

April 16, 2004

To Whom It May Concern:

I am a High School student that has recently become aware of the changes that the PSBA has made and has attempted to make to Chapter 12, section 12.9 of their regulations regarding students' freedom of speech and freedom of press. It is my understanding that the PSBA succeeded in deleting a reference to the 1969 Tinker vs. Des Moines Community School District, which distinctly references and clarifies student rights, as well as the deletion of the word "immediate" from the regulation "students have the right to express themselves unless such an expression materially and substantially interferes with the educational process or threatens the immediate harm to the welfare of the school or community." Although both of these were deleted and then replaced, this was not done without the addition of a reference to the 1986 Supreme Court case Bethel School District and 1988 Hazelwood cases in which freedom of speech was limited, along with the addition of "serious" to the aforementioned quote from section 12.9 of the code.

All of this addition, subtraction and re-wording of this section has created a vague, unclear definition of what a student's freedom of speech is, limiting it to what the PSBA wants. Because it is so unclear, it leaves a lot of leeway for something to be censored. Because it does not give exact definitions of what is and is not permitted, one person's interpretation of the code may be different than the school board's, allowing the school board to claim supremacy and censor things that would not have been censored under the statute in place before its rearranging. These changes threaten our very way of life—the American way of life. To make vague and unclear rights very clearly defined in the U.S. Constitution is an ultimate destruction of this country's basis.

These changes must be corrected. Chapter 12, section 12.9 must be changed back to its original content—including a reference to Tinker vs. Des Moines and the word "immediate" in the previously mentioned statute, and the removal of the Bethel School Board and Hazelwood case references as well as the removal of "serious" from the statute. To allow this to carry on is an absolute travesty, and must be stopped. Thank you.

Sincerely,



Patrick Sweeney
Sophomore Avonworth High School

RECEIVED
2004 APR 22 AM 9:05
REVIEW COMMISSION

②



RECEIVED
2003 DEC -9 AM 8:38

Commonwealth of Pennsylvania
STATE BOARD OF EDUCATION

REGULATORY REVIEW COMMISSION

December 8, 2003

Mr. Len Rieser
Education Law Center
The Philadelphia Building
1315 Walnut Street, 4th Floor
Philadelphia, PA 19107-4717

Dear Mr. Rieser:

Thank you for your letter dated December 4, 2003 on Final-Form 22 Pa. Code, Chapter 12 (Students).

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 Chairpersons of the House and Senate Education Committees.

The Regulatory Review Act provides that information on the final-form of regulations be mailed to public commentators at their request. If you would like to receive the final-form of these regulations when they are finalized, please make your request to me in writing at the address printed below.

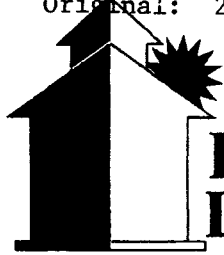
Sincerely yours,

A handwritten signature in cursive script that reads "Jim Buckheit".

Jim Buckheit
Executive Director

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

Original: 2361



Quality & Fairness in
Pennsylvania's Public Schools

EDUCATION LAW CENTER



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REVIEW COMMISSION

EDUCATION

December 4, 2003

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

Re: *Comments - Chapter 12*

Dear Ms. White:

The Education Law Center submits the following comments on the State Board's proposed revisions to 22 Pa. Code Chapter 12, as published in the Pennsylvania Bulletin of November 22, 2003.

ELC strongly supports most of the State Board's proposals. In a few areas, we have additional suggestions or comments.

- **Charter schools.** Under state law, 24 PS §§ 17-1732(A) and 17-1749(A), charter schools and cyber charter schools are subject to Chapter 12. Yet the language of the proposed regulations seems to conflict, at some points, with this requirement. For example, the regulations use the term "board of school directors;" but under state law that phrase is associated only with school districts (*see, e.g., 24 PS § 17-1703-A*), rather than charters, which are governed by "trustees" (24 PS § 17-1719-A). Similarly, the proposed regulations use the term "district" at several

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PA School Reform Network

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300 N. Second Street
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TTY: 215-238-5892
E-mail: psm@elc-pa.org

Ms. Patricia A. White

December 4, 2003

Page 2.

points, *e.g.*, §§ 12.6(e)(1), (e)(2), 12.7(d), thus excluding charters, while referring at other points to “local educational agenc[ies],” thus including them. We urge the Board to resolve these inconsistencies and make clear, throughout, that these regulations apply to charter schools.

- **12.1(b) (free education, etc.).** We support the new language making clear that children with disabilities are entitled to equal access to extracurricular activities. We have, over time, encountered many instances in which this has been a problem.
- **12.4 (nondiscrimination).** We suggest the term “disability” rather than “handicaps.”
- **12.5 (corporal punishment).** We commend the State Board for prohibiting corporal punishment. In this area, we are in agreement with the American Academy of Pediatrics and other professional organizations, which have called for the abolition of corporal punishment on the basis of research showing that the practice is both ineffective and harmful.
- **12.6(d) (exclusions from school).** We support the Board’s proposal to limit the length of time for which a student may be excluded from school before an expulsion hearing is held. We have encountered situations in which students waited weeks or months for hearings while out of school.
- **12.6(e) (district’s responsibility to “make some provision for the student’s education”).** We agree that removing the term “some” is an improvement. However, we think that the language is still too weak to ensure that an expelled child of compulsory age receives a sufficient educational program. In earlier comments (submitted to the State Board in June 2001), we recommended language such as, “The program must offer the child a fair opportunity to progress in the same subject areas as, and at a comparable rate to, his or her peers.”

Also, this section should make clear that if the child has a disability, s/he is entitled to continue to receive a free, appropriate public education, as required by IDEA.

- **12.8 (b) (i) (appeal rights).** In subsection (b)(i), we support the Board's proposal that families be notified of their appeal rights. However, we suggest that the notice be provided *at the time of (and together with) the expulsion decision*, since that is the point at which the question of appeal becomes relevant – rather than at the start of the process, when people tend not to be thinking ahead to the appeal question.
- **12.8(b)(viii) (transcript).** For an indigent family, a transcript can be prohibitively expensive; but an appeal is impossible without it – a problem that may raise constitutional issues, *cf., M. L. B. v. S. L. J.*, 519 US 102 (1996). We urge that a copy of the transcript be provided free if the family is unable to pay for it.
- **12.42 (student services).** Subsection (d) indicates that school districts may administer “individualized standardized psychological tests,” subject to parental challenge “via procedures established by the local educational agency.” This language appears to conflict with IDEA, under which parental complaints concerning psychological assessment must be resolved via the federally-mandated special education hearing and appeal system (rather than district-created procedures). The language may also conflict with 20 USC § 1232h, which prohibits schools from requiring students to submit to certain types of psychological evaluation. We think this section requires further work.
- **Students and families needing interpretation/translation.** As PDE has noted in a BEC, federal law requires that information be provided in the native language, where necessary, to students and parents from other language backgrounds. *See* Basic Education Circular, “Educating Students With Limited English Proficiency (LEP) and English Language Learners (ELL) 22 Pa. Code §4.26.” PDE's interpretation of federal law is, of course, correct, and has implications for Chapter 12 – which calls for a number of important types of notices (*e.g.*, the code of student conduct, notices of disciplinary proceedings, and notices concerning pupil records), as well as several types of hearings. The regulations should make clear that, where necessary, translation and interpretation services must be provided so that families whose native language is not English will have equal access to notices and to hearing procedures.

Ms. Patricia A. White
December 4, 2003
Page 4.

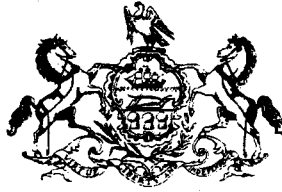
Similar reasoning applies (again based on federal antidiscrimination law) to situations in which a student or parents require interpretation services as the result of a sensory impairment, such as deafness. The regulations should make this clear as well.

We express our appreciation to Board members for their hard work on these regulations.

Sincerely,

A handwritten signature in black ink, appearing to read "Len Rieser".

Len Rieser
Co-Director



RECEIVED
2003 DEC 10 AM 8:44

Commonwealth of Pennsylvania
STATE BOARD OF EDUCATION

REGULATORY REVIEW COMMISSION

December 9, 2003

Ms. Caroline Allen
Legislative and Advocacy Chairman
Pennsylvania PTA
4804 Derry Street
Harrisburg, PA 17111-3440

Original: 2367

Caroline
Dear Ms. Allen:

Thank you for your letter dated December 2, 2003 on Final-Form 22 Pa. Code, Chapter 12 (Students).

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 Chairpersons of the House and Senate Education Committees.

The Regulatory Review Act provides that information on the final-form of regulations be mailed to public commentators at their request. If you would like to receive the final-form of these regulations when they are finalized, please make your request to me in writing at the address printed below.

Sincerely yours,

Jim Buckheit
Executive Director

Thank you!

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



Pennsylvania Congress of Parents and Teachers, Inc.

4804 Derry Street • Harrisburg, PA 17111-3440 • (717) 564-8985
Fax: (717) 564-9046 • E-Mail: infopta717@aol.com • Website: www.papta.org

Original: 2367

December 2, 2003
James Buckheit
Executive Director
State Board of Education
Commonwealth of Pennsylvania
333 Market Street, First Floor
Harrisburg, PA 17126-0333

RECEIVED
2003 DEC 10 AM 8:14
REVIEW COMMISSION

Dear Mr. Buckheit,

The Pennsylvania PTA is over 100,000 members strong. We have been advocating for Pennsylvania's children for over a century. Part of our mission is to "support and speak on behalf of children and youth in the schools, in the community, and before government agencies and other organizations that make decisions affecting children." The "3rd Purpose" of the PTA is "to secure adequate laws for the care and protection of children and youth."

It is our honor to write to the Pennsylvania State Board of Education about the abolishment of corporal punishment in public schools. The National PTA issued a position statement back in 1988 about this topic. It was reviewed and updated in May 2003. It reads as follows:

**RESOLUTION
RECOMMENDATION ON CORPORAL PUNISHMENT**

Recognizing that acts of violence are repugnant wherever they occur, and that societal emphasis today calls for the protection of individual human rights, and that schools should provide an environment conducive to learning and to the development of self-discipline through the democratic process; the Education Commission moved that the National PTA embark upon a program of education and information relating to the issue of corporal punishment; its usage, effectiveness, and alternatives. This program should be conducted with the cooperation of an organization, such as the National Center for the Study of Corporal Punishment and Alternatives in the Schools at Temple University, so that curriculum and bibliography for parent study groups could be developed and disseminated.

