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2003 SEP 18 AM 9:21

INDEPENDENT EDUCATION
REVIEW COMMISSION

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SEP 16 2003

PA. STATE BOARD
OF EDUCATION

September 12, 2003

Patricia A. White
Executive Director
State Board of Education
333 Market Street
Harrisburg, PA 17126-0333

Original: 2349

Dear Ms. White:

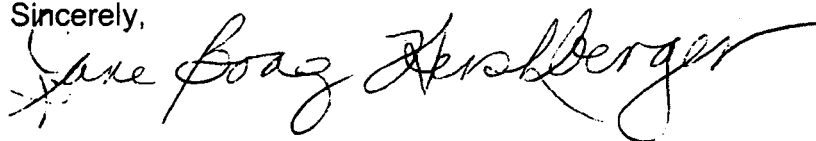
As the director of ESL services for the Conestoga Valley School District in Lancaster County, I am writing to you to express my support for two new proposed regulations of student enrollment.

The first proposal that I support is Section 11.11 (d) on the enrollment of immigrant children. In our school district we find the *Plyler v. Doe* (1982) decision to be very clear and easy to understand. We are in the business of educating children; we are not the INS.

The second item is the proposed new requirement at Section 11.11(e) regarding the Home Language Survey (HLS). We continue to enroll students transferring from other Pennsylvania school districts who do not have a HLS in their permanent file. Since we screen all students who indicate a language other than English is spoken in the home for English language proficiency, it is very helpful to our guidance office personnel to have the HLS to know which students to refer to the ESL department for screening. If the student does not bring a HLS, we administer one upon registration, but with consistent practice throughout the state this step could be eliminated.

Thank you for your consideration of these matters.

Sincerely,



Jane Boag Hershberger
Supervisor, ESL and World Languages
Conestoga Valley School District
Lancaster, PA 17601

Benkovic, Susan

From: Ted Digges [thedigges@earthlink.net]
Sent: Tuesday, October 21, 2003 11:00 AM
To: 00statbd@psupen.psu.edu
Subject: Chapter 11 changes

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2003 OCT 24 AM 11:33

Original: 2349

Dear Mr. Girton,

INDEPENDENT EDUCATION
REVIEW COMMISSION

I am very appreciative of your interest in the welfare and education of Pennsylvanian children. However, I greatly disagree with the proposed changes to Chapter 11. I think we all know our Governor wants mandatory preschool, and the proposed changes to entering in "kindergarten" will open that door. I personally find it disgraceful that you would desire to force more children into a failing system, funded by more of our hard earned money in more taxes. The answer is to first change, not fix the failing system; then market forces would WANT you to expand your "mandatory" schooling, and would be happy to pay more tax money to do so! The system itself is broken, and can never be fixed by throwing more money at it, or applying more and more band-aids. Don't ask how you can fix it; ask, if we were to create a schooling system, how would it be created? Start from the ground up, and you will be surprised at the differences you would then endorse. I have many exciting ideas in this area, and would be more than happy to share them with you.

Additionally, I consider the language in the immunization area an assault on my parental rights. The state does not have the right say what immunizations my children will have, and does not have my child's best interest and health in mind. Follow the money and see who makes billions from forced immunizations (as with schooling). If everyone else in the school is immunized, they shouldn't get the disease anyways, right? If parent choose not to immunize and their child comes down with that particular disease/illness, that was their decision/responsibility, right?

And don't force us to pay for the schooling of illegal immigrants, too. That is shameful.

Lastly, I am greatly offended by the removal of "loyalty to state and nation". As a military family, I am sick and tired of those taking for granted the work, dedication, effort, commitment, and sacrifice our service members have made, and continue to make, for all Americans to enjoy the great freedoms we have in this country.

Regards,

Lisa Digges
1360 Good Hope Rd
Mechanicsburg, PA 17050

730-9223

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2003 OCT 24 AM 11:33

INLET
REVIEW COMMISSION

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OCT 24 2003

PA. STATE BOARD
OF EDUCATION

State Board of Education
1st floor Harrisstown II
333 Market St.
Harrisburg, PA 17120
October 20, 2003

Mr. Karl Girton:

Original: 2349

We are voters, tax- payers, educators, and parents to 4 children ages 8, 11, 14, and 15. We are writing concerning some of your **proposed changes to the education code:**

We oppose altering 11.7 to provide education to illegal aliens at the expense of our tax dollars. It is poor stewardship to be put an already overtaxed system in the position of providing education to the world. (We are not doing that great of a job with our own children.) Free education should not be an inherent right to anyone who walks through the door if they are not a citizen and are not making a contribution in any way to the system.

We oppose altering 11.12 and lowering the compulsory school age requirement. This puts added burden and expense on our already impoverished schools. Because many families home educate until the age when they are required to file with the schools, the schools would need additional staff just to review all of the portfolios of these young children, OR they would end up with more children in the school system and need additional teachers to keep the student/ teacher ratio where it should be.

We oppose altering 11.12 to require the schools to keep records of the immunizations. Again this puts further burden on the schools to spend time and money on non- educational needs. It is the parents' responsibility to provide proof to the schools that their children have been immunized at the time of registering. Schools are not a health agency. Parents make a choice to put their children's health at risk any time they have them interacting with others.

We oppose altering 11.31 to delete "loyalty to government." What are you thinking? We already live in a society where less than half the citizens exercise their right to vote. The schools are already teaching or re- teaching values that should be the parents' responsibility, but here is one that a government- funded school should be teaching! All of our students need to know the sacrifices that were and are continuing to be made to secure their freedoms—which they take for granted. They need to know what those freedoms are, how to preserve them, and how to use them. They should be taught to treat the flag, the members of our armed forces, and the presidency with respect. They should be taught to respect themselves and others enough to understand current events, to use their right to vote, to obey the laws, and to participate in the judicial system when they are needed. Our system is at risk and teaching tolerance is not the answer. Teaching that freedom *and* responsibility have to go hand in hand is.

Respectfully,
Brett and Debbie Acker
119 Prendergast Ext.
Huntingdon, PA 16652

Benkovic, Susan

From: Beth Anne Lewis [billbethlewis@comcast.net]
Sent: Sunday, October 19, 2003 7:28 PM
To: 00statbd@psupen.psu.edu
Subject: Changes in the Chapter 11 Pupil Attendance Regulations

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2003 OCT 24 AM 11:32

INDEPENDENT
REVIEW COMMISSION

Dear Mr. Girton,

Original: 2349

I would like to express my concern to several changes that are being discussed.

1. The change is the Board's plan to remove "loyalty to State and Nation" language from the regulations that is currently contained in the current school code.

At a time when we have faced terrorists and still have men and women involved in combat around the world this act is inexcusable.

2. The change related to immunizations, which threaten to increase the bureaucratic burden on home-schoolers and place another unfunded mandate on our public schools.

3. Please do not change the school age that would be a taxpayer funded government preschool. Children need to be home with their parents at this most critical time of their life.

4. And last but not least, the change that would force our school districts to accept and enroll **illegal** aliens.

These changes would not be beneficial to the people of Pennsylvania. It would increase the control of the government into our personal lives.

