

DARYL METCALFE, MEMBER  
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*House of Representatives*  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

COMMITTEES

EDUCATION  
FINANCE  
LABOR RELATIONS

MEMORANDUM

TO: Dave Dumeyer, Executive Director

FROM: Representative Daryl Metcalfe

A handwritten signature in black ink that reads "Daryl D. Metcalfe".

SUBJECT: Chapter 11 comments

DATE: October 16, 2003

Please find enclosed comments to be forwarded to the State Board of Education. This is a joint letter from the following House members:

Honorable Daryl D. Metcalfe  
Honorable Thomas Creighton  
Honorable Bernard O'Neill  
Honorable Paul Clymer  
Honorable Bob Bastian  
Honorable Patrick Fleagle  
Honorable Lynn Herman  
Honorable Beverly Mackereth  
Honorable Ron Miller  
Honorable Samuel Rohrer  
Honorable Pat Browne  
Honorable Thomas Stevenson  
Honorable Fred McIlhattan  
Honorable Robert Flick

Thank you.

DDM/ajd

Enclosure

DARYL METCALFE, MEMBER  
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October 15, 2003

Mr. Karl Girton, Chairman  
State Board of Education  
333 Market Street  
Harrisburg, PA 17120

Dear Mr. Girton:

We are writing this letter to formally express our concerns regarding the proposed changes to Chapter 11 Pupil Attendance Regulations.

**Section 11.7. Religious objections (d)** proposed changes state, "A child's right to be admitted to school shall not be conditioned on the child's immigration status. Schools shall not inquire regarding the immigration status of a student as part of the admission process. This provision shall not relieve a student who has obtained an F-1 Visa from the student's obligation to pay tuition under Federal Law."

The dissenting opinion in *Plyler v. Doe*, 547 U.S. 202 (1982) written by Chief Justice Burger, with whom Justice White, Justice Rehnquist, and Justice O'Connor concurred, states, "The importance of education is beyond dispute, but the importance of a government service does not elevate it to the status of a 'fundamental right' for purposes of equal protection analysis... By definition, illegal aliens do not have any right to be in this country; therefore, they should not be permitted to participate in the rights enjoyed by legal aliens and citizens."

They should immigrate legally before reaping the benefits of this nation. We, as elected representatives of the people in the legislative branch of government, oppose changing the language to include illegal aliens, and we challenge the court's decision to do so.

**Section 11.12. School Age** proposed changes state, "School age is the period of a child's life from the earliest admission age to a school district's [kindergarten] educational program [or, when no kindergarten program is provided, to the district's earliest admission age for beginners,] until [the age of 21 years or] graduation from high school or the end of the school term in which a student reaches the age of 21 years, whichever should first occur[s first]."

These proposed changes have not been necessitated due to any statutory change that we are aware of, and therefore this language should be left as it is currently written.

**Section 11.20. Non-immunized children (a)** proposed changes state, "No child may be admitted to or permitted to attend [the] a public, private, nonpublic, special education, or vocational school or to participate in a home education or private tutoring program in a district unless the immunization, exemption or provisional admission requirements of [schools unless the child has received immunizations required by] the Department of Health..."

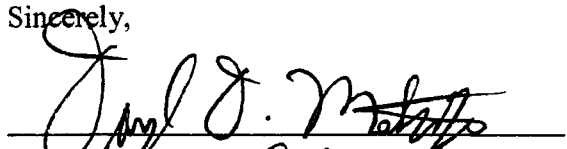

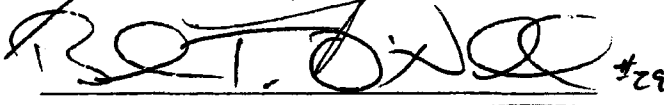
We interpret the proposed wording to mean that all public school districts would now be required to keep records indicating whether or not non-public school students within their districts have or have not been immunized. These changes threaten to increase the burden on non-public school students and place another unfunded mandate on our public schools.

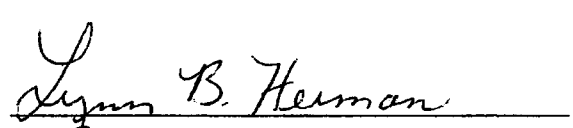
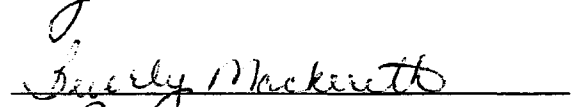
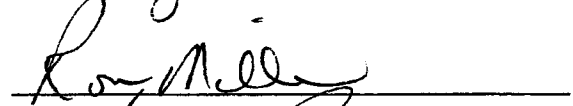
**Section 11.31. [Pupils] Students not enrolled in public schools due to private tutoring.** Proposed changes state, "...[, including loyalty to the State and National Government,];..." The most egregious change is the Board's plan to remove "loyalty to State and Nation" language from the regulations that is currently contained in Section 1511 of the Pennsylvania School Code. Section 1511 states, "...the following subjects should be taught,...the history of the United States and of Pennsylvania, **civics including loyalty to the State and National Government**,...Each school district shall provide and distribute to each pupil enrolled in the eighth grade of the public schools one illustrated copy of the National Flag Code,..."



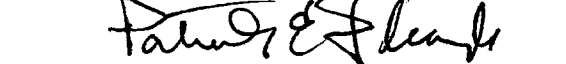
The Pennsylvania School Code is law and the regulations should be promulgated to enforce the law, not dilute it. At a time when our country has faced terrorism and our fellow citizens are involved in combat around the world, we should be more loyal than ever to our state and nation. The regulations should continue to include the current loyalty language.


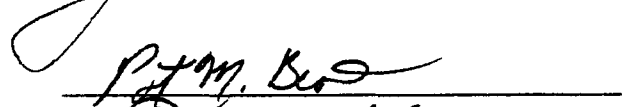
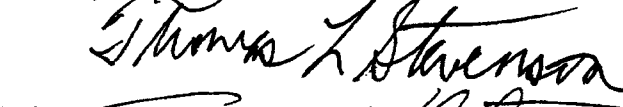
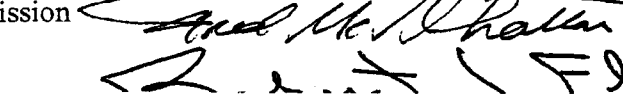

We, the undersigned, hereby notify you of our concerns regarding the proposed regulatory changes.

Sincerely,

cc: Bob Nyce, Executive Director  
Independent Regulatory Review Commission