

VALUE

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Vision and Leadership Uniting Education

May 29, 2008

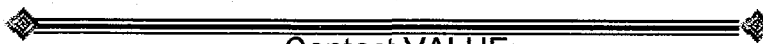
Mr. Kim Kaufman
Executive Director
PA Independent Regulatory Review Commission
333 Market Street
Harrisburg, PA 17126-0333

RE: 22 PA Code Chapter 14 (Final Regulation #6-306 (2618)): "Special Education Services and Programs"

Dear Mr. Kaufman:

I write today on behalf of the VALUE Coalition, whose member representatives of well-respected advocacy organizations embody an impressive collective effort: ACHIEVA, The Arc of Pennsylvania; the Disability Rights Network; the Early Intervention Coalition of Advocates; the Education Law Center; Kids Together; the Mental Health Association in Pennsylvania; The Mentor Parent Program, Inc.; the Parent Learning Support Network; Pennsylvania's Education for All Coalition; the PEAL Center; Parents Involved Network; Pennsylvania Parents and Caregivers Resource Network; Pennsylvania TASH; Vision for Equality; and the Western Pennsylvania Coalition of Education Advocates, as well as countless individual parents and advocates. VALUE members work with and represent thousands of Pennsylvania students with a wide variety of disabilities and special education needs. VALUE writes today to ask the IRRC to approve proposed 22 PA Code Chapter 14. We believe that it is a reasoned and reasonable compromise that reflects the concerns of all stakeholders and benefits children with disabilities and their families.

For almost two years, VALUE has worked to ensure that Pennsylvania's special education regulations (Chapter 14) are the best ever. A major purpose of these revisions was to align the state regulations with substantial changes in federal law, in particular the 2004 amendments to the Individuals with Disabilities Education Act. VALUE wanted to retain important state protections. We also wanted to seize the opportunity to add provisions that would improve services for children with disabilities and enhance compliance with federal law.



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INDEPENDENT REGULATORY
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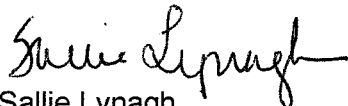
We believe that these goals have been achieved. Chapter 14:

- Incorporates caselaw interpreting the IDEA's requirement that children with disabilities be educated in the "least restrictive environment." Its inclusion guarantees that school districts and families are clear on the applicable standards.
- Guarantees families reasonable access to observe their children's classrooms.
- Begins transition planning for post-school objectives at age 14 – rather than age 16, the IDEA's minimum. This benefits families and education agencies, since age 16 is too late to apply for high school vocational programs.
- Prohibits school officials from using dangerous "prone restraints" and promotes positive behavior approaches instead of restrictive techniques or restraints.
- Clarifies that preschoolers with disabilities can be eligible for extended school year programs, and sets deadlines for determining ESY eligibility for especially vulnerable students.
- Shortens the deadline for education agencies to complete special education evaluations from 60 school to 60 calendar days (except for summer months).
- And much more.

The Department and the State Board have listened and responded to families, school districts and other stakeholders. The result is an excellent set of regulations. VALUE did not achieve all of its objectives. But there was an open dialogue, and the Department and the State Board heard the concerns of parents at roundtables, meetings, State Board meetings, and legislative hearings. The result – final Chapter 14 – is a significant improvement over the existing Chapter 14 and we urge its approval.

Thank you for this opportunity to comment.

Very truly yours,



Sallie Lynagh
on behalf of the
VALUE Coalition