Sincerely,
Bill and Beth Anne Lewis

10/20/2003

PENNSYLVANIA PARENTS' COMMISSION

P. O. Box 73
Johnstown, PA 15907
October 17, 2003

RECEIVED

2003 OCT 24 AM 11:33

INDEPENDENT EDUCATIONAL
REVIEW COMMISSION

Pennsylvania Board of Education
333 Market St.
Harrisburg, Pennsylvania

Original: 2349

Dear Members of the State Board of Education:

I have carefully read the proposed changes to Chapter 11 of the Pennsylvania School Code, and offer the following thoughts:

11.12 School Age--"School age starts withthe district's earliest admission age for beginners", which is 4 or younger. This needs to have state-wide hearings, as this is of great importance to hundreds of citizens, and should not be made a regulation with absolutely no notice. Also, this is A VERY BIG UNFUNDED MANDATE. I, and many others, consider this to be bureaucracy 'run amuck'. I believe the State Board needs to justify this new regulation to the people of Pennsylvania, and not just pass a regulation making it so. **HEARINGS, PLEASE!**

In 11.19. The guardian of a nonresident incoming student shall file documentation showing that the child is financially cared for. In 11.11., no inquiry shall be made about a student's immigrant status, and no mention is made of the requirements of 11.19., such as age, residence, immunizations, guardianship. I find this to be A VERY BIG UNFUNDED MANDATE, and unacceptable. Please omit 11.11.(d).

11.20 changes the regulation (law) to say that every child in the state shall give documentation about his immunization record to the school district. This should not be the responsibility of the public school administrator, and only devious reasons come to mind as to why you would want it so. The public school administration should not have authority over the health records of all the children--only those attending public school. Please remove this mandate from non-public school parents and children...and school administrators.

These issues mentioned, as well as others in the proposed changes in Chapter 11 need public input. I try to follow closely the meetings of the State Board. The minutes tell me nothing concrete. No mention has ever been made where one can read the proposed changes. A young man in the neighborhood helped me find them. PLEASE, be open to us! Hearings, or at least, information in our newspapers, PLEASE--for the sake of the families and for the good of our State.

For the children,


Eunice Evans, Treas.

The fax number is 1-717-787-7306. The mailing address is:

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

Karl R. Girton

"I object:

to your removing the words "loyalty to state and nation"
to putting school superintendents in charge of immunization records of homeschooled children
to changing the attendance age requirement
to accomodating illegal alicens' children -- the family
should be reported and required to apply legally."

Janine G. [Signature]

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2003 OCT 24 AM 11:33

INDEPENDENT LABORATORY
REVIEW COMMISSION

**Pennsylvania
Eagle Forum****Fran Bevan, President**
fran@eagleforumpa.org

RECEIVED

2003 OCT 24 AM 11:33

INDEPENDENT JUDICIAL
REVIEW COMMISSION640 Stonebridge Drive
N. Huntingdon, PA 15642
(724) 864-5989 Voice
(724) 864-6125 Fax

October 17, 2003

Pennsylvania State Board of Education

333 Market Street

Harrisburg, Pennsylvania 17126

Original: 2349

Dear Board Members:

Recently I have become aware of proposed changes to the Pennsylvania Public School Code. In response to this I would like to request statewide hearings be scheduled to "review and discuss" the new proposals.

As the state leader for a national organization, I am concerned about the proposed changes and have heard from several members concerning the changes. Just as I value the opinion of my membership, so also should you value the concerns of the citizens of the Commonwealth by explaining, clarifying and justifying the proposals you seek to codify.

Eagle Forum is a national pro-family organization. We are citizen that particularly watch proposed legislation and rulemaking that concerns families. We support legislation that strengthens families.

Some of the proposed regulations seem to undermine parental authority and family values. Some of the proposed regulations seem clearly to undermine parental choices, as when a child should begin public education and who determines the health of a child. The HIPPA regulations now are very strict about sharing health information and there could be repercussions in the area of immunizations.

The proposed regulations seem to dilute national sovereignty and promote a globalism. This is an attitude that some parents, teachers and communities find difficult as we struggle with terrorism in our nation.

My request is that the Board of Education consider taking these proposed changes to the to the citizens of the Commonwealth.

I thank you for your consideration of this matter.

Sincerely,

Fran Bevan
President
Pennsylvania Eagle Forum



PENNSYLVANIA
SCHOOL BOARDS
ASSOCIATION, INC.

774 LIMEKILN ROAD, NEW CUMBERLAND, PA 17070-2398 / (717) 774-2331 / FAX (717) 774-0718

Original: 2349

September 29, 2003

Ms. Patricia White, Executive Director
State Board of Education
333 Market Street, 1st Floor
Harrisburg, PA 17126-0333

RECEIVED
2003 OCT - 1 AM 9:35
INDEPENDENT REGULATOR
REVIEW COMMISSION

Dear Ms. White:

The Pennsylvania School Boards Association would like to take this opportunity to comment on proposed 22 Pa. Code, Chapter 11, regarding pupil attendance, as revised by the State Board of Education.

We commend the board for its effort to revise Chapter 11, and generally support these changes with some exceptions to various sections. Since it has not been modified in several years, we understand the extensive amount of work necessary to update these regulations to reflect years of legislative changes, court decisions and current practice. We have offered various thoughts and recommendations to the State Board throughout the process; some of our concerns have been adequately addressed. Our comments at this time will address the remaining key issues.

Section 11.11(a) Entitlement of resident children to attend public schools

Proposal: Adds language to address situations concerning children whose parents are divorced or separated.

PSBA comment: In *Mathias v. Richland School District*, 140 Pa. Cmwlth. 298, 592 A.2d 811 (1991), the Pennsylvania Commonwealth Court held that school-aged children are presumed to have the same residence as the parent with whom they live. In that case, the child's parents were separated and the child lived with his mother. However, the child's mother wanted to enroll her child in the father's school district of residence. The *Mathias* court said no.

While the proposal may be attempting to incorporate the *Mathias* decision into its regulation, there are two potential concerns with the proposed additional language:

1. Presuming a judge/agreement allows a child to attend school in the non-custodial parent's district of residence, PSBA believes that the regulations should address the issue of transportation of the student. Specifically, Chapter 11 should include language that clarifies that the responsibility for transportation is with the school district that the child is attending.

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2. As a result of joint custody, if parents get to choose a school district for enrollment purposes -- how often do they get to make that choice? Are parents given an unlimited number of opportunities to change their minds during the school term? PSBA recommends that the language in this section clarify that parents should be given one opportunity to make that choice each school year, and absent unreasonable circumstances, have to pay tuition for non-essential enrollment changes.

3. Another concern is the admission of children who move into Pennsylvania without first complying with the Interstate Compact on the Placement of Children, 62 P.S. §761. PSBA suggests that this be referenced so that the compact is observed. This typically comes up in school districts bordering other states. Residency cannot and should not be established until the cases are transferred in accordance with the compact. The appropriate place for this would be in current §11.11(c), which would become §11.11(d) if the recommendations are adopted.

