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From: David Marascio [damarascio@iu12.org]
Sent: Monday, May 05, 2008 8:58 PM
To: IRRC
Subject: Special Education - Chapter 14 Regulations

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INDEPENDENT REGULATOR'S
REVIEW COMMISSION 9:50 AM

Dear IRRC:

I am contacting you, following the receipt of an email with the subject, "Final Responses to Comments" sent by James Buckheit (Executive Director, State Board of Education). It is my understanding that the Independent Regulatory Review Committee (IRRC) has one final opportunity to either fully approve or reject the current draft of the Special Education (Chapter 14 regulations). I strongly urge you to reject the regulations as written and force the education committee to review and deliberate further. There are some serious concerns that I have which I believe the education committee has not thoughtfully considered, but rather, relied heavily on lobbying that was not balanced in consideration of viewpoints.

I have specific concerns which warrant attention:

- First, it is concerning to me that the revised Ch. 14 regulations have modified timelines in which Initial and Re-Evaluations are to be completed. Changing the timeline from 60 SCHOOL days to 60 CALENDAR days serves no benefit to anyone and in fact, will affect the quality of evaluations (there will be a cumulative impact on all evaluations and also with subsequent development of IEPs...evaluations will be less comprehensive because of time restrictions; evaluation reports may be reduced to including only minimal information because caseloads will pile up; there will be less time to involve all members of an evaluating team in the decision making process; and, there will be less time to review progress or observe response to intervention). It is further notable that School Psychologists play an essential role in the determination of student disability status. With that in mind, PDE has not considered the fact that there is a significant shortage of School Psychologists. This is evidenced by information provided by the National Association of School Psychologists and the American Association for Employment in Education. How is it feasible to do more work in less time with even less staff? In the "Final Responses to Comments" email that I received this evening - it stated that the regulations which required evaluations to be completed in 60 SCHOOL days was detrimental to students. It does not cite any data to support this conclusion - rather, this statement appears to be supported by emotion-driven opinions. Additionally, the email further noted that Pennsylvania has timelines that are longer than many other states in the US - and thus was provided as an additional argument for changing the timelines. This makes no clear sense to me because the decision to change current practice/procedure is again, not based on any data for a NEED to change procedures - rather - decision making was done as follows: "If other states do it this way then PA should too." (*There is no data/information to suggest that the Pennsylvania criteria was harmful to students OR that data from other states - relating to evaluation timelines - benefits students in those respective states). The bottom line is this: I strongly encourage you to reject the current Chapter 14 regulations, specifically because of the proposed changes to timelines (timelines for completing Initial and Re-Evaluations should continue to stay at the 60 SCHOOL day time frame).

- Second, in consideration of Response to Intervention (RTI): It concerns me that as the state continues to see a need for School Psychologists in the determination of disability status, the state does not also insist upon the fact that School Psychologists should be a required member of teams in developing and implementing RTI procedures (either related to school wide activities or student specific problem solving). Although the regulations note that school districts can choose to utilize School Psychologists - it does not provide strong enough wording that encourages districts to involve staff that is able to critically analyze data statistically - specifically, in the context of curriculum, individual differences, learning styles, social/emotional factors, etc. School Psychologists have for years provided leadership on school teams to allow these types of discussions to take place and play an active and ongoing role in ensuring that data is collected and reviewed responsibly so that correct decisions can be made. The Chapter 14 regulations MUST have more powerful language with respect to the inclusion of School Psychologists on teams that involve RTI and related decision making.

Thank you for your time and review of my comments. I sincerely hope that they are reviewed carefully and are taken under serious consideration before the new Chapter 14 regulations are formally enacted into law.

Regards,
David Marascio
School Psychologist

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