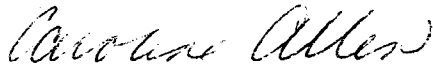
President	Carol S. Ritter	405 Eve Court · Bath, PA 18014 · carolppta@aol.com
President-Elect	Christine Munchak	1717 Olive Street · Scranton, PA 18510 · CLM61@aol.com

Our state congresses should be encouraged to appoint task forces, to review present law, to survey individual school districts on implementing regulations, policies, and practices, to compile information concerning the administration of corporal punishment in public schools, to conduct parent education workshops on the subject, and to reach out wherever possible to legislators and the general public with a view to finding alternative methods to the utilization of corporal punishment as a technique of behavior modification within the educational environment.

National PTA will support efforts to abolish corporal punishment and efforts to develop alternative discipline programs to provide an orderly climate for learning.

Frankly, it is with great disbelief to understand that 50 out of 501 school districts still allow for the use of corporal punishment. One way that children learn in our schools is by the example set by our educational professionals. The use of corporal punishment is simply not an acceptable solution for disciplinary problems faced in schools. Our schools should be a safe haven for our children, not one with a violent, threatening atmosphere. The Pennsylvania PTA strongly urges the State Board of Education to ban the use of corporal punishment in Pennsylvania's schools. The safety and welfare of our children should always be our primary concern.

Sincerely,



Caroline Allen
Legislative and Advocacy Chairman
Pennsylvania PTA

April 15, 2004

To Whom It May Concern:

Original: 2367

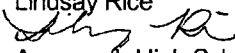
The proposed changes regarding the state of Pennsylvania's free student press are redundant and unnecessary. The specifications that were established in the state regulations were created for a reason. By erasing them, it is taking a step backward and only will create costly conflicts that have already been addressed.

In obliterating the Tinker case as a reference you are erasing the rights that many people fought so hard to protect. It is unreasonable to pick and choose past cases in our history and remove any trial you feel is detrimental to what it is you're fighting for. You cannot change the past nor can you take away others rights to use previous trials as a reference. The case of Tinker vs. Des Moines, was a vital stepping stone to the evolution of students rights. Disagreement with the ruling does not allow one to take away others rights to reference it. If that was allowed in our society all cases would be erased due to someone's unhappiness with the decision. Had our society handled every controversial situation in this manner we would have no basis for running our country.

There are established rights allotted to the student press for freedom of expression. This freedom should be by no means tainted by stern and disapproving censorship.

Sincerely,

Lindsay Rice



Avonworth High School Student

**AVONWORTH HIGH SCHOOL
304 JOSEPHS LANE
PITTSBURGH, PA 15237-1299**

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2004 APR 22 AM 9:05
STATE COMMISSION

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Original: 2367

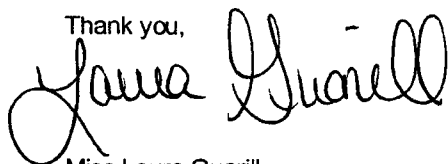
April 15, 2004

To Whom It May Concern:

I am very upset to hear about the changes that have been made concerning students rights. I myself being a student feel that we as students and the majority of the schools should be allowed to speak our minds and say what we feel. It is not fair to students all over the nation have to be censored. I think that since adults do not understand what goes on in the students' lives that they should be of no judge to us and what we say. The only ones who know how each student might feel is the students and with these changes students will not be allowed to express anything.

Everyday in school teachers constantly telling students that they have rights; like we have the right to speak our mind or the right to chose however we want and while I understand that some things need to be censored, I do not see why they need to censor newspapers by students for the students. How are students going to express what they feel when there is nothing they can do it in? Students should have the right to say what they want and not be censored for the way they feel. It is not right to take away a right that was given to everybody.

Thank you,



Miss Laura Guarill

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2004 APR 22 PM 9:05
KENTON COMMISSION

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April 14, 2004

To whom it may concern,

Original: 2367

I do not think that deleting the Tinker case is a logical idea because it is the backbone of Pennsylvania's freedom of expression regulations. Also, the Tinker case has not yet been overturned by the Supreme Court. Students should not have to be constantly interfered with unless they are threatening "immediate harm to the welfare of the school or community."

Students may be censored if they are causing an interruption to the school day or community but I think there must be solid reasoning for the censorship before students can be reprimanded. Students should not be looked down upon when it comes to their opinions. I think that students should have the same free speech rights as elder writers. I am extremely upset that student freedom of expression may be interfered with unnecessarily by censorship. This would not allow students to learn from their mistakes. Making mistakes is a part of growing up. If we are constantly being censored it doesn't give us a chance to make mistakes. It's important that we learn from our mistakes so that we can prepare ourselves for the real world and learn to adapt to certain situations when we need to make decisions.

Sincerely,

Ryan Pool



Avonworth High School Student

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2001 APR 22 AM 9:05
REVIEW COMMISSION

③

Original: 2367

IRRC

From: PHILIP FRIEDMAN [PhilF101@comcast.net]
Sent: Monday, October 03, 2005 3:14 PM
To: IRRC
Subject: Proposal to Abolish Corporal Punishment in Public Schools

Independent Regulatory Review Commission
John R. McGinley Jr., Chairman
333 Market Street, 14th floor
Harrisburg, PA 17101
e-mail: IRRC@irrc.state.pa.us

Regarding the Proposal to Abolish Corporal Punishment in Public Schools

€ Corporal punishment is unnecessary. Properly trained teachers understand how to manage classrooms without the use of corporal punishment.

€ The option of corporal punishment has been abused. Regrettably, there have been well documented cases when some school personnel have abused the option of corporal punishment and used it in an extreme and harmful manner.

€ The proposal still allows corporal punishment in very limited circumstances such as when necessary to protect the safety of staff or students.

€ Most parents and most professional organizations (such as the American Medical Association, National Education Association, and American Psychological Association) oppose corporal punishment in schools.

Thanks for considering this important issue.

Sincerely,

Philip H. Friedman, Ph.D
Licensed Psychologist
Plymouth Meeting, Pa. 19462

Original: 2367

IRRC

From: M S EAKEN [pbemse@msn.com]
Sent: Monday, October 03, 2005 8:42 PM
To: IRRC
Subject: Corporal Punishment in the Public Schools

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

Dear Mr. McGinley and Members of the IRRC:

I am writing to ask your support for the proposed regulation change recommended by the State Board of Education to abolish corporal punishment in the public schools of Pennsylvania.

As a parent of students in the public schools, and as a professional educator, I strongly believe that corporal punishment is unnecessary. During their college preparation, and throughout their careers, teachers receive training on how to manage their classrooms and deal with disruptive students without the use of corporal punishment.

Unfortunately, I understand that there have been incidents where corporal punishment has been used in a harmful manner. Elimination of this option, except in situations where it is necessary to protect the safety of staff or students, will prevent further abuse.

I would like to thank you for your serious consideration of this request.

Sincerely,

Paul Eaken
240 New Castle Drive
Reading, PA 19607
610-796-0708

10/4/2005

Original: 2367

IRRC

From: MKGeagle@aol.com
Sent: Monday, October 03, 2005 10:37 AM
To: IRRC
Cc: iva@PAPSY.ORG
Subject: Proposal to abolish corporal punishment in schools

IRRC --

This is another PA Psychologist expressing her opinion that corporal punishment SHOULD be abolished in schools!

Here are the reasons:

1 - Teachers who deserve the job and are properly trained can and should find other ways to manage an unruly class. If they can't figure it out, fire 'em and replace 'em with teachers who are intelligent and effective.

THE FIRST WAY the state can help both children and teachers is to GET ALL CHILDREN IN THIS STATE OFF POISONOUS PHARMACEUTICALS THAT DESTROY THEIR BRAINS AND THEIR POWER TO THINK RATIONALLY. Then be sure all teachers are off pills, licit and otherwise, which destroy their ability to think rationally.

The second way is to put only DECENT FOOD into school cafeterias, get rid of all the sugar, soda and junk food. And teach the parents how to feed their children properly. No sugar plus no soda plus no junk food, replacing same with fresh (non-chemicalized) vegetables and fruits equals proper behavior! It's like giving kids a brain transplant!!

2 - Those teachers inclined to whack kids are the ones who will be inclined to abuse them. Duh!! One thing angry, out-of-control, unintelligent teachers DON'T need is state approval to whack children!

3 - The proposal still allows for self-defense and defense of other students. If necessary. It is sad that it is necessary -- it certainly wasn't necessary when I was in school. So what are the differences between then and now??? Duh!!!

4 - Most parents, as well as the NEA, the PPA and the APA oppose corporal punishment in schools. If you must whack somebody, you whack the teachers (to teach them what whacking does to those who cannot fight back), not the students. At least the teachers have a fighting chance to defend themselves.

Dr. Mary Krempa Gillespie
Malvern, PA

10/3/2005

Original: 2367

IRRC

From: Shpsy@aol.com
Sent: Monday, October 03, 2005 11:03 AM
To: IRRC
Subject: please abolish corporal punishment

10/03/05 11:03 AM
10/03/05 11:03 AM

I am in support of legislation to abolish corporal punishment in Pennsylvania.

As far as I am concerned, we are in the "Stone Age" with regard to this issue. New Jersey, our neighboring state, has not allowed corporal punishment since the late 1800's, and I do not see any adverse effects - in fact, they have the highest number of children going on to secondary education in the country.

My reasons for opposing corporal punishment include the following:

1. Corporal punishment is unnecessary. Properly trained teachers understand how to manage classrooms without the use of corporal punishment.
2. The option of corporal punishment has been abused. Regrettably, there have been well documented cases when some school personnel have abused the option of corporal punishment and used it in an extreme and harmful manner.
3. The proposal still allows corporal punishment in very limited circumstances such as when necessary to protect the safety of staff or students.
4. Most parents and most professional organizations (such as the American Medical Association, National Education Association, and American Psychological Association) oppose corporal punishment in schools.

It is time for Pennsylvania to join the 20th century on this issue.

Sincerely,

Susan B. Hyman, Ph.D.
Assistant Professor
Drexel University College of Medicine

IRRC

From: Jane M Hart [janemhart@verizon.net]
Sent: Monday, October 03, 2005 4:07 PM
To: IRRC
Subject: In support of Chapter 12

TO: Independent Regulatory Review Commission
John R. McGinley Jr., Chairman
333 Market Street, 14th floor
Harrisburg, PA 17101
PPA Members

FROM: Dr. Jane M. Hart

RE: Proposal to Abolish Corporal Punishment in Public Schools

As an educator and psychotherapist I write in support of Chapter 12 and ending corporal punishment in schools. As a therapist working for 30 years with traumatized adolescents and adults I see how the impact of early trauma negatively impacts. Punishment or the fear of it in schools reinforce early trauma when children need crucial support and compassion to heal. Corporal punishment is unnecessary and ineffectual. It is too easily abused no matter what the rationale for its use might be. There is extensive research evidence that properly trained teachers can manage classrooms more effectively and children can mature and excel. It is crucial that corporal punishment be eliminated. Please support Chapter 12.

