

Original: 2144

Penny K. Stroup
PO Box 261
Tyrone, PA 16686

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

RECEIVED

2000 OCT 10 PM 2: 13

INDEPENDENT REGULATORY
REVIEW COMMISSION



September 29, 2000

Dear Commissioners:

I am writing to you in response to the proposed regulations changes. These changes I feel would be very essential to many students in Special Education. By changing the 10-day rule of implementing the IEP to as soon as possible the school district could take as long as they want even years to begin to implement the IEP by stating that they were still trying. They could simply state that implementation is not yet possible.

By changing classroom size and age regulation the school could possible have students in the same class that are 6years and some that are 18 years old? This happens already and I feel that the problems that arise can and are very dangerous. Young adults (18 years old) in emotional support classrooms can be put with young children that are only 6 or 7 years old. Children without special needs are placed according to age and children in Special Education deserve the same consideration.

Inclusion is a very essential part of many students education. Through education many students receive education in a regular classroom with very little supports from the special education programs. These students prove that inclusion is a success, inclusion is necessary, and inclusion is the right approach to teaching our students.

There are several other proposed changes that upsets me and I feel are damaging to the special education programs in Pennsylvania. The current regulations have been put in place because of the need to insure an appropriate education to children in special education as well as the students in regular education. My son is in special education and I have struggled for many years trying to get my son the education that he needs and deserves. The current regulations have helped me in the struggle for my son. I cannot explain much an appropriate education affects the ability to maintain my son in the home. His education is vital to his ability to grow and develop into a productive member of our society.

I appreciate you time and consideration in this matter and please keep the regulations as they are currently.

Sincerely,


Penny K. Stroup

RECEIVED
SEP 11 1999
EDUCATION

116 N 50th St.
Phila, Pa 19139
September 8, 2000

Dear Dr. Garland;

My name is Marwa Belmonti. I am writing in reference to the proposed changes to the special education laws.

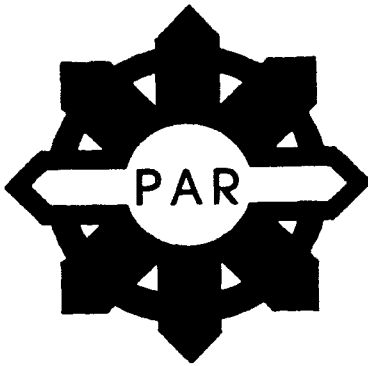
Because we live in Philadelphia, I must ask you. Have you lost your mind.

It is hard enough for us parents to advocate for our children. Changing the laws would only make it harder for parents. Our children would only suffer more than they already are.

What you need to do is, make it easier for parents and students. I have a copy of the Federal laws, and I must say the only reason I can understand them is because of my involvement

with Parents Union. Give us
a break. We live in Philadelphia.
We need help from the state.
Please do not make it easier
for Philadelphia School District
to give us Parents an even harder
time. Because new children, and
at some point society, will
pay the price.
DON'T do this to our children.

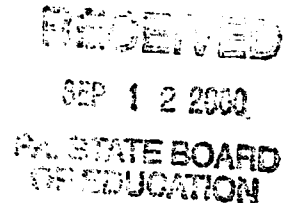
Sincerely
Mrs. Maria Belmonti
E-MAIL M112352@aol.com



Pennsylvania Association of Resources
for People with Mental Retardation

1007 North Front Street
Harrisburg, Pennsylvania 17102
Phone • 717-236-2374
Fax • 717-236-5625

September 9, 2000



Peter H. Garland
Executive Director
State Board of Education
333 Market Street
Harrisburg, PA 17126

Re: Comments by the Pennsylvania Association of Resources for People with Mental Retardation (PAR) on the Proposed Rulemaking by the Department of Education – 22 PA. Code Chapter 14, Special Education Services and Programs – Published in the *Pennsylvania Bulletin* on September 2, 2000

Dear Mr. Garland:

This letter provides both comments and recommendations developed by the Pennsylvania Association of Resources for People with Mental Retardation (PAR). PAR is a statewide association which represents all mental retardation supports and services including early intervention statewide.

PAR endorses the spirit of regulatory reform as set forth in Governor Ridge's Regulatory Reform Initiative (Executive Order 1996-1). We examined this proposed rulemaking for consistency among its authorizing laws and the various regulations which interrelate with it or which are similar in scope. We looked for instances in this proposed rulemaking where the regulatory burden will be eased on the provider community without sacrificing essential public health and safety issues since this is a key goal of the Governor's initiative.

Following are our comments and recommendations:

COMMENTS:

§14.101 Definitions

“Developmental delay – A child is considered to have a developmental delay when one of the following exists:

- (i) The child’s score, on a developmental assessment device, on an assessment instrument which yields a score in months, indicates that the child is delayed by 25% of the child’s chronological age in one or more developmental areas.*
- (ii) The child is delayed in one or more of the developmental areas, as documented by test performance of 1.5 standard deviations below the mean on standardized tests.”*

PAR strongly supports the State Board of Education’s (Board) decision to maintain the eligibility criteria of a 25% delay in one or more areas.

~ ~ ~ ~

§14.132 ESY

“This section sets forth the standards for determining whether a student with disabilities requires ESY as part of the student’s program...”

Recommendation: PAR supports the Board’s changes to this section from earlier drafts which reflects a good job of organizing, reformatting and clarifying this process.

~ ~ ~ ~

§14.133 (a) Behavior support

“Positive rather than negative measures shall form the basis of behavior management programs.”

Recommendation: PAR supports the Board’s decision to restore the requirement that behavior management programs be based on positive measures.

~ ~ ~ ~

§14.142 Caseload for special education

The proposed rulemaking included a chart that shows a change in the speech and language support itinerant. In the proposed rulemaking, it is 65; in earlier drafts, it was 90.

Recommendation: PAR supports the Board's decision to change the speech and language support itinerant from 90 to 65.

~ ~ ~ ~

§14.153 (4)(i) Evaluation

"The following timeline applies to the completion of evaluations and reevaluations under this section:

(i) Initial evaluation or reevaluation shall be completed and a copy of the evaluation report presented to the parents no later than 60 days after the early intervention agency receives written parental consent."

This section does not state that a parent or team member may request an evaluation or reevaluation at any time. It should be stated specifically rather than just implied.

Recommendation: Add a §14.153(4)(iv) which would read: "(iv) Initial evaluation or reevaluation may be requested by a parent or team member at any time."

~ ~ ~ ~

§14.153 (4)(ii);(iii) Evaluation

(i) Notwithstanding the requirements incorporated by reference at 34 CFR §300.536 (relating to reevaluation), a reevaluation report must be provided within 60 days from the date that the request for reevaluation was received from the parent or teacher, or from the date that a determination is made that conditions warrant a reevaluation.

(ii) Reevaluations shall occur at least every 2 years."

PAR supports the Board's decision to restore the 60-day timeline for initial evaluation and reevaluation.

~ ~ ~ ~

§14.154 (d)(2) IEP

(d)(2) "The IEP of each eligible young child shall be reviewed by the IEP team at least annually."

This section does not state that a parent or team member may request an IEP review at any time, and should for clarity.

Recommendation: Add the following language: "*(d)(3) The IEP of each eligible young child may be requested by a parent or team member at any time.*"

~ ~ ~ ~

§14.155 (a) Range of services

(a) "The Department will ensure that options are available to meet the needs of children eligible for early intervention. The options may be made available directly by early intervention agencies or through contractual arrangements for services and programs of other agencies in the community, including preschools, provided these other agencies are appropriately licensed by the Department or the Department of Public Welfare."

This section is confusing. Providers may believe that any preschool setting where eligible children are served, such as neighborhood nursery school programs, must come under licensure by the Department.

As Dr. Price informed PAR through email correspondence, the licensure requirement would only apply to those instances where the tuition was being paid by the early intervention program in order to implement the IEP. More often than not, the child would receive services from an itinerant teacher or therapist in a placement made by the parent with the tuition being paid by the parent. In those instances, the only requirement for licensure is that the teacher or therapist delivering the IEP service be appropriately certified or licensed to deliver that service.

To provide further clarification, this section should differentiate between the two types of relationships a preschool can have with an early intervention provider.

Recommendation: Provide clarification so that providers will understand that the licensure requirements do not necessarily apply to all preschool settings such as neighborhood nursery school programs.

Recommendation: Provide clarification so that providers will understand the differences between the two types of relationships a preschool can have with an early intervention provider: one contractual, where the early intervention provider is paying the tuition to carry out the IEP, and the other as a site where itinerant teachers and therapists provide service to children whose parents pay the tuition.

~ ~ ~ ~

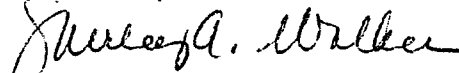
§§14.161-14.162 Prehearing conferences and Impartial due process hearings and expedited due process hearings

PAR supports the Board's decision to restore pre-hearing conferences and due process procedures.

~ ~ ~ ~

Thank you for the opportunity to comment on these proposed regulations. We are available to discuss any of our recommendations.

Sincerely,



Shirley A. Walker
Executive Director

cc: Dr. Richard Price, Chief
Bureau of Special Education

John R. McGinley, Chairman
Independent Regulatory Review Commission

Mr. Peter Garland
September 9, 2000
Page 6 of 6

The Honorable Feather O. Houstoun, Secretary
Department of Public Welfare

Senator James J. Rhoades, Chair
Senate Education Committee

Representative Jess M. Stairs, Chair
House Education Committee

Senator Harold F. Mowery, Chair
Senate Public Health and Welfare Committee

Representative Dennis M. O'Brien, Chair
House Health and Human Services Committee

Sheila Fabrizio
24 North Eastview Avenue
Feasterville, PA 19053
215-364-0989

Original: 2144

RECEIVED

2000 SEP -5 AM 9:49

INDEPENDENT REGULATORY
REVIEW COMMISSION

August 29, 2000

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

Re: Chapters 14 and 342

Dear Members,

I am attaching a letter that I wrote to Dr. Peter Garland dated October 5, 1999. In my letter, I addressed the issues that concerned me as a parent of a special needs child. I now understand that little or nothing is being done to address my concerns and that is the reason for this letter. Clearly, after reviewing the proposed changes, the children will not benefit from any of these changes.

I am asking each one of you to read a copy of my enclosed letter and swallow my comments. Sadly, Dr. Garland has not responded to my letter. Even more disappointing is that I copied Senator Rhodes and Representative Stairs and received no reply as well. I felt that if I took the time as a voter and parent of a special needs child to hand write a five page letter on legal size paper that someone would respond. As legislators, you want us to get involved and be part of the process. I am going a record for the second time pleading with all of you NOT to change our current regulations and standards. These laws have kept my child at home with me. These laws have brought quality of life to my son. These laws were put in place for a reason and they are working.

The proposed changes would only make it harder for parents to access services our children desperately need. How can any one take the time to decipher codes and parts of the law while changing diapers and trying to feed their children? How can a child's IEP be implemented with no regard to class size or ratios of student to teacher/aide? How can children of any age be grouped together? Why burden parents with attorney's fees at the first sight of a disagreement by eliminate pre-hearing conferences and appeals? Eliminate Chapter 342? Why???????

Hopefully, someone for your committee, or all of you will hear my plea, or, at the very least, respond to my letter.

Respectfully,

Sheila Fabrizio R.P.M.

Attachment

Shula Fabrizio
24 North Eastview Avenue
Feasterville Pa 19053

October 5, 1999

State Board of Education

Page 1 of 5

Mr. Peter Garland
333 Market Street
Harrisburg, Pa 17126-0333

Dear Mr. Garland,

I am writing specifically concerning Chapters 14 and 342 of the state special education regulations and standards.

As an advocate and mother of my 7 year old special needs son, I would like to go on record and hopefully receive answers to the following questions from you, personally.

1. The Board is proposing to incorporate by referencing the federal IDEA regulations, which are several hundred pages long -
- How can a parent possibly argue with a document that is impossible to understand, short of being an education lawyer - and a great one?
For that matter, how can teachers?

2. Proposals would eliminate class size requirements - districts can set their own limits.
- How can an individual's needs be

Dr. Peter Parkland
 Page 2

classroom sizes? What ratios?
 What were the ratios?
 What about safety of teacher &
 student with such large numbers?

3. Proposal to eliminate age span in
 class, and moving classes, changing
 their size & locations within the school

- What, again, about safety for students
 and teachers? Is this common for
 regular ed students, will they also
 be moved & their class sizes
 altered at the school district's
 discretion?

4. Proposal to eliminate Pre Hearing
 Conference & Appeals Panel

- Why would the state want to
 burden the parents with
 cost of attorney fees each
 time there is a difference
 of opinion. Who, specifically,
 is getting the benefit of this
 change

5. Proposal to drop requirement that

Dr. Peter Garland
Page 3

being restrained and teachers start adopting a negative approach to our children. What demands do our children place on your teachers and staff that beg for negative consequences?

6. Proposal to drop parents' right to receive evaluations 10 days prior to an IEP.

- How much time did your staff allow you to review the changes in Chapters 14 + 342 (including the time the lawyers were given)? If at all 10 days or no time at all, how would you respond publicly being handed this information?

7. Proposal to drop early intervention by 20% overall - ages 3 to 5.

- Have you looked at the recent figures on the rise in the special needs population (specifically autism - is it our children?)

Dr. Peter Garland
Page 4

4 of 5

8. Proposal to drop Chapter 342
completely!!

- When I see what this represents,
could you please tell me where
the money the state is
getting from the tobacco
industry will be going
as specifically as possible?

Dr. Garland, I have spent a great deal of
time and anguish upon receiving this
disturbing information. I have always
been proud to live in this state that
is a leader in the field of special education.
To strip away these rights is not only
unfair, it is not justified based on
information that I and other mothers
have in our files and at our fingertips.

Our lives are immersed in the care
of our children. This proposal
hits at the very core of what moms
and parents before us have fought
so hard for. You cannot take away
my son's rights to quality education
based on his needs, or your budget.

Dr. Peter Garland
Page 5

5 of 5

in a doctor's office for my checkup on the sides of the memo received, I spoke to no less than 20 mothers and it is now after midnight and I work full time and still have some notes to send to my son's teachers.

Finally, I haven't written a letter in my hand except to thank or comfort someone. I felt so strongly about this matter that I took the time to send this one out personally.

Dr. Garland, there is hope and treatment for our children and education is a key piece in the puzzle. Please rethink your stand on these issues and help the children.

I will await your personal response. I would be delighted to discuss the matter with you personally as well.

Yours truly,
ours

Original: 2144

Mr. & Mrs. Robert Tillman
2033 Radcliffe Ad.
Broomall, PA. 19008-2116
September 4, 2000

RECEIVED
2000 SEP 28 AM 9:12
REGULATORY
REVIEW COMMISSION

Mr. Robert Nyce
Independent Regulatory Review Commission
333 Market Street
Harrisburg, PA 17101

Dear Mr. Nyce:

I am writing this letter, as a parent of a child with Down Syndrome, to all concerned parties regarding the impending proposed Early Intervention regulations published June 2, 2000.

There are numerous issues that are of immediate and grave concern to me, my daughter, and future generations. It is incomprehensible that there is the possibility of receiving an incomplete evaluation at the outset when these children (and these are human beings we are talking about) are already beginning life behind the eight ball.

Equally as horrifying is the thought that our children will be placed in the hands of totally unqualified and therefore unknowledgeable service coordinators. Aside from the occasional parents who know before hand of their child's diagnosis, you are dealing with shell-shocked parents who don't have all or maybe any idea of what services are available to them. They rely on the professional guidance of their service coordinator to guide them and inform them of all the opportunities for therapy in order to start these children out on the correct foot.

It should be an absolute requirement that each therapist, special education teacher, vision/hearing specialist, day-care teacher and any other professional that has worked with the child, be at the table for any IFSP to hear first-hand the progress and therefore future needs for any child. This is where a child's future is decided! Every piece of information from each professional is vital. This information most definitely needs to be in writing and it should be the authority of the IFSP team (OT, PT, Speech, etc.) to decide the appropriate future services and the correct environment since they have the direct contact under the right circumstances for their sessions with each child.

The timeliness for scheduling and implementation of every IFSP is critical! As every parent knows, time flies, and before one knows it, the child is three and transitioning into the IU. Any services missed, even for a few weeks, could drastically affect any child's progress and future placement in a chronologically appropriate class.

The system, as it presently exists, has enough pitfalls due to high turnover rates of coordinators who have an overabundance of cases, that any other short-changing of qualifications or unduly withholding of services due to untimely implementation of the IFSP, etc. will only disastrously affect each and every child needing these services.

All of these children, and the families providing their care, deserve all the services possible as suggested by the most knowledgeable and professional person possible. Please prevent any further breakdown of a delicate system by not allowing any of these regulations to pass.

Thank you for your consideration.