PSBA suggested change to the proposed §11.11(a) is underlined:

(a) A school age child is entitled to attend the public schools of the child's district of residence. A child's district of residence is that in which the parents or the guardian resides [, or, if]. **When the parents reside in different school districts due to separation, divorce or other reason, the child may attend school in the district of residence of the parent with whom the child lives for a majority of the time, unless a court order or court approved custody agreement specifies otherwise. If the parents have joint custody and time is evenly divided, the parents may choose which of the two school districts the child will enroll for the duration and/or entirety of the school year.** If the child is an emancipated minor, the resident school district is the one in which the child is then living. For purposes of this section, an emancipated minor is a person [below the age of] under 21 years of age who has chosen to establish a domicile apart from the continued control and support of parents or guardians. A minor living with a spouse is deemed emancipated.

(b) Transportation for students shall be provided consistent with the policy of the school district that the students are attending.

PSBA suggested addition to the language proposed §11.11 (c) follows:

Nonresident children who are subject to the provisions of the Interstate Compact on the Placement of Children must comply with such requirements in order to establish residency in a school district in Pennsylvania.

Section 11.16 Early admission of beginners

Proposal: Eliminates the reference to “mental age of 7 years or more” when determining a 5-year-old’s eligibility for early admission.

PSBA comment: The proposed deletion presumably is intended to eliminate antiquated language and provide school districts greater flexibility when considering children for early admission to school. Unfortunately, the proposed change eliminates the standard by which early admission decisions are made, and replaces it with nothing. The potential problem with the elimination of the current “mental age” modifier is that school districts technically could be required to allow all 5-year-olds to be eligible and could be accused of discriminating against “below average” 5-year-olds if they decide to exercise their discretion only to admit early those children who demonstrate “above average” intellectual abilities. Accordingly, the proposed deleted phrase “and a mental age of 7 years or more” should be replaced with regulatory language that indicates such children have demonstrated both the maturity and intellectual ability to benefit from early enrollment. PSBA suggests that the proposal reflect the concept of student demonstration of readiness for early entry.

PSBA suggested change to the proposed §11.16 is underlined:

The board of school directors of a school district may, upon parental request[,], **and** when recommended by a public school psychologist and approved by the district superintendent of schools, admit as a beginner a child with a chronological age of 5 years **[and a mental age of 7 years or more]** **and has demonstrated readiness for entry** as of the first day of the district's school term. A board of school directors is not required to admit a child as a beginner whose chronological age is less than the district's established admission age for beginners.

Section 11.19 Nonresident child living with a district resident

Proposal: Creates a substantive change with regard to financial support related to non-resident student entitled to school privileges when living with district resident.

PSBA comment: The added language may be intended to clarify a resident’s receipt of certain benefits on behalf of a non-resident child and should not be construed to change the requirement that a child must be supported “gratis” to enroll in school, as stated in Section 1302 of the Public School Code. Unfortunately, the current regulation has converted the definition of the term “gratis” to mean that the resident receives no personal compensation for maintaining the student in the district. That legal deficiency is carried over in the proposed regulation. Allowing a non-resident child to attend the public schools merely because the supporting resident is not getting paid is inconsistent with Section 1302.

Traditionally, whenever a school district resident keeps in his home a nonresident child of school age and continuously supports that child gratis beyond the traditional school term, the child is entitled to free school privileges. 24 P.S. § 13-1302. In *Brenner v. West Shore School District*, 780 A.2d 726 (Pa. Cwmlth. 2001), the Pennsylvania Commonwealth Court explained what the term "gratis" means within Section 1302 of the Public School Code. In this case, the grandparents argued their granddaughter was entitled to attend the district's public schools because she lived with them. The court disagreed and found the grandparents were not supporting their granddaughter "gratis" because her parents continued to maintain her health insurance, maintained a bedroom, provided her with food, clothing and other needs, and listed her as a dependent on their state and federal income tax returns. Accordingly, although the *Brenner* grandparents were not being paid to support their granddaughter, the fact she continued to receive direct support from her parents violated the Public School Code.

The State Board's position of allowing residents to receive some sort of payment for the support for non-resident school aged children, including health insurance, may prove troubling in certain instances. To the extent the proposed change allows residents to obtain health insurance for a non-resident child through insurance offered by their own employer or a government program is acceptable. However, if a parent were to maintain health insurance coverage for the child even though that child is absent from the parental home, the *Brenner* holding should apply.

PSBA suggests that the entire proposed §11.19 be replaced with the following:

(a) A nonresident child is entitled to attend the district's public schools if that child is maintained and supported in the home of a district resident as if the child were the resident's own child consistent with the requirements of Section 1302 of the Public School Code.

(b) Before enrolling a nonresident child as a student, the school district shall require the resident to file with the designated individual or office the following documentation:

(i) appropriate legal documentation establishing the nonresident child has been found dependent by a court of competent jurisdiction, or

(ii) appropriate legal documentation establishing the district resident has been appointed guardian of the nonresident child, or

(iii) a sworn statement executed by the resident of the district stating the child is being supported without personal compensation or gain to the resident; the resident will assume personal obligations for the child relative to school requirements and the resident intends to so keep and support the child continuously and not merely through the school term.

(c) The resident's receipt of public payments, such as Supplemental Security Income (SSI), Temporary Assistance for Needy Families, maintenance on public or private health insurance, preadoptive support for or on account of the child, shall not be considered to be personal compensation or gain under this section.

(d) Nothing in this section shall preclude the school board from requiring a resident to submit other reasonable information to substantiate the sworn statement consistent with applicable statutes, regulations or guidelines established by the Department of Education.

Section 11.27 Graduation

Proposal: Creates substantive changes regarding commencement preparation and participation of special education students in graduation.

PSBA comment: The proposed subparagraph 4 is confusing and seems to suggest that students with disabilities have an entitlement to participate in graduation ceremonies even in instances where the students will continue to receive educational services from the district. The current law does not leave that choice with the student, but with the school district. In *Woodland Hills School District v. S.F. and His Parents*, 747 A.2d 433 (Pa. Cmwlth. 2000), the Commonwealth Court held that a student with a disability does not have a right to participate in a high school commencement ceremony and have his diploma "banked" if the student has not completed his special education program as set forth in his IEP. The court reasoned local school boards are authorized to adopt reasonable rules and regulations which condition participation in a graduation ceremony upon a student's successful completion of an instructional program appropriate to a student's particular needs. Furthermore, the court found there is no independent right to participate in graduation under the Individual with Disabilities Act, 20 U.S.C. § 1400 *et seq.*, where student has not met the school district's graduation requirements.

The Department of Education has acknowledged the applicability of the *Woodland Hills* decision in its May 2, 2002 memorandum to school district superintendents. *See*, "Students with Disabilities Participation in Graduation Ceremonies" (PDE Bureau of Special Education, May 2, 2002).

PSBA suggests that the entire proposed §11.27(4) be replaced with the following:

(4) School districts may permit students with disabilities under Chapter 14 to participate in graduation ceremonies with their graduating class, even though they will not be awarded a diploma and continue to receive educational services under Chapter 14. The participation of such students in graduation ceremonies shall not preclude the school district from counting those students in its membership for subsidy purposes.

Section 11.31 Students not enrolled in public schools due to private tutoring

Proposal: Clarifies subject matter to be taught and school district oversight of private tutoring.

PSBA comment: The proposed change would eliminate a superintendent's approval of private tutoring arrangements thereby calling into question the ability of a school district to "step in" where such services are clearly inadequate.