Thank you.

Jane M. Hart, Ed.D.
phone: 610.725.9116
H&H Associates
Malvern, PA 19355

IRRC

From: Paul Haber [pjh@iu08.org]
Sent: Monday, October 03, 2005 11:47 AM
To: IRRC
Subject: corporal punishment proposal

Dear Sirs and Madames,

I am writing in regard to the proposal to ban corporal punishment in the Pennsylvania schools. I am aware that the IRRC will soon be considering this proposal and wanted to express my deeply held position to the committee.

As a school psychologist with 20+ years experience who has worked almost daily with students who exhibit learning, emotional, and behavioral problems, I feel that it is unnecessary, and potentially harmful, to continue the practice of employing corporal punishment in our schools across the Commonwealth.

As a psychologist who often works as a consultant to school personnel and parents, I advise the use of other research-based, effective approaches to managing child behavior, rather than using what many in the mental health field refer to as the archaic practice of corporal punishment.

Corporal punishment is largely unnecessary, particularly if teachers and school administrators are properly trained in other effective methods of child and classroom management.

Corporal punishment is also an approach to discipline that has been abused, with potentially serious psychological and legal consequences.

Please also be advised that most parents, as well as most professional organizations (psychological and educational) are opposed to the use of corporal punishment.

With these points in mind, I ask your careful consideration in approving the proposed regulation to Chapter 12, thereby abolishing corporal punishment in our schools.

Respectfully submitted,

Paul I. Haber, M.S., NCSP
Pennsylvania Certified School Psychologist
Nationally Certified School Psychologist
Pennsylvania Licensed Psychologist

Original: 2367

IRRC

From: virginia.giannotta@highmark.com
Sent: Monday, October 03, 2005 4:23 PM
To: IRRC
Subject: Proposal to Abolish Corporal Punishment in Public Schools

Independent REgulatory Review Commission
John R. McGinley Jr., Chairman
333 Market STreet, 14th Floor
Harrisburg, PA 17101

IRRC@irrc.state.pa.us

Dear Mr. McGinley,

I am writing in regard to the proposed regulation to abolish corporal punishment in the public schools. I am writing in favor of the abolishment.

Corporal punishment in an environment designed to foster the healthy growth, education and development of the children of our future does not foster any of the goals of such an environment.

Properly training professions working with and available to those who work with children understand the detrimental impact of using corporal punishment on children.

Physical punishment basically says it is ok for adults to strike children. It also says that violence is condoned by some adults in authority. Teachers and administrator are already persons who are authority figures. It also challenges an intrusive use of force for other than self protection.

The use of physical punishment has a range that is easily abused, especially if the person administering it is emotionally impacted by the child's behavior and/or is a less than fully developed personality him/herself. Putting that kind of judgement into the hands of teachers and administrator is scary.

Please consider this letter a statement in favor of the abolishment of corporal punishment in public schools.

Virginia Giannotta, Ph.D.
Child Grief Specialist
Highmark Caring Place
620 Stanwix Street
Pittsburgh, PA 15222
412-544 0150
virginia.giannotta@highmark.com
www.highmarkcaringplace.com

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Original: 2367

IRRC

From: RH Goodwin [t9950@hotmail.com]
Sent: Monday, October 03, 2005 11:03 AM
To: IRRC; iba@papsy.org
Subject: Chap. 12 corporal punishment

Request you act to approve legislation that would prevent such punishment in pennsylvania schools. Experiences with families [family therapy], as a teacher [varied ages], as a professor [state university & community college], and as a psychologist suggests professionals who work with children are [or should be] trained so other means [preferably positive reinforcement] may be used. Children ARE our future, and how they are treated sets a standard for their treatment of others, which will condition views and behaviors for a lifetime. R.H. Goodwin

Best ever, RH

10/3/2005

IRRC

From: JBLAU1@aol.com
Sent: Monday, October 03, 2005 9:47 AM
To: IRRC
Subject: Corporal Punishment

I am a Psychologist, and I am writing to urge you to support Chapter 12 and to abolish corporal punishment in the schools. Please note the following reasons:

- Corporal punishment is unnecessary. Properly trained teachers understand how to manage classrooms without the use of corporal punishment.
- The option of corporal punishment has been abused. Regrettably, there have been well documented cases when some school personnel have abused the option of corporal punishment and used it in an extreme and harmful manner.
- The proposal still allows corporal punishment in very limited circumstances such as when necessary to protect the safety of staff or students.
- Most parents and most professional organizations (such as the American Medical Association, National Education Association, and American Psychological Association) oppose corporal punishment in schools.

Sincerely,
Dr. Judith Blau
148 East State St.
Doylestown, PA 18901

IRRC

From: Risevanfleet@aol.com
Sent: Monday, October 03, 2005 9:03 AM
To: IRRC
Subject: Regulation change re. schools

2005 OCT -3 AM 9:29

Original: 2367

Dear Chairman McGinley and the IRRC,

I write with regard to the proposed regulation change to Chapter 12 of the School Code that would abolish corporal punishment in PA public schools.

As a child and family psychologist with over 30 years of experience, I have consulted with the schools on many occasions about children's disruptive behaviors, and I believe I understand their dilemmas in managing difficult child behaviors. I believe that this regulation change is very important for several reasons:

1. In my experience, when schools use corporal punishment, it is because they are unaware of or untrained in alternatives. Corporal punishment is simply not necessary if school personnel were trained in these alternative behavior management approaches (that are very effective and have a great deal of research behind them).
2. My mother is a retired 6th-grade teacher. She often was given the "worst" children because she always had good classroom discipline. She never had to resort to physical punishment to maintain this order. Often, the use of corporal punishment signals to the child that he or she has succeeded in "getting to" the teacher or principal.
3. A long-term study coming out of the Harvard Graduate School of Education and Brandeis University is clearly showing that one of the most predictive factors for youth violence is the use of physical punishment (at home and school)!
4. In my practice, we work a great deal with some of the most disturbed children, such as those with abuse histories who are in foster care, those with serious attachment problems, etc. I have seen too many cases where these children's behaviors were exacerbated by an excessive "hands on" approach. Although restraint might be needed in extreme situations, physical punishment is actually counterproductive to these children and often retraumatizes them, worsening their behavior problems. Furthermore, it is counterproductive to the classroom and the school when these corporal punishment methods have been used and consequently inflame the child's symptomatic behavior. This is not fair to the other children either.
5. I am also aware of outright abuses of the use of corporal punishment. Teachers who use corporal punishment in the classroom are often some of the weakest or least prepared to work with children. They need to learn the alternatives to prevent further abuse from happening. It would be an important part of their professional development and it would probably make their jobs more enjoyable. If they are unwilling to take these steps, then why are they teaching???
6. If my understanding is correct, the proposed change would still permit corporal punishment in very limited circumstances, such as when needed to ensure safety of staff or students. Even then, however, staff should all be trained in appropriate restraint methods to avoid ANYONE getting injured.
7. The many parents that I work with or have trained have voiced their desire that corporal punishment be eliminated. One mother recently described how her daughter became afraid to go to school after seeing a classmate hit by the teacher in front of the class. Her daughter had been a well-behaved girl who was a good student.
8. Finally, most professional organizations of which I am aware, such as the NEA, AMA, APA, and so on, are on record as opposing corporal punishment. I would hope that the IRRC will seriously consider their well-reasoned stance.

I appreciate your time in reading this email, and I hope you will support this important change. We have the "behavioral and emotional technology" to handle these problems in a more civilized manner, and it's time that we used this to make the school experience more positive for teachers, administrators, staff, and students!

Thank you,

Risë

.....
"Life is too important to be taken seriously." --Oscar Wilde
 Risë VanFleet, Ph.D., RPT-S, President

10/3/2005

Family Enhancement & Play Therapy Center, Inc.
PO Box 613
Boiling Springs, PA 17007
USA
717-249-4707
www.play-therapy.com

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Original: 2367

IRRC

From: Joseph L. French [f28@psu.edu]
Sent: Monday, October 03, 2005 10:03 PM
To: IRRC
Subject: down w/ corporal punishment

I was very disappointed the the house committee vote on corporal punishment.
I hope the IRRC will rule in favor of abolishing corporal punishment in public schools.
Corporal punishment is unnecessary.

Corporal punishment has been abused.

The proposal still allows corporal punishment in very limited circumstances such as when necessary to protect the safety of staff or students.

Most parents and most professional organizations (such as the American Medical Association, National Education Association, and American Psychological Association) oppose corporal punishment in schools.

--

Joe French

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Original: 2367
IRRC

From: Jim DiPerna [jcd12@psu.edu]
Sent: Monday, October 03, 2005 3:45 PM
To: IRRC
Subject: Abolish corporal punishment in PA schools

Mr. McGinley,

It is my understanding that a regulation change to Chapter 12 of the School Code will be considered by the IRRC later this week and this change would abolish corporal punishment in the public schools of Pennsylvania. I am writing to indicate my *strong support* for this change for several reasons:

- Corporal punishment is unnecessary for teachers to manage classroom behavior
- The current provision allowing corporal punishment has been abused by some school personnel
- Corporal punishment creates unsafe learning environments for children and teaches them that it's ok to resolve disagreements through physical means
- Corporal punishment in schools is opposed by most parents and professional organizations (such as the American Medical Association, National Education Association, and American Psychological Association)

Also, it is my understanding that the current proposal still allows for corporal punishment under exceptional circumstances (i.e., as a last possible resort in order to protect the safety of staff or students). As such, I hope that the IRRC will vote favorably on this resolution and make a decision that will benefit all children enrolled in schools within the Commonwealth. Thank you for your time and consideration on this important matter.

Best regards,

Jim DiPerna

James C. DiPerna
Assistant Professor of Education
School Psychology Program
The Pennsylvania State University
105 CEDAR Building
University Park, PA 16802
(814) 863-2405 (Office)
(814) 865-7066 (Fax)

10/3/2005

Original: 2367

IRRC

From: LBleam4690@aol.com
Sent: Monday, October 03, 2005 9:01 PM
To: IRRC
Subject: Corporal Punishment in Schools

Dear Chairman McGinley, I am requesting that the proposal to abolish corporal in the schools be approved. Teachers have the training and the skills to manage children without resorting to physical punishment which is demeaning to a child and gives them the wrong message. When using physical punishment it is very easy to lose control and injure a child.

