprove this revised rulemaking as it ignores the concerns that this Committee and others have repeatedly expressed throughout this process.



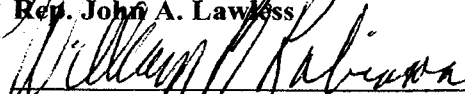
**Nick Colafella, Democratic Chair
House Education Committee**



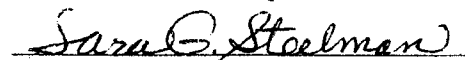
Rep. Richard Grucela



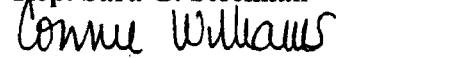
Rep. John A. Lawless



Rep. William R. Robinson



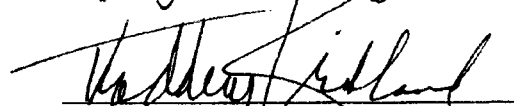
Rep. Sara G. Steelman



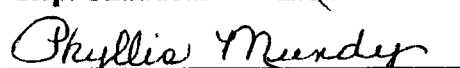
Rep. Connie Williams



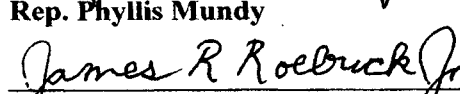
Rep. Lawrence H. Curry



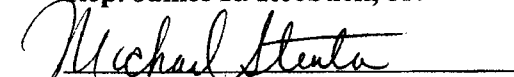
Rep. Thaddeus Kirkland



Rep. Phyllis Mundy



Rep. James R. Roebuck, Jr.



Rep. P. Michael Sturla



Rep. Thomas F. Yewcic