Ms. Patricia White
September 29, 2003
Page 6

Section 11.31a. Students not enrolled in public school due to participation on home education

Proposal: Creates a new section referencing Section 1327.1 of the Public School Code.

PSBA comment: PSBA agrees that school district approval is not required to commence a home education program, and that has been the longstanding position of the Department of Education as well. However, PSBA believes that this section should be further amended to reflect statutory language of Section 1327(d) regarding the needs of students who are eligible for special education services. This could be added to the existing proposed language under Section 11.31a, "... are subject to section **1327 (d) and section** 1327.1 of the...

Section 11.33 Dual enrollment, students enrolled part-time in the public schools

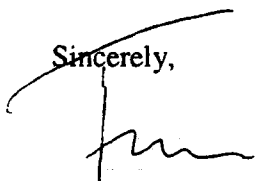
Proposal: Expands existing provisions regarding reimbursement for dual enrollment of nonpublic school students to include students in a private tutoring program and students in a home education program.

PSBA comment: This proposal should be modified to clarify that school districts are not required to allow dual enrollment of some students, but may choose to do so and will receive pro-rated reimbursement if they permit dual enrollment. Section 502 of the Pennsylvania School Code provides statutory authority for part-time enrollment only of nonpublic school students. Admission to part-time enrollment by other students should be discretionary. PSBA suggests that the entire paragraph in the proposal be deleted and replaced with the following:

Pupils who attend courses in public school districts in accordance with 24 P.S. §502, will be considered dual-enrolled students for purposes of reimbursement. School districts may choose to enroll in the public schools on a part-time basis nonpublic school students who are not subject to 24 P.S. §502, students in a private tutoring program as per 24 P.S. §13-1327 and students in a home education program as per 24 P.S. §13-1327.1. All such students will be considered dual-enrolled for purposes of reimbursement. Reimbursement for such students shall be calculated by counting the time spent in the public school program on a pro rata basis.

We appreciate the opportunity to review and comment on the proposed amendments to Chapter 11. Please contact me if you wish to discuss any of the issues addressed in this letter.

Sincerely,



Timothy M. Allwein
Assistant Executive Director
Governmental and Member Relations



PENNSYLVANIA
SCHOOL BOARDS
ASSOCIATION, INC.

774 LIMEKILN ROAD, NEW CUMBERLAND, PA 17070-2398 / (717) 774-2331 / FAX (717) 774-0718

Original 2349
September 29, 2003

RECEIVED
2003 SEP 29 PM 3:12
INDEPENDENT REGULATORY REVIEW COMMISSION

Robert Nyce, Executive Director
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101

Dear Mr. Nyce:

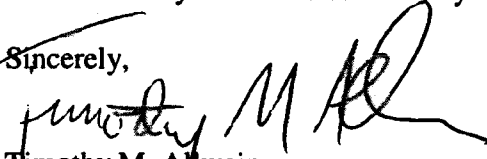
Enclosed are PSBA's comments to the State Board of Education concerning proposed 22 Pa. Code, Chapter 11, regarding pupil attendance. We generally support the board's effort to revise these regulations, with some exceptions to various sections. Since it has not been modified in several years, we understand the extensive amount of work necessary to update these regulations to reflect years of legislative changes, court decisions and current practice. We have offered various thoughts and recommendations to the State Board throughout the process; some of our concerns have been adequately addressed.

Our comments at this time concern the remaining key issues that PSBA believes should be addressed in the proposed revisions to Chapter 11. We believe that the changes recommended by the association will clarify provisions specific to:

- the entitlement of resident children to attend public schools (§11.11(a))
- early admission of beginners (§11.16)
- nonresident children living with a district resident (§11.19)
- participation of special education students in graduation ceremonies (§11.27)
- provisions regarding private tutoring (§11.31)
- provisions regarding home education programs (§11.31(a))
- expansion of current provisions regarding reimbursement for dual enrollment (§11.33)

We appreciate the opportunity to comment on the proposed amendments to Chapter 11. Please contact me if you wish to discuss any of the issues addressed in this letter.

Sincerely,


Timothy M. Alwein
Assistant Executive Director
Governmental and Member Relations

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PENNSYLVANIA
SCHOOL BOARDS
ASSOCIATION, INC.

774 LIMEKILN ROAD, NEW CUMBERLAND, PA 17070-2398 / (717) 774-2331 / FAX (717) 774-0718

September 29, 2003

Ms. Patricia White, Executive Director
State Board of Education
333 Market Street, 1st Floor
Harrisburg, PA 17126-0333

RECEIVED
2003 SEP 29 PM 3:12
INDEPENDENT EDUCATION
REVIEW COMMISSION

Dear Ms. White:

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We commend the board for its effort to revise Chapter 11, and generally support these changes with some exceptions to various sections. Since it has not been modified in several years, we understand the extensive amount of work necessary to update these regulations to reflect years of legislative changes, court decisions and current practice. We have offered various thoughts and recommendations to the State Board throughout the process; some of our concerns have been adequately addressed. Our comments at this time will address the remaining key issues.

Section 11.11(a) Entitlement of resident children to attend public schools

Proposal: Adds language to address situations concerning children whose parents are divorced or separated.

PSBA comment: In *Mathias v. Richland School District*, 140 Pa. Cmwlth. 298, 592 A.2d 811 (1991), the Pennsylvania Commonwealth Court held that school-aged children are presumed to have the same residence as the parent with whom they live. In that case, the child's parents were separated and the child lived with his mother. However, the child's mother wanted to enroll her child in the father's school district of residence. The *Mathias* court said no.

While the proposal may be attempting to incorporate the *Mathias* decision into its regulation, there are two potential concerns with the proposed additional language:

1. Presuming a judge/agreement allows a child to attend school in the non-custodial parent's district of residence, PSBA believes that the regulations should address the issue of transportation of the student. Specifically, Chapter 11 should include language that clarifies that the responsibility for transportation is with the school district that the child is attending.

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Public Schools...Achieve!

Ms. Patricia White
September 29, 2003
Page 2

2. As a result of joint custody, if parents get to choose a school district for enrollment purposes – how often do they get to make that choice? Are parents given an unlimited number of opportunities to change their minds during the school term? PSBA recommends that the language in this section clarify that parents should be given one opportunity to make that choice each school year, and absent unreasonable circumstances, have to pay tuition for non-essential enrollment changes.

3. Another concern is the admission of children who move into Pennsylvania without first complying with the Interstate Compact on the Placement of Children, 62 P.S. §761. PSBA suggests that this be referenced so that the compact is observed. This typically comes up in school districts bordering other states. Residency cannot and should not be established until the cases are transferred in accordance with the compact. The appropriate place for this would be in current §11.11(c), which would become §11.11(d) if the recommendations are adopted.

PSBA suggested change to the proposed §11.11(a) is underlined:

(a) A school age child is entitled to attend the public schools of the child's district of residence. A child's district of residence is that in which the parents or the guardian resides [, or, if]. **When the parents reside in different school districts due to separation, divorce or other reason, the child may attend school in the district of residence of the parent with whom the child lives for a majority of the time, unless a court order or court approved custody agreement specifies otherwise. If the parents have joint custody and time is evenly divided, the parents may choose which of the two school districts the child will enroll for the duration and/or entirety of the school year. If the child is an emancipated minor, the resident school district is the one in which the child is then living. For purposes of this section, an emancipated minor is a person [below the age of] under 21 years of age who has chosen to establish a domicile apart from the continued control and support of parents or guardians. A minor living with a spouse is deemed emancipated.**

(b) Transportation for students shall be provided consistent with the policy of the school district that the students are attending.