Thankyou for your attention,
Linda E. Bleam, M.S., M.A.
Licensed Psychologist

10/4/2005

Original: 2367

IRRC

From: abrosof@comcast.net
Sent: Monday, October 03, 2005 2:47 PM
To: IRRC
Subject: Corporal punishment

I am a Psychologist in the state of PA and I am writing you to express my professional and personal opinion that corporal punishment is unnecessary, counterproductive and should be abolished in the schools. There are MANY proactive, more positively oriented methods of classroom management and it is usually those teachers who are unable to manage classes that need to rely on such a punitive way of controlling behavior. I work in a school for emotionally and behaviorally disordered children and adolescents and there are numerous ways that we approach classroom management to promote positive behaviors. If we educators truly care about children, we should be striving to find ways to discipline students in ways that teach them about limits, give them alternative ways to deal with their frustrations and teach them the skills to be able to express themselves in more appropriate ways. We should be training our teachers better and giving them the supports that they need to improve their classroom management abilities. Hitting children is a temporary way of controlling behavior. Research has shown that typically the physical punishment gets more frequent and intense in order to control the behavior. It TEACHES the child nothing, other than fear. I practice what I preach and I have NEVER hit my own children. This does not mean that I do not discipline them- I set limits and there are consistent consequences for not following our rules. This leaves the kids with clear expectations and I have two teenagers who are respectful, excellent students. Not all children have good role models at home and, therefore, it is our job as professionals/educators to be those role models.

Thank you for taking into consideration my opinion. I do believe that if we abolish corporal punishment and implement a more humanistic manner of discipline that we will be teaching children the RIGHT message rather than the only way to control is with force.

Sincerely,
Amy M. Brosos, Ph.D.
Certified School Psychologist
Licensed Psychologist
610-873-4913

10/3/2005

Original: 2367

IRRC

From: Elizabeth Coleman [ecoleman@pil.net]
Sent: Monday, October 03, 2005 3:41 PM
To: IRRC
Subject: Corporal Punishment

Independent Regulatory Review Commission
John R. McGinley Jr., Chairman
333 Market Street, 14th floor
Harrisburg, PA 17101

Dear Mr. McGinley,

I am writing to register my opposition to corporal punishment in the schools. I believe that attempting to teach young people to change behavior by any physical or violent ways only teaches children that violence is the means toward change. This is a damaging message that will be carried on for even more generations if we do not stop it now!

Most sincerely,

Elizabeth Coleman

From: Cabral, Sr. Gail [cabral@es.marywood.edu]
Sent: Monday, October 03, 2005 5:19 PM
To: IRRC
Subject: Corporal punishment

As a developmental psychologist, I am writing to tell you that corporal punishment is not necessary for classroom control if teachers are well prepared, and school administrators are firm in supporting teachers, by means of good policy and good practice.

Also, there is a danger when corporal punishment is allowed. Although this would probably happen infrequently, adults with a tendency to be aggressive, or to lack self-control, may use this option with great detriment to children.

Please work to change the regulation in Chapter 12.

Gail Cabral, Ph.D.
Psychologist

IRRC Original: 2367

From: Markbrody@aol.com
Sent: Monday, October 03, 2005 5:03 PM
To: IRRC
Subject: Corporal punishment

Dear IRRC,

As a retired school psychologist, I would like to go on record in favor of abolishing corporal punishment in the public schools. Physical contact like restraining a student is needed if other students or staff are threatened, but anything beyond that only traumatizes a student and sets an example of violence for that student. There are alternative methods of discipline and conflict resolution that are available and have successfully been used.

Sincerely,
Mark Brody, Ed.D.

10/3/2005

IRRC

From: George F. Blackall Psy.D. [gblackall@psu.edu]
Sent: Monday, October 03, 2005 10:13 AM
To: IRRC
Subject: Corporal Punishment

Dear Committee Members

I am writing to you today to express my concern over the need to abolish corporal punishment in Pennsylvania schools. I am a child psychologist, and parent, and find it hard to believe that this practice is still permitted in Pennsylvania.

Violence breeds violence. Using corporal punishment in an effort to teach children accomplishes only one end. It teaches children that in the face of frustration, violence is an acceptable way to respond. After all, if a child on the school yard decides he has had enough frustration from a classmate and decides to settle it with his fists, he is dealt with harshly. Why should we allow teachers to engage in a practice that is prohibited for our students?

Our teachers are important models for our children. Giving teachers permission to use violence against children is not only archaic, it makes no sense. Well trained teachers, of which Pennsylvania has many, know that there are multiple ways to deal with difficult behavior in the classroom. The psychology literature is full of evidence on effective, and non-violent, ways of managing the classroom.

Pennsylvania is a great state with a long history of educational innovations. it is time that we eliminate the 19th century practice of corporal punishment as a sanctioned way for teachers to interact with our children. Thank you.

George F. Blackall, Psy.D., MBA
Associate Professor of Pediatrics and Humanities
Division of Pediatric Hematology/Oncology
The Milton S.Hershey Medical Center
Director of Student Development
Penn State University College Of Medicine
(717) 531-6148
Fax: (717) 531-4789
email: gblackall@psu.edu

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IRRC Original; 2367

From: Lorraine Ball [lvball@verizon.net]
Sent: Monday, October 03, 2005 10:49 AM
To: IRRC
Subject: Chapter 12 and corporal punishment

Dear John R. McGinley Jr., Chairman, Independent Regulatory Review Commission, and other Committee Members,

I urge you to support the change in regulation to abolish corporal punishment in the schools of Pennsylvania. Corporal punishment is a crude and archaic means of trying to control another person's behavior. We uphold the rights of adults not to be hit by others. We need to uphold the same rights for children. As adults and educators, our job is to guide and facilitate the healthy development of our young. Children learn by instruction, exploration, making mistakes, and watching what the adults around them do. Corporal punishment not only hurts children, fosters greater anger and hostility, and promotes aggression, but it also teaches them that bigger individuals with greater power have license to use pain and physical force against smaller, less powerful people to get them to do what they want them to do and/or to punish them for not doing what they wanted them to do. This is not acceptable.

As a child psychologist and a parent with children in the public schools of Pennsylvania, I am absolutely opposed to the use of corporal punishment in schools and urge you to support the ban on such practices.

Sincerely,

Lorraine Ball

Lorraine Ball, Ph.D., Licensed Psychologist
Certified School Psychologist, PA
Child Study Institute, Bryn Mawr College
101 North Merion, Bryn Mawr, PA 19010
(610) 527-5090

10/3/2005

Original: 2367

IRRC

From: Marilyn Bacarella [MBacarella@comcast.net]
Sent: Monday, October 03, 2005 4:34 PM
To: IRRC
Subject: Proposal to Abolish Corporal Punishment in PA Schools

Dear Mr. McGinley and Colleagues:

I am writing to add my voice to those who want to be able to be proud that our state's took a stance against the use of corporal punishment in the schools.

I am a licensed psychologist and certified school psychologist in Pennsylvania. I attended Catholic grade school in New York. The episodes of corporal punishment that I witnessed remain vivid in my mind, and the feelings of fear, disbelief, and revulsion, even as a young girl, remain strong. It is demeaning for the student and for the teaching professional to be in the position of victim and physical punisher. Pennsylvania cannot possibly want such situations to occur in our schools. Please consider the following points:

- Corporal punishment is unnecessary. Properly trained teachers understand how to manage classrooms without the use of corporal punishment.
- The option of corporal punishment has been abused. Regrettably, there have been well documented cases when some school personnel have abused the option of corporal punishment and used it in an extreme and harmful manner.
- The proposal still allows corporal punishment in very limited circumstances such as when necessary to protect the safety of staff or students.
- Most parents and most professional organizations (such as the American Medical Association, National Education Association, and American Psychological Association) oppose corporal punishment in schools.

Thank you for considering these points. Please abolish corporal punishment in our schools.

Marilyn Bacarella, Psy.D.
Ardmore, PA

Original: 2367

September 29, 2005

The Honorable James J. Rhoades
362 Main Capitol Building
Senate Box 203029
Harrisburg, PA 17120-3029

Re: Support for Final Form Regulation, 22 Pa.Code Chapter 12

Dear Senator Rhoades:

The State Board of Education has sent to you its final form regulation on Students and Student Services, 22 Pa.Code Ch. 12.

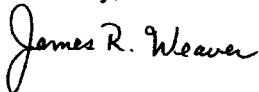
PSEA has closely followed the revisions to Chapter 12 as they were developed, and has fully participated in the regulatory process representing teachers and school personnel throughout the Commonwealth. Our observation has been that the State Board of Education carefully considered the issues involved in updating these regulations, particularly the complexities of merging the current Chapter 7, Pupil Personnel Services, into Chapter 12.

PSEA supports the Chapter 12 Final Form Regulations that are now before you. They represent a reasonable updating of the regulations.

If you have any questions regarding this matter, please feel free to contact Carol Karl at 255-7094 or ckarl@psea.org.

Thank you for your consideration of our position.

Sincerely,



James R. Weaver
President

September 29, 2005

The Honorable Raphael J. Musto
17 East Wing
Senate Box 203014
Harrisburg, PA 17120-3014

Re: Support for Final Form Regulation, 22 Pa.Code Chapter 12

Dear Senator Musto:

The State Board of Education has sent to you its final form regulation on Students and Student Services, 22 Pa.Code Ch. 12.

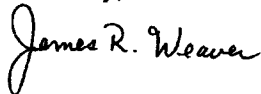
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Thank you for your consideration of our position.

Sincerely,



James R. Weaver
President

September 29, 2005

The Honorable James R. Roebuck
210 Irvis Office Building
House Box 202020
Harrisburg, PA 17120-2020

Re: Support for Final Form Regulation, 22 Pa.Code Chapter 12

Dear Representative Roebuck:

The State Board of Education has sent to you its final form regulation on Students and Student Services, 22 Pa.Code Ch. 12.

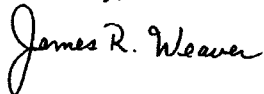
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Thank you for your consideration of our position.

Sincerely,



James R. Weaver
President

September 29, 2005

The Honorable Jess M. Stairs
43A East Wing
House Box 202020
Harrisburg, PA 17120-2020

Re: Support for Final Form Regulation, 22 Pa.Code Chapter 12

Dear Representative Stairs:

The State Board of Education has sent to you its final form regulation on Students and Student Services, 22 Pa.Code Ch. 12.

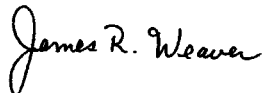
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PSEA supports the Chapter 12 Final Form Regulations that are now before you. They represent a reasonable updating of the regulations.

If you have any questions regarding this matter, please feel free to contact Carol Karl at 255-7094 or ckarl@psea.org.

Thank you for your consideration of our position.