Sincerely,

Jacqueline M. Steph-Tillman

**The
Arc**

**Indiana
County
Chapter**

advocating for people facing developmental challenges

**720 Church Street
Indiana, PA 15701-2741**

(724) 348-8230

August 25, 2000

Original: 2144

To: Dr. Peter Garland, Executive Director
Pennsylvania State Board of Education
333 Market Street
Harrisburg, PA 17126-03333

From: Barbara Telthorster, RN, The Arc Indiana County Chapter Parent Mentor

Re: Comments on the Proposed Changes in the State Special Education Regulations

Dear Dr. Garland:

As a parent of a child with a disability, grandmother of 2 grandchildren with disabilities, Registered Nurse, Parent Mentor for The Arc Indiana County Chapter, Chairperson of the Local Task Force, member of the IDEA '97 training team, peer monitor for Compliance Monitoring For Continuous Improvement and a member of the IJ 28 Procedural Safeguard Committee, I am very concerned about some of the proposed changes in the Pennsylvania Regulations. Below I have listed three of my most urgent concerns, why I am concerned and my recommendations.

CONCERN 1 REFERENCE OF FEDERAL REGULATIONS

-With the incorporation by reference of the Federal Regulations into the proposed Pennsylvania Regulations, the State Regulations become essentially unintelligible even to the informed reader. This does not help the districts or families understand what is required. My recommendation is that if the State Regulations are to include the referenced Federal Regulations then put them in writing, not a reference number.

CONCERN 2 DELETION OF "APPROPRIATE PROGRAM", "CHANGE OF PLACEMENT" & "ELIGIBLE YOUNG CHILD" DEFINITIONS

-The deletion of the current definition of these terms is a distillation of various court opinions, and does not appear in this form in the federal regulations. Currently these definitions promote consistent understanding and provides families and local education agency (LEAs) workable guidance in fundamental areas. My recommendation is to NOT delete the definitions of "appropriate program", "change of placement", and "eligible young child".

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2000 AUG 28

REVIEW COPY

Page 2

CONCERN 3 DELETION OF "SERVICES ON THE IEP ACTUALLY BE PROVIDED TO THE CHILD WITHIN 10 SCHOOL DAYS AFTER THE COMPLETION OF THE IEP"

- Deletion of the above statement that includes "10 school days" and replaces it with "as soon as possible" is unacceptable. It is vitally important that families and LEAs have definite guidance on when the agreed upon services must actually be provided. A deadline is required if families are to be able to obtain remedy if services are delayed. Only if the state law is clear and consistent will the state's Division of Compliance be able to order corrective action. Otherwise, families will be forced to turn to Due Process, which is costly and the outcome questionable because of the vagueness of the law. My recommendation is to NOT delete the statement that "services on the IEP actually be provided to the child within 10 school day after completion of the IEP".

The Concerns listed above are just three of my most urgent concerns. Many of the parents, educators and I believe that, with the proposed state regulations, the state is failing to live up to its historic position of leadership in the education of children with disabilities. This failure touches the children in my family and maybe the children in your family. We all want each child to receive an education that will help the child to grow, learn, and be happy. This can't be accomplished if parents and educators are uninformed and confused. Here are some ideas that could be incorporated into the state regulations that could move the state to improve its position of leadership in education:

1. The state could provide the Local Right to Education Task Force with funds to hire an independent parent "ombudspersons/parent mentors" whose job would be to inform families about the program and their rights. Service coordinators, guidance counselors, and other educators, who may have similar roles, are not "independent". The Law and Spirit of IDEA '97 does and the PA Regulations should support the role of the parent in a child's special educational program. The parent, like the other members of the IEP team, need to be given the information and support they need to make informed decisions about their child's educational program.

2. The state could provide Local Right To Education Task Force with funds to support additional parent training, newsletters, special education information centers in the local schools and other activities needed within the local school district.

If you would like to discuss the above issues, please contact me at any time at (724) 349-6383 or btelth@yourinter.net. Please remember when you finalize the state regulations, the child whose future you are effecting may be your own child's future or your grandchild's future.

Sincerely,

Barbara Telthorster

cc: Independent Regulatory Review Commission
Tom Ridge, Governor of Pennsylvania
Eugene Hickok, Secretary PA Dept. of Education
Patrick Stapleton, State Senator 41st District
Sara Steelman, State Representative 62nd District

RECEIVED

2000 AUG 28 AM 11:52

FEDERAL RESERVE BANK
REVIEW COMMISSION

Barbara Telthorster
981 Barclay Road
Indiana, PA 15701
Fax: 724-349-6383
Home: 724-349-6383

FAX

Date: 8/28/00
To: FRRC
Phone: 717-783-2464
From: Barbara Telthorster

Page 1 to 3

Message: Comments on Proposed System
Education Regulations

Have A Wonderful Day!!!!!!

Original: 2144

August 23, 2000

Independent Regulatory Review Commission
14 Floor
333 Market St.
Harrisburg, PA 17101

RECEIVED

2000 AUG 28 AM 8:42

INDEPENDENT REGULATORY
REVIEW COMMISSION



Dear Commission Members,

My wife and I have examined the latest draft of the proposed changes to Chapter 14 Regulations and the proposed deletion of Chapter 342, all of which cover special education in Pennsylvania. The most alarming thing is that the State Board of Education is still trying to eliminate restrictions on class size and the mixture of disabilities based on severity. This has been done in other states such as New York with disastrous effects. While science is proving that all children learn better in smaller classes with children near to their own level, you are proposing to do just the opposite.

As parents of an autistic son who is doing very well in his present environment, we are extremely alarmed by the Board's proposals. As for the deletion of Chapter 342 and only referring to IDEA for reference, it is going to make it hard for the average individual and school administrators to understand their rights and to interpret the law.

The State of Pennsylvania has always been a leader in special education, Chapter 14, and Chapter 342 which encompass some of the best special education legislation in the United States, even surpassing the Federal IDEA Act in some areas. We urge the State Board to keep the old regulations and only change where it necessary to comply with federal law changes. Please do this and keep Pennsylvania Number 1 in giving disabled children a quality education.

Sincerely,

Edward B. Karpowicz
Leonardia Karpowicz
Edward and Leonardia Karpowicz

1429 Center Street
West Chester, PA 19382-6528
September 29, 2000

Dr. Peter Garland
Executive Director
State Board of Education
333 Market Street
Harrisburg, PA 17126-0333

Original: 2144

RECEIVED

2000 OCT -4 AM 9:15

INDEPENDENT REGULATORY
REVIEW COMMISSION

Dear Dr. Garland:

Enclosed is a photo of my seven-year-old son, Cyrus, who has autism. Currently, he is getting the educational supports he needs. But I am very worried about the proposed changes to state special education and early intervention pre-school regulations. If I were to detail all my concerns, this letter would be at least four pages long!

I was upset to hear that, after the State Board voted on the proposed regulations, the Board removed a very important right that was guaranteed under the old regulations: the right of parents to choose whomever they wish to represent them during Due Process Hearings. This is an illegal change—the guarantee is required per the PARC Consent Decree. It is also an unjust change—parents of gifted students would have this guarantee under the proposed Chapter 16, and non-lawyers can represent individuals at other administrative hearings, such as worker's compensation hearings. This guarantee must be included in the state special education and early intervention pre-school regulations.

That is a new issue, but there are many issues that have worried me since the proposed regulations were originally published. First, those most directly affected by the proposed regulations—families and school districts—will find it very difficult even to find out what those regulations entail, because the federal regulations are incorporated by reference. How well could the regulations be enforced if it is so hard to find out what they even are? It would be much better if the State Board would include the federal language in its entirety (as the Pennsylvania Department of Public Welfare has done in its recent proposal for regulations implementing the Infants and Toddlers with Disabilities Program).

The proposed regulations would do away with statewide standards that are vital to ensuring that special education students receive a free, appropriate public education. For example, one of the many important protections in current law is that districts provide agreed upon services within 10 school days of the completion of a child's IEP. (Under the new proposal the deadline is "as soon as possible," which could differ from district to district and from case to case.) If, as is proposed, each district will be able to set its own policy on teacher caseloads for special education classes, and the age range of the students in those classes, I foresee families moving to districts known to provide services promptly and well. Those unable to move would simply be out of luck. (That is both unfair and unacceptable.) And the school districts that have policies providing good support for special education students will find themselves carrying more than their fair share of the special education burden.

Another important protection in current law that is included neither in the proposed regulations nor in federal law is the key requirement that a behavior plan must be included in the IEPs of children with "behavior problems which interfere with ... ability to learn." For many years, Pennsylvania has wisely maintained this requirement, and it ought to continue to do so. When a child has behavior problems, a behavior plan is vital to enabling a child's educators to maximize that child's chances for achieving his or her IEP goals.

The proposed regulations do not include certain important requirements from existing Basic Education Circulars, such as those in the February 1, 1999 BEC entitled, "ESY Eligibility." Such requirements ought to be included in the regulations, to ensure they have the force of law.

The proposed regulations also offer no guidance on how local education agencies (LEAs) are to implement important new federal requirements, such as the inclusion of children with disabilities in statewide assessments, with necessary accommodations, or the identification of an alternate mode of assessment.

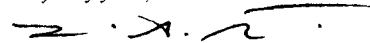
The proposed regulations do not close loopholes in the current regulations that have been found to lead to abuses. For example, as in the current regulations, the proposed 14.123(b) states that the initial evaluation will be completed no later than 60 school days after the agency receives, "written parental consent." This language should be changed to, "no later than 60 school days from the date the request for evaluation was received from the parent." An alternate approach would be to require an LEA to request parents' written consent within 5 days of the LEA's receipt of a request for an evaluation.

I could go on and on!

Because it took so long for the proposed regulations to be published, concerned parties have had very little time to comment or to sign up for the hearings. I urge you to re-schedule the hearings until October, and to extend the time to comment.

I also urge you to act on the concerns of parents like me. Thanks to the protections provided under the current special education regulations, my son has a fighting chance to become an adult who can live independently and contribute to the commonwealth. Please don't take that chance away from him and all the others like him in Pennsylvania!

Very truly yours,



Lorraine A. Ratajczak

cc: The Honorable Tom Ridge, Governor of Pennsylvania
The Honorable Eugene Hickok, Secretary of Education
The Honorable Elinor Taylor
The Honorable Robert J. Thompson
The Independent Regulatory Review Commission

Original: 2144

RECEIVED

2000 DEC 14 AM 10: 01

INDEPENDENT REGULATORY
REVIEW COMMISSION



Independent Regulatory Review Commission
333 Market Street
Harrisburg, PA 17126-0333

December 12, 2000

Dear Commission Members,

By way of introduction my name is Jeannie Preitz and I serve as the Advocate for the Arc of Lackawanna County. My office is located in Scranton (IU #19). I provide advocacy services to people with mental retardation and their families in Lackawanna, Susquehanna, and Wayne Counties. Although I am involved in many types and levels of advocacy I am most often called upon for individual educational advocacy. It is for that reason that I feel compelled to **express my serious concern about the proposed Chapter 14 Special Education Regulations.**

I respond to calls day after day that are often directly related to my specific Chapter 14 concerns. The point I want to make clear is that **areas that have already been identified as problematic will likely become even more problematic should the proposals be approved as is.** For one, parents tell me that they are overwhelmed by the complexity and volume of paper work. **The proposed regulations offer one more document that will provide frustration.** It is imperative that the regulations be user friendly.

Parents of children with special needs frequently find themselves struggling with school districts to provide an educational placement with **a class size** where learning can take place. They are also concerned that the students are not grouped appropriately including **the age range.** The proposed regulations will give the districts the freedom to group students at their convenience. Tragically, I know this will not always be in the student's best interest. Please retain the class size recommendations.

Students who exhibit behaviors that interfere with learning rarely have the behavior addressed in the IEP. I have visited school districts where the personnel do not know what a Functional Behavior Assessment is nor do they know what is a Positive Behavior Intervention Plan. Students are sometimes punished for behaviors that are related to their disability or the behavior is merely not understood. The student and those working with the student will naturally become discouraged and disturbed. Again, if provisions are not made to **require a positive behavior plan** what is already a problem will exacerbate.

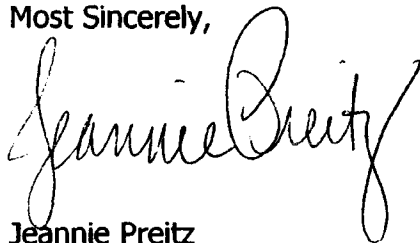
Another area of concern is that rather than **within 10 days** the proposed regulations say that the IEP will be implemented as soon as possible. When getting the IEP implemented at all is sometimes a problem why give the district the freedom to implement at will?

Some of these issues may well make it easier for districts to comply, however, it may not be in the best interest of the student.

It is my hope that during your review you will consider these very important issues. Protections for children with special needs have been long fought. Pennsylvania has earned a respectable position as a leader in special education. What a shame it would be to go backward after so much has been gained in **providing not only an appropriate but a quality education for children with special needs.**

I thank you for taking the time to read my concerns and trust that we share a **desire to do what is best for those who need the most.**

Most Sincerely,

A handwritten signature in black ink that reads "Jeannie Preitz". The signature is written in a cursive style with a large, looping "J" and "P".

Jeannie Preitz
Arc Advocacy Services

Original: 2144

Sheila Fabrizio
24 North Eastview Avenue
Feasterville, PA 19053
215-364-0989

November 26, 1999

Independent Regulatory Review Commission
14th Floor, Harristown 2
333 Market Street
Harrisburg, PA 17101

Re: Chapters 14 and 342

Dear Members,

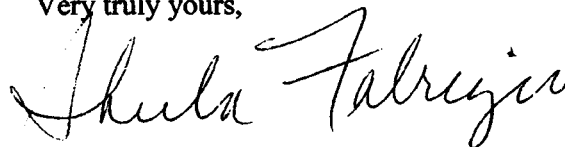
I am a mother of special needs child and his best advocate. I wish to receive copies of drafts concerning any proposed changes to Chapters 14 and 342 and be made aware of dates when public comment periods commence. IDEA97 is extremely hard to comprehend in layman's terms and 14 & 342 were added in Pennsylvania to greater protect our children's assurance of an appropriate education, regardless of their needs. We are pioneers in this field and have worked hard to have Pennsylvania stand out as an example for all states to follow in the area of education of special needs children.

I a member of a support group and ask that their name be address to you mailing list in addition to mine. It is:

Sharing & Caring of Bucks County
P.O. Box 462
Richboro, PA 18954

Thank you for your attention to the above.

Very truly yours,



/sf
cc: Sharing & Caring

RECEIVED
1999 DEC -3 AM 11:05
INDEPENDENT REGULATORY
REVIEW COMMISSION

Sheila Fabrizio
247 North Eastview Avenue
Feasterville Pa 19053

October 5, 1999

State Board of Education

Page 1 of 5

Mr. Peter Garland
333 Market Street
Harrisburg, Pa 17126-0333

Dear Mr. Garland,

I am writing specifically concerning Chapters 14 and 342 of the state special education regulations and standards.

As an advocate and mother of my 7 year old special needs son, I would like to go on record and hopefully receive answers to the following questions from you, personally.

1. The Board is proposing to incorporate by referencing the federal IDEA regulations, which are several hundred pages long -
- How can a parent possibly argue with a document that is impossible to understand, short of being an education lawyer - and a graduate?
For that matter, how can teachers?

2. Proposals would eliminate class size requirements - districts can set their own limits.

- How can an individual's needs be met and the IEP be implemented with what our children would consider a "crowd" situation?
Focusing is already a critical factor in the learning process.
Have studies been done using larger

Mr. Peter Parlsch

Page 2

classroom sizes? What ratios?
What were the outcomes?
What about safety of teacher &
student with such large numbers?

3. Proposal to eliminate age specific
class, and moving classes, changing
their size & location within the school

- What, again, about safety for students
and teachers? Is this common for
regular ed students, will they also
be moved & their class size
altered at the school districts'
discretion?

4. Proposal to eliminate Pre Hearing
Conference & Appeals Panel

- Why would the state want to
burden the parents with
cost of attorney fees each
time there is a difference
of opinion. Who, specifically,
is getting the benefit of this
change

5. Proposal to drop requirement that
a gentle, positive approach be used
for behavior issues.

- Is not this the location our
children learn - and what will
they come home with if they are

Peter Garland
Page 3

being restricted and teachers start adopting a negative approach to our children. What demands do our children place on your teachers and staff that beg for negative consequences?

6. Proposal to drop parents' right to receive evaluations 10 days prior to an IEP.

- How much time did your staff allow you to review the changes in Chapters 14 + 342 (excluding the time the lawyers were given)? If it were 10 days or no time at all, how would you respond publicly being handed this information?

7. Proposal to drop early intervention by 20% overall - ages 3 to 5.

- Have you looked at the recent figures on the rise in the special needs population (specifically autism - 1 in 500 children)?

- Have you looked at the test results when children are diagnosed early and receive proper interventions?

- How can you justify tightening criteria for help when numbers are on the rise?