PSBA suggested addition to the language proposed §11.11 (c) follows:

Nonresident children who are subject to the provisions of the Interstate Compact on the Placement of Children must comply with such requirements in order to establish residency in a school district in Pennsylvania.

Section 11.16 Early admission of beginners

Proposal: Eliminates the reference to “mental age of 7 years or more” when determining a 5-year-old’s eligibility for early admission.

PSBA comment: The proposed deletion presumably is intended to eliminate antiquated language and provide school districts greater flexibility when considering children for early admission to school. Unfortunately, the proposed change eliminates the standard by which early admission decisions are made, and replaces it with nothing. The potential problem with the elimination of the current “mental age” modifier is that school districts technically could be required to allow all 5-year-olds to be eligible and could be accused of discriminating against “below average” 5-year-olds if they decide to exercise their discretion only to admit early those children who demonstrate “above average” intellectual abilities. Accordingly, the proposed deleted phrase “and a mental age of 7 years or more” should be replaced with regulatory language that indicates such children have demonstrated both the maturity and intellectual ability to benefit from early enrollment. PSBA suggests that the proposal reflect the concept of student demonstration of readiness for early entry.

PSBA suggested change to the proposed §11.16 is underlined:

The board of school directors of a school district may, upon parental request[,], **and** when recommended by a public school psychologist and approved by the district superintendent of schools, admit as a beginner a child with a chronological age of 5 years [**and a mental age of 7 years or more**] **and has demonstrated readiness for entry** as of the first day of the district's school term. A board of school directors is not required to admit a child as a beginner whose chronological age is less than the district's established admission age for beginners.

Section 11.19 Nonresident child living with a district resident

Proposal: Creates a substantive change with regard to financial support related to non-resident student entitled to school privileges when living with district resident.

PSBA comment: The added language may be intended to clarify a resident’s receipt of certain benefits on behalf of a non-resident child and should not be construed to change the requirement that a child must be supported “gratis” to enroll in school, as stated in Section 1302 of the Public School Code. Unfortunately, the current regulation has converted the definition of the term “gratis” to mean that the resident receives no personal compensation for maintaining the student in the district. That legal deficiency is carried over in the proposed regulation. Allowing a non-resident child to attend the public schools merely because the supporting resident is not getting paid is inconsistent with Section 1302.

Traditionally, whenever a school district resident keeps in his home a nonresident child of school age and continuously supports that child gratis beyond the traditional school term, the child is entitled to free school privileges. 24 P.S. § 13-1302. In *Brenner v. West Shore School District*, 780 A.2d 726 (Pa. Cwmlth. 2001), the Pennsylvania Commonwealth Court explained what the term "gratis" means within Section 1302 of the Public School Code. In this case, the grandparents argued their granddaughter was entitled to attend the district's public schools because she lived with them. The court disagreed and found the grandparents were not supporting their granddaughter "gratis" because her parents continued to maintain her health insurance, maintained a bedroom, provided her with food, clothing and other needs, and listed her as a dependent on their state and federal income tax returns. Accordingly, although the *Brenner* grandparents were not being paid to support their granddaughter, the fact she continued to receive direct support from her parents violated the Public School Code.

The State Board's position of allowing residents to receive some sort of payment for the support for non-resident school aged children, including health insurance, may prove troubling in certain instances. To the extent the proposed change allows residents to obtain health insurance for a non-resident child through insurance offered by their own employer or a government program is acceptable. However, if a parent were to maintain health insurance coverage for the child even though that child is absent from the parental home, the *Brenner* holding should apply.

PSBA suggests that the entire proposed §11.19 be replaced with the following:

(a) A nonresident child is entitled to attend the district's public schools if that child is maintained and supported in the home of a district resident as if the child were the resident's own child consistent with the requirements of Section 1302 of the Public School Code.

(b) Before enrolling a nonresident child as a student, the school district shall require the resident to file with the designated individual or office the following documentation:

(i) appropriate legal documentation establishing the nonresident child has been found dependent by a court of competent jurisdiction, or

(ii) appropriate legal documentation establishing the district resident has been appointed guardian of the nonresident child, or

(iii) a sworn statement executed by the resident of the district stating the child is being supported without personal compensation or gain to the resident; the resident will assume personal obligations for the child relative to school requirements and the resident intends to so keep and support the child continuously and not merely through the school term.

(c) The resident's receipt of public payments, such as Supplemental Security Income (SSI), Temporary Assistance for Needy Families, maintenance on public or private health insurance, preadoptive support for or on account of the child, shall not be considered to be personal compensation or gain under this section.

(d) Nothing in this section shall preclude the school board from requiring a resident to submit other reasonable information to substantiate the sworn statement consistent with applicable statutes, regulations or guidelines established by the Department of Education.

Section 11.27 Graduation

Proposal: Creates substantive changes regarding commencement preparation and participation of special education students in graduation.

PSBA comment: The proposed subparagraph 4 is confusing and seems to suggest that students with disabilities have an entitlement to participate in graduation ceremonies even in instances where the students will continue to receive educational services from the district. The current law does not leave that choice with the student, but with the school district. In *Woodland Hills School District v. S.F. and His Parents*, 747 A.2d 433 (Pa. Cmwlth. 2000), the Commonwealth Court held that a student with a disability does not have a right to participate in a high school commencement ceremony and have his diploma "banked" if the student has not completed his special education program as set forth in his IEP. The court reasoned local school boards are authorized to adopt reasonable rules and regulations which condition participation in a graduation ceremony upon a student's successful completion of an instructional program appropriate to a student's particular needs. Furthermore, the court found there is no independent right to participate in graduation under the Individual with Disabilities Act, 20 U.S.C. § 1400 *et seq.*, where student has not met the school district's graduation requirements.

The Department of Education has acknowledged the applicability of the *Woodland Hills* decision in its May 2, 2002 memorandum to school district superintendents. *See*, "Students with Disabilities Participation in Graduation Ceremonies" (PDE Bureau of Special Education, May 2, 2002).

PSBA suggests that the entire proposed §11.27(4) be replaced with the following:

(4) School districts may permit students with disabilities under Chapter 14 to participate in graduation ceremonies with their graduating class, even though they will not be awarded a diploma and continue to receive educational services under Chapter 14. The participation of such students in graduation ceremonies shall not preclude the school district from counting those students in its membership for subsidy purposes.

Section 11.31 Students not enrolled in public schools due to private tutoring

Proposal: Clarifies subject matter to be taught and school district oversight of private tutoring.

PSBA comment: The proposed change would eliminate a superintendent's approval of private tutoring arrangements thereby calling into question the ability of a school district to "step in" where such services are clearly inadequate.

Ms. Patricia White
September 29, 2003
Page 6

Section 11.31a. Students not enrolled in public school due to participation on home education

Proposal: Creates a new section referencing Section 1327.1 of the Public School Code.