Sincerely,



James R. Weaver
President

September 29, 2005

Mr. Kim Kaufman, Executive Director
IRRC
333 Market Street
14th Floor
Harrisburg, PA 17101

Re: Support for Final Form Regulation, 22 Pa.Code Chapter 12

Dear Mr. Kaufman:

The State Board of Education has sent to you its final form regulation on Students and Student Services, 22 Pa.Code Ch. 12.

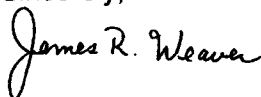
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PSEA supports the Chapter 12 Final Form Regulations that are now before you. They represent a reasonable updating of the regulations.

If you have any questions regarding this matter, please feel free to contact Carol Karl at 255-7094 or ckarl@psea.org.

Thank you for your consideration of our position.

Sincerely,



James R. Weaver
President

Original: 2367

IRRC

From: Eugene alexander [paxompax@yahoo.com]

Sent: Monday, October 03, 2005 10:55 AM

To: IRRC

Subject: corporal pun.

Corporal punishment just doesn't work. Positive reinforcement is much more successful. Corporal punishment often leads to a repetition of the behavior or an intensification of the behavior. What is learned is to be more careful when repeating the behavior and ways of behaving in the same way but being secretive about it. Please support the abolishment of corporal punishment in the public schools, or at least strongly limit it.

Eugene D. Alexander PhD

Yahoo! for Good

[Click here to donate to the Hurricane Katrina relief effort.](#)

2005-10-03 PM 12:15

IRRC

From: John Abbruzzese III [abbruzzese@po-box.esu.edu]
Sent: Monday, October 03, 2005 2:12 PM
To: IRRC
Subject: Proposal to Ban Corporal Punishment in PA Schools

2005 OCT -3 PM 2:19

Dear members of the Independent Regulatory Review Commission,

I am writing to ask that you strongly consider supporting the proposed change to Chapter 12 of the Pennsylvania Public School Code that would ban corporal punishment in our schools. Corporal punishment is a practice that has long outlived its usefulness in a morally enlightened society.

Corporal punishment is simply unnecessary...properly trained teachers and administrators have sufficient tools to manage student behavior without the need to rely on the use or threat of use of corporal punishment. Further, a ban on corporal punishment would not mean that educators would be unable to use physical restraint (as opposed to physical "punishment") in the event that a student was posing a physical risk to themselves or to someone else. Regrettably, the option of corporal punishment has been abused such that students have been exposed to extreme and harmful conditions. While the abuse of the existing option to utilize corporal punishment might not be either frequent or widespread, a single case of abuse is one case too many for our children. I hope that you will consider siding with the many professional organizations (including; the American Medical Association, National Education Association, American Psychological Association, Pennsylvania Psychological Association) that oppose the use of corporal punishment and support the proposed ban in Pennsylvania.

Respectfully,

John A. Abbruzzese, III, Ph.D., FPPR
abbruzzese@po-box.esu.edu
Director, Counseling and Psychological Services
East Stroudsburg University
East Stroudsburg, PA 18301
(570) 422-3277

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PENNSYLVANIA PSYCHOLOGICAL ASSOCIATION

416 Forster Street • Harrisburg, Pennsylvania 17102-1748 • Telephone 717-232-3817 • Fax 717-232-7294
<http://www.papsy.org>

September 28, 2005

Original: 2367

The Honorable John R. McGinley Jr.
Chairman
Independent Regulatory Review Commission
Harrisburg, PA 17120

FAX: 717-783-2664

Dear Chairman McGinley:

On behalf of the Pennsylvania Psychological Association (PPA), I am writing to express our support for the recommendation of the State Board of Education to abolish corporal punishment in public schools in the revision of Chapter 12 of the School Code. Chapter 12 appropriately permits corporal punishment in limited circumstances, such as when it is necessary to protect students or staff from physical injury or to disarm a student, quell a disturbance, or protect property. Over the years a general consensus has emerged among educators that corporal punishment of children is unnecessary and harmful.

Corporal Punishment is Unnecessary

Corporal punishment is unnecessary to maintain control in schools. Teaching is a profession and, as such, it requires specialized skills in classroom management and discipline. Properly trained teachers understand how to manage classrooms without the use of corporal punishment. Here in Pennsylvania we have several examples of instances in which out-of-control schools have been turned around without the use of corporal punishment when committed teachers and administrators work together to establish clear rules and to enforce them fairly. These programs focus on preventing misconduct from occurring, promoting positive behaviors, enforcing realistic rules, and promoting individual character. When punishment is necessary it can take the form of in-school suspension, parent pick-up programs, or programs requiring restitution.

Currently 28 states and the District of Columbia have abolished corporal punishment. The states that have done so include western (Utah), eastern (Delaware), rural (Maine) and urban states (New York). The one generalization that can be made is that corporal punishment is still common in Southern states. According to data from the US Department of Education, six states (Alabama, Arkansas, Georgia, Mississippi, Tennessee, and Texas) accounted for almost 80% of all reported episodes of corporal punishment in the United States.

Corporal Punishment is Harmful

The use of corporal punishment in the schools sends the wrong message to students. It conveys the attitude that inflicting pain on another person is an appropriate way to settle conflicts. **Although corporal punishment may suppress behavior in the short run, it usually causes**

more harm than good in the long run. Children who are subjected to corporal punishment in the schools have a harder time building trusting relationships with teachers. Corporal punishment fails to teach children self-discipline and interpersonal skills that they need to succeed in and out of school. Other children who witness the corporal punishment may become unusually timid or anxious in school.

The Option of Corporal Punishment Has Been Abused

Regrettably, there have been well documented cases when some school personnel have abused the option of corporal punishment and used it in an excessive or cruel manner. The result has been severe pain and extreme emotional distress for some children. Medical professionals have diagnosed cases of post-traumatic stress disorder caused by corporal punishment.

Most Corporal Punishment is Already Banned in Pennsylvania

Data on corporal punishment showed that it was most commonly used with children (mostly boys) with emotional problems. However, Pennsylvania has already banned corporal punishment for children in special education and in residential facilities for delinquent or abused children. Many individual school districts in Pennsylvania have already banned it.

Most Parents Oppose Corporal Punishment in the Schools

A survey by Mansfield University showed that a majority of Pennsylvanians oppose corporal punishment in the schools. Opposition to corporal punishment is related to age (younger adults or adults with school aged children tend to oppose it) and educational level (better educated adults tend to oppose it), but unrelated to religion or political affiliation.

Most Professional Organizations Oppose Corporal Punishment

Corporal punishment is opposed by a wide range of professional organizations, including the National Education Association, the Parent-Teachers Association, the American Medical Association, the American Academy of Pediatrics, the American Psychological Association, and many others.

We urge your support for the proposed revision to Chapter 12 that would abolish corporal punishment in the schools of Pennsylvania.

Sincerely,



Thomas H. DeWall, CAE
Executive Director



**PENNSYLVANIA
NEWSPAPER
ASSOCIATION**

2005 SEP 23 PM 1:28

Original: 2367

Hon. Jess Stairs, Chairman
House Education Committee
43 A East Wing
Harrisburg, PA 17120

Hon. James Roebuck, Minority Chairman
House Education Committee
208 Irvis Office Building
Harrisburg, PA 17120

September 27, 2005

Dear Rep. Stairs and Rep. Roebuck:

The Pennsylvania Newspaper Association appreciates the time and effort the House Education Committee has devoted to its review of the final form regulatory package submitted by the State Board of Education to revise its Ch. 12 regulations. Nonetheless, we must continue to oppose the Board's changes to provisions that address student self-expression in the schools.

In Section 12.9 of the regulation, the Board deletes the word "immediate," replacing it with "serious." We believe that change will result in greater restrictions on student expression without any actual evidence of the need for change.

We also oppose the removal of the reference to the Tinker decision. For almost 30 years, the standard set forth in Tinker has provided strong protections to student expression in Pennsylvania high schools. Removing the Tinker reference would significantly change that standard and have the effect of adopting the more restrictive standard permitted by the Supreme Court in more recent case law, most notably Hazelwood. Removal of the reference to Hazelwood does not remove the weight of that decision, because it was handed down after Tinker.

In the 1969 Tinker case, the Supreme Court held that school officials could only limit student free expression when they could demonstrate that the expression at issue would cause a "material and substantial disruption" of school activities or an invasion of the rights of others. Pennsylvania's current standards on student expression were adopted in 1976 and are consistent with the standards adopted by the Tinker Court.

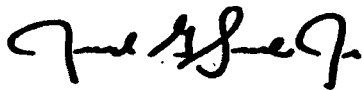
In subsequent cases (most notably Hazelwood), the Supreme Court permitted a less restrictive standard for censorship by school officials of a school-sponsored activity or publication, such as a school newspaper. After Hazelwood, schools are permitted more leeway in censoring school sponsored student publications, and can censor student speech as long as the school has a "reasonable" educational justification.

In adopting and maintaining the Tinker standard, Pennsylvania has provided greater protection for student expression than required under the Supreme Court precedent. If the Tinker reference is removed, the greater protection provided in that case would likewise be removed and the standard revert to the more restrictive Hazelwood standard.

The standards set forth in 12.9 have successfully struck the necessary balance between student expression and the interests of school officials in protecting the learning environment. Although we would all agree that many problems face our schools and students today, we do not believe that placing additional limits on student expression is the answer. Schools must continue to provide opportunities for students to consider and discuss alternate views, even ones that make some people uncomfortable. Where better to address and discuss "controversial" issues and thoughts than at school, where educated and thoughtful adults can help students understand and appreciate the issues. Trying to exert too much control over student expression at school only increases the risk that they will find other outlets for their expression, such as websites, chatrooms, etc., with no role models to guide them.

The students of today are our future leaders and decision makers. If we want them to develop into responsive, thoughtful adults, we have to allow them to express themselves and to develop their own thoughts and opinions about the important issues of the day. We also have to show them that we have confidence in their ability to think, to express themselves, and to form their own conclusions. For these reasons, we believe that placing additional limitations on student expression in Pennsylvania would do a real disservice to the public school students in our state, and to the school environment more generally and the community as a whole, and we request disapproval of this regulatory proposal. Thank you for considering our views in this important matter.

Sincerely,



Joseph D. Suple, Jr.
Chairman, Pennsylvania Newspaper Assoc.
Middletown Press and Journal



Timothy Williams, President
Pennsylvania Newspaper Assoc.

Original: 2367

IRRC

From: Anelken@aol.com
Sent: Tuesday, September 27, 2005 3:09 PM
To: IRRC
Subject: Chapter 12

Dear IRRC:

I am writing to support the passage of Chapter 12 and to oppose corporal punishment in schools. As a clinical psychologist who works regularly with parenting issues, I am convinced that corporal punishment is not necessary in disciplining children, and sends the wrong message to children -- that hitting another person is a legitimate form of control. Far more effective disciplinary measures exist than aggression; they are used regularly and successfully in treatment facilities with highly disturbed children.

