

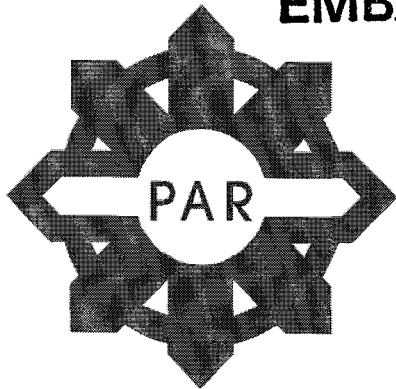
EMBARGOED MATERIAL
✓ 2618 RECEIVED

From: Shirley Walker [Shirley@par.net] 2008 JUN -5 AM 7: 34
Sent: Wednesday, June 04, 2008 8:08 PM
To: 00statbd@email.cas.psu.edu; IRRRC INDEPENDENT REGULATORY
REVIEW COMMISSION
Cc: Irhen@state.pa.us; mcronin@state.pa.us
Subject: PAR Comments 2008.0603 Proposed Final Form Regulations CH 14 Special Education

Thank you for being attentive to our issues and recommendations which has resulted in our support for the Final-Form Regulations. Here is our letter of support as well as information regarding clarification we received from the Department that can be used during the implementation of these regulations.

Shirley Walker
President and CEO
Pennsylvania Association of Resources
for Autism and Intellectual Disabilities
1007 North Front Street
Harrisburg, PA 17102
717.236.2374
<http://www.par.net>

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RECEIVED Pennsylvania Association of Resources
for Autism and Intellectual Disabilities

2008 JUN -5 AM 7:34

INDEPENDENT REGULATORY
REVIEW COMMISSION

1007 North Front Street
Harrisburg, PA 17102
Phone 717-236-2374
Fax 717-236-5625

June 3, 2008

Mr. Jim Buckheit, Executive Director
State Board of Education
333 Market Street
Harrisburg, PA 17126-0333
Via email: 00statbd@psupen.psu.edu

Mr. Kim Kaufman, Executive Director
PA Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101
Via email: irrc@irrc.state.pa.us

**Re: Comments on Independent