PSBA comment: PSBA agrees that school district approval is not required to commence a home education program, and that has been the longstanding position of the Department of Education as well. However, PSBA believes that this section should be further amended to reflect statutory language of Section 1327(d) regarding the needs of students who are eligible for special education services. This could be added to the existing proposed language under Section 11.31a, "... are subject to section **1327 (d) and section** 1327.1 of the...

Section 11.33 Dual enrollment, students enrolled part-time in the public schools

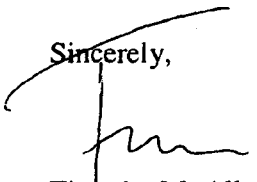
Proposal: Expands existing provisions regarding reimbursement for dual enrollment of nonpublic school students to include students in a private tutoring program and students in a home education program.

PSBA comment: This proposal should be modified to clarify that school districts are not required to allow dual enrollment of some students, but may choose to do so and will receive pro-rated reimbursement if they permit dual enrollment. Section 502 of the Pennsylvania School Code provides statutory authority for part-time enrollment only of nonpublic school students. Admission to part-time enrollment by other students should be discretionary. PSBA suggests that the entire paragraph in the proposal be deleted and replaced with the following:

Pupils who attend courses in public school districts in accordance with 24 P.S. §502, will be considered dual-enrolled students for purposes of reimbursement. School districts may choose to enroll in the public schools on a part-time basis nonpublic school students who are not subject to 24 P.S. §502, students in a private tutoring program as per 24 P.S. §13-1327 and students in a home education program as per 24 P.S. §13-1327.1. All such students will be considered dual-enrolled for purposes of reimbursement. Reimbursement for such students shall be calculated by counting the time spent in the public school program on a pro rata basis.

We appreciate the opportunity to review and comment on the proposed amendments to Chapter 11. Please contact me if you wish to discuss any of the issues addressed in this letter.

Sincerely,



Timothy M. Allwein
Assistant Executive Director
Governmental and Member Relations

MILLERSVILLE

P.O. Box 1002, Millersville PA 17551-0302

Elementary & Early Childhood Education

(717) 872-3390

FAX: (717) 871-5462

www.millersville.edu

Patricia White
Executive Director
State Board of Education
333 Market St.
Harrisburg, PA 17126-0333
(717)787-3787
(717)787-7306 fax

Original: 2349

This letter is in strong support of the newly proposed legislation (sec. 11.11d) which reads:

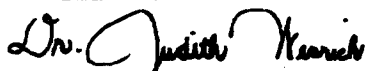
"A child's right to be admitted to school may not be conditioned on the child's immigration status. A school may not inquire regarding the immigration status of a student as part of the admission process."

We have four main reasons for strongly supporting this proposed legislation:

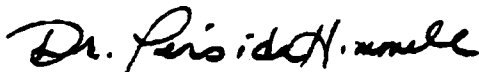
1. The 1982 Supreme Court decision in the case of Plyler v. Doe not only supports this proposed legislation, but upholds a spirit of basic human rights and antidiscrimination, which we feel is the foundation for a democratic country.
2. A child should not be held responsible for his/ her parent's actions regarding legal or illegal immigrant status.
3. The social consequences of having children without formal schooling in our communities would far outweigh the costs of free public education.
4. Pennsylvania, being founded on principles of tolerance, fairness and democracy, ought to be a leader in promoting the continuation of these values among all children.

We are available to discuss and defend this position, and can be reached at Millersville University (717)871-2271 or (717)872-3125.

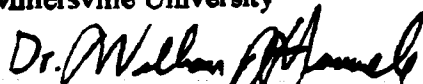
Thank You



Dr. Judith Wenrich
Chairperson Elementary & Early Childhood Education
Millersville University



Dr. Persida Himmele
Professor
Millersville University



Dr. William Himmele
Professor
Millersville University

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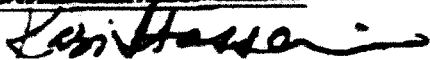
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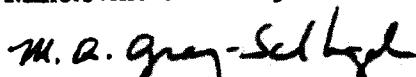
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Dr. Kazi Hossain
Professor
Millersville University




Dr. Mary Ann Gray-Schlegel
Professor
Millersville University



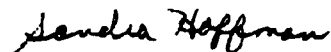
Dr. Bennett Berhow
Professor & Certification Officer
Millersville University



Dr. Vidya Thirumurthy
Professor
Millersville University



Dr. Yvonne M. King
Professor
Millersville University



Dr. Sandra Hoffman
Professor
Millersville University

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Elementary and Early Childhood Education

(717) 872-3390

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Originator:

Name: Patricia Himmels

Location: Elementary & Early Childhood Education

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September 26, 2003

Ms. Patricia A. White, Executive Director
State Board of Education
333 Market Street
Harrisburg, PA 17126-0333

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2003 SEP 30 AM 8:33

INDEPENDENT REGULATORY
REVIEW COMMISSION

Original: 2349

Dear Ms. White:

I am the administrator of a community-based residential facility for school-aged children. Our clients are referred from many Pennsylvania communities to work on behavioral and family problems while living at our agency. Our clients remain in care at our agency for an average of 18 months. Up to 94% of our clients over the past five years have had academic and behavioral difficulties in the school setting. We utilize the public school system to provide educational services for all of our residents. With these facts in mind, it is extremely important for our clients to be enrolled and resume attendance at school as quickly as possible.

The proposed regulations in 22 Pa. Code Section 11.11 (b) and (c) are critical improvements, from my perspective. From my experience, it sometimes takes a number of days well beyond five for some students to begin school. This regulation would speed this process and help our clients to stabilize and improve their grades and behavior within the school setting. Far too often, the children in the foster care system are moved from foster home to group home or other type of setting for a variety of reasons. When this occurs, it disrupts the learning process and creates additional problems for these children. When they can be enrolled in school in a timely fashion, the disruptions are less harmful, in my opinion.

It is also important to require school districts to send educational records to the new district within five business days of the request. Including this requirement as part of the school code will make this transfer of information a priority. We have had situations in which records have been requested from some districts and never received by our school district. Thus, important information does not travel with the child from district to district. Again, for the children in our program, this requirement is a positive change to the school code.

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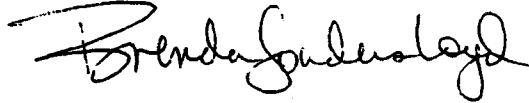
SEP 29 2003

PA. STATE BOARD
OF EDUCATION

I am also in favor of section 11.18 which ensures that children living in a residence such as ours will be admitted to the school district's public schools.

Thank you in advance for your attention to my comments.

Sincerely,

A handwritten signature in black ink, reading "Brenda Souders Loyd". The signature is fluid and cursive, with the first name "Brenda" being the most prominent.

