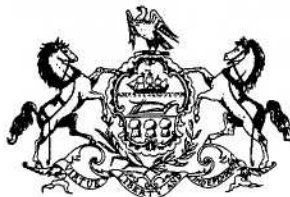


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INDEPENDENT REGULATORY
REVIEW COMMISSION

Commonwealth of Pennsylvania
STATE BOARD OF EDUCATION

June 29, 2006

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

Dear Ms. Stotland:

Thank you for your letter of June 27, 2006 on proposed 22 Pa. Code, Chapter 4, 11, and 12 regarding pre-kindergarten programs.

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
Len Rieser

REC'D JUN 29 2006

June 27, 2006

Mr. Jim Buckheit
Executive Director
PA State Board of Education
333 Market Street
Harrisburg, PA 17126-0333

RE: Proposed Changes to Chapters 4, 11, and 12 Regarding Pre-Kindergarten Programs

Dear Mr. Buckheit:

On behalf of the Education Law Center, I am writing to support the above proposed regulations. ELC is a not-for-profit education advocacy organization dedicated to improving educational opportunity and outcomes for "at risk" children, including low income children and children with disabilities. We believe that these regulations are an important step forward for the children we represent. The research clearly shows that *quality* pre-kindergarten programs can help low income and other at risk students close the gap with their better resourced peers and start school ready to learn.

The regulatory requirements are research-based and will ensure that PA pre-kindergarten programs are of high quality. For example, 22 PA Code §4.20 prescribes a pre-kindergarten curriculum that is comprehensive, age and developmentally appropriate, and meets children's individual needs. The regulations set student/teacher ratios and standards for teachers' aides. 22 PA Code §§4.20(6), (7). All of these provisions are essential, especially for those children most at risk.

From the beginning, when we participated in a series of roundtables, a major ELC goal has been to ensure that children with disabilities have access to and support in PA public preschool programs. Although federal law clearly requires that preschoolers with disabilities attend school with children who are not disabled (what the Individuals with Disabilities Education Act calls in the Least Restrictive Environment), that law will be actualized in PA only if we have public pre-kindergarten programs ready and able to enroll these children.

The protections needed to assure this outcome have been incorporated in these regulations. For example, the proposals mandate that pre-kindergarten programs admit and serve children with disabilities; that school districts that operate pre-kindergarten programs explicitly plan, together with families, for special needs children and their smooth transition from pre-school settings; and prohibit pre-kindergarten programs limited to children with disabilities.

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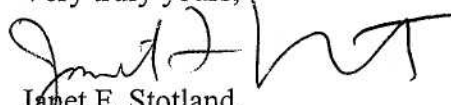
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22 PA Code §4.13(12)(iii), (17), §4.20(3). These provisions acknowledge that children with disabilities (like their age-peers without disabilities) should attend public preschool programs. But this will happen – and happen successfully – only if the preschool programs plan for and support the children’s participation. With these regulations in place, that outcome will be far more likely.

For all of these reasons, we urge the State Board to move these regulations forward so that all children can benefit from their protections. We thank the Department staff and the State Board for the openness of the process by which these regulations were developed, and for their willingness to listen to and address our concerns.

Very truly yours,



Janet F. Stotland
Co-Director