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Commonwealth of Pennsylvania
STATE BOARD OF EDUCATION

November 28, 2005

Ms. Janet Stotland
Co-Director
Education Law Center
1315 Walnut Street, 4th Floor
Philadelphia, PA 19107-4717

Dear Ms. Janet Stotland:

Thank you for your letter of November 22, 2005 on proposed 22 Pa. Code, Chapter 4, Career Education and Work Academic Standards.

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.

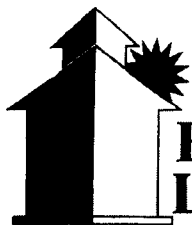
The regulatory Review Act provides that information on proposed and final regulations be mailed to public commentators at their request. If you would like to receive the final-form of these regulations when they are finalized, please make your request to me in writing at the address printed below.

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 Musto
Representatives Stairs
Representatives Roebuck
IRRC



Quality & Fairness in
Pennsylvania's Public Schools

EDUCATION LAW CENTER

CO-DIRECTORS
Janet F. Stotland
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November 22, 2005

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

RE: Proposed Chapter 4 Regulations and Career Education and Work Academic
Standards Published 11/5/04

Dear Jim:

Enclosed are ELC's comments to these proposed regulations. The Disabilities Law Project, which provides help to children and adults with disabilities, joins in the comments that relate to Vocational-Technical Education and Career and Work Academic Standards. We appreciate this opportunity and would be happy to discuss our comments further with you or with members of the State Board.

ELC is interested in participating in the IRCC meeting at which these regulations will be presented. Could you let me know when that meeting is scheduled?

As always, thanks for all your help.

Very truly yours,


Janet F. Stotland
Co-Director

Cc: Rachel Mann, Esq. (Disabilities Law Project)



COMMENTS TO PROPOSED AMENDMENTS TO
22 PA CODE CHAPTER 4

The Education Law Center is a non-profit education advocacy organization whose mission is to benefit educationally “at risk” children, including children with disabilities, children of color, English Language Learners, and low-income students. We submit the following comments to proposed 22 PA Code Chapter 4, which was published in the PA Bulletin on November 5, 2005.

Pre-Kindergarten Programs

We recognize that a new version of the provisions of these regulations that relate to pre-kindergarten programs is already working itself through the Early Childhood Committee and the State Board. We have already put ourselves “on record” with respect to the newest proposals, including specific recommended language.

We also note that the newest pre-kindergarten regulations identify “school districts” as responsible for, among other things, developing strategic and assessment plans. The published regulations deliberately introduce the phrase “school entities,” in recognition of the fact that other local education agencies, including charter schools, have these responsibilities. Obviously, this needs to be fixed; the phrase school entities should be used uniformly.

Vocational-Technical Education

ELC staff, together with our colleagues from the Disabilities Law Project, has repeatedly discussed with the Department of Education our concern that students with disabilities in PA do not have full access to vocational-technical education opportunities, including Area Vocational Technical Schools (AVTSs). In some regions, AVTSs are the only options for students seeking technical education. Students denied access to or supports in AVTSs in those regions are deprived of any meaningful vocational education opportunity.

Several years ago ELC and the Disabilities Law Project settled a lawsuit against the PA Department of Education and the Bucks County Area Technical High School. The settlement eliminated what we believe were admission requirements that discriminated against students with significant learning disabilities. The settlement also required the school to set up additional

academic programs to support class members. Implementation of that settlement has gone well, but we have received numerous complaints that other AVTS programs are failing to admit students with significant disabilities; are not providing them with sufficient support in either the academic or technical parts of the program; or are unnecessarily limiting their access to particular vocational options.