Respectfully,
Andrea Nelken, Psy.D.

9/27/2005

IRRC

From: Richard Johnson [johnson@mail.pshdc.com]
Sent: Tuesday, September 27, 2005 12:30 PM
To: IRRC
Subject: Proposed regulation change to Chapter 12 of the School Code

To: The Independent Regulatory Review Commission

Dear Sir or Madam,

The State Board of Education has proposed a regulation change to Chapter 12 of the School Code that would abolish corporal punishment in the public schools of Pennsylvania. I am asking for your support of this change. Having just returned from assisting the American Red Cross with disaster relief efforts in Mississippi, I have seen first hand the negative results of corporal punishment. Teachers in Mississippi are empowered to use corporal punishment, which they applied to some of the children that were evacuees from New Orleans. Unfortunately, what is viewed as misbehaving by the Mississippi teachers was, in reality, symptoms that are to be expected from a child suffering from a post traumatic stress disorder. These children were exposed to the loss of the only home many of them had ever known, and in some cases, they nearly lost their lives. Now they had to deal with that trauma, and the trauma of being physically punished and humiliated. This is only one example where allowing the use of corporal punishment can result in inappropriate or abusive use.

Please don't allow this to happen to our children in Pennsylvania. Support the proposed change to Chapter 12 of the School Code.

Thank-you for your attention to this matter.

Richard P. Johnson, Ph.D.
220 Commerce Drive Ste.401
Fort Washington, PA 19034
215-540-5860 (voice)
215-540-5864 (fax)
Richard P. Johnson, Ph.D.
220 Commerce Drive Ste.401
Fort Washington, PA 19034
215-540-5860 (voice)
215-540-5864 (fax)

RECEIVED
2005 SEP 27 PM 1:16

DD

Sent via the WebMail system at mail.pshdc.com



September 26, 2005

RECEIVED 09 29 05 9:29

Original: 2367
John R. McGinley, Jr.
Chairman
IRRC
14th Floor, 333 Market Street
Harrisburg, PA 17101

Dear Mr. McGinley:

The Pennsylvania School Boards Association would like to take this opportunity to comment on the final form draft of proposed changes to 22 Pa. Code, Chapter 12, regarding students and student services, as submitted by the State Board of Education (Proposed regulation #6-280).

PSBA has been actively involved with the State Board as it has worked to revise this chapter. We commend the board for its hard work to revise Chapter 12, particularly since it has not been modified in several years. Understandably, there was an extensive amount of work necessary to update these regulations to reflect years of legislative changes, court decisions and current practice.

We have generally supported most of the proposed changes, with some exceptions, and our previous comments reflect those concerns. The latest draft presents some new wrinkles, which are addressed in this letter along with some remaining issues from prior drafts. It is important that the concerns outlined below be addressed in order to avoid endangering students, impeding learning, hampering due process, and creating unnecessary unfunded mandates.

Three common themes always should be kept in mind. First, PSBA began advocating recognition of student rights and responsibilities long before Chapter 12 was first promulgated in the 1970s. However, finding a proper balance in this regard has to reflect that school officials' absolute top priorities must be to cultivate an effective educational process and foster an environment that is safe and conducive to learning. Both courts and common sense agree that these priorities require that rights of students take a modified, more limited form in the school setting than similar rights of adults in general society.

Second, while it is true states may choose to adopt laws that stake out more extensive expressive and other rights for students than those delineated in court decisions under the federal Constitution, this is a choice almost always made at the expense of school officials' ability to maintain good order and discipline in the schools and protect the educational environment and learning process from damage and disruption.

This never should happen inadvertently, as a result of oversimplification or superficial analysis. If ever the legislative intent is to tie the hands of school authorities to a greater extent than is already the case under federal laws and court decisions, that intent should be clearly stated at the outset and such provisions must be drafted with utmost specificity. PSBA suggests that this kind

of deliberate choice should never be made via administrative regulatory process, and without explicit legislative direction.

Third, even when the intent is merely to outline existing standards drawn from statutes or court cases, using a regulation to restate the law often has unintended adverse effects, and can be an especially bad idea in many rapidly evolving legal contexts. Although simplified summaries of settled legal standards can be a useful tool for school leaders, simplification often sends drafters down a narrow legal tightrope.

Attempting to set an assured safe course through shifting tides in vaguely charted waters almost always results in a tendency to steer wide and err on the safe side, by imposing greater restraints on the orderly administration of schools than the courts or statutes require, at the expense of student safety and the educational process. Non-regulatory information papers, circulars and guidelines are a better means than regulations if the main object is to inform officials about legal standards.

School Rules (Section 12.3) – The draft adds language prohibiting rules that are “discriminatory.” Unqualified use of the term “discriminatory” in this context is ill-considered and dangerous. It should be deleted, replaced or qualified somehow. While some specific forms of discrimination are illegal or morally wrong, discrimination in general is not a negative thing. Lawful and desirable discrimination is what underlies all intelligent decision-making and is the key to an ordered society. We should hope that all citizens, including students and their teachers and especially leaders, will discriminate in everything they do—to discriminate between good ideas and bad ideas, between healthy choices and unhealthy choices, between reliable sources of information and rumor, between acceptable behavior and unacceptable behavior, between conscientious effort and laziness, between good performance and poor performance, and so on. Rules and decisions that are not discriminatory in some way are by definition arbitrary and capricious.

Corporal Punishment (Section 12.5) – The proposed changes would prohibit corporal punishment entirely while preserving the right of a teacher to use reasonable force in certain limited circumstances. We must emphasize that PSBA does not advocate the use of corporal punishment, and we recognize that the use of corporal punishment in public schools often sparks a lively public debate. However, we also note that the U.S. Supreme Court sees it as permissible when authorized under state statutes, and that the Pennsylvania courts construe Section 1317 of the Public School Code to authorize corporal punishment as a means to which school officials may resort in enforcing student conduct standards (unless parents have exercised opt-out provisions of the existing regulation).

PSBA is concerned about the ongoing uncertainty likely to result from an administrative regulation that purports to prohibit what the General Assembly has authorized in the School Code. PSBA questions when if ever the State Board can, by regulation, erase authority the General Assembly has given to local school officials. Although the Pennsylvania Supreme Court recognizes the Board’s authority to issue regulations governing local officials’ handling of

student discipline matters, the Court stressed that such regulatory power is not unlimited and that specific provisions might be held invalid for various reasons.

Consequently, we believe that if Chapter 12 is approved as proposed, it still would be important for the General Assembly to take action clarifying the Commonwealth's policy on corporal punishment.

Expulsion Hearings (Section 12.6 and Section 12.8) – PSBA has several concerns about the proposed language for Sections 12.6 and 12.8, primarily relating to the time limit within which formal expulsion hearings must be held after initial exclusion from school (out of school suspension), and the requisite notices. New language in the current draft also creates a new unfunded mandate without undefined limits.

Initially, we note that the proposed 15-day time limit language in Section 12.8 creates an inconsistency with similar language in Section 12.6. As stated in Section 12.6, the period is measured beginning with the initial exclusion from school, but in the new language proposed for Section 12.8 the period would begin with the issuance of a notice of charges, which in practice often occurs several days after the initial suspension. This conflict should be corrected.

The more important concern is that by replacing the previous more flexible language with a definite deadline, the proposed language does not sufficiently account for delays in hearings that are requested or caused by the student, parent or student's counsel. Fifteen days may not at first appear too stringent a deadline, and although in practice most districts usually can meet the preferred ten-day target, there are frequent circumstances when a 15-day limit cannot be met for reasons that are not the fault of the school district.

A common example occurs when a student's family retains counsel shortly before an expulsion hearing and the family simply notifies the school that their lawyer either cannot make it at the scheduled time or needs additional time to prepare. Although the school district may be ready to proceed in a timely way, and any delay is requested by or attributable to the student, districts may be unable to persuade the student's family or attorney to "mutually agree" on a rescheduled date, or even to accept responsibility for the postponement in writing.

PSBA believes it would be a mistake to adopt proposed deadline language that could become the unintended basis of litigation against a school district that chooses to err on the safe side by postponing a hearing based on a phone message from the student's parent or attorney, rather than proceed against an empty chair or against an unrepresented family protesting the absence of counsel retained at the last minute.

Neither problem would exist if the regulations retained the original language in Section 12.6 that a formal hearing should not be "unreasonably delayed" and in Section 12.8 calling for the hearing to be held "with all reasonable speed." This language provides districts with the necessary flexibility to accommodate continuance requests from students' parents or attorneys without undermining the need for speedy due process.

Alternatively, both problems could be addressed as follows:

At the end of the last sentence of the proposed new language for paragraph (d) of Section 12.6, add the words: “or unless a delay in the hearing has been caused or requested by the student or student’s representative.”

and

Change the proposed new language for paragraph (b)(ix) of Section 12.8 to read: “within 15 school days of the initial exclusion from school, unless further delay was requested or caused by the student or student’s parent, guardian or counsel, or otherwise is mutually agreed to by the parties.”

A similar issue arises with the addition, in paragraph (b)(ii) of § 12.8, of language replacing the prior requirement that notice of the time and place of hearing be “sufficient” with an absolute three-day notice requirement. While three days notice may be a reasonable default period, the reality is that hearing dates often are adjusted or set based on numerous factors, based on communications with families or attorneys, within three days or less of when the hearing actually takes place. To reflect that reality the phrase “unless mutually agreed upon by the parties” should be added to the initial sentence of that paragraph. The absence of such safety valve language could result in unnecessary delay of hearings.

In addition, the current draft imposes a new unfunded mandate of uncertain dimension, by requiring that a copy of the recording or transcript of a formal hearing “shall be provided at no cost to a student who is indigent.” For one thing, this requirement should apply only “upon request.” In practice, when the hearing is recorded via stenographer, transcripts are not always prepared as a matter of course from steno notes, and often are ordered only when an appeal is filed or appears likely, or when requested by a family offering to pay. Ordering transcripts every time in order to furnish a copy to an “indigent” student who has not requested it is expensive and wasteful.

Also, the term “indigent” has no definite recognized meaning and its unqualified use could become grist for litigation. A better approach would be to define “inability to pay” by reference to an existing established standard. An appropriate recognized standard would be the household income levels in federal poverty guidelines, as published by the U.S. Department of Health and Human Services in the Federal Register and on the HHS website.