Dr. Peter Garland
Page 4

4 of 5

8. Proposal to drop Chapter 342
completely!!

- When I see what this represents,
could you please tell me where
the money the state is
getting from the tobacco
industry will be going
as specifically as possible?

Dr. Garland, I have spent a great deal of
time and anguish upon receiving this
disturbing information. I have always
been proud to live in this state that
is a leader in the field of special education.
To strip away these rights is not only
unfair, it is not justified based on
information that I and other mothers
have in our files and at our fingertips.

Our lives are immersed in the care
of our children. This proposal
hits at the very core of what moms'
and parents before us have fought
so hard for. You cannot take away
my son's rights to quality education
based on his needs, or your budget
dilemma.

Our children have a voice - although
many cannot speak for themselves.
To give you some idea of my conviction,
I penned some thoughts while sitting in

Dr. Peter Garland
Page 5

5 of 5

in a doctor's office for my checkup
on the sides of the memo received, I
spoke to no less than 20 mothers
and it is now after midnight
and I work full time and still
have some notes to send to my son's
teachers.

Finally, I haven't written a
letter in long had except to heal
or comfort someone. I felt so strongly
about this matter that I took the
time to send this one out personally.

Dr. Garland, there is hope and
treatment for our children and
education is a key piece in the
puzzle. Please rethink your
stand on these issues and
help the children!

I will await your personal
response. I would be delighted
to discuss the matter with you
personally as well.

Very truly yours

Shula Fabrizio, R.P.M.

cc: Senator James Rhodes W 610-828-8400
Representative Jess Stang H-215-364-0989
Ellen Sanchez - OPA
Education Law Center

Original: 2144

NAME

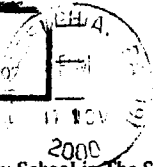


Ruth Montone

2310 Bryn Mawr Ave

Academy, PA 19408-0907

ADDRESS



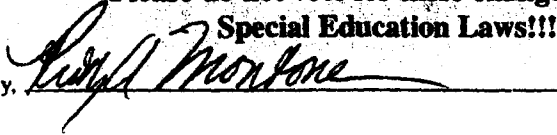
DEAR REPRESENTATIVE:

The community of Coopertown Elementary School in The School District of Haverford Township, is extremely concerned with the proposed changes in the Chapter 14 regulations. The impact of the omissions and modifications will have negative effects on our regular education classes and our special education program. Our Particular concerns are listed below:

- Time lines will go from 45 to 60 school days for evaluation and reevaluations
- Reevaluations will be every 3 years instead of 2 years
- Caseload maximums will be determined by the local school board, then approved by Pennsylvania Department of Education
- No class size limits for special education students
- Age range will be determined by school board
- Mixing categories of needs

**Please do not vote for these changes in our
Special Education Laws!!!**

Sincerely,



Original: 2144

RECEIVED

2000 OCT 31 AM 9:21

INDEPENDENT REGULATORY
REVIEW COMMISSION



Eileen M. Retamal
1420 Woodland Road
Baden, PA 15005
October 25, 2000

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

Dear Sirs and Madams:

I am writing to express my views and my son's story as reflected upon the recent proposals to the State special education and early intervention Pre-School regulations.

Firstly, the proposals would have the MH/MR program defined as an entity that would provide a "continuum of care for the *mentally disabled*". This is much too limiting. There is rapidly expanding research being done on the human brain that is reclassifying many mental disabilities. My son is autistic, as is one in every 250 children. In his Allegheny County DART classroom alone, there are four high functioning autistic children out of 15; (eight are 'model' or 'normal' children. Autism used to be defined as mental disability. However, with new research in the last twenty years, this definition has changed. Now autism is referred to as a broad spectrum developmental disability. This spectrum includes genetic malformities such as fragile X, attention deficit hyperactivity disorder, Aspergers syndrome, Rhett's syndrome, and others. With very few exceptions, there is no specific cause and no medical treatment other than expensive therapy. These children would go unserved under the new proposals. These are also children, who if not identified as having these disorders, become the "problem" children of the school system and, later in life, probably will be the alcoholic, drug addicted, repeat offender adults in society. Identifying these children as early as possible, getting them into treatment immediately, and tracking them while maintaining the continuity of service saves society huge costs in money, services and lost potential.

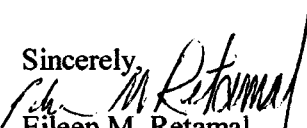
This leads me to my next point. The people who identify and service these children must be familiar with children with special needs. It is horrifying that I could be a service coordinator. I exceed the educational requirements and the management and supervision requirements. Nevertheless, my 7 years as a retail manager and my MBA did not prepare me to identify or effectively deal with my son's disability. The owner of the daycare center where my son attends is a licensed teacher and mother of a developmentally delayed son as well as six other children. Until the diagnosis of my son, she labeled him as **stubborn, not autistic**. However, she would qualify as a service coordinator.

Standards for these positions must be much higher to get maximum efficiency. Also there must be a regulated limit to the caseload that each professional handles.

My third point is timeliness. The phrase "as soon as possible" is much too vague. Within the ages we are discussing, namely birth to three years, development is rapid. The sooner the course of development can be corrected the less remedial work will need to be done. There must be specific number of days written into the law in which these services are to be provided. These services also must be continued uninterrupted when the services are transitioned to another entity. Files must be handed to the new agency seamlessly, and retesting must be done while the child is receiving the same service originally provided.

My last point is the initial screening and identifying process. This process has to be aggressive in finding these children and in identifying them. It also should be specifically cited in the regulations as to how this is done, who is to perform it and who will pay for it. I am extremely grateful to Lifesteps of Butler County for coming into my son's daycare center. These professionals identified him as having language difficulties and recommended further evaluation. This caused me to go to my county to get him evaluated. The language problems turned out to be the symptom of echolalia. This led him to the services needed. However, because I dealt with two different counties I know that the process is far from uniform. Going into Daycare centers and YMCAs very good approaches for reaching a vast number of children. In addition, public announcements in pediatrician offices and local papers would be effective.

I thank you for your efforts on behalf of the children of Pennsylvania. It is my hope that you will seriously consider the recommendations brought forth and expand the scope of these regulations and specify their execution.

Sincerely,

Eileen M. Retamal

cc. Tom Ridge
Eugene Hickok
Mel Knolton



**Berks County
Mental Health
Association**

A United Way Member Agency

Original: 2144

RECEIVED

2000 OCT 26 AM 8:17

INDEPENDENT REGULATORY
REVIEW COMMISSION



October 23, 2000

**John R. McGinley, Jr., Chairman
Independent Regulatory Review Commission
Harristown 2 - 14th floor
Market Street
Harrisburg, PA 17120**

Dear Mr. McGinley:

As an advocate for children with disabilities I was pleased that the House Education Committee has reflected most of the concerns expressed by parents and advocates.

I hope that you will give them serious consideration during your deliberations of the proposed changes to Chapter 14 and to the 342 Standards.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Karen Hager".

**Karen Hager
Children and Youth Advocate**

Original: 2144

TESTIMONY ON CHAPTER 14 AND CHAPTER 342 - SPECIAL EDUCATION
SERVICES AND PROGRAMS

Good Afternoon:

Thankyou for the opportunity to speak with you today on the proposed changes to Chapter 14 and the elimination of Chapter 342 .

I am the Coordinator of Special Education Projects for the Mental Health Association of Southeastern Pennsylvania (MHASP) . In that role I serve as an advocate for families of children with disabilities , provide training for parents and staff of agencies which work with families with children with disabilities and serve on local , state and national organizations which serve children with disabilities .

Today I speak on the same issues which I have testified , to the state Board of Education throughout the development of these regulations . The issues are :lack of class size limitations , lack of age range limitations and the removal of the requirement for behavioral programing for children whose behavior impedes their learning , or that of others . If these issues are not reversed , special education programs will only serve to exclude children with disabilities from “regular “ education ,not educate them .

FORMAT

We have expressed our opinion , at previous meetings ,on the confusing format of the proposed chapter 14 . During the summer a “ side by side “ document has been generated . On one side are the referenced federal regulations , the other the proposed Chapter 14 . All in small print . This format is not an improvement . The referenced federal regulations on the left do not match the chapter 14 regulations on the right . For example on page 22 of the” side by side “ , on the left is 300.346 Development , review ,

and revision of IEP . ,on the right of the same page 14.133 Behavior support . there is no correlation . Remember , parents ar part of the evaluation team and the IEP team . They need access to the same information that the rest of the team is using. There must be , an understandable format , The regulations should be user friendly . The federal regulations can be incorporated into the state regulations and be easily used An excellent example of this technique was submitted to the state board by Ellen Mancuso in 1998 .

CLASS AND AGE RANGE REQUIREMENTS

Students are evaluated and found :eligible “ for special education because their educational needs cannot be met in a “ regular “ class . This is especially true for children with more complex disabilities . Many of these children need a very low staff / student ratio in order to benefit from a special education program . With class size and age range requirements removed , the learning environment of children with disabilities will be worse than a regular class . In a class with more children with disabilities **and** a variety of ages , it is unlikely that each child’s program will be based on their “unique “ needs, as required by federal law .

As each school district develops a class size structure (510 school districts in Penna.) inequities are sure to occur . The wealthier school disRICTS will have smaller classes, while the less affluent will have to establish larger classes This is neither fair or equitable.

It is the responsibility of the state Board of Education to insure that such inequities do not occur . The board must establish consistent state wide class size requirements .

Why fix something that does not need fixing? Chapter 14 (14.5 – Experimental Programs) allows school to request waivers of the class size requirement. No district is locked into the chapter 14 numbers. Additionally, the current Penna. Director of Special Education reported that data collected by the Dept. finds that special education classes are not at the maximum class size, with the possible exception of some learning support classes. Chapter 16, regulations for the Mentally Gifted classes do have class size restrictions. Surely the classes of children with disabilities have greater need for a limited class size.

There is no problem. Why create an unfair inequitable situation for students with

Disabilities?

BEHAVIOR PLANS

There is a reason for the requirement, in current Chapter 14, that children whose behavior impedes their learning or that of others, have a behavior program. Prior to the writing of current Chapter 14, school districts suspended children with behavior problems. They were excluded from school. Sometimes for as long as a month, sometimes a cumulative amount of 6 months of a school year. The suspensions served no purpose. Students with disabilities gained nothing from the suspensions. Requiring behavioral programs was a great step forward.

The Pennsylvania Department of Education (PDE) has invested a great deal of time and expertise in the development and dissemination of information and skills on behavioral programming. The process of conducting a Functional Behavioral Assessment and the development of a behavioral program based on that assessment are understood

and used throughout the state .We have seen remarkable results as behavioral programs replace suspensions.Childrens lives are changed when they learn appropriate ways of dealing with anger, sadness joy etc. Pennsylvania should not rescind its commitment to providing programs that work for kids .

IEP TIMELINE

Chapter 14 currently requires that the IEP be implemented within 10 days of its completion The proposed regulations have no such requirement Again , there is a reason for that regulation.Before current Chapter 14 , children were waiting for as long 9 months before their special education program started. One cannot say that the same situation will not occur. Already school districts are requesting waivers from Chapter 342 requirements under the Educational Empowerment Act . Educators must have some time perimeters in which to implement a child's IEP .

SECTION 14.64a

We learned only a few days ago of this addition to the proposed regulations . This section was not in the document printed in the Pennsylvania Bulletin on Sept.5 /00 .Section 14.64a requires that a parent be represented only by a lawyer at a due process hearing .This requirement epitomizes the general thrust of these proposed regulations.Inequities .The wealthier parents will be able to afford an attorney's fees . The majority of parents,from lower income families, will be unable to provide the high retainer fees of lawyers . Parents will not be able to use the due process system as it was intended , to ensure a free appopriate education for their child with a disability.

Furthermore , I believe that the PARC Decree says that parents may have anyone they wish represent them at a hearing , including a lawyer .

It is our hope that in the interest of fairness, equity and Pennsylvania's historic
commitment to the education of children with disabilities, the Board acts on our
recommendations

Thankyou

Janet Lonsdale

RECEIVED

2000 OCT 13 AM 9:24

ATTORNEY
GENERAL
REVIEW COMMISSION



Pocono Child Alliance, Inc.
1043 Fish Hill Rd.
Tannersville, PA 18372

Original: 2122

Dr. Peter Garland, Executive Director
Pennsylvania State Board of Education
333 Market St.
Harrisburg, PA 17126-0333

Independent Regulatory Review Commission
14th Fl.
333 Market St.
Harrisburg, PA 17101

Governor Tom Ridge
225 main Capital Bldg.
Harrisburg, PA 17120-2020

Secretary Eugene Hickok
PA Dept. of Education
333 Market St.
Harrisburg, PA 17126

RECEIVED
2000 OCT 10 PM 2:17
INDEPENDENT REGULATORY
REVIEW COMMISSION

Petition against proposal to change many of the regulations that protect our children with disabilities and our families:

We are opposed to the changes to State Special Education and early intervention Pre-school regulations that were officially published. The new changes references to Federal rules and regulations, which restricts parents from understanding the regulations and interpreting their meaning to their understanding. We request a more user friendly format, which we can utilize and interpret ourselves.

We would like the current law reinforced, which requires School districts to provide agreed upon services within a specified time frame, which is 10 school days. Currently schools are noncompliant with this rule and if given additional discretion by local school districts under the proposed changes, further delay of medical and educational services would be withheld for an undisclosed amount of time and the child or adolescent suffers.

We are opposed to the student - teacher ratios proposed in the changes to Chapter 14 that ensures standardization of special needs classrooms that require smaller numbers of students due to their educational, medical and psychological needs. School Districts should not be given the option of increasing the numbers of students to a special classroom, which could jeopardized safety, health and education of disabled students.

We are opposed to the proposal, which will eliminate Behavior support plans to be a part of the child or adolescent's IEP, especially when these behaviors interferes with the child's learning and that of others.

We are greatly concerned about the increase in services being dropped in transitioning a child from Early intervention Programs to Primary School years. As a result their functional limitations are increasing in learning, mobility, self care and behavior, among children ages 5 to 17, especially the minorities and disadvantaged, according to the National Health Interview Survey on Disabilities, 1994.

As parents of disabled children we want our voices heard and request revisions of the proposed Chapter 14 rules and regulations, which obliterate the current standards of quality care and education our children and adolescents deserve today in reaching their full potential tomorrow.

Pocono Child Alliance, Inc.
 1043 Fish Hill Rd.
 Tannersville, PA 18372

September 23rd, 2000

Petition against Pennsylvania State Board of Educations Proposed changes to Chapter 14 Rules and Regulations protecting our Children with Special Needs:

<u>Print Name / Signature:</u>	<u>Address</u>	<u>Child's Disability:</u>
1. Kelly-Jo Smith Kelly Jo Smith	645 Wm. St. Pen Argyl, PA 18072	
2. MARY S. Nicholson	163 Grand St. EAST STROUDSBURG PA 18072	Spastic Quadriplegia
3. Sharon Mars Sharon Mars	RD#5 Box 5086 Stbg. PA 18360	NF type 1, ADD, PDD traits
4. Louise Prioleau	T. Fletcher 162 Saw Creek Estates Bushkill Pa 18321	ADD
5. Margaret Foti Margaret C. Foti	423 n. 8th St Stbg. PA	autism
6. Susan L. Buzzano Susan L. Buzzano	318 Nisi Rd E. Stbg, PA 18301	Aspergers Syndrome w/ADHD
7. Tina Unger	RD6 Box 6379B Stroudsburg PA 18360	
8. Cecile Mark Cecile Mark	RR1 Br 27 Tannersville PA 18372	community activist
9. Karen Logan	43 Brush Dr. E. Stbg. PA 18301	
10. Trudi BuraK	310 Winona Lakes E. Stroudsburg PA 18501	Fragile X Syndrome
11. Yvonne Ninnemann	P 47 Penn Estates E. Stroudsburg PA	Seizure disorder Neurodegenerative disease
12.		
13. Carol Hadam	313 Manchester Ci, Tobylona, Pa.	ADHD
14. Norman Fabinoitz	RD1 Box 6 Hearsville, PA 18332	ADHD
15. Sharon Blaufarb	4612 Greenfield Rd Bethlehem PA 18017	ADHD/MR

Pocono Child Alliance, Inc.
 1043 Fish Hill Rd.
 Tannersville, PA 18372

- | | | |
|----------------------|---|-------------------------|
| 16. Carol Dassar | 200 Haven Lake
East Stroudsburg PA
18301 | Learning
Disabled. |
| 17. Debbie Durluf | 15-16 Richmond Rd
Eastery, Pa 18040 | |
| 18. Susan M. Wright | 516 Calabria Drive
Blandon Pa 19510 | |
| 19. CARMEN Martinez | 7 Candlewood Rd. PA
Mt Pocono
" " | |
| 20. Lillian MASS | " " " | |
| 21. MARK FABIANO | " " " | |
| 22. Julie Balog | 44 Sierra Trails Dr.
E-burg | |
| 23. Diane Conteno | RR1 PML 220
Bushkill PA 18324 | |
| 24. Elaine Parker | 308 Pine Ave
Stroudsburg PA 18360 | Autism |
| 25. Mike & Judy Ford | RR 3 Box 3232 East stroudsburg PA 18301 | |
| 26. Amanda Browne | 55 Sycamore Drive, East Stroudsburg PA 18301 | |
| 27. Deirda Vincitore | 53 Mountain View Dr
Frimmersville, PA 18372 | - Autism
AD/HD + LDs |
| 28. Carolyn Jones | 5340 N. Easton Belmont Pike
Stroudsburg, PA
18360 | |
| 29. | | |
| 30. | | |
| 31. | | |
| 32. | | |

Original: 2144

Charles DiMemmo
1513 Logan Ave
Tyrone, PA 16686

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

October 7, 2000

Dear Independent Regulatory Review Commission

I am writing this letter to ask for you help in keep the state regulations the same. I am a parent of a disabled child and I have learned a lot in the past few years and I know what is available. I am hopeful that you do not change it because it has really helped my daughter.

