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*House of Representatives*  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

October 16, 2003

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Karl Girton, Chairman  
State Board of Education  
333 Market Street, 1<sup>st</sup> Floor  
Harrisburg, PA 17126-0333

Original: 2349

Dear Mr. Girton:

The House Education Committee met in voting session on Wednesday, October 15, 2003, for the consideration of comments to the State Board's proposed rulemaking #6-279 (22 PA Code, Chapter 11) regarding public attendance. Pursuant to Section 5(d) of Act 181 of 1982, as amended, known as the Regulatory Review Act, the House Education Committee hereby provides comments of the Committee's staff and members (enclosed) for consideration in final-form rulemaking. Please note that the comments authored by Representative Daryl Metcalfe have a majority (14 members) of the Committee in support of those comments.

On behalf of the Committee, I thank you and the Board's staff for your cooperation with this Committee as we considered action on the subject proposed rulemaking. If there are any questions regarding our comments, please contact my office at 783-3911.

Sincerely,

Representative Jess M. Stairs  
Chairman, House Education Committee

JMS/er  
Enclosures

cc: Mr. Robert Nyce, Executive Director, IRRRC  
Members of the House Education Committee (Harrisburg Offices)

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### Staff Comments:

- Section 11.2. School Day. Staff believes that a definition of "instructional activities" or "instruction" should be included. There is no current statutory or regulatory definition of either term.
- Section 11.11. Entitlement of resident children to attend public schools. In Section (b), fifth line, the word "by" should appear between "required" and "law".
- Section 11.25. Temporary excusals due to illness or other urgent reasons. Subsection (a), line 3 should reflect the statutory language in Section 1329(a) and should read "[does] shall not permit OF irregular attendance."
- Section 11.26. Non-school district sponsored educational tours and trips. In subsection (a)(1), the terms "parents" and "guardian" should be consistently singular in order to conform in number to the singular verb "submits".
- Section 11.27. Graduation. First, this entire body of regulations should be consistent in designating subsections with either numbers (as in this section) or letters (as in previous sections).

Second, while staff understands the purpose behind subsection (4), we feel it is awkwardly worded. We suggest instead to use the following language:

"(4) School districts, ATVSs and Charter Schools may include in the count of average daily membership those students who have disabilities identified under Chapter 14 and who choose to participate in graduation ceremonies with their graduating classmates, but who are not awarded a diploma because they continue to receive education services."

- Section 11.41. School district policies and rules. Under subsection (b), in the second line, "student" should be in bold letters and underlined.