Freedom of Expression (Section 12.9) – PSBA supported the changes previously proposed for this section by the board, adding further references to more recent Supreme Court cases addressing student expression. We continue to support the somewhat different approach taken in the current draft, and offer the thoughts below in response to previous opposition by certain student and newspaper groups, in the event such groups continue their attempts to portray these changes as an attempt to expand authority of school officials to censor student publications. We think such fears are misplaced and are generated by a shortsighted focus only upon those student

publications. The approach argued by those groups would unduly limit the options of school administrators when responding to threats of harm to the school community.

First, everyone needs to understand that student publications do not present the main problems Chapter 12 must be fine-tuned to address, nor are they the reason it is so important to ensure school officials have the authority to do the things necessary for protecting the school environment from threats, disruption and violence. Second, we must keep in mind that the student expression provisions of Chapter 12 affect much more than what may or may not be published in a school newspaper. The kinds of so-called "expression" school officials must be empowered to deal with include ethnic harassment, bullying, hazing, overt or implied threats of violence, wearing of jewelry, tattoos, tee-shirts or other items adorned with alleged racist or gang symbols or overtly sexual messages, and use of the internet or even school-owned network systems to spread vicious and career-threatening falsehoods about teachers, administrators and other students.

The student newspaper representatives attacked PSBA and the Board over the previously proposed amendment of §12.9 to include references to two U.S. Supreme Court decisions elaborating upon its landmark teachings in *Tinker v. Des Moines Community School District* --- the 1986 decision in *Bethel School District v. Fraser*, and the 1988 decision in *Hazelwood School District v. Kuhlmeier*. Although all case references have been removed from the current draft, adding references to *Fraser* and *Hazelwood* would have been an appropriate means of alerting both school officials and students to more recent teachings of the U.S. Supreme Court that better illuminate the contours of student expressive rights in school settings and provide more helpful and specific guidance for all concerned.

However, while the current draft may not specifically refer to those cases, it is important nonetheless that the remaining language of Chapter 12 be consistent with the principles established in all three of those cases. In *Tinker*, the Court sought to balance the free expression rights of students with what it described as the "need for affirming the comprehensive authority of the States and of school officials, consistent with fundamental constitutional safeguards, to prescribe and control conduct in the schools." The benchmark chosen by the Court was that students have the right to express themselves so long as such expression does not materially and substantially disrupt the work and discipline of the school. The Court stressed that "conduct by the student, in class or out of it, which for any reason--whether it stems from time, place, or type of behavior--materially disrupts classwork or involves substantial disorder or invasion of the rights of others is, of course, not immunized by the constitutional guarantee of freedom of speech."

The *Fraser* case involved a student's speech to an assembly containing pervasive sexual innuendo that was plainly offensive to both teachers and students. In holding that it did not violate student free speech rights to prohibit such conduct, the Court said that "the process of educating our youth for citizenship in public schools is not confined to books, the curriculum, and the civics class; schools must teach by example the shared values of a civilized social order."

John R. McGinley, Jr.
September 26, 2005
Page 6

The Court also said “A high school assembly or classroom is no place for a sexually explicit monologue directed towards an unsuspecting audience of teenage students.”

The *Hazelwood* case involved editorial control over a school-sponsored newspaper published as a curricular program. The Court held that in such circumstances, “educators are entitled to exercise greater control over [school sponsored] student expression to assure that participants learn whatever lessons the activity is designed to teach, that readers or listeners are not exposed to material that may be inappropriate for their level of maturity, and that the views of the individual speaker are not erroneously attributed to the school.” In other words, the Court summarized, “educators do not offend the First Amendment by exercising editorial control over the style and content of student speech in school-sponsored expressive activities so long as their actions are reasonably related to legitimate pedagogical concerns.”

Both of the later cases set eminently reasonable standards entirely consistent with *Tinker*. PSBA is at a loss to understand why the newspaper representatives seem so worried that the Board in the previous draft of Chapter 12 chose to mention the Fraser and Hazelwood decisions. In the event the newspaper representatives continue to voice similar objections, it would be appropriate to ask if they are arguing either that Chapter 12 should instruct school officials that they must tolerate sexually explicit speech by students in school, or that school officials should have no editorial say in what appears in school-funded publications for academic credit. At the same time, they should be reminded how editorial control works in the real world of journalism.

The newspaper groups also attacked PSBA and Board over the change proposed in the previous draft for Section 12.9 (b), adding two words as follows: “Students have the right to express themselves unless such expression materially and substantially interferes with the educational process, threatens immediate or serious harm to the welfare of the school or community, encourages unlawful activity or interferes with another individual’s rights.”

The newspaper groups appeared to be arguing that Chapter 12 should require school officials to stand idle when student speech threatens any kind of harm to the school or community, so long as the threat is not “immediate.” Perhaps this may have seemed adequate when Chapter 12 was first written, and the focus was on armbands protesting the Vietnam War. In the wake of 9/11, and school shootings in Columbine, CO, and numerous other places in our nation, including Edinboro, Williamsport, Red Lion and other Pennsylvania locations, it is NOT adequate. School officials need to take every threat seriously, and have every reason to worry about careless words packing the potential to send already jumpy students into panic. The last thing Pennsylvania needs is for Chapter 12 to suggest the contrary.

PSBA believes the approach of the current draft is better yet, inserting the word “serious” in place of “immediate” rather than simply adding it.

Section 12.14 Searches – The proposal requires school districts to adopt reasonable policies and procedures regarding student searches. However, existing language sets a standard, perhaps not intended, that could tie the hands of school officials in protecting the educational environment to

John R. McGinley, Jr.
September 26, 2005
Page 7

a greater degree than any Constitutional court case might impose.

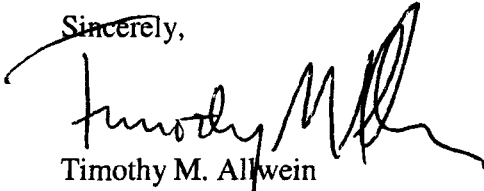
The problem is the requirement, entirely created in Chapter 12, that students be notified prior to a locker search and given an opportunity to be present. This would seem to suggest, regardless of the justification, that a search must be postponed if the student is absent or otherwise cannot be notified, perhaps providing the opportunity for any contraband therein to be cleaned out by other students provided with the combination or key.

We know from both Pennsylvania and federal court decisions that students have a lesser expectation of privacy within the school setting, and may have little or no expectation of privacy with regard to school lockers, especially when school officials make clear that lockers can be searched at any time, and that their use is conditioned upon students' compliance with school rules and regulations.

What the section ought to say, if anything on this point, is that reasonable efforts should be made both to notify the student and to permit the student to be present during the search.

We appreciate the opportunity to comment on the final form proposal. Please contact me if you wish to discuss any specific issue addressed in this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy M. Allwein", written over a horizontal line.

Timothy M. Allwein
Assistant Executive Director
Governmental and Member Relations

Original: 2367

RECEIVED

September 23, 2005

2005 SEP 27 AM 11:05

Dear Pennsylvania Independent Regulatory Review Commission,

Congratulations on your consideration of the State Board of Education's proposed changes in the Chapter 12 Regulations. The abolition of corporal punishment is a groundbreaking step for protecting the rights of Pennsylvania's young citizens.

According to Legislative Director Larry Frankel, the Pennsylvania branch of the American Civil Liberties Union supports the regulation and condemns corporal punishment in Pennsylvania's schools. In addition, UNICEF's charter document, the United Nations Convention on the Rights of the Child opposes physical violence against children in school.

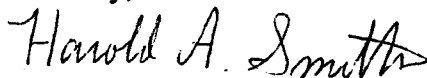
In fact, every civilized nation in the world has abolished school beatings, in accordance with the belief that the state should not mete out flogging, whipping, and other forms of corporal punishment in its institutions. The 39th session of the US Congress recognized this in principle when it declared in an 1866 resolution that corporal punishment is "barbarous in character and degrading in influence." If women, animals, and criminals have a basic right to be free from beatings, Pennsylvania's youth do too.

Not only would ending school beatings uphold students' civil rights, it would improve the quality of Pennsylvania's education system. Students learn better when they are inspired by positive role models, than when they see teachers as cruel and authoritarian. According to Dr. Carol Johnson, Superintendent of Memphis Tennessee schools, discipline problems decreased after they recently abolished school beatings. Research shows that students do better academically in districts without school beatings.

Another major reason you should ban corporal punishment is that your constituents overwhelmingly condemn it. Recently, a scientific poll by SurveyUSA showed 78% of Pennsylvania citizens opposed school beatings, and only 19% wanted it. Democratic norms dictate that legislators should uphold their young citizens' human rights and their constituents' beliefs, and abolish corporal punishment.

The only question that remains is: Why didn't Pennsylvania's legislators ban school beatings eleven years ago like West Virginia?

Sincerely,



Harold Albert Smith
Danville, Pennsylvania

Original: 2367

IRRC

⑩

From: Barbara Schaefer [bas19@psu.edu]
Sent: Tuesday, September 20, 2005 10:08 PM
To: IRRC
Subject: Chapter 12

RECEIVED

2005 SEP 21 AM 7:37

RECEIVED

I am writing to strongly encourage support for the proposed changes to Chapter 12 banning corporal punishment from Pennsylvania public schools.

The Convention on the Rights of the Child, Article 19 (United Nations, 1989) aims to protect children from all forms of physical or mental violence. Sadly, the United States and Somalia are the only UN member governments that have failed to ratify it. During the 1999-2000 school year, Pennsylvania had 407 reported cases of physical punishment (U.S. Department of Education, 2000). We still have substantial work to do to ensure no American child is mistreated, and we must do better both as a state and as a nation. You have the opportunity to make certain that no other children are hit in our schools. Now is the time for you and your colleagues to eliminate this practice in Pennsylvania entirely and to join the 28 states and the District of Columbia that have abolished corporal punishment.

As a school psychologist, I want to point out that the research literature has established that corporal punishment produces no behavioral change. The fact that the same children are often hit repeatedly is a clear indication that this approach fails to accomplish its desired goal. Moreover, evidence indicates that exposure to violence negatively impacts youths' social, emotional, and educational development, as well as contributes to the cycle of child abuse and pro-violence attitudes among youth. Alternatives to physical punishment are well documented. Empirically based approaches to effective discipline include proven strategies for changing behavior, altering the school context and environment, and educating teachers and parents. Effective school discipline techniques include proactive classroom management, positive reinforcement for appropriate behavior, and behavioral contracting. School psychologists are essential, readily available resources in school districts that can help to develop, implement, and evaluate these behavioral intervention strategies.

My five-year-old kindergartener is helping us to teach my 1-year-old daughter not to hit. What would he think if he learned that his public school principal, the highest authority in his school and someone he respects, was actually someone who hits kids herself? I sincerely hope that the legislature takes this opportunity to see that this never happens in Pennsylvania again.