Brenda Souders Loyd, M.S.
Residential Program Administrator

cc: Janet Stotland
Len Rieser
Education Law Center



Latino Leadership Alliance of Bucks County, Inc

229 Mill Street

Bristol, PA 19007

Phone: (215) 788-4452 Fax: (215) 788-4623

E-mail: latinos@llabc.org

September 26, 2003

Original: 2349

Patricia A. White, Executive Director
State Board Of Education
333 Market Street
Harrisburg, PA 17126-0333

Dear Mrs. White,

I am writing in regard to the proposed regulations for ELL students. I have worked with the public school systems with ELL families for many years. I am opposed to the issue concerning the request from schools for immigration documents as part of the enrollment process. By law immigrant students are entitled to a free public education. Some schools request social security numbers or immigration documents and make it difficult for students to be enrolled in school. Requiring these documents may set up the family to be exposed to discrimination and some families may keep children out of school due to fear and lack of information or assistance with this process. Many families have no documents or need time to obtain these, and at times this delays the child's entrance into school. ELL students have the most need to be enrolled and attending school as soon as possible. Each day they are not attending school delays their learning the English language and limits their ability to succeed and compete in school with the rest of the population. School entrance regulations have to take into account the time to obtain residency requirement documents and the fact that some families are "Homeless" and need time to obtain employment so that they can afford a home.

I am in support of the enforcement of the regulation (at sec.11.11 (d) and the requirement (at sec. 11.11(e) for Ell students.

Sincerely,

Margarita Marengo

Executive Director and Commissioner for the Governors Advisory Commission on
Latino Affairs

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REVIEW COMMISSION

Patricia A. White, Executive Director
State Board of Education
333 Market Street
Harrisburg, PA 17126-0333

RE: Proposed Regulations for Public Education

Original: 2349

Dear Ms. White:

As a provider of services to Pennsylvania's children, youth and families we are writing you today in support of the proposed regulations for public education for children in foster care.

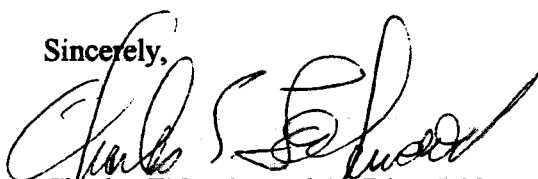
Nonresident students, whether they are in foster care, pre-adoptive homes, or other substitute care, are entitled to receive the same rights to an appropriate educational program as residents of the district. The proposed regulations passed by the State Board of Education will help ensure prompt enrollment of children in foster care as well as other students and establish a statewide set of standards to guarantee that enrollment is prompt.

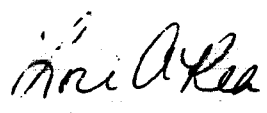
Glade Run Lutheran Services currently contracts with 38 counties across Pennsylvania to provide Foster Care services as well as other residential and non-residential services for children and youth in need. In addition, Glade Run offers educational services and support to children with special education needs at St. Stephen's Lutheran Academy. Regardless of their living situations, these children are entitled to the same privileges afforded to resident children of the school district.

Education is important for the development of the states' children and youth. Not only is it vital to their own development but also for society and Pennsylvania. The future of Pennsylvania depends upon our children and youth. Education needs to be offered equally to all children and youth.

On behalf of Glade Run Lutheran Services and the children, youth and families that we serve, we thank you for your consideration in this regard.

Sincerely,


Charles T. Lockwood, M.Div., Ed.D.
Executive Director


Lori A. Rea
Advocacy Policy Specialist

MILLERSVILLE

P.O. Box 1002, Millersville PA 17551-0302

Original: 2349

Pennsylvania Migrant Education
Mifflin House
(717) 872-3678
FAX: (717) 872-3961

September 25, 2003

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Patricia A. White
Executive Director
State Board of Education
333 Market St.
Harrisburg, PA 17126-0333

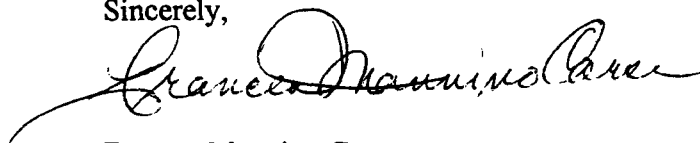
Dear Ms. White,

I am writing to express my support for the new proposed regulations on student enrollment that have to do with families being asked for immigration documents as part of the school enrollment process. While Plyer vs Doe has been in effect for over a decade, schools are still confused about the entire issue of immigration status as it relates to enrollment in public schools. Since the events of September 11th, 2001, many even mistakenly believe it to be their legal obligation to turn children in to INS. It would help to dispel some of the misconceptions that schools have and protect our children if the proposed language were to appear in the regulations.

The issue of the home language survey is also important for second language learners in the Commonwealth. The Basic Education Circular outlines the completion of a home language survey to all new students as policy. Including this in the regulations will ensure that children who need language instruction will not be missed.

Thank you for your attention to these matters.

Sincerely,



Frances Mannino Corse
Director of Migrant Programs
Pennsylvania Migrant Education

/FMC

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913 Arch Street • Philadelphia • PA • 19107
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Board of Directors

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September 24, 2003

Patricia White
Executive Director
State Board of Education
333 Market Street
Harrisburg, PA 17126-0333

Original: 2349

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2003 SEP 30 AM 8:33
OFFICE OF THE ATTORNEY GENERAL

Dear Ms. White:

Asian Americans United would like to applaud the State Board of Education for proposing regulations that will help to ensure educational access for immigrant children and language access for their parents. Proposed regulation 11.11(d) which prohibits schools from inquiring about a child's immigration status, while merely reflecting findings by the Supreme Court is critically important. We have found schools within the School District of Philadelphia who have continued to ask for proof of a child's immigration status even after District officials have reminded them that this is unconstitutional. Having state regulations to reinforce this prohibition will be helpful for us as we seek to provide support for immigrant children and families in their quest for equitable quality education in Philadelphia.

The second regulation we are pleased to know about is 11.11(e), which requires a home language survey for all newly enrolling students. We know that for parents to be able to participate in the education of their children, they need to be communicated with in their home language. Additionally, the ability to track data regarding language needs in Districts will be enhanced with home language surveys readily available to school districts.

Again, we fully support these proposed regulations and look forward to their full implementation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ellen Somekawa', written over a horizontal line.

Ellen Somekawa
Executive Director

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1101 Hartman Street
McKeesport, PA 15132-1500
Phone: 412-673-5800
Fax: 412-673-5805

Original: 2349

September 23, 2003

Patricia A. White
Executive Director
State Board of Education
333 Market St.
Harrisburg, Pa 17126-0333

Ms. White,

This letter is in regards to the foster care children attending public school. We, as an agency, completely support the board's decision to pass new regulations for enrolling our children into school. It is a constant struggle for us to get the children enrolled in a timely manner due to requested documents that we are unable to receive.

With the passing of these new laws, it will be much easier for us to provide education services for the children in our care. We appreciate and thank you in advance for your attention to this matter.

Sincerely,

La Kia Helm
FFC Sr. Case Specialist
Auberle Family Foster Care

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SEP 29 2003

PA. STATE BOARD
OF EDUCATION

☐ Fifth Avenue Offices

2513 Fifth Avenue
McKeesport, PA 15132-1130
Phone: 412-673-1992
Fax: 412-673-1996

☒ People's Building

301 Fifth Avenue
7th Floor
McKeesport, PA 15132-2604
Phone: 412-673-4140
Fax: 412-673-6460

☐ Auberle Education Center

Bishop Boyle Site
120 East 9th Avenue
Homestead, PA 15120-1602
Phone: 412-326-0023
Fax: 412-326-0026

☐ Westmoreland County

Family Preservation Program
One Northgate Square
Greensburg, PA 15601-1341
Phone: 724-853-2460
Fax: 724-853-3047



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OF SERVICES FOR FAMILIES AND CHILDREN, INC.