I know in my heart that if these laws are changed that many children will be hurt. Please do the right thing and help us in the fight for their rights. Please do not take my child's rights away.

Sincerely



Charles F. DiMemmo

RECEIVED
2000 OCT 10 PM 2:13
INDEPENDENT REGULATORY
REVIEW COMMISSION

Original: 2144

Mrs. & Mrs. Daniel Thole
5 Rebel Hill Road
Mountain Top, PA 18707
Phone: (570) 678-5956
October 6, 2000

RECEIVED

2000 OCT 12 AM 10:11

REGULATORY
REVIEW COMMISSION

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

Dear Mr. McGinley :

We are writing to request your help. Please share this with the members of the IRRC. Enclosed are copies of all our letters to the PA State Board of Education regarding the proposed draft changes to the State's Special Education Standards and Regulations (Chapters 14 & 342).

We do not know how much you really understand, from a parent's perspective, how parents feel about what is happening regarding these standards & regulations. Quite honestly, no one in Harrisburg seems to be listening: It is being said that parents aren't coming forward. Well, some of us are! How many does it take? As you can see, we personally have written at least three times to the state board. There are **many** parents who are either too overwhelmed dealing with their personal lives, who are not informed enough about what is happening, or those parents that say (with defeat and hopelessness in their voices), "No one really cares about our children, it doesn't matter what we do anyway." This seems to be our "last gasp" in trying to STOP the changes as they now stand! We hope that you care enough about our children to do what is right.

Even though we keep giving so much input to the state about our concern, it seems that no one is listening to us -but they are listening to school districts who have the time and the personnel to make sure their voices are heard loud and clear! However, district's concerns are for funding and accountability issues - not the children. While money may be important, we don't believe it's more important than the responsibility of providing a quality "Free Appropriate Public Education" to students with disabilities! Our question is always the same, "What would you want for your loved one if they were disabled and in public school?"

On behalf of ourselves, and other parents who may not be speaking up (for whatever the reason), please help us! PLEASE!! Changes are necessary to the state special education standards and regulations, but what is being pushed through is WRONG and will not help nor benefit the students receiving special education; it will only make things easier and save a little money - and that's the truth.

If we cannot now count on the IRRC and our legislators, where do we turn? It will indeed be devastating to our children to allow these changes go through as they now stand. Hopefully you care enough to help by rejecting what is currently proposed, and allow enough time for truly appropriate and meaningful changes to be made. Thank you very much for taking time from your busy schedule to help ALL the children who need your assistance.

Sincerely yours,

Mrs. & Mrs. Daniel Thole

Enclosures

Mr. & Mrs. Daniel Thole
5 Rebel Hill Road
Mountain Top, PA 18707
Phone: (717) 678-5956
May, 2000

Dr. Peter Garland,
Executive Director
State Board of Education
333 Market Street
Harrisburg, PA 17126-0333

Dear Dr. Garland:

Once again we are writing in regard to the proposed changes in Chapter 14 & 342 for the State of Pennsylvania. Ten copies of this letter are enclosed as required to share. We are the parents of a 16 year old son with a diagnosis of a neurological impairment. He has received special education services since he entered school at age five.

We continue to urge the State Board to re-think many of the changes that are still being proposed in the state special education standards and regulations! At the present time, one of the most upsetting changes proposed is the fact that the Standards (Chap. 342), for all intents and purposes, probably is going to be eliminated. **WHY?** This really should not happen. **Please DO NOT eliminate** the state Standards! For years (at least the past ten years that we have been working with the system), the Standards have been in place and, we might add, have been extremely useful (helpful, informative, etc.). This applies not only to us, but to all the other individuals such as other parent, teachers, administrators, and other concerned professionals.

It would be, without a doubt, much easier to up-date the Standards (as is being done with the Regulations), than to eliminate them entirely and keep having to refer to the Federal IDEA. It has been Pennsylvania's policy to be a leader in effective practices in this regard. Why change it now? It certainly will not be beneficial to students. There are at least three things that happen if the Standards are eliminated:

#1. Eliminating the Standards and having to refer to IDEA for clarification will eliminate much of the necessary requirements with clear explanations, that students are, should and may be receiving!. Reason - most people (especially parents), will not be aware of what is required if the standards are eliminated.. At the same time, it will be **much more difficult** to find and/or understand the information at the Federal level. So, parents and others concerned will not be aware of what children are entitled to receive.

#2. Another real concern: Many individuals will be much more likely to become adversarial (due-process, court, so forth), to resolve issues that they do not understand or cannot easily interpret. Why make things more difficult, more controversial and adversarial. It will not benefit the students, nor anyone concerned in their effort to provide an appropriate education to students. Why put anyone in this position!?

#3. Learning what is required by law from the PA Standards is always going to be easier and more beneficial to everyone concerned. The Federal IDEA is a wonderful document, but large, cumbersome and very difficult for most people to access, refer to, and/or understand. Students and others will not benefit. Eliminating the Standards will cause much harm and not help anyone that truly

requires services.

Of great concern too, is the proposal of only "recommending" a class size and caseload. The student and the teachers will not benefit from doing this! Larger classes and higher caseloads will surely cause students to receive less quality programing and services; it is very difficult to teach under these circumstances. In these days of budget constraints, you must realize that most districts will be grateful to save money where ever they can. If you only "recommend", rather than require, many districts will increase class size and caseload as a way to save money. Being able to Increase class size & caseloads might be a money saver in the short run; in the long run it will be very costly in regard to the appropriate education of students. This is also another good example of why NOT to eliminate the Standards which contain specific, clarifying language.

Again we would urge you to keep the current Regulations **and Standards**, then up-date them by making any necessary additions. What would you want in place for a child you cared about?

Thank you for your help.

Sincerely,

bbc

Mr. & Mrs. Daniel Thole
5 Rebel Hill Road
Mountain Top, PA 18707
Phone: (717) 678-5956
February 3, 2000

Dr. Peter Garland,
Executive Director
State Board of Education
333 Market Street
Harrisburg, PA 17126-0333

Dear Dr. Garland:

Our 16 year old son has a diagnosis of a neurological impairment and has received special education services since he entered school at age five. Once again we are writing in regard to the proposed changes in Chapter 14 & 342 for the State of Pennsylvania. We are respectfully requesting the enclosed ten copies of our letter be distributed and ask that they be considered with as much weight as all other testimony. We would have preferred to come to a public hearing, however it was not possible.

We hope you realize how difficult it is for most parents of special needs children to attend the public hearings and to present their testimony. It hard for them to find the time, and difficult to put their thoughts in writing regarding these proposed changes. Many individuals just do not have knowledge of what is happening. Parents care a great deal about the quality of education for their children with disabilities, but having to continue to compete with timeframes, and not being professionals in these matters, makes it very difficult for them.

It has been Pennsylvania's policy to be a leader in effective practices. Why then, is it being proposed to get rid of the Standards (Chapter 342)? This really should not happen. **Please DO NOT eliminate** the state Standards! For the past eleven years that we have been working within the system, the Standards have been extremely useful, helpful, informative, etc. This is true, not only to us, but for most people involved - parent, teachers, and other concerned professionals.

It would be a little more work, but extremely more beneficial (especially for students and parents), to up-date the Standards rather than to eliminate them entirely. Why do away with something that is so useful? Below are only a few of our concerns:

The Standards are extremely helpful with clearly defined, and easily understood explanations and requirements. If they are eliminated, people needing help the most will have an extreme amount of trouble learning what is required. It will be **very difficult** for the average individual to find, and/or understand, the information in the I.D.E.A. It should not be more difficult to become informed of your rights and requirements.

If the Standards are eliminated it is very likely that many individuals will become adversarial (causing more costly due-process, court battles, so forth), in order to resolve issues that they do not understand. Why make things more difficult, more controversial, more adversarial? Doing so will not benefit anyone. Why put anyone in this position?

As parents, we continue to urge the State Board to re-think many of the changes still being proposed in the Regulations! One area of apprehension is the proposal of only "recommending" class sizes and caseloads. This would be a great dis-service to students and the teachers! Larger classes and higher caseloads will surely cause students to receive lesser quality programing and services; it is very difficult to teach or learn under those circumstances. In these days of budget constraints you must realize that most districts are trying to save money. If you make it only a "recommendation", rather than "requirement", you know a great many districts will increase their class sizes and caseloads! Allowing this to happen might be a money saver in the beginning, but in the long run it will be very costly in many ways, especially in the appropriate education of students.

There are so many changes still recommended in the proposed Regulations regarding Early Intervention, School Age, Transition to Adult Life, (and other areas), that we do not find beneficial; however, we did not have the time to respond issue by issue. Surely it would be better if the Standards and Regulations were up-dated, rather than to make the drastic changes and eliminations currently recommended. What would you want in place for a child you cared about?

Thank you very much for your consideration and for your help in continuing to make Pennsylvania a leader in education.

Sincerely,

Mr. & Mrs. Daniel Thole

bbc

Mrs. Nancy Thole
5 Rebel Hill Road
Mountain Top, PA 18707
Phone: (717) 678-5956
October 6, 1999

Dr. Peter Garland,
Executive Director
State Board of Education
333 Market Street
Harrisburg, PA 17126-0333

Dear Dr. Garland:

I am the parent of a 16 year old son, who has a neurological impairment and has received special education services since he entered school at age five. I volunteer to assist students, parents and others with whatever help they might need in the special education system. This letter is in response to the proposed draft changes for Pennsylvania's special education regulations and standards. Ten copies of this letter are enclosed as requested.

I urge the State Board to re-think the proposed changes in our state special education laws! The majority of parents and teachers do not have a good understanding of the federal I.D.E.A. law; but they have done their best to become familiar with PA's Standards and Regulation. The current state law is most appropriate for children in Pennsylvania. We have been using these laws for many years and they have done a fine job. It is very disheartening and confusing to me as to why the state is proposing such drastic change?

If we make these proposed changes it would be offering much less to our children; less appropriateness, less specifics, less understanding, less all the way around; and it would make special education in Pennsylvania a lot more confrontational. Why would the state want such a thing to happen? It surely wouldn't be in anyone's best interest. Do we want to become known as a state that doesn't care and is willing to accept less for our children? That would be a travesty! Pennsylvania should be proud of their Special Education System and be thought of as a state that cares enough to educate ALL their children in the most appropriate way? **The standards and regulations should remain the same, with additions from Federal Law included as necessary.** That would be the most appropriate thing to do! That would be the right thing to do!

There are an immense amount of proposed changes, and not enough time for me to comment on everything. The following areas seem to be the most important:

1. If the Standards are eliminated, most of the specifics that make the state law so helpful and understandable will be gone! You can't realistically expect the average parent or district employee to be able to decipher and understand the Federal I.D.E.A. law. The state standards help greatly in clarifying and qualifying the law. The average person will not be able to understand all the proposed "referrals" to Federal law as recommended.

Removing the standards would very likely cause an increase of money spent, by local districts and the state, on the many different areas of conflict that would arise. Keep the state's Standards, we need them!

2. (a) To change the quality requirements we now have regarding evaluations and re-evaluations would be a big step backward! Students and parents need to know they have the time and means of working with their school to obtain and prepare the most appropriate evaluations available. That is what the current state law allows by requiring *both* a draft copy and a final Comprehensive Evaluation Report *before* the IEP meeting. I don't think anyone wants an IEP meeting to last for hours and hours, yet that will most likely happen if you eliminate these steps. More time and money will be required to resolve problems.

(b) It appears another important step will be eliminated - the school district's responsibility to inform a parent that the parent's request for an evaluation needs to be in writing. Most parents assume that asking orally for an evaluation is all that's needed. Not so; if it's not requested in writing many times the evaluation is simply not done. This shouldn't be allowed to happen.

Making these above changes in evaluations would cause much more confrontation, confusion, and lead to more time and money spent by school districts in resolving conflicts. What we have in place now is working very well, and should be retained.

3. To accept the proposed changes with the Behavior and Discipline portion of the current law would be disastrous!

(a) You need to keep the wording in the state law for "Positive Behavior Management" plans. Taking this wording out will allow any (or all) forms of in-appropriate actions toward students. Requiring a positive behavior plan is the most appropriate thing to do. Also, to allow the possibility of using restraints is inconceivable; would you want that done to someone you cared about? These suggested changes seem a violation of every decent practice.

(b) Students need to be kept in an appropriate educational setting without constantly being suspending over and over, and not allowing them recourse. The current law allows due process if this happens; therefore, everyone usually works harder at helping the student to succeed, rather than simply giving up and suspending again. Don't we want to help them? Don't we want to educate our students to the best of their ability? Please do not condone multiple 10 day periods of suspension without due process.

4. (a) If you eliminating the current "required" class size and make it only a "recommendation", and at the same time increase the teacher's case load, it will cause many, many students to receive inferior programing and services. Teachers for the most part are over-burdened now, and approving this change will make it much worse. In these days of budget constraints, you must realize that most districts will be grateful to save money where ever they can. Increasing class size & caseloads might be a money saver in the short run; in the long run it will be very costly, not only in money but also in the best interest of students and teachers. How can school districts, teachers or students expect appropriate education with larger classes? The class size and case load should not be changed from what we have now.

(b) If the allowable student age limit in classes is eliminated, or increased, you know what will happen - up go class sizes! Permitting a large age difference in groupings is not appropriate, or helpful. How can 5 to 21 year old students be expected to receive appropriate attention or services when there is no limit on the ages in a class? Please let the current age limits stand.

5. If you take away the current requirements regarding facilities, space, location, etc., you are leaving the door wide open to inferior quality. Schools are crowded now, space is limited, and if you allow this, quality and fairness is going to suffer. Parents might have to resort to Civil Rights complaints and procedures; again a costly, time consuming process for the schools and state. Please keep the current wording in the regulations & standards relating to this.

6. (a) Pre-hearing conferences are a very helpful thing. They offer a great opportunity, allowing individuals to resolve problems before they get out of hand. Why should the school district spend time and money on due process if it's not necessary?. Please keep the pre-hearing conference in the state law, it works.

(b) Being able to appeal a due process hearing at the state level can be beneficial to both parent and the school district. Why make parents or school districts go to Federal Court to appeal? It can save much in the way of time and cost for districts. The state appeal process should be kept as it is.

7. Many changes to the Early Intervention portion are planned. The proposed changes say over and over again, "Protections under IDEA-B (i.e. provision of FAPE, procedural safeguards, etc.) apply equally to preschool and school age children". By making this simplistic statement, the state is doing away with many clearly described protections. Do not do this. It is a proven fact that when young children receive appropriate services early on, they will do better in the long run. Why take this away from them by making these proposed changes?

8. Again I would *urge* you to **keep the current Regulations and Standards, then up-date them by making any necessary additions**. My second choice would be for you to thoughtfully assess and adopt all of the above recommendations.

For my closing remarks I'd like to say - consider this: Anytime, anywhere, a child you love or care about could become a child with a disability! Would you approve of, or accept, the proposed changes in the state special education law if you had such a child? What would you *really* want for a child you cared about?

Thank you very much for your time and consideration in this matter.

Sincerely,

bbc



RECEIVED

2000 OCT 10 PM 2:17

REVIEW COMMISSION

Commonwealth of Pennsylvania
STATE BOARD OF EDUCATION

October 5, 2000

Original: 2144

Ms. Susan Sholtis
5831 Wallace Avenue
Bethel Park, PA 15102

Dear Ms. Sholtis:

Thank you for your letter dated September 18, 2000 on proposed revisions to regulations Chapter 14 (special education services and programs).

Your letter is considered as official public comment and is being shared with all members of the Board. Pursuant to the provisions of the Regulatory Review Act, copies of your comments are also being provided to the Independent Regulatory Review Commission (IRRC) and the chairmen of the House and Senate Education Committees.

Be assured that your comments will be considered carefully in the development of the final-form of these regulations.