This is clearly a statewide problem, and these regulations could take a major step towards a statewide resolution. The following changes are needed to the published regulations to ensure compliance with federal and state law, including §504 of the Rehabilitation Act and the Individual with Disabilities Education Improvement Act. ELC and the Disabilities Law Project propose the following:

§4.13(b): Every AVTS, in conjunction with and with the approval of the majority of its participating school districts, shall develop and file with the Department a strategic plan once every 6 years.... The strategic plan shall incorporate appropriate components of the strategic plan submitted under subsection (a) by participating districts, and shall describe how students with disabilities shall be admitted to and supported in its programs.¹

§4.31(a): Vocational-technical education courses shall be developed in the planned instruction format and shall be accessible to all high school students attending those grades in which vocational technical courses are offered. All students and their parents or guardians shall be informed of the students' rights to participate in vocational-technical programs and their courses, and that students with disabilities are entitled to special supports and accommodations to help them succeed in such programs. Students who complete approved vocational-technical education programs shall have their occupational competency assessed, with accommodations if necessary, by completion of the appropriate assessment under the PA Skills Certificate Program or by completion of another occupational competency assessment approved by the Department. Students shall also demonstrate proficiency in meeting academic standards as required under §4.24(a) (relating to high school graduation requirements) and 4.12(f), 4.24(e)(relating to children with IEPs).

§4.31(c): Vocational-technical education programs shall consist of a series of planned academic and vocational-technical education courses that are articulated with one another so that knowledge and skills are taught in a systematic manner. When appropriate, vocational-technical education programs must adopt, in program areas for which they are available, industry recognized skills standards, and may also include cooperative vocational-technical education and participation

¹ The proposed ELC language is underlined. The remaining text contains the current language and the changes proposed by the State Board.

in vocational student organizations to develop leadership skills. However, vocational-technical education programs shall not use industry recognized skills standards as a basis for excluding a student with a disability from a vocational program on the grounds that he cannot meet those standards if the student can benefit from attending that program with reasonable supports.

§4.33(c): An occupational advisory committee shall be established for each vocational-technical education program or cluster of related programs offered by a school district or AVTS. The Committee shall be appointed by the board of directors, and a majority of the members of the committee shall be employees and employers in the occupation for which training is provided, and at least one member shall be a Special Education Director from one of the school entities served by the AVTs. The Committee shall meet at least twice each year to advise the board, administration and staff on curriculum, equipment, instructional material, safety requirements, program evaluation and other related matters, and how the program can be adapted to meet the needs of students with disabilities....

Career Education and Work Academic Standards

ELC and DLP also have some proposed additions to these Standards. First, we suggest adding the following sentence in the Introduction:

These standards will be used to guide the IEP teams of students with disabilities. However, the standards will not be used as a basis for excluding a student with a disability from an age-appropriate career or vocational education program from which the student, with appropriate supports, can benefit, or for failing a student with a disability who cannot achieve these standards at the same rate as students without disabilities.

Students with disabilities who cannot achieve academically on par with their peers especially need to learn the skills needed to function independently when their school career ends. For many, vocational education is the best route to this end. Many AVTSs have functioned in a separate world, insulated from their obligations to admit and serve these students. These regulatory changes would go a long way toward fixing this important problem.

We respect to the Standards themselves, we make the proposals set out below to address the following concerns: (1) many students must make decisions about applying to Area Vocational Technical Schools by the 8th grade, so the standards should prepare students to make those decisions in a timely manner; (2) all students, including students with disabilities, will benefit from standards that provide them with the skill of self-advocacy in the training and employment context, and with knowledge of the employment provisions of discrimination laws

and the benefits of understanding and accommodating differing abilities and disabilities.

Proposed language is inserted in bold italics below.

XXXVIII. INTRODUCTION

The Academic Standards for Career Education and Work reflect the increasing complexity and sophistication that students experience as they progress through school. Career Education and Work Standards describe what students should know and be able to do at four grade levels (3, 5, 8 and 11) in four areas:

- * 13.1 Career Awareness and Preparation
- * 13.2 Career Acquisition (Getting a Job)
- * 13.3 Career Retention and Advancement
- * 13.4 Entrepreneurship

Pennsylvania's economic future depends on having a well-educated and skilled workforce. No student should leave secondary education without a solid foundation in Career Education and Work. It is the rapidly changing workplace and the demand for continuous learning and innovation on the part of the workers that drive the need to establish academic standards in Career Education and Work.