Sincerely,
 Barb Schaefer

~~~~~  
 Barbara A. Schaefer, Ph.D.  
 Professor-in-Charge, Graduate Programs in School Psychology  
 Associate Professor of Education  
 Penn State University  
 College of Education  
 104 CEDAR Bldg  
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 Phone: 814-865-1953  
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 Program website: <http://espse.ed.psu.edu/SPSY/SPSY.ssi>  
 ~~~~~

9/21/2005



Original: 2367

Quality & Fairness in
Pennsylvania's Public Schools

EDUCATION LAW CENTER

CO-DIRECTORS

Janet F. Stotland
Len Rieser

September 9, 2005

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

Re: *State Board of Education*
Final-form regulation #6-280 (IRRC #2367)
Pupil Personnel Services and Students

Ladies and Gentlemen:

We write to support the above regulations, which we understand have now been deposited with the IRC. We believe that these amendments will appropriately update the regulations to reflect current practice and legal requirements. The amendments would also ensure greater fairness to all parties (e.g., proposed § 12(b)(1)(x) will ensure that families are notified of their right to appeal an adverse decision – a matter of basic fairness).

On the issue of corporal punishment, we also strongly support these amendments. According to the American Academy of Pediatrics, research shows that “corporal punishment may affect adversely a student's self-image and school achievement and ... may *contribute* to disruptive and violent student behavior.” See AAP Policy Statement, found at <http://aappolicy.aappublications.org/cgi/content/full/pediatrics%3b106/2/343/> (emphasis added). At this point, moreover, most schools in Pennsylvania have found ways of managing student behavior without resorting to corporal punishment. Accordingly, corporal punishment is no longer either needed or appropriate in Pennsylvania schools. Thank you for considering our views.

Sincerely,

Len Rieser
Co-Director

cc: Mr. James Buckheit

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Harrisburg, PA 17103
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2005 SEP 28 AM 9:07
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James R. Weaver, *President*
James P. Testerman, *Vice President*
Grace E. Bekaert, *Treasurer*
Carolyn C. Dumaresq, *Executive Director*

Original: 2367
September 22, 2005

Mr. Kim Kaufman, Executive Director
IRRC
333 Market Street
14th Floor
Harrisburg, PA 17101

Re: Support for Final Form Regulation, 22 Pa.Code Chapter 12

Dear Mr. Kaufman:

The State Board of Education has sent to you its final form regulation on Students and Student Services, 22 Pa.Code Ch. 12.

PSEA has closely followed the revisions to Chapter 12 as they were developed, and has fully participated in the regulatory process representing teachers and school personnel throughout the Commonwealth. Our observation has been that the State Board of Education carefully considered the issues involved in updating these regulations, particularly the complexities of merging the current Chapter 7, Pupil Personnel Services, into Chapter 12.

PSEA supports the Chapter 12 Final Form Regulations that are now before you. They represent a reasonable updating of the regulations.

If you have any questions regarding this matter, please feel free to contact Carol Karl at 255-7094 or ckarl@psea.org.

Thank you for your consideration of our position.

Sincerely,

James R. Weaver
President

The PSEA Mission

To advance quality public education for all students while fostering the dignity and worth of members through collective action.

Affiliated with the National Education Association



Original: 2367

IRRC

From: Beth Shaw [SHAW@mhs-pa.org]
Sent: Friday, September 23, 2005 10:35 AM
To: IRRC
Subject: Proposed Regulation Change to Chapter 12

September 23, 2005

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

Dear Sir/Madam:

This letter is written to express my support of the State Board of Education's proposed regulation change to Chapter 12 that would abolish corporate punishment in the public schools of Pennsylvania.

It is my opinion that corporal punishment is unnecessary. Teachers that are properly trained understand how to manage their classrooms and students without the use of corporal punishment. The option to use corporal punishment has been abused and in some cases has been used in an extreme and harmful manner.

I am in support that the proposal still allows corporal punishment in very limited circumstances such as when necessary to protect the safety of staff or students.

As a member of the, American Psychological Association, I am in agreement with the change as proposed by the State Board of Education.

Sincerely,

Beth J. Shaw
Pennsylvania Licensed Psychologist

RECEIVED
2005 SEP 23 AM 11:31
INDEPENDENT REGULATORY REVIEW COMMISSION

IRRC

From: frame.break [frame.break@verizon.net]
Sent: Wednesday, September 21, 2005 8:29 AM
To: musto@pasenate.com; jstairs@pahousegop.com; jrhodes@pahouse.net; jroebuck@pahouse.net
Cc: IRRC
Subject: Chapter 12 State Board of Education Corporal Punishment

Dear Honorable Education Chairs: Stairs, Roebuck, Rhodes, and Musto, and IRRC

RE: Chapter 12

As a PA licensed psychologist and certified school psychologist, I urge that you support the State Board of Education's proposed regulation change to Chapter 12 that would abolish corporal punishment in schools. Corporal punishment is unnecessary, open to abuse (which has been well documented), and opposed by most professional organizations (e.g., American Psychological, American Medical, National Education). The proposal has a provision whereby corporal punishment can still be used in very limited situations that involve safety risks to staff and/or students.

Sincerely

Jed Yalof, PsyD, ABPP

SEP 21 07 59:13



Pennsylvania Association of Pupil Services Administrators AMID: 58

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Dr. Douglas Arnold (2006)
Ms. Paulette Obrecht (2007)
Mr. Donald Kensinger (2007)

TO: Members of the Independent Regulatory Review Commission
FROM: Dr. Robert B. Cormany, Executive Secretary
RE: Comments Concerning Proposed Revisions to Chapter 12
State Board Regulations (Students and Student Services)
DATE: November 10, 2004

The following comments pertain to the proposed revisions to Chapter 12 (Students and Student Services) of the Regulations of the State Board of Education. All of these comments have been shared with the State Board of Education during the review process, but were not acted upon.

Section 12.1.(b)

The compulsory attendance age should be changed from 8-17 to 6-18.

Rationale: Over 99% of children enter first grade at age 6. Those few who do not are most likely to be those with developmental delays and/or other handicaps and, therefore, are most in need of early intervention services. At the upper end of the scale, only a small percentage of students complete their high school education prior to age 18. Keeping the compulsory attendance age at 17 enables the potential dropout and is in direct conflict with the provisions of federal "No Child Left Behind" legislation which requires districts to reduce the number of dropouts.

Section 12.8.(e)

Related to the change in compulsory attendance age, as proposed above, from an upper limit of 17 to 18, this section should be changed to read "Students who are under 18..."

Section 12.41.(a)

PAPSA strongly supports the provision for a "written plan" of student services and wish to ensure that this provision is not altered in the final version.

Rationale: The existence of a formal, written plan of student services, especially when adopted by the Governing Board of the educational entity, provides additional legal protection to staff who are tasked with delivering these services. Also, the existence of such a plan promotes the consistent, sequential and comprehensive delivery of services to all students.

Section 12.41.(e)

The term "licensed" should be eliminated from this section.



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Rationale: While virtually all school nurses are both licensed and certified as a result of their training program, and the same can be said for a high percentage of school psychologists, this is not true for school counselors. The bulk of individuals who hold a license as a "Professional Counselor" have been trained as mental health, pastoral, art therapy, or marriage and family counselors. These preparation programs are very different from those for school counselors. Licensed counselors, for the most part, lack the academic and career counseling components of a school counselors training, focusing almost exclusively on a therapeutic, personal/social counseling framework or so-called "medical model". Districts who wish to use persons so trained have had and would continue to have the authority to contract for such services independently. The use of persons who are licensed rather than certified counselors would conflict with existing certification regulations and standards, which reserve the primary duties of counselors to those individuals who are properly certified. Although the provisions of No Child Left Behind pertaining to "highly qualified" staff are specific to instructional employees, in spirit they should be considered applicable to educational specialists as well. The most appropriate student services will be provided by certified staff who meet the rigorous standards established by the Department of Education. Certain individuals may argue that permitting licensed staff to practice in the schools will open up opportunities for receiving federal "ACCESS" funding for those services. Only a small percentage of a specialists services can qualify for ACCESS funding under any circumstance and, as previously mentioned, nothing prevents a district from contracting certain activities to licensed persons when those services would most likely qualify for ACCESS funds.

If further information is desired relevant to the comments provided above, please contact: Dr. Robert B. Cormany, PAPSA Executive Secretary, (717) 243-6413 or at rcormany@aol.com.

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2004 NOV 19 AM 10:58
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REVIEW COMMISSION

Original: 2367

IRRC

From: Erica Weiler [WeilerE@mhs-pa.org]
Sent: Tuesday, September 20, 2005 11:50 AM
To: IRRC
Subject: Abolishment of Corporal Punishment

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2005 SEP 20 PM 1:03

MILTON HERSHEY SCHOOL

Dear Members of the Independent Regulatory Review Commission:

I am writing to request your support of the State Board of Education proposed regulation change to Chapter 12 that would abolish corporal punishment in the public schools of Pennsylvania. I am a graduate of Temple University's School Psychology program and have worked with Dr. Irwin Hyman to abolish the continuation of this practice in our schools.

As a psychologist and educator it is clear that corporal punishment is an unnecessary practice as properly trained teachers understand how to manage classrooms without the use of corporal punishment. Sufficient research is available to train educators to discipline without the use of physical harm which is likely to only teach students fear and anger towards their educators which may fuel the cycle of violence rather than lead to a healthy and productive relationship. For example, The Life Space Interview in the Therapeutic Crisis Intervention program or the Love and Logic curriculum are far more effective ways of working with kids.

Through my work with Dr. Hyman at Temple University, it is clear that the use corporal punishment has been abused. There have been well documented cases when some school personnel have abused the option of corporal punishment and used it in an extreme and harmful manner. I have seen pictures of kids bruised and harmed in the hands of educators who misuse this practice. Clearly schools were not intended to harm children, rather were developed to provide equal access to their education and opportunity. Further, most parents and most professional organizations (AMA, NEA and APA) oppose corporal punishment in schools. In fact, most parents that I have spoken with are shocked to learn that corporal punishment of their child is still sanctioned by this state. Twenty-seven states currently abolish corporal punishment in schools and it is my hope that the State of Pennsylvania will join these states in abolishing harm to children in our schools.

Thank you for your time. Please feel free to contact me at the phone number below to discuss this issue further.

Sincerely,
Erica Weiler

The information contained in this e-mail and its attachments are privileged, confidential and intended only for the use of the addressee. In accordance with MHS policy 5.08, inappropriate disclosure of confidential information without proper authorization is subject to disciplinary action.

Erica M. Weiler, Ph.D., NCSP, ABPP
Lead Psychologist, Middle Division
Licensed Psychologist
Board Certified in School Psychology
Milton Hershey School
(717) 520-2635

9/20/2005