Recent amendments to Regulatory Review Act include a provision that the final-form of regulations be mailed to public commentators at their request. While no longer required to do so, the Board will continue its practice of sending the final-form of the regulations to all public commentators. Therefore, it will not be necessary for you to make a specific request for it.

Sincerely yours,

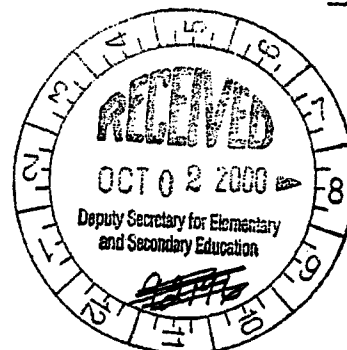
Peter H. Garland
Executive Director

cc: Members of the State Board
Senator Rhoades
Senator Schwartz
Representative Stairs
Representative Colafella
IRRC

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OCT 5 2000

PA. STATE BOARD OF EDUCATION



5831 Wallace Avenue
Bethel Park, PA 15102
September 18, 2000

Governor Tom Ridge
225 Main Capitol Building
Harrisburg, PA 17120-2020

RE. Proposed Changes to State Special Education Regulations

Dear Governor Ridge:

Special Education regulations are not widely understood by parents, who are generally the individuals who must advocate for their children's rights within school districts. My experience is that most parents learn of their rights through a series of trial-and-error attempts to get their child's special needs met. Schools are not generally helpful to parents, and many children "fall through the cracks."

When parents do know their rights, dealing with school districts often becomes a source of sheer frustration as schools insist on relatively generic IEPs and watered-down versions of what kids actually need to succeed, and parents are presented with take-it-or-leave-it accommodations. Holding school districts accountable to follow an IEP is a full-time job for parents and the due-process recourse is both lengthy and expensive for parents to access.

The proposed changes do nothing to help this situation. A parent with a special needs child already has a full-time job, regardless of whether he or she is also employed outside the home. Expecting that parents will look up and understand the federal regulations referred in the proposed regulations is ridiculous. This is one further step to keep parents in the dark and districts a step ahead in their efforts to minimize special ed services.

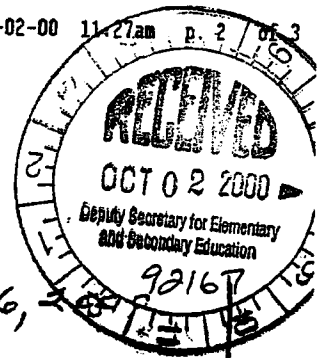
Using terminology like "as soon as possible" gives districts every time advantage and parents and children none. As it is, enforcing a given time limit requires parents to know that it exists and letting the district know that they expect it to be honored. Using nebulous terminology puts more discretion in the district's hands.

Holding schools accountable for providing a free and appropriate public education is already a formidable task, particularly for parents already without adequate resources (knowledge, education, finances, time, etc.). Regulations must improve in clarity and enforcement to benefit children, not school districts.

Sincerely,

Susan A. Shottis

Susan A. Shottis



Sept. 26, 2000

Dear Governor Tom Ridge

I am a grandparent of our five year old grandson, Kyle, who is autistic.

The reason I am writing is because of his education, where he is attending in the Montgomery County I/O class in Trappa. His dedicated team of teachers are very good and with the small class size, they can give individualized attention which these children really need. I hope you will not revise Chapter 14 to make the class size bigger.

Another area of concern is elimination of the regulation which ensures IEP changes are implemented within ten days of being agreed upon by all involved. Under the new proposal, the deadline is, "as soon as possible," which could be much longer than 10 days and this would greatly affect the autistic children's development and education.

I urge you to keep Chapter 14 intact as it is, working and protecting the education of children when they need it most.

*Thank you for your consideration
in this very important matter,*

Sincerely,

Herraine F. Shoemaker

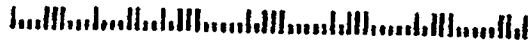
*250 Fairview Ave.
Louderton, Pa. 18964*

*Herraine F. Shoemaker
250 Fairview Ave.
Louderton, Pa. 18964*



*Governor Tom Ridge
225 Main Capitol Building
Harrisburg, Pa. 17120-2020*

17120X2020 28



Original: 2144

Benkovic, Susan

To: Livingston Robert
Subject: RE: URGENT: Comments to the State Board of Education on the proposed changes to Chp 14 and elimination of Chp 342

Thank you for your e-mail regarding proposed revisions to regulations on special education programs and services. Your letter is being shared with Board members and key Department staff and will be considered carefully by the Board as it develops the final form of these regulations. We appreciate your commitment to this important matter. Sincerely yours, Peter H. Garland, Executive Director

-----Original Message-----

From: Livingston Robert [mailto:Robert.Livingston@astrazeneca.com]
Sent: Monday, October 02, 2000 10:39 AM
To: '00statbd@psupen.psu.edu'
Cc: 'livingstonj@safeplace.net'
Subject: URGENT: Comments to the State Board of Education on the proposed changes to Chp 14 and elimination of Chp 342
Importance: High

RECEIVED
2000 OCT -5 AM 11:41
STATE BOARD OF EDUCATION

To the State Board of Education:

As a pediatrician and as a parent of a child with special needs, I am joining many other parents from the Commonwealth to strongly object to the new language at Section 14.162(i) that has been added since the draft was voted on by the Board. This section would prohibit parent advocates from representing parents at due process hearings.

There is nothing in federal law that requires this result, and the current regulation, 14.64(h), which permits parents to be represented by "any person" of their choosing, is taken directly from the PARC Consent Decree and is therefore required [see, Amended Stipulation, dated 2/14/1972, paragraph 3(f)]. Even if it were not, however, limiting parents to using only attorneys at hearing makes little sense and serves to exclude more families from the process. Many attorneys who handle special education cases require as much as a \$2,500 retainer, then charge \$150-\$250 per hour. Most families simply cannot afford this luxury. To include such a requirement may mean that only wealthy families can use the due process procedures. This would be an obviously unjust result.

It is also important to note that parents of gifted students, under proposed Chapter 16, will continue to have the right to be represented by any person of their choosing [see proposed Section 16.63(h)]. It should also be noted that non-lawyers can represent individuals at other administrative hearings in this state, such as unemployment compensation or workmen's compensation hearings.

I am completely confused by this contradiction in representation between gifted students and special education students. My daughter is both gifted and in the special education program, and her situation points out the absurdity of the proposed change. There is no just or rational basis to

impose this prohibition on parents of children in special education,
while
maintaining it for gifted children.

In addition to Section 14.162(i) above, there are several other issues I
would like to raise about the proposed changes to Chapter 14:

Another issue concerns the form and format of the proposed Chapter 14.
All

Pennsylvanians believe that state regulations should be set out in a
clear
and concise manner. Chapter 14 should clearly state what is expected
from
all involved - school personnel, administrators and parents - and should
be
accessible to the average citizen.

The decision to incorporate by reference portions of the federal IDEA
regulations creates state regulations that are extremely difficult to
follow. This has the effect of excluding the typical parent (and
probably
others) from the process. As noted in section 14.102(a)(2), some
subparagraphs of the federal regulations are incorporated, while others
are
not. To fully follow Chapter 14, the reader will have to look up each
individual subparagraph within a 100-page legal document. The
"side-by-side" version issued by the Department does not alleviate this
concern. That document is also extremely long, and its format is not
one
parents can easily navigate.

Another problem with this format is that the proposed regulations don't
refer to requirements in a consistent way. For example, Section 14.123
Evaluation sets out a timeline for the completion of that stage in the
process. However, Section 14.131 IEPs makes no reference to a timeline.
How will a parent know to look for a timeline somewhere in the federal
regulations? And where?

Moreover, even if this format is chosen, clarification is still
necessary.
For example, Section 14.131, the all important IEP section, begins as
follows:

(a) Notwithstanding the requirements incorporated by reference....

However, it does not identify which requirements are incorporated. The
reader is forced back to the long list of provisions in 14.102 without
any
idea which subparagraphs in that list apply to IEPs. If the Board
decides
to proceed with this format, it should at least begin each section of
Chapter 14 with a regulation setting out which IDEA provisions apply.

I agree with the multitude of Pennsylvania parents who believe a
different
approach should be used. We believe that the regulations should spell
out
clearly what the special education process is in Pennsylvania. We
believe
it is possible to do this without simply parroting the federal
regulations
and without creating rights that do not exist in federal law. Those
regulations were written more for lawyers than for parents. We urge you
to
adopt a format that will be user-friendly to parents, teachers,
administrators and others. The current format will only lead to
confusion

and misunderstandings, and that will lead to mistrust (and probably more due process hearings). The Board thought it wise to be direct and specific with regard to Chapter 16, Services for Students Who Are Gifted. As a parent of a child who is both gifted and with special needs, I can see no valid reason to take a different approach with students who have disabilities.

The next area of concern is the elimination of class size protections for children. It is important to note that the proposed regulations completely eliminate any reference to class sizes and do not even require that school district set their own class sizes, only that they establish maximum limits to a teacher's caseload.

The limit on a teacher's caseload is only equal to the class size in the case of full time classes. This creates the potential for many problems. For example, the suggested caseload limit for a resource room teacher of learning disabled youngsters is 20. Without a corresponding class size limit, that teacher could have all 20 students in the same class at the same time. The current limit on the size of that class is 8. Thus, the class size can more than double from what is now permitted. The provisions of Section 14.141(5) which call for the imposition of reduced caseloads when certain criteria are met would never come into play, since under this example, the school district did not exceed the recommended caseload. (And, in any case, those criteria are only applicable to the high school setting, and not to elementary schools.)

School districts should be required to have class size protections for children with disabilities and current class size limits should be kept. School districts currently may seek a waiver from these requirements if an unusual situation exists, and that practice can be continued. This is the way the issue is handled in Chapter 16. It is absurd that the Board would limit the size of classes for gifted students, and not follow the same approach with students who need special education. (see, i.e., proposed 22 PA Code Section 16.41.) It is also important that a way of setting class sizes for inclusive programs should be explored. While we are open to discussion of ways to make the current numbers more flexible (e.g., using them as district-wide averages), the complete elimination of class size limits will inflict havoc on the system. Poorer districts especially will be under significant pressure to increase class sizes in order to save money. Please explore other ways of saving money before resorting to this drastic measure.

The time the teacher has for each individual student in his or her class is critical to the learning process. All studies that have looked at the issue of class size have concluded that the smaller the class, the more learning takes place. Both the Commonwealth and we parents are asking teachers to implement an "individualized" program plan (IEP) for our children. It is essential that the tools are in place to do so!

In Section 14.122 Screening, it should be mandatory that a component of any screening process should be contact with the student's parents. I urge you to add this to the list of mandatory screening plan components in subparagraph (c).

14.123 Evaluations and 14.124 Reevaluations. Under the proposed regulations, there is no requirement that the evaluation or reevaluation results be discussed with the parent prior to when the comprehensive report is written. Current regulations give parents an opportunity for input; we believe this should be restored. As a parent deeply enmeshed in this process, it is extraordinarily distressing to think that that the school could create a comprehensive evaluation report on my child without the input of the foremost experts on my child--my wife and I! I also urge you to include a reference to the parents' right to request an independent evaluation at public expense. Again, unless the parent knows to look for this in the federal regulations, they will be unaware of this right.

The proposed regulations also eliminate the current IEP sections concerning graduation planning requirements and the requirement that IEPs contain "exit criteria." These requirements do not impose any burden on districts and they be restored.

Currently, Section 342.41(b) sets out certain rules for selecting the placement appropriate for a student. This includes not basing decisions on such factors as administrative convenience. These rules are also contained in proposed Chapter 16, for gifted students. These are important rules that are not expressly contained in federal regulations and should be included in Chapter 14.

It is also evident that current regulation 14.39 Course Completion and diplomas, has been eliminated. This regulation should be restored. This would be a good opportunity to make clear that school districts should allow students to participate in graduation ceremonies with their peers and still continue to receive their special education program until age 21.

I believe that the Commonwealth of Pennsylvania should be a place where the rights of parents and the best interests of children should be championed, and that regulations should be structured to insure this. Please listen closely to my comments as well as those of other parents before making decisions that will adversely impact our and our childrens lives. You must make consistent decisions for children with special educational needs and children who are gifted; justice and conscience demand it.

Robert Livingston, M.D., M.P.H., F.A.A.P.
118 Shel Drake Drive
Paoli, PA
livingstonr@safeplace.net



RECEIVED

2000 OCT 10 PM 2:17

Commonwealth of Pennsylvania
STATE BOARD OF EDUCATION

REGULATORY
COMMISSION



Original: 2144

October 5, 2000

Ms. Heather D. Jones
925 Van Reed Road
Wyomissing, PA 19610

Dear Ms. Jones:

Thank you for your letter dated October 1, 2000 on proposed revisions to regulations Chapter 14 (special education services and programs).

Your letter is considered as official public comment and is being shared with all members of the Board. Pursuant to the provisions of the Regulatory Review Act, copies of your comments are also being provided to the Independent Regulatory Review Commission (IRRC) and the chairmen of the House and Senate Education Committees.

Be assured that your comments will be considered carefully in the development of the final-form of these regulations.

Recent amendments to Regulatory Review Act include a provision that the final-form of regulations be mailed to public commentators at their request. While no longer required to do so, the Board will continue its practice of sending the final-form of the regulations to all public commentators. Therefore, it will not be necessary for you to make a specific request for it.

Sincerely yours,

Peter H. Garland
Executive Director

cc: Members of the State Board
Senator Rhoades
Senator Schwartz
Representative Stairs
Representative Colafella
IRRC

October 1, 2000

Heather Jones
925 Van Reed Rd.
Wyomissing, PA
19610

PA Department of Education
333 Market Street
Harrisburg, Pa
17126-0333

RECEIVED

OCT 5 2000

PA. STATE BOARD
OF EDUCATION

Mr. Peter Garland:

My name is Heather Jones and am a Multi-Disabilities Support teacher at Northwest Middle School in the Reading School District. I was recently made aware of changes being proposed to **Chapter 14.142 Caseload for Special Education and 14.144 Facilities**.

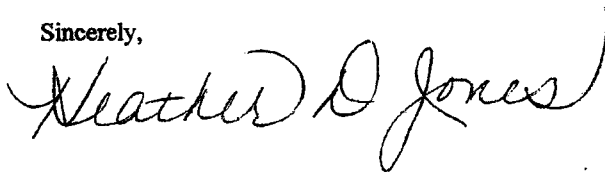
I am very concerned regarding these changes. According to the present caseload and class size chart, each maximum number of students has an asterisk including a paraprofessional whereas; the proposed chart does not. In my classroom, even with a paraprofessional it is difficult to accomplish IEP goals as well as the regular routine of a school day. Without a paraprofessional, to do my job would be virtually impossible. Also, the proposed chart is left open to different interpretations by all school districts. It is an easy out to cut corners in special education and still be within the rights of the law set by the state.

The proposed changes to **14.144 Facilities** deletes (a) **General rule**. This rule includes proper conditions, including natural and artificial lighting, ventilation, acoustical treatment, heating, adequate supplies and storage of materials to ensure a barrier-free learning environment. Deleting this rule goes against everything that I have learned in professional enrichment courses. As a teacher whose classroom is on the ground level floor due to accessibility issues, these conditions are crucial to the success of the students learning through inviting and comfortable classroom environment/atmosphere. Ventilation is extremely important with incontinent students so as not to stagnate the classroom. In the case of an autistic student, acoustical treatment is also a necessary additive to a classroom in promoting learning and success due to the nature of the disability.

These concerns may seem small in the broad span of special education. In a Multi-Disabilities Support classroom, they affect the whole classroom atmosphere, student's motivation and success, and the teacher/paraprofessional's ability to do their job.

I appreciate your time and consideration in this matter.

Sincerely,



Heather D. Jones

Original: 2144

Benkovic, Susan

To: jbarto@bellatlantic.net
Subject: RE: To Dr. Peter H. Garland Concerning Chapter 14

Thank you for your e-mail regarding proposed revisions to regulations on special education programs and services. Your letter is being shared with Board members and key Department staff and will be considered carefully by the Board as it develops the final form of these regulations. We appreciate your commitment to this important matter. Sincerely yours, Peter H. Garland, Executive Director

-----Original Message-----

From: jbarto@bellatlantic.net [mailto:jbarto@bellatlantic.net]
Sent: Sunday, October 01, 2000 1:01 PM
To: 00statbd@email.cas.psu.edu
Subject: To Dr. Peter H. Garland Concerning Chapter 14

Dr. Peter H. Garland, Executive Director
State Board of Education
333 Market Street
Harrisburg, PA 17126-03333

Dear Dr. Garland,

I am contacting you to state my opposition concerning the proposed changes to Chapter 14. I have a nephew, Kyle Shoemaker, who is a five-year-old autistic boy. I feel strongly that altering the current regulations would impede Kyle's present educational and behavioral development. I urge you to keep Chapter 14 in place without modification in the interest of all children with disabilities in the state of Pennsylvania.