Through a comprehensive approach, Career Education and Work Standards complement all disciplines and other academic standards. If Pennsylvania's students are to succeed in the workplace, there are certain skills that they need to obtain prior to graduation from high school. These skills have been identified in the Career Education and Work Standards, but it is up to individual school districts to decide how they are to be taught. Districts can implement integration strategies within existing disciplines or can implement stand-alone courses to specifically address these standards.

A glossary is included to assist the reader in understanding terminology contained in the standards.

13.1. Career Awareness and Preparation

13.1.3. GRADE

3

13.1.5. GRADE 5

13.1.8. GRADE 8

13.1.11. GRADE 11

Pennsylvania's public schools shall teach, challenge and support every student to realize his or her maximum potential and to acquire the knowledge and skills needed to:

- | | | | |
|--|---|--|--|
| A. Recognize that individuals have unique interests. | A. Describe the impact of individual interests and abilities on career choices. | A. Relate careers to individual interests, abilities, and aptitudes. | A. Relate careers to individual interests, abilities, and aptitudes. |
| B. Recognize that the roles of individuals at | B. Relate the impact of change to both traditional and nontraditional careers. | B. Explain how both traditional and nontraditional careers | B. Analyze how the changing roles of individuals in the |

home, in the workplace and in the community are constantly changing.

C. Identify the range of jobs available in the community.

C. Describe the range of career training programs in the community such as, but not limited to:

- * **Area Vocational Technical Schools (AVTS)**
- * Two-and-four year colleges
- * Career and technical centers
- * CareerLinks
- * Community/recreation centers
- * Faith-based organizations
- * Local industry training centers
- * Military
- * Registered apprenticeship
- * Vocational rehabilitation centers
- * Web-based training

D. Describe the work done by school personnel and other individuals in the community.

D. Describe the factors that influence career choices, such as, but not limited to:

- * Geographic location
- * Job description
- * Salaries/benefits
- * Work schedule
- * Working conditions
- * **Disability Accommodations**

E. Explore how

E. Investigate people's

offer or hinder career opportunities.

C. Explain the relationship of career training programs to employment opportunities.

By the beginning of the 8th grade year, examine the option to attend an AVTS for high school

D. Analyze the economic factors that impact employment opportunities, such as, but not limited to:

- * Competition
- * Geographic location
- * Global influences
- * Job growth
- * Job openings
- * Labor supply
- * Potential advancement
- * Potential earnings
- * Salaries/benefits
- * Unemployment

E. Analyze the

workplace relate to new opportunities within career choices.

C. Evaluate school-based opportunities for career awareness/preparation, such as, but not limited to:

- * Career days
- * Career portfolio
- * Community service
- * Cooperative education
- * Graduation/senior project
- * Internship
- * Job shadowing
- * Part-time employment
- * Registered apprenticeship
- * School-based enterprise

D. Justify the selection of a career.

E. Analyze the

<p>people prepare for careers.</p>	<p>rationale for making career choices.</p>	<p>relationship of school subjects, extracurricular activities and community experiences to career preparation.</p>	<p>relationship between career choices and career preparation opportunities, such as, but not limited to:</p> <ul style="list-style-type: none"> * Associate degree * Baccalaureate degree * Certificate/licensure * Entrepreneurship * Immediate part/full time employment * Industry training * Military training * Professional degree * Registered apprenticeship * Tech Prep * <i>Vocational Rehabilitation Centers</i>
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<p>F. Explain why education and training plans are important to careers.</p>	<p>F. Identify the components of a career plan, such as, but not limited to:</p> <ul style="list-style-type: none"> * Beginnings of career portfolio * Career goals * Individual interests and abilities * Training/education requirements and costs 	<p>F. Create an individualized career plan including, such as, but not limited to:</p> <ul style="list-style-type: none"> * Assessment and continued development of career portfolio * Career goals * Cluster/pathway opportunities * Individual interests and abilities * Training/education requirements and financing * <i>Accommodations required, if any</i> 	<p>F. Assess the implementation of the individualized career plan through the ongoing development of the career portfolio.</p>
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13.2. Career Acquisition (Getting a Job)