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September 22, 2003



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Lewisburg, PA

Williamsport, PA

Lehigh, PA

Coatesville, PA

Westfield, PA

Patricia A. White, Executive Director
State Board of Education
333 Market Street
Harrisburg, Pennsylvania 17126-0333

Original: 2349

Dear Ms. White:

I am writing you to express my support for the recently proposed regulations – PA Code - Title 22. Education - Section 11.11 (b).

During the last 24 years of my employment with CONCERN – Professional Services for Children, Youth, and Families, I have seen numerous foster children and children in residential placements delayed educational services due to their placements. This is a fragile population as it is and for them to be required to go through so many loops to be admitted to school is nothing but another setback in their lives. Why, as a society, do we allow these already fragile children to be setback even further by not getting them into appropriate educational environments as soon as possible? Every day that they spend out of school is an injustice to the youth and every day that they are held back from achieving their potential is an injustice to society as a whole.

These regulations are important that they will streamline the admission process for the youth in care and no longer allow them to be in limbo awaiting admission to a school for educational services. Although many school districts that we have worked with in the past make an attempt to get our youth into an appropriate educational environment at their convenience, this regulation/law will place requirements on the school districts not allowing the delay that so often occurs with today's youth in foster care and children's institutions. By hastening the pace in which these children will be admitted to school, these children will be able to move on with their lives at a quicker pace than what they have in the past. They will no longer need to spend time under supervision in the home or much worse on the streets because they have not been admitted into the educational

Executive Director

Glenn J. Hillegass

Board of Directors

Raymond J. Albert

William C. Cooperman

David W. Jay, LSW, MSW

Roger N. Longenecker, MD

Gary P. McCartney, EdD

Stefanie E. Nester, CPA

Basil Y. Scott, PhD

Sandra L. Weidner, MD

Nancy W. Weikert, LSW, ACSW

program/school in the district in which they live. This has been a long-term problem and one can only see by the review of research and studies done on foster children and youth in institutions that the educational component in their lives is often lacking and they are often behind educationally due to the manner in which they unfortunately have been moving around during their young lives. This is not their problem. It is society's problem and this regulation/law will help to achieve a balance to this particular problem that children in foster care and children in institutions face on a regular basis.

Hopefully these regulations will become law and will give these children the opportunity that they so strongly deserve to receive the public educational services that they deserve.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'KESJA' or similar, written in a cursive style.

Kevin E. Stichter, MSCJ
Director of Delinquency Services

KES:SJH

The School District of the City of York, Pennsylvania
"Together Everyone Achieves More"

September 18, 2003

Original: 2349

Patricia A. White, Executive Director
State Board of Education
333 Market Street
Harrisburg, PA 17126-0333

RECEIVED
2003 SEP 23 AM 10:01
REGULATORY
REVIEW COMMISSION

Dear Patricia,

The purpose of this letter is to express support for the following proposed regulations:

Section §11.11(d) immigration status
11.11(b) foster children
11.11(e) HLS

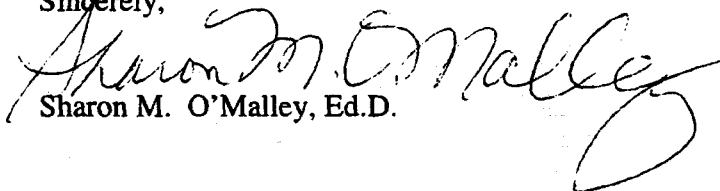
As the supervisor of the English language learner program in the School District of the City of York, a professor of English as a Second Language at Penn State University, I hear of horror stories in other neighboring districts where families are being asked for immigration documents as part of their school enrollment process. Schools should not be requiring this information as reflected in the court case *Pyler vs. Doe*. Although this Supreme Court case exists as well as a Basic Education Circular, until it becomes regulation it will not become best practice in PA schools.

In addition, although the BEC stipulates that a school entity shall administer a home language survey to all students seeking first time enrollment in its schools to be in compliance with Civil Rights, a regulation will put existing practice into regulatory form.

These regulations are important and needed. We can not have delays of enrollment of foster children in schools nor families being scared away due to being asked to provide paperwork that do not have.

If you have any questions please do not hesitate to call me at 717-849-1419. Thank you for your consideration of these well needed proposed regulations.

Sincerely,


Sharon M. O'Malley, Ed.D.

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SEP 22 2003

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The Children's Home of Easton Services, Inc.

Twenty-Fifth Street and Lehigh Drive • Easton, Pennsylvania 18042 • (610) 258-2831 • FAX (610) 258-3165
che@fast.net www.thechildrenshome.org

Michael H. Danjczek, Ed.D.
Executive Director / President

Original: 2349

September 17, 2003

Patricia A. White, Executive Director
State Board of Education
333 Market Street
Harrisburg, PA 17126-0333

Dear Ms. White:

I am writing to express my support of the proposed regulations, at 22 Pa. Code Section 11.11(b). I have been the Executive Director of the Children's Home of Easton for the past twenty-nine years. Our agency struggles on a daily basis trying to enroll our children into public schools as soon as possible upon their arrival in our facility. The difficulties we often encounter are in seeking the required documentation, i.e. student's education records and immunization records, from the sending school district. The proposed regulations, specifically requiring school districts to forward a student's education records within five business days, will certainly benefit the children in agencies like ours and help us with the enrollment process.

Therefore, I wholeheartedly support the proposed regulations.

Yours sincerely,

Michael H. Danjczek, Ed.D. Ph.D.

MHD/cjd
Cc Education Law Center

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SEP 22 2003

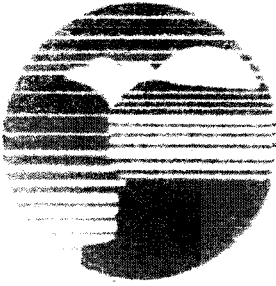
PA. STATE BOARD
OF EDUCATION



ACCREDITED
COUNCIL ON ACCREDITATION
OF SERVICES FOR FAMILIES
AND CHILDREN, INC.

IRRC #2349
Title: Pupil Attendance

[illegible]



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Area School District**

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2003 OCT -2 AM 8:50
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INDEPENDENT COMMISSION

September 24, 2003

Patricia A. White, Executive Director
State Board of Education
333 Market St.
Harrisburg, PA 17126-0333

I would like to express my support for the proposed regulations regarding the clarification that schools should not inquire into immigration status of students. This reflects the decision of the United States Supreme Court in the case of *Plyler v. Doe*, 457 U.S. 202 (1982) in which the Supreme Court held that it is unconstitutional to deny free public education to children who are not legally admitted into the United States. Therefore, school districts must provide a free public education to children whose immigration status is not documented.

The second item I would like to express my support for is requiring school entities to administer a home language survey to all students seeking first time enrollment in its schools, in accordance with requirements of the United States Department of Education's Office for Civil Rights. This will put existing practice and Department policy, as outlined in a Basic Education Circular, into regulatory form

Thank you for your consideration.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Linda U. Barton".

Linda U. Barton