Sincerely,
James K. Barto
37 Manor Lane North
Yardley, PA 19067

--

RECEIVED
2000 OCT -5 AM 11:41
REVIEW COMMISSION

Original: 2144
TESTIMONY ON CHAPTER 14 AND CHAPTER 342 - SPECIAL EDUCATION
SERVICES AND PROGRAMS

RECEIVED
2009 OCT -5 AM 11:41
REVIEW COMMISSION

Good Afternoon:

Thankyou for the opportunity to speak with you today on the proposed changes to Chapter 14 and the elimination of Chapter 342 .

I am the Coordinator of Special Education Projects for the Mental Health Association of Southeastern Pennsylvania (MHASP) . In that role I serve as an advocate for families of children with disabilities , provide training for parents and staff of agencies which work with families with children with disabilities and serve on local , state and national organizations which serve children with disabilities .

Today I speak on the same issues which I have testified , to the state Board of Education throughout the development of these regulations . The issues are :lack of class size limitations , lack of age range limitations and the removal of the requirement for behavioral programing for children whose behavior impedes their learning , or that of others . If these issues are not reversed , special education programs will only serve to exclude children with disabilities from “regular “ education ,not educate them .

FORMAT

We have expressed our opinion , at previous meetings ,on the confusing format of the proposed chapter 14 . During the summer a “ side by side “ document has been generated . On one side are the referenced federal regulations , the other the proposed Chapter 14 . All in small print . This format is not an improvement . The referenced federal regulations on the left do not match the chapter 14 regulations on the right . For example on page 22 of the” side by side “ , on the left is 300.346 Development , review ,

and revision of IEP . ,on the right of the same page 14.133 Behavior support . there is no correlation . Remember , parents ar part of the evaluation team and the IEP team . They need access to the same information that the rest of the team is using. There must be , an understandable format , The regulations should be user friendly . The federal regulations can be incorporated into the state regulations and be easily used An excellent example of this technique was submitted to the state board by Ellen Mancuso in 1998 .

CLASS AND AGE RANGE REQUIREMENTS

Students are evaluated and found :eligible “ for special education because their educational needs cannot be met in a “ regular “ class . This is especially true for children with more complex disabilities . Many of these children need a very low staff / student ratio in order to benefit from a special education program . With class size and age range requirements removed , the learning environment of children with disabilities will be worse than a regular class . In a class with more children with disabilities **and** a variety of ages , it is unlikely that each child’s program will be based on their “unique “ needs, as required by federal law .

As each school district develops a class size structure (510 school districts in Penna.) inequities are sure to occur . The wealthier school disRICTS will have smaller classes, while the less affluent will have to establish larger classes This is neither fair or equitable.

It is the responsibility of the state Board of Education to insure that such inequities do not occur . The board must establish consistent state wide class size requirements .

Why fix something that does not need fixing? Chapter 14 (14.5 – Experimental Programs) . allows school to request waivers of the class size requirement . No district is locked into the chapter 14 numbers Additionally , the current Penna . .Director of Special Education reported that data collected by the Dept. finds that special education classes are not at the maximum class size , with the possible exception of some learning support classes . Chapter 16 ,regulations for the Mentally Gifted classes do have class size restrictions .. Surely the classes of children with disabilities have greater need for a limited class size .

There is no problem . Why create an unfair inequitable situation for students with

Disabilities?

BEHAVIOR PLANS

There is a reason for the requirement , in current Chapter 14 , that children whose behavior impedes their learning or that of others,have a behavior program . Prior to the writing of current Chapter 14 ,school districts suspended children with behavior problems They were excluded from school. Sometimes for as long as a month ,sometimes a cumulative amount of 6 months of a school year .The suspensions served no purpose . students with disabilities gained nothing from the suspensions . Requiring behavioral programs was a great step forward .

The Pennsylvania Department of Education (PDE) has invested a great deal of time and expertise in the development and dissemination of information and skills on behavioral programming .The process of conducting a Functional Behavioral Assessment and the development of a behavioral program based on that assessment are understood

and used throughout the state .We have seen remarkable results as behavioral programs replace suspensions.Childrens lives are changed when they learn appropriate ways of dealing with anger, sadness joy etc. Pennsylvania should not rescind its committment to providing programs that work for kids .

IEP TIMELINE

Chapter 14 currently requires that the IEP be implemented within 10 days of its completion The proposed regulations have no such requirement Again , there is a reason for that regulation.Before current Chapter 14 , children were waiting for as long 9 months before their special education program started. One cannot say that the same situation will not occur. Already school districts are requesting waivers from Chapter 342 requirements under the Educational Empowerment Act . Educators must have some time perimeters in which to implement a child's IEP .

SECTION 14.64a

We learned only a few days ago of this addition to the proposed regulations . This section was not in the document printed in the Pennsylvania Bulletin on Sept.5 /00 .Section 14.64a requires that a parent be represented only by a lawyer at a due process hearing .This requirement epitomizes the general thrust of these proposed regulations.Inequities .The wealthier parents will be able to afford an attorney's fees . The majority of parents,from lower income families, will be unable to provide the high retainer fees of lawyers . Parents will not be able to use the due process system as it was intended , to ensure a free appopriate education for their child with a disability.

Furthermore , I believe that the PARC Decree says that parents may have anyone they wish represent them at a hearing , including a lawyer .

It is our hope that in the interest of fairness, equity and Pennsylvania's historic commitment to the education of children with disabilities, the Board acts on our recommendations

Thankyou

Janet Lonsdale



RECEIVED

2000 OCT 18 PM 2:17

REGULATORY REVIEW COMMISSION

Commonwealth of Pennsylvania
STATE BOARD OF EDUCATION

October 4, 2000

Original: 2144

Ms. Judith Gran
Public Interest Law
Center of Philadelphia
125 South Ninth Street
Suite 700
Philadelphia, PA 19107

Dear Ms. Gran:

Thank you for your letter dated October 2, 2000 on proposed revisions to regulations Chapter 14 (special education services and programs).

Your letter is considered as official public comment and is being shared with all members of the Board. Pursuant to the provisions of the Regulatory Review Act, copies of your comments are also being provided to the Independent Regulatory Review Commission (IRRC) and the chairmen of the House and Senate Education Committees.

Be assured that your comments will be considered carefully in the development of the final-form of these regulations.

Recent amendments to Regulatory Review Act include a provision that the final-form of regulations be mailed to public commentators at their request. While no longer required to do so, the Board will continue its practice of sending the final-form of the regulations to all public commentators. Therefore, it will not be necessary for you to make a specific request for it.

Sincerely yours,

A handwritten signature in cursive script, reading "Peter H. Garland".

Peter H. Garland
Executive Director

cc: Members of the State Board
Senator Rhoades
Senator Schwartz
Representative Stairs
Representative Colafella
IRRC



**PUBLIC INTEREST LAW
CENTER OF PHILADELPHIA**

125 South Ninth Street • Suite 700 • Philadelphia, PA 19107 • Phone: 215-627-7100 • Fax: 215-627-3183

Michael Churchill
Chief Counsel

Jerome Balter
Lionel A. Dyson
Thomas K. Gilhool
Judith A. Gran
Max P. Lapertosa
Barbara E. Ransom
Marinda van Dalen
Attorneys

Heather M. Bendit
*Director of
Development*

David Smith
*Chairman of
the Board*

Edwin D. Wolf
*Executive Director
1974-1976*

October 2, 2000

**State Board of Education
Pennsylvania Department of Education
333 Market Street
Harrisburg, PA 17126-0333**

RECEIVED

Dear Members of the State Board of Education:

On behalf of The Arc, Pennsylvania, I am writing to comment on the proposed amendment to 22 Pa. Code, ch. 14 that is set forth in 22 Pa. Code § 14.162(i). The amended regulation provides that in an impartial due process hearing and expedited due process hearing,

“Parents may be represented by legal counsel and accompanied and advised by individuals with special knowledge and training with respect to the problems of children with disabilities.”

I assume the term “represent” carries its usual meaning both in law and ordinary discourse, that is, “to stand in [one’s] place; to supply his place; to act as his substitute” (Black’s Law Dictionary).

The proposed regulation conflicts with the requirements of the consent decree in *PARC v. Commonwealth*, 343 F.Supp. 279, 305 (1972). That decree provides that in a hearing concerning the educational program of a student with retardation,

“The parent or guardian of the child may be represented at the hearing by *any person of his choosing*, including legal counsel.”

Amended Stipulation 3(q) (emphasis added). The decree also requires the Commonwealth to assure that the notice provided to the parent or guardian informing him of his right to contest a proposed change in the educational status of his child, “shall inform the parent or guardian of his right to be represented at the hearing by any person of his choosing, including legal counsel.” The current Chapter 14 regulation, 22 Pa. Code § 14.64(h)

Affiliated with the
Lawyers Committee
for Civil Rights
Under Law

PUBLIC INTEREST LAW CENTER OF PHILADELPHIA

State Board of Education

October 2, 2000

Page 2

incorporates the requirements of the *PARC* consent decree by providing that “[p]arents may be represented by any person, including legal counsel” at a due process hearing.

The preamble to the proposed regulation indicates that the Office of Attorney General requested that § 14.162(i) be changed “to make clear that, both under federal statute and regulations and under state law, licensed attorneys only may represent parents in due process proceedings.” However, it is simply incorrect to state that federal law imposes any such limitation on parents’ representatives at a due process hearing. The Individuals with Disabilities Education Act confers upon “Any party to a [due process] hearing”

(1) the right to be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities;

(2) the right to present evidence and confront, cross-examine, and compel the attendance of witnesses.

20 U.S.C. § 1415(h) (2000). The statute plainly does *not* state that a “licensed attorney only” may represent parents in due process proceedings. To the contrary, it places “counsel” and “individuals with special knowledge or training” on exactly the same footing in a due process hearing, by stating that both may “accompany and advise” a party. The statute does *not* distinguish, as the proposed regulation does, between persons who may “represent” and those who may “accompany and advise.” It simply does not mention “representation.” To read that silence as a proscription would mean that no party to a due process hearing, including a school district, could act through a representative at the hearing. In any case, the proposed language does not mirror the language of the Act but rather adds the limitation, “parents may be represented by legal counsel.”

As parties to the consent decree in *PARC*, the Commonwealth and its Department of Education, the Secretary of Education and the Director of the Bureau of Special Education have the duty and obligation to ensure that students with retardation and their parents and guardians enjoy the rights protected by that decree, including the right to be represented by any person of their choosing in a due process hearing. Promulgation of a regulation that nullifies that right by limiting representation to “legal counsel” plainly violates those obligations and, we would submit, may be construed as contempt of the decree. We further submit that subjecting families of any learning disability, including

PUBLIC INTEREST LAW CENTER OF PHILADELPHIA

State Board of Education

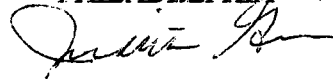
October 2, 2000

Page 3

retardation, contravenes the Education act and should be rejected.

Very truly yours,

PUBLIC INTEREST LAW CENTER OF
PHILADELPHIA



By: Judith A. Gran

cc: Janet Albert-Herman
Marty Worley

Original: 2144



RECEIVED

2000 OCT -5 AM 10:42

Commonwealth of Pennsylvania
STATE BOARD OF EDUCATION

REGULATORY
REVIEW COMMISSION



October 3, 2000

Ms. Fay L. Thompson
27 Lincoln Ave.
Coatesville, PA 19320

Dear Ms. Thompson:

Thank you for your letter dated September 29, 2000 on proposed revisions to regulations Chapter 14 (special education services and programs).

Your letter is considered as official public comment and is being shared with all members of the Board. Pursuant to the provisions of the Regulatory Review Act, copies of your comments are also being provided to the Independent Regulatory Review Commission (IRRC) and the chairmen of the House and Senate Education Committees.

Be assured that your comments will be considered carefully in the development of the final-form of these regulations.

Recent amendments to Regulatory Review Act include a provision that the final-form of regulations be mailed to public commentators at their request. While no longer required to do so, the Board will continue its practice of sending the final-form of the regulations to all public commentators. Therefore, it will not be necessary for you to make a specific request for it.

Sincerely yours,

A handwritten signature in cursive script, reading "Peter H. Garland".

Peter H. Garland
Executive Director

cc: Members of the State Board
Senator Rhoades
Senator Schwartz
Representative Stairs
Representative Colafella
IRRC

RECEIVED

2000 OCT -5 AM 10:42

REVISOR COMMISSION

Fay L. Thompson
—27 Lincoln Ave,
Coatesville, PA 19320

RECEIVED

OCT 1 8 2000

PA. STATE BOARD
OF EDUCATION

September 29, 2000

Mr. Peter H. Garland
Executive Director of the State Board of Education
333 Market Street
Harrisburg, PA 17126-0333

Dear Mr. Garland:

I am the parent of Kathryn A. Thompson, who is 9 years old and is currently attending the Life Skills Class at Friendship Elementary School in the Coatesville Area School District.

After 2 years of filing complaints and talking to the school district, I am now asking you to change the law in regards to transporting students with special needs. I was made aware of the problem from my daughter when she was entering the second grade in 1998. Because she has an IEP and she is not attending her home school, the district was transporting her with older children that were attending the Child Development Center in Coatesville. I insisted this was not appropriate due to the age differences. The school district investigated the problem and had the "bad boys" thrown off the bus.

The district informed me at our May 1999 IEP Meeting that if I wanted Kathryn transported age appropriately, I would need to write this in my IEP. I am sure that all of the other parents of special children, with an IEP, that are attending the Coatesville School District are not aware of these problems. Therefore, I believe that there should be a law that states that the public school districts in Pennsylvania be accountable for transporting all their children the same. For the Coatesville Area School District, this would be K-5, 6-8, and 9-12.

After meeting with Dr. DeSimone on September 8, 2000, he insisted that the school district is obeying the law in regards to transportation. He stated that there are no laws to transport anyone age appropriately, whether they are in regular education or special education. The district follows commonwealth of Pennsylvania guidelines regarding transportation policies for students. The district follows a general practice of separating students by age when practicable. The Education Law Center states that the transportation used must be appropriate for the student, in view of the student's age and disability. However, this is not a guideline that the Coatesville Area School District uses, along with probably many other school districts in Pennsylvania.

I am submitting information and letters for you to review. Please do not hesitate to call me if you have any questions.

Sincerely

Fay L. Thompson
(610) 857-5265

Original: 2144



RECEIVED

2000 OCT -5 AM 10:41

Commonwealth of Pennsylvania
STATE BOARD OF EDUCATION

REGULATORY
REVIEW COMMISSION



October 3, 2000

Ms. Jennifer Swoyer
Special Education Teacher
Northwest Middle School
Reading, PA 19601

Dear Ms. Swoyer:

Thank you for your letter dated September 29, 2000 on proposed revisions to regulations Chapter 14 (special education services and programs).

Your letter is considered as official public comment and is being shared with all members of the Board. Pursuant to the provisions of the Regulatory Review Act, copies of your comments are also being provided to the Independent Regulatory Review Commission (IRRC) and the chairmen of the House and Senate Education Committees.

Be assured that your comments will be considered carefully in the development of the final-form of these regulations.

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Sincerely yours,

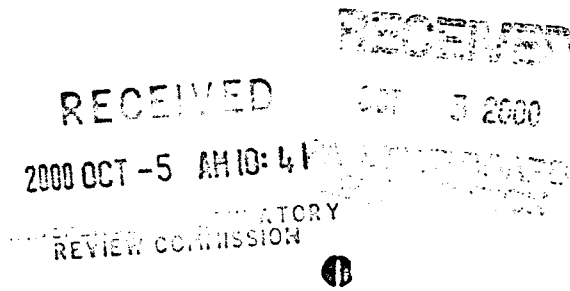
A handwritten signature in cursive script, appearing to read "Peter H. Garland".

Peter H. Garland
Executive Director

cc: Members of the State Board
Senator Rhoades
Senator Schwartz
Representative Stairs
Representative Colafella
IRRC

September 29, 2000

Peter Garland
Pennsylvania Department of Education
333 Market Street
Harrisburg, Pa 17126-0333



Dear Mr. Garland,

I am writing in reference to a recent notification I received about the deletion of 342.26 Facilities (a) General Rule p.47, and proposed changes to 14.144 Facilities in the Chapters 14 & 342 of the Special Education Services Act. This article protects students and teachers from unfavorable conditions in which the learning process is interrupted or halted. This act is placing thousands of children and their educations in jeopardy. To give you an example of the interrupted education of eight students, I will tell you about my first sixteen days of the 2000-2001 school year.

Shortly before school began, I was notified that I was being moved from my regular-sized classroom to what had previously been known as the "Living Room." The "Living Room" was used 20 years ago as a part of the Home Economics curriculum. (Please keep in mind that I teach eight students in a self-contained learning support classroom.) This room consisted of dark, paneled walls and heavy draperies. It did NOT include adequate lighting, a blackboard, a closet, a bulletin board, a PA speaker, or a telephone. I had to wait 12 school days for a blackboard and 16 school days for working lights. The available space in my room is not adequate for students with some exceptionalities. I have a student who has Spina Bifida and is confined to a wheel chair. She cannot wheel to anywhere in the room except from the door to her desk.

I believe our government should closely guard the education of all students. However, those of us who dedicate our lives to teaching Special Education students feel that they should be given even greater protection under the law. It is the year 2000, not a time to return to restrictive environments and separate, unequal facilities.

Sincerely,

Jennifer A. Swoyer
Special Education Teacher
Northwest Middle School
Reading School District

Original: 2144



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2000 OCT -5 AM 10:41

Commonwealth of Pennsylvania
STATE BOARD OF EDUCATION

REGULATORY
REVIEW COMMISSION



October 3, 2000

Mr. Warren J. Risk
Lincoln I.U. #12
65 Billerbeck Street
P.O. Box 70
New Oxford, PA 17350

Dear Mr. Risk:

Thank you for your letter dated September 29, 2000 on proposed revisions to regulations Chapter 14 (special education services and programs).

Your letter is considered as official public comment and is being shared with all members of the Board. Pursuant to the provisions of the Regulatory Review Act, copies of your comments are also being provided to the Independent Regulatory Review Commission (IRRC) and the chairmen of the House and Senate Education Committees.

Be assured that your comments will be considered carefully in the development of the final-form of these regulations.

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Sincerely yours,

A handwritten signature in cursive script, appearing to read "Peter H. Garland".

Peter H. Garland
Executive Director

cc: Members of the State Board
Senator Rhoades
Senator Schwartz
Representative Stairs
Representative Colafella
IRRC



Lincoln
Intermediate
Unit No.12

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OCT 3 2000

PA. STATE BOARD
OF EDUCATION

September 29, 2000

Dr. Peter H. Garland
Executive Director
State Board of Education
333 Market Street
Harrisburg PA 17126-0333

RECEIVED
2000 OCT -5 AM 10:41
REVIEW COMMISSION

Dear Dr. Garland:

On Thursday, September 28th, a Sub Committee of the Special Education Advisory Council of the Lincoln Intermediate Unit #12 met to review the proposed Chapter 14 Special Education Regulations. Attached please find a report, which summarizes the issues that we feel need to be addressed in regards to the proposed Chapter 14 Regulations. If you have any questions or need any further clarifications, please don't hesitate to contact me at 717-624-6485 or warrenr@iu12.org. Thank you.

Sincerely,

Warren J. Risk
Director of Special Education
Representing the Lincoln Intermediate Unit #12
Special Education Advisory Council

WJR\sjs

65 BILLERBECK STREET P.O. BOX 70 NEW OXFORD, PA 17350

PHONE: (717) 624-4616 FAX: (717) 624-6519

The Lincoln Intermediate Unit does not discriminate on the basis of race, religion, ancestry, age, sex, or disability in employment or provision of services.

REPORT OF THE SUBCOMMITTEE OF THE LIU #12
SPECIAL EDUCATION ADVISORY COUNCIL

REVIEW OF CHAPTER 14 PROPOSED SPECIAL EDUCATION REGULATIONS

Date: September 28, 2000
Time: 9:00 am - 12:00 noon
Members Present: Michael Boryan, Tom Seben, Warren Risk

The committee reviewed the following documents with the purpose of providing written comment on the Chapter 14 Proposed Special Education Regulations:

September 2 version Proposed Special Education Regulations Chapter 14
Federal IDEA Regulations - 1997 Amendments
Comments from Rick Dale, IU 15

Committee Recommendations are as follows:

- 14.101 Definitions Reference 300.7
Federal definitions of disabilities are too vague, often leaving the courts to ultimately decide whether students meet eligibility requirements for placement - i.e. Learning Disabilities, Mental Retardation.

Recommendation:
Make the disabilities definitions more specific.
- 14.101 Definitions
Developmental Delay
No age range is given.

Recommendation:
Federal Regulations state that if the SEA is going to use this definition, then they must establish an age range for it. We recommend that the following be incorporated - "limited to Early Intervention services"
- 14.104 Educational Plans
(e) Early Intervention Plans are not tied to any development cycle.

Recommendation:
Add - "...on the same cycle as the IU/District Plan cycle".
- 14.141 Educational Placement
Caseloads

Recommendation:
Eliminate (2), (3) referring to allowing districts to establish their own caseloads, and those referring to intermediate unit caseloads

Require all districts and IU' s to follow the caseload chart found in section 14.142 Caseload For Special Education

Original: 2144



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2000 OCT -5 AM 10:41

Commonwealth of Pennsylvania
STATE BOARD OF EDUCATION

REGULATORY
REVIEW COMMISSION



October 3, 2000

Ms. Lorraine Ratajczak
1429 Center Street
West Chester, PA 19382-6528

Dear Ms. Ratajczak:

Thank you for your letter dated September 29, 2000 on proposed revisions to regulations Chapter 14 (special education services and programs).

Your letter is considered as official public comment and is being shared with all members of the Board. Pursuant to the provisions of the Regulatory Review Act, copies of your comments are also being provided to the Independent Regulatory Review Commission (IRRC) and the chairmen of the House and Senate Education Committees.

Be assured that your comments will be considered carefully in the development of the final-form of these regulations.

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Sincerely yours,

A handwritten signature in cursive script, appearing to read "Peter H. Garland".

Peter H. Garland
Executive Director

cc: Members of the State Board
Senator Rhoades
Senator Schwartz
Representative Stairs
Representative Colafella
IRRC

1429 Center Street
West Chester, PA 19382-6528
September 29, 2000

Dr. Peter Garland
Executive Director
State Board of Education
333 Market Street
Harrisburg, PA 17126-0333.

RECEIVED

OCT 3 2000

PA. ST. BOARD
OF ED. STAFF

RECEIVED

2000 OCT -5 AM 10:41

INDEPENDENT REGULATORY
REVIEW COMMISSION

Dear Dr. Garland:

Enclosed is a photo of my seven-year-old son, Cyrus, who has autism. Currently, he is getting the educational supports he needs. But I am very worried about the proposed changes to state special education and early intervention pre-school regulations. If I were to detail all my concerns, this letter would be at least four pages long!

I was upset to hear that, after the State Board voted on the proposed regulations, the Board removed a very important right that was guaranteed under the old regulations: the right of parents to choose whomever they wish to represent them during Due Process Hearings. This is an illegal change—the guarantee is required per the PARC Consent Decree. It is also an unjust change—parents of gifted students would have this guarantee under the proposed Chapter 16, and non-lawyers can represent individuals at other administrative hearings, such as worker's compensation hearings. This guarantee must be included in the state special education and early intervention pre-school regulations.

That is a new issue, but there are many issues that have worried me since the proposed regulations were originally published. First, those most directly affected by the proposed regulations—families and school districts—will find it very difficult even to find out what those regulations entail, because the federal regulations are incorporated by reference. How well could the regulations be enforced if it is so hard to find out what they even are? It would be much better if the State Board would include the federal language in its entirety (as the Pennsylvania Department of Public Welfare has done in its recent proposal for regulations implementing the Infants and Toddlers with Disabilities Program).

The proposed regulations would do away with statewide standards that are vital to ensuring that special education students receive a free, appropriate public education. For example, one of the many important protections in current law is that districts provide agreed upon services within 10 school days of the completion of a child's IEP. (Under the new proposal the deadline is "as soon as possible," which could differ from district to district and from case to case.) If, as is proposed, each district will be able to set its own policy on teacher caseloads for special education classes, and the age range of the students in those classes, I foresee families moving to districts known to provide services promptly and well. Those unable to move would simply be out of luck. (That is both unfair and unacceptable.) And the school districts that have policies providing good support for special education students will find themselves carrying more than their fair share of the special education burden.

Another important protection in current law that is included neither in the proposed regulations nor in federal law is the a key requirement that a behavior plan must be included in the IEPs of children with "behavior problems which interfere with ... ability to learn." For many years, Pennsylvania has wisely maintained this requirement, and it ought to continue to do so. When a child has behavior problems, a behavior plan is vital to enabling a child's educators to maximize that child's chances for achieving his or her IEP goals.

The proposed regulations do not include certain important requirements from existing Basic Education Circulars, such as those in the February 1, 1999 BEC entitled, "ESY Eligibility." Such requirements ought to be included in the regulations, to ensure they have the force of law.

The proposed regulations also offer no guidance on how local education agencies (LEAs) are to implement important new federal requirements, such as the inclusion of children with disabilities in statewide assessments, with necessary accommodations, or the identification of an alternate mode of assessment.

The proposed regulations do not close loopholes in the current regulations that have been found to lead to abuses. For example, as in the current regulations, the proposed 14.123(b) states that the initial evaluation will be completed no later than 60 school days after the agency receives, "written parental consent." This language should be changed to, "no later than 60 school days from the date the request for evaluation was received from the parent." An alternate approach would be to require an LEA to request parents' written consent within 5 days of the LEA's receipt of a request for an evaluation.

I could go on and on!

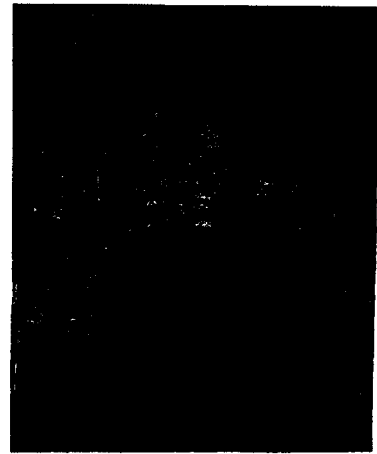
Because it took so long for the proposed regulations to be published, concerned parties have had very little time to comment or to sign up for the hearings. I urge you to re-schedule the hearings until October, and to extend the time to comment.

I also urge you to act on the concerns of parents like me. Thanks to the protections provided under the current special education regulations, my son has a fighting chance to become an adult who can live independently and contribute to the commonwealth. Please don't take that chance away from him and all the others like him in Pennsylvania!

Very truly yours,


Lorraine A. Ratajczak

cc: The Honorable Tom Ridge, Governor of Pennsylvania
The Honorable Eugene Hickok, Secretary of Education
The Honorable Elinor Taylor
The Honorable Robert J. Thompson
The Independent Regulatory Review Commission



Original: 2144



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2000 OCT -5 AM 10:41

Commonwealth of Pennsylvania
STATE BOARD OF EDUCATION

REGULATORY
REVIEW COMMISSION



October 3, 2000

Ms. Nancy Kepner
596 Water Street
Shoemakersville, PA 19555

Dear Ms. Kepner:

Thank you for your letter dated October 1, 2000 on proposed revisions to regulations Chapter 14 (special education services and programs).

Your letter is considered as official public comment and is being shared with all members of the Board. Pursuant to the provisions of the Regulatory Review Act, copies of your comments are also being provided to the Independent Regulatory Review Commission (IRRC) and the chairmen of the House and Senate Education Committees.

Be assured that your comments will be considered carefully in the development of the final-form of these regulations.

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Sincerely yours,

A handwritten signature in cursive script that reads "Peter H. Garland".

Peter H. Garland
Executive Director

cc: Members of the State Board
Senator Rhoades
Senator Schwartz
Representative Stairs
Representative Colafella
IRRC

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REVIEW COMMISSION

Nancy Kepner
596 Water St.
Shoemakersville, PA 19555
October 1, 2000

Peter Garland
Pennsylvania Department of Education
333 Market Street
Harrisburg, PA 17126-0333

Dear Peter Garland,

Subject: Proposed changes to Chapters 14 & 342

I am a Special Education Teacher in the Reading School District. I am very concerned about the proposed 14.142 Caseload for special education. I teach 1st, 2nd, and 3rd grade Learning Support Students. At the beginning of the 1999-2000 school year I had less than 10 students enrolled in my class. We started the school year with a new principal and kept the same procedures from the previous year. Teachers would send their Learning Support Students to the Resource Room during their Language Arts block. Students would also be sent to the Resource Room during Math instruction if they were not mainstreamed. Students would receive Science and Social Studies instruction in their regular classrooms. Now this does not seem like it would be difficult but let me explain the circumstances. One, specials (Art, Music, Gym, Library) are scheduled throughout the week therefore I constantly had to monitor the schedule. Two, it did not take long for my class to expand to 20 students! Therefore, I was receiving students from four 3rd grade classrooms, two 2nd grade classrooms, and two 1st grade classrooms. Everyone taught Language Arts in the morning so I had 20 students in my small, windowless, planning center classroom. I did not have a teacher assistant and to be honest very little individualized instruction was taking place. Also, students were falling further behind their peers.

Last spring I requested a transfer! After 16 years of teaching I wanted out of Special Education! I did not get a transfer and the last day of June my principal allowed me to incorporate the (8) [maximum number of exceptional students in the room with the teacher at any one time] into this year's schedule. What a difference this is making! My students are receiving intense small group instruction from me and direct instruction from their classroom teachers. Time on task has increased immensely! They are finally receiving individualized instruction! Students' self-esteems are improving too!

I am also concerned about the deletion of the following paragraph found in 342.26.

(a) General rule. Which includes proper conditions, including natural and artificial lighting, ventilation, acoustical treatment, heating, adequate supplies and storage of materials to ensure a barrier-free learning environment.

My current situation is adequate for small groups for small periods of time. Riverside Elementary is out of space. Class sizes are very large. Classrooms are to be added to Northwest Elementary next fall, which should alleviate the current conditions through a boundary change. The above paragraph is very important and ensures proper conditions for all special needs students.

Finally, I do not have a teaching assistant. In fact, very few Learning Support classrooms in Reading have teaching assistants. Only the emotional support, physically handicapped, life skills, and multi-handicapped classrooms have paraprofessionals. Teaching assistants are essential in these classrooms!

Sincerely,

Nancy J. Kepner

Original: 2144



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Commonwealth of Pennsylvania
STATE BOARD OF EDUCATION

INDEPENDENT REGULATORY REVIEW COMMISSION



October 3, 2000

Ms. Kathleen Marinelli
224 Meadow Lane
Chambersburg, PA 17201

Dear Ms. Marinelli:

Thank you for your letter dated September 29, 2000 on proposed revisions to regulations Chapter 14 (special education services and programs).

Your letter is considered as official public comment and is being shared with all members of the Board. Pursuant to the provisions of the Regulatory Review Act, copies of your comments are also being provided to the Independent Regulatory Review Commission (IRRC) and the chairmen of the House and Senate Education Committees.

Be assured that your comments will be considered carefully in the development of the final-form of these regulations.

Recent amendments to Regulatory Review Act include a provision that the final-form of regulations be mailed to public commentators at their request. While no longer required to do so, the Board will continue its practice of sending the final-form of the regulations to all public commentators. Therefore, it will not be necessary for you to make a specific request for it.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Peter H. Garland".

Peter H. Garland
Executive Director

cc: Members of the State Board
Senator Rhoades
Senator Schwartz
Representative Stairs
Representative Colafella
IRRC

Kathleen Marinelli
224 Meadow Lane
Chambersburg, P.A. 17001
U.S.A
home phone 717-263-1165

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REGULATORY OCT
REVIEW COMMISSION

STATE BOARD
OF EDUCATION

September 29, 00

Department of Special Education
333 Market Street
Harrisburg, P.A. 17106

Dear Peter Garland and the Dept. of Special Education,

I am writing to you in regards to how important it is for the parents to receive CER'S or any type of evaluation before an I.E.P. meeting. I had stated my concerns to you in a meeting in Harrisburg in March. I received a letter back from the Dept. of Special Education to which I was unsure as to whether I was suppose to sign a complaint against my school district for this violation or what?

My years of dealing with the system and I.E.P.'S have been an overwhelming one of battling for the rights for my children to receive services that I should not have to fight for. I have three children and two which have I.E.P.'s. You have the Chambersburg area school district in Franklin County P.A. who are in such violation of children's rights to a proper education and services they need that my mind gets filled with thoughts of wishing for these children a change so they can get the education and services they need to be successful in the world that awaits them.

First of all reports are to be given to parents before the I.E.P. meeting to give the parents a chance to review the information given to them. When the informaton is given to the parents at the so called I.E.P. meeting you feel that so much information is being given your brain spins and your brain goes blank because inside you are hearing about your child for which to some parents a learning problem is devastating because you need to really know what does that mean?? This school district first calls all these people to your I.E.P. meeting. When you go there at secondary levels I never had the child's teacher as the part of the I.E.P. you may even see a name of the teacher on the paper but were they present at the meeting? NO, they were not. The most important person who works with your child who needs this information is not there. All teachers who are part of that child's education should be there. Sometimes the meeting only consists of the Learning Support teacher and the parent or parents. If they start with your CER they sometimes ask you to sign a waiver of 5 days and go into the I.E.P. meeting. My last I.E.P. meeting they went right in and did not review the CER fully and I didn't even sign a waiver and the district to which I asked for a copy of this could not provide me with one so what does that tell you?

I really feel the importance of the CER to be given to parents before the meeting and maybe to extend the five day period because if a parent has a question sometimes it is hard to get in touch with an agency or advocate and the parent should have enough time to put there thoughts together. I also feel that parents should be provided with easy understanding laws such as the booklet put out by the Education Law Center it was great and I recommend it.

As a parent /advocate I could go on about this district what it does wrong and cover ups makes the dead turn in there graves. I have enclosed some documents along with my letter to verify to you some of the problems. The school has admitted they didn't do there job and this year my daughter's last year in school because of me starting to become an administrative problem they are starting to give more support and finding out she also should not have been taken out of

Learning Support through my suggestion of an evaluation due to failing grades she may have a more successful year. But and there is always a but the children who don't have a parent like me!!!! My heart aches for them. Franklin County has the highest drop out rate, highest violent schools!! WHY has anyone checked with maybe the children? They are the ones we are talking about they are the ones that their futures are at stake, not you nor I we are already an adult and living and working in this world they are tomorrow's future and what we need as a country to think about!!

You may contact me by writing or phone if I can be of any further assistance to you as this issue is where my heart is as well as my children's and other children with disabilities.

Sincerely,
Kathleen Marinelli
9-29-00

Kathleen Marinelli

Original: 2144

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2000 OCT -5 AM 11:40

REGULATORY REVIEW COMMISSION



Commonwealth of Pennsylvania
STATE BOARD OF EDUCATION

October 2, 2000

Ms. Helen Wilhelm
321 Lakewood Drive
Fishing Creek Valley
Harrisburg, PA 17112

Dear Ms. Wilhelm:

Thank you for your letter dated October 2, 2000 on proposed revisions to regulations Chapter 14 (special education services and programs).

Your letter is considered as official public comment and is being shared with all members of the Board. Pursuant to the provisions of the Regulatory Review Act, copies of your comments are also being provided to the Independent Regulatory Review Commission (IRRC) and the chairmen of the House and Senate Education Committees.

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Sincerely yours,

A handwritten signature in black ink, appearing to read "Peter H. Garland".

Peter H. Garland
Executive Director

cc: Members of the State Board
Senator Rhoades
Senator Schwartz
Representative Stairs
Representative Colafella
IRRC

October 2, 2000

via fax to (717) 787-7306

Peter H. Garland, Executive Director
State Board of Education
333 Market Street, 1st Floor
Harrisburg, PA 17126-0333

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2000 OCT -5 AM 11:41

REGULATORY
REVIEW COMMISSION

Dear Dr. Garland:

For 12 years, I served as a School Director on the Board of one of the largest public school districts in Pennsylvania. I am also an active grandparent of a special needs student. I am writing to express my grave concerns with the proposed regulations entitled "Special Education Services and Programs" (#6-270).

If we are not willing to invest in the education of young children with disabilities, our society will pay a greater price in the long run. If these children are not educated and prepared for adult life, they will become burdens on our institutions. We cannot afford to miss or squander opportunities to bring these children into the educational process. Unfortunately, these proposed regulations represent an unfortunate retreat from this goal.

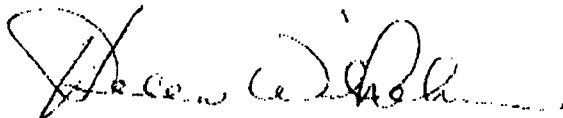
For example, the deletion of the existing timetable for districts to provide a service required by an IEP is unacceptable. I understand the time limit of 10 days in the current regulations may be too inflexible in some situations. However, the districts need a clear rule from the Commonwealth and students need the services. Education delayed is education denied.

Please extend the comment period for the public on these regulations. Utilize input from the public to "go back to the drawing board" to design regulations that will promote inclusion and education. The investment of time, thoughtful consideration and energy will pay tremendous dividends in the long term. We must work to provide opportunities for all children to discover their unlimited potential to contribute to our future.

In closing, I would request that you include my name and address on the list of commentators to be notified when the final version of these regulations is submitted to the House and Senate Education Committees. I understand that your agency is required to provide this notice pursuant to the Regulatory Review Act.

Thank you for your time and consideration.

Sincerely,



Helen Wilhelm
321 Lakewood Drive
Fishing Creek Valley
Harrisburg, PA 17112

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OCT 2 2000

PA. STATE BOARD
OF EDUCATION

Original: 2144



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2000 OCT -5 AM 10:41

Commonwealth of Pennsylvania
STATE BOARD OF EDUCATION

REGULATORY REVIEW COMMISSION



October 2, 2000

Ms. Mary Vidunas
136 Abernethy Drive
Trenton, N.J. 08618

Dear Ms. Vidunas:

Thank you for your letter dated September 29, 2000 on proposed revisions to regulations Chapter 14 (special education services and programs).

Your letter is considered as official public comment and is being shared with all members of the Board. Pursuant to the provisions of the Regulatory Review Act, copies of your comments are also being provided to the Independent Regulatory Review Commission (IRRC) and the chairmen of the House and Senate Education Committees.

Be assured that your comments will be considered carefully in the development of the final-form of these regulations.

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Sincerely yours,

A handwritten signature in cursive script, appearing to read "Peter H. Garland".

Peter H. Garland
Executive Director

cc: Members of the State Board
Senator Rhoades
Senator Schwartz
Representative Stairs
Representative Colafella
IRRC

RECEIVED
September 29, 2000
2000 OCT -5 AM 10:41

REVIEW COMMISSION

Dr. Peter Garland
Executive Director
State Board of Education
333 Market Street
Harrisburg, PA 17126-03333

RECEIVED
OCT 2 2000
PA STATE BOARD
OF EDUCATION

Re: Proposed "Revised" Regulations to
Chapter 14

Dear Dr. Garland,

As a close friend to the Shoemaker family and named guardian of their children, I am writing to express my concerns with regard to the proposed revisions to Chapter 14.

My dear friends, Gwen and Brent Shoemaker have a beautiful family of three children that includes their son, Kyle, who has been diagnosed with autism. This family needs love and support from not only their family, friends and community but also support from their State to safeguard the protections currently in place for children with disabilities and their families.

I understand that the revised regulations will drop specific requirements in favor of mere recommendations that will be left to interpretation by the local governments, school districts and boards of education that serve communities and families with disabled children. I am very concerned that this is a step backward not forward in the progress already made and may adversely impact the current safeguards and educational programs now in place for children with special needs. For example, I understand that the revised regulations are very general and will eliminate requirements for individual education plans, deadlines for implementation as well as class size requirements such as student/teacher ratios, etc. Without specific requirements and deadlines, these extremely important issues will be left for interpretation by individual school districts that have competing interests for funding.

I have seen the tears, frustration, sadness and grief of the Shoemaker family. In the beginning so little was known about what to do and where to go for help and support during the early, critical years of Kyle's development. I have seen the toll that the continued fight for support and a good educational program specifically designed for Kyle has taken on this family. Thanks to countless hours of research and perseverance, the Shoemaker's now have a program for Kyle and support that this family so desperately needs.

Please, I urge you not to allow the regulations currently in effect to be watered down to mere recommendations. These families struggle every day and their children are part of

Page 2

our community. They need more of our support not less. Given the appropriate educational plans and program, children with disabilities will be given an opportunity to become productive members of society. Your support to strengthen Chapter 14 is what we need. Thank you for this opportunity to express my concerns for the children and families that receive protection under this law.

Sincerely,

A handwritten signature in black ink that reads "Mary L. Vidunas". The signature is written in a cursive style with a large initial "M" and a long, sweeping underline.

Mary L. Vidunas
136 Abernethy Dr.
Trenton, NJ 08618

c: Ms. Barbara D'Silva
Mr. and Mrs. Brent Shoemaker

Original: 2144



Commonwealth of Pennsylvania
STATE BOARD OF EDUCATION

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2000 OCT -5 AM 10:42
REGULATORY
REVIEW COMMISSION

October 2, 2000

Mrs. Joanne R. Taylor
P.O. Box 190
Home, PA 15747

Dear Mrs. Taylor:

Thank you for your letter dated September 15, 2000 on proposed revisions to regulations Chapter 14 (special education services and programs).

Your letter is considered as official public comment and is being shared with all members of the Board. Pursuant to the provisions of the Regulatory Review Act, copies of your comments are also being provided to the Independent Regulatory Review Commission (IRRC) and the chairmen of the House and Senate Education Committees.

Be assured that your comments will be considered carefully in the development of the final-form of these regulations.

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Sincerely yours,

A handwritten signature in cursive script, appearing to read "Peter H. Garland".

Peter H. Garland
Executive Director

cc: Members of the State Board
Senator Rhoades
Senator Schwartz
Representative Stairs
Representative Colafella
IRRC

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REGULATORY
REVIEW COMMISSION



Mrs. Joanne R. Taylor
Dr. John F. Taylor
P.O. Box 190
78 Wildfire Ln.
Home, PA 15747
(724) 397-2040

September 15, 2000

Governor Tom Ridge
225 Main Capitol Building
Harrisburg, PA 17120-2020

Dear Gov. Ridge:

My husband and I are deeply concerned about the proposed changes in Special Education Regulations. We have two special needs children.

Adam, our 14 year old son, has high functioning autism. Due to the success of the many professionals who have worked with him over the years, he is mainstreamed in 9th grade classes at Marion Center High School. The transition to high school went very smoothly, in part, to the current regulations. The plan for transition was discussed, devised, and implemented at his IEP last spring. Adam has a full time instructional aide with him and his progress is closely monitored by his learning support teacher.

Kaitlin, our 6 year old, has Down Syndrome and is non-verbal. She is repeating Kindergarten this year in hopes she can participate more in the Kindergarten class. She has a full time instructional aide with her and spends most of her time in the Life Skills class. We are worried about class size and age range in the classroom. Without the current regulations, the Life Skills classroom could become unmanageable and the amount of learning decreased. I volunteer my time to help out in the Life Skills classroom and in other areas of the school. I witness daily the success of the Special Needs Programs in our school district and hope that no changes are made that will interfere with our children's learning.

Please keep specific rules; they are easier to enforce. Please re-schedule the hearings until October to give the families involved time to comment.

Thank you for your time,

Joanne R. Taylor



Original: 2144

*Responded by e-mail
10/3/00*

Benkovic, Susan

From: PGAPEER@aol.com
Sent: Monday, October 02, 2000 10:19 PM
To: 00statbd@email.cas.psu.edu
Cc: jrhoades@pasen.gov
Subject: Proposed Changes To State Regulations

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REVIEW COMMISSION

I have been involved as a parent within my school district for the past four years. Half of that time was spent in disagreements, a year and half was spent in due- process. I was asked by the school district to find an appropriate placement outside of our home school. This opportunity allowed for me to observe special education placements throughout Montgomery County. What I saw was astounding, shocking and disappointing. I observed teachers working on splinter skills, rote memorization and disjointed lessons. I observed isolation of the teaching staff, and children with special needs. I did not observe inclusion methodology, cooperative or collaborative teaching.

Lest I remind you, that both Democratic and Republican candidates this year repeat the same mantra...Leave No Child Behind. Why is it that the Pennsylvania State Board of Education is willing to change state regulations that will do just that, leave our children with special needs behind? There have been numerous hearings where parents and child advocates plead for you NOT to make these horrific changes. All of our research in education points to limiting and lowering class size. Your changes would allow this to occur. We already know by the number of lawsuits in Pennsylvania that our districts do not always do what is right for our children. Do Not Leave Our Children Behind. We do not mix age and developmental levels for our normative student population, do not change the regulations to allow for mixed age groups.

The State Board needs to admit that they have not arrived at the correct solutions for the ills that plague our educational system. A better solution must be sought after. You need to have the pride, the energy, and the courage to go back and say, We Will Not Leave Our Children Behind. We must not change these regulations. Come back to these children and families who so desperately need your support. Come back to them and say we really need to look at improved teacher training, assessment techniques, collaborative learning strategies, inclusion with necessary supports, best practices and research based methodologies. Then you will be better able to make changes to regulations that will benefit all of our children.

By the way, after the thousands of dollars spent on litigation by my school district, my family won our claim. I am off to school as I

write

this, to help train the teachers and support staff on basic teaching strategies so my daughter can be successfully included. I spend my time in colleges and universities speaking with pre-service teachers. I will not

leave these children behind and neither should you.

Pamela Grossman, OTR

psupen

Original: 2144



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2000 OCT -5 AM 10:42

Commonwealth of Pennsylvania
STATE BOARD OF EDUCATION

REGULATORY
REVIEW COMMISSION



October 2, 2000

Mr. Warren J. Risk
Lincoln I.U. 12
65 Billerbeck Street
P.O. Box 70
New Oxford, PA 17350

Dear Mr. Risk:

Thank you for your letter dated September 29, 2000 on proposed revisions to regulations Chapter 14 (special education services and programs).

Your letter is considered as official public comment and is being shared with all members of the Board. Pursuant to the provisions of the Regulatory Review Act, copies of your comments are also being provided to the Independent Regulatory Review Commission (IRRC) and the chairmen of the House and Senate Education Committees.

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Sincerely yours,

A handwritten signature in cursive script that reads "Peter H. Garland".

Peter H. Garland
Executive Director

cc: Members of the State Board
Senator Rhoades
Senator Schwartz
Representative Stairs
Representative Colafella
IRRC



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STATE BOARD OF EDUCATION
SPECIAL EDUCATION REVIEW COMMISSION



September 29, 2000

Dr. Peter H. Garland
 Executive Director
 State Board of Education
 333 Market Street
 Harrisburg PA 17126-0333

Dear Dr. Garland:

On Thursday, September 28th, a Sub Committee of the Special Education Advisory Council of the Lincoln Intermediate Unit #12 met to review the proposed Chapter 14 Special Education Regulations. Attached please find a report, which summarizes the issues that we feel need to be addressed in regards to the proposed Chapter 14 Regulations. If you have any questions or need any further clarifications, please don't hesitate to contact me at 717-624-6485 or warrcnr@iu12.org. Thank you.

Sincerely,

Warren J. Risk
 Director of Special Education
 Representing the Lincoln Intermediate Unit #12
 Special Education Advisory Council

WJR\sjjs

65 BILLERBECK STREET P.O. BOX 70 NEW OXFORD, PA 17350
 PHONE: (717) 624-4616 FAX: (717) 624-6519

The Lincoln Intermediate Unit does not discriminate on the basis of race, religion, ancestry, age, sex, or disability in employment or provision of services.

RECEIVED DATE : 09/29 14:26'00 FROM : 7176246519

REPORT OF THE SUBCOMMITTEE OF THE LIU #12
SPECIAL EDUCATION ADVISORY COUNCIL

REVIEW OF CHAPTER 14 PROPOSED SPECIAL EDUCATION REGULATIONS

Date: September 28, 2000
Time: 9:00 am - 12:00 noon
Members Present: Michael Boryan, Tom Seben, Warren Risk

The committee reviewed the following documents with the purpose of providing written comment on the Chapter 14 Proposed Special Education Regulations:

September 2 version Proposed Special Education Regulations Chapter 14
Federal IDEA Regulations - 1997 Amendments
Comments from Rick Dale, IU 15

Committee Recommendations are as follows:

- 14.101 Definitions Reference 300.7
Federal definitions of disabilities are too vague, often leaving the courts to ultimately decide whether students meet eligibility requirements for placement - i.e. Learning Disabilities, Mental Retardation.

Recommendation:
Make the disabilities definitions more specific.
- 14.101 Definitions
Developmental Delay
No age range is given.

Recommendation:
Federal Regulations state that if the SEA is going to use this definition, then they must establish an age range for it. We recommend that the following be incorporated - "limited to Early Intervention services"
- 14.104 Educational Plans
(e) Early Intervention Plans are not tied to any development cycle.

Recommendation:
Add - "...on the same cycle as the IU/District Plan cycle".
- 14.141 Educational Placement
Caseloads

Recommendation:
Eliminate (2), (3) referring to allowing districts to establish their own caseloads, and those referring to intermediate unit caseloads

Require all districts and IU's to follow the caseload chart found in section 14.142 Caseload For Special Education

Original: 2144



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Commonwealth of Pennsylvania
STATE BOARD OF EDUCATION

REGULATORY REVIEW COMMISSION



October 2, 2000

Mr. Joseph McMahon
291 Riverview Road
King of Prussia, PA 19406

Dear Mr. McMahon:

Thank you for your letter dated September 28, 2000 on proposed revisions to regulations Chapter 14 (special education services and programs).

Your letter is considered as official public comment and is being shared with all members of the Board. Pursuant to the provisions of the Regulatory Review Act, copies of your comments are also being provided to the Independent Regulatory Review Commission (IRRC) and the chairmen of the House and Senate Education Committees.

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Sincerely yours,

A handwritten signature in cursive script, appearing to read "Peter H. Garland".

Peter H. Garland
Executive Director

cc: Members of the State Board
Senator Rhoades
Senator Schwartz
Representative Stairs
Representative Colafella
IRRC