13.2.3. GRADE 3 13.2.5. GRADE 5 13.2.8. GRADE 8 13.2.11. GRADE 11

Pennsylvania's public schools shall teach, challenge and support every student to realize his or her maximum potential and to acquire the knowledge and skills needed to:

A. Identify	A. Apply appropriate	A. Identify effective	A. Apply effective
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appropriate speaking and listening techniques used in conversation.	speaking and listening techniques used in conversation.	speaking and listening skills used in a job interview.	speaking and listening skills used in a job interview.
B. Discuss resources available in researching job opportunities, such as, but not limited to: * Internet * Magazines * Newspapers	B. Identify and review resources available in researching job opportunities, such as, but not limited to: * Internet * Magazines * Newspapers	B. Evaluate resources available in researching job opportunities, such as, but not limited to: * CareerLinks * Internet (i.e. O-NET) * Networking * Newspapers * Professional associations * Resource books (that is <i>Occupational Outlook Handbook, PA Career Guide</i>)	B. Apply research skills in searching for a job. * CareerLinks * Internet (that is O-NET) * Networking * Newspapers * Professional associations * Resource books (that is <i>Occupational Outlook Handbook, PA Career Guide</i>)
C. Compose a personal letter.	C. Compose and compare a business and a personal letter.	C. Prepare a draft of career acquisition documents, such as, but not limited to: * Job application * Letter of appreciation following an interview * Letter of introduction * Request for letter of recommendation * Resume	C. Develop and assemble, for career portfolio placement, career acquisition documents, such as, but not limited to: * Job application * Letter of appreciation following an interview * Letter of introduction * Postsecondary education/training applications * Request for letter of recommendation * Resume
D. Identify the importance of developing a plan for the future.	D. Identify individualized career portfolio components, such as, but not limited to: * Achievements * Awards/recognitions * Career exploration	D. Develop an individualized career portfolio including components, such as, but not limited to: * Achievements * Awards/recognitions * Career exploration	D. Analyze, revise, and apply an individualized career portfolio to chosen career path.

	<ul style="list-style-type: none"> results * Career plans * Community service involvement/projects * Interests/hobbies * Personal career goals * Selected school work * Self inventories 	<ul style="list-style-type: none"> results * Career plans * Community service involvement/projects * Interests/hobbies * Personal career goals * Selected school work * Self inventories 	
<p>E. Discuss the importance of the essential workplace skills, such as, but not limited to:</p> <ul style="list-style-type: none"> * Dependability * Health/safety * Team building * Technology * <i>Self advocacy (especially with respect to disability accommodations)</i> 	<p>E. Apply to daily activities, the essential workplace skills, such as, but not limited to:</p> <ul style="list-style-type: none"> * Commitment * Communication * Dependability * Health/safety * Personal initiative * Scheduling/time management * Team building * Technical literacy * Technology * <i>Self Advocacy (especially with respect to disability accommodations)</i> 	<p>E. Explain, in the career acquisition process, the importance of the essential workplace skills/knowledge, such as, but not limited to:</p> <ul style="list-style-type: none"> * Commitment * Communication * Dependability * Health/safety * Laws and regulations (that is Child Labor Law, Fair Labor Standards Act, OSHA, Material Safety Data Sheets, <i>Americans with Disabilities Act</i>) * Personal initiative * Scheduling/time management * Team building * Technical literacy * <i>Self Advocacy</i> 	<p>E. Demonstrate, in the career acquisition process, the application of essential workplace skills/knowledge, such as, but not limited to:</p> <ul style="list-style-type: none"> * Commitment * Communication * Dependability * Health/safety * Laws and regulations (that is Child Labor Law, Fair Labor Standards Act, OSHA, <i>Americans with Disabilities Act</i>, Material Safety Data Sheets) * Personal initiative * Scheduling/time management * Team building * Technical literacy * Technology

13.3. Career Retention and Advancement

13.3.3. GRADE 3

13.3.5. GRADE 5

13.3.8. GRADE 8

13.3.11. GRADE 11

Pennsylvania's public schools shall teach, challenge and support every student to realize his or her maximum potential and to acquire the knowledge and skills needed to:

A. Identify attitudes and

A. Explain how student attitudes and

A. Determine attitudes and work habits that support

A. Evaluate personal attitudes and work habits

work habits that contribute to success at home and school.	work habits transfer from the home and school to the workplace.	career retention and advancement.	that support career retention and advancement.
B. Identify how to cooperate at both home and school <i>and to identify individuals' strengths and weaknesses</i>	B. Explain the importance of working cooperatively with others at both home and school to complete a task. <i>Explain the importance of accommodating individual strengths and weaknesses, including disabilities, to complete a group task</i>	B. Analyze the role of each participant's contribution in a team setting. <i>Give examples of accommodating a team member's disability in order to enhance the member's contribution.</i>	B. Evaluate team member roles to describe and illustrate active listening techniques: * Clarifying * Encouraging * Reflecting * Restating * Summarizing <i>Evaluate team member roles in accommodating each other's strengths and weaknesses</i>
C. Explain effective group interaction terms, such as, but not limited to: * Compliment * Cooperate * Encourage * Participate	C. Identify effective group interaction strategies, such as, but not limited to: * Building consensus * Communicating effectively * Establishing ground rules * Listening to others	C. Explain and demonstrate conflict resolution skills: * Constructive criticism * Group dynamics * Managing/leadership * Mediation * Negotiation * Problem solving	C. Evaluate conflict resolution skills as they relate to the workplace: * Constructive criticism * Group dynamics * Managing/leadership * Mediation * Negotiation * Problem solving
D. Explain how money is used.	D. Explain budgeting.	D. Analyze budgets and pay statements, such as, but not limited to: * Charitable contributions * Expenses * Gross pay * Net pay * Other income * Savings * Taxes	D. Develop a personal budget based on career choice, such as, but not limited to: * Charitable contributions * Fixed/variable expenses * Gross pay * Net pay * Other income * Savings * Taxes
E. Discuss how time is used at both home and	E. Develop a personal schedule based on activities and	E. Identify and apply time management strategies as they relate to both personal	E. Evaluate time management strategies and their application to

school.	responsibilities at both home and school.	and work situations.	both personal and work situations.
F. Identify changes that occur at both home and school.	F. Describe the impact of changes at home, school and work.	F. Identify characteristics of the changing workplace, including ADA accommodations , and explain their impact on jobs and employment.	F. Evaluate strategies for career retention and advancement in response to the changing global workplace.
G. Define and describe the importance of lifelong learning.	G. Describe how personal interests and abilities impact lifelong learning.	G. Identify formal and informal lifelong learning opportunities that support career retention and advancement.	G. Evaluate the impact of lifelong learning on career retention and advancement.

13.4. Entrepreneurship

13.4.3. GRADE 3

13.4.5. GRADE 5

13.4.8. GRADE 8

13.4.11. GRADE 11

Pennsylvania's public schools shall teach, challenge and support every student to realize his or her maximum potential and to acquire the knowledge and skills needed to:

A. Define entrepreneurship.	A. Identify the risks and rewards of entrepreneurship.	A. Compare and contrast entrepreneurship to traditional employment, such as, but not limited to: * Benefits * Job security * Operating costs * Wages	A. Analyze entrepreneurship as it relates to personal career goals and corporate opportunities.
B. Describe the character traits of successful entrepreneurs, such as, but not limited to: * Adaptability * Creative thinking * Ethical behavior * Leadership * Positive attitude * Risk-taking	B. Discuss the entrepreneurial character traits of historical or contemporary entrepreneurs.	B. Evaluate how entrepreneurial character traits influence career opportunities.	B. Analyze entrepreneurship as it relates to personal character traits.
C. Describe age-appropriate entrepreneurial	C. Discuss the steps entrepreneurs take to bring their goods or	C. Identify and describe the basic components of a	C. Develop a business plan for an entrepreneurial concept

opportunities, such as, but not limited to:	services to market, such as, but not limited to:	business plan, such as, but not limited to:	of personal interest and identify available resources, such as, but not limited to:
* Bake sale	* Marketing	* Business idea	* Community Based Organizations (that is chambers of commerce, trade/technical associations, Industrial Resource Centers)
* Crafts	* Production	* Competitive analysis	* Financial institutions
* Lemonade stand	* Research and development	* Daily operations	* School-based career centers
* Pet care	* Selection of goods and services	* Finances/budget	* Small Business Administration services (that is SCORE, Small Business Development Centers, Entrepreneurial Development Centers)
		* Marketing	* Venture capital
		* Productive resources (human, capital, natural)	
		* Sales forecasting	

Academic Standards for Career Education Work

XXXIX. GLOSSARY

<i>Americans with Disabilities Act (ADA)</i>	<i>A federal law that prohibits discrimination against, and requires reasonable accommodations for, individuals with disabilities, including in the workplace.</i>
Aptitudes:	Capacity to learn and understand.
Associate degree:	A postsecondary degree typically earned within a 2-year time frame.
Baccalaureate degree:	A postsecondary degree, also known as a bachelor's degree, typically earned within a 4-year time frame from a college or university.
Benefits:	Something of value that an employee receives in addition to a wage or salary. Examples include health and life insurance, vacation leave, retirement plans, and the like.
Budget:	A financial plan that summarizes anticipated income and expenditures over a period of time.
Business plan:	A prepared document detailing the past, present, and future of an organization.

Other Issues

ELC recommends that the State Board consider some additional changes to Chapter 4. ELC submitted these proposals to the State Board in July, 2004, but they were not included in the proposed regulations:

Recommendation:

§4.4(d) School entities shall adopt policies to assure that parents or guardians have the following: (1) Access to information about the curriculum, including academic standards to be achieved, instructional materials, [and] assessment techniques and performance levels, additional instructional opportunities for students not achieving at the proficient level, high school graduation requirements, strategic plans, and opportunities for classroom participation and observation.

Rationale: The No Child Left Behind Act and the State Board recognize that engaging their parents is crucial to students' success. The more families know about the options available to improve their children's performance, the better the student outcomes. This proposal makes explicit that families should have access to all relevant information covered by the Chapter 4 regulations.

Recommendation:

§4.51(a)(6): Provide results to school entities based upon the aggregate performance of all students, [for students with and IEP and for those without an IEP] disaggregated by gender, major racial and ethnic group, English Proficiency status, migrant status, students requiring IEPs, and by students who are economically disadvantaged, unless the number of such students in a subgroup in a particular school or school entity is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.

Rationale: This change would bring this regulation into line with the requirements of NCLB, which requires the disaggregation of achievement data with respect to all of these subgroups – not just students with disabilities.

Recommendation:

§4.13(c)(1): Organization and goals: A description of the school entity's organization and organizational goals and their relationship to differing student needs within the school entity's goals under paragraph (2) and the attainment of academic standards under paragraph (3). Differing student needs may include

needs based on achievement level, learning style, disability, English language proficiency, or ethnicity.

Rationale: This language makes clear the range of factors that must be addressed, and will provide uniformity from one school entity to another.

Recommendation:

§4.13(d): Strategic plans, the 6-year plan, mid-term review report and all other revisions to the plan, shall be developed through active participation by parents, students, school directors, teachers.... Parent representatives shall be chosen by parents; [t]eacher representatives shall be chosen by teachers; educational specialists shall be chosen by educational specialists;

Rationale: Parents, like all of the other constituencies listed, should choose their representatives. No less than any other group, parents must have confidence in those who will represent them in this important task.

Recommendation:

§4.51(e): Students not achieving at the proficient level in the administration of State assessments in grade 11 shall be provided [one additional opportunity] additional opportunities in grade 12 to demonstrate proficient level on State assessments.

Rationale: School entities should have flexibility in determining how frequently students should have the opportunity to show that they have mastered the necessary skills.

Recommendation:

§4.61(a): School profiles developed by the Secretary will include information as required under Federal and State law and information about fiscal support the school entity received from local, state, federal and other sources.

Rationale: This proposal would restore the requirement that information about the fiscal support of the schools should be part of the school profile. This information that is not required by other federal or state law and would therefore not have to be reported to the public. This is an important requirement which should be preserved.