



Quality & Fairness in
Pennsylvania's Public Schools

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BY FAX AND MAIL

July 31, 2006

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

Re: Comments on Department of Education Proposed Regulations,
22 Pa. Code, Chapter 405 – Keystone Educational Accountability Standards
(IRRC #2500)

To the Members of the Independent Regulatory Review Commission:

The Education Law Center (ELC) is a statewide non-profit legal advocacy and educational organization, dedicated to ensuring that all of Pennsylvania's children have access to a quality public education. We appreciate this opportunity to submit comments concerning the above regulations.

ELC commends the Department of Education for developing regulations that will greatly improve educational management of Pennsylvania's public schools. In general, we find the regulations to be thorough and practical.

On two points we believe that the intent of the regulations will be furthered by adding language to improve internal consistency and ensure compliance with relevant state and federal laws.

First, the regulations specify in a few places that a particular document should be made available to the public or that a particular meeting should be open to the public. These requirements should be added to all sections where public records and public meetings are referenced, in addition to adding at a relevant place the general standard that public education entities must comply with the Pennsylvania Sunshine Act and the Right to Know Act. For example, see Section 405.2(1)(vii) and (viii) and Section 405.2(3)(iv). Where appropriate, these standards should mention that schools and districts must provide for appropriate access to meetings and records for individuals with disabilities.

Second, Section 405.12(4)(i) (Instructional Programs) mentions that districts should take action regarding "disaggregated" student groups, meaning students with disabilities, English language learners, children from low-income families, and other student groups enumerated in the No Child Left Behind Act (NCLB) and corresponding state law. The requirement to take action regarding disaggregated student groups in compliance with state and federal law should be added to other sections in the proposed regulation that relate to similar issues of student learning and achievement. For example, see Section 405.2(1)(v), Section 405.3(1)(i)(A), and Section 405.12(1)(ii).

Thank you for your consideration. Please contact me with any questions.

Sincerely,



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cc: Shawn Farr, Department of Education

ORIGINAL: 2550

Kathy Cooper

From: Kintisch, Baruch [bkintisch@elc-pa.org]
Sent: Monday, July 31, 2006 5:18 PM
To: IRRC; sfarr@state.pa.us
Subject: Comments on 22 PA Code 405

Attached are comments that we filed today by facsimile and mail.

Thank you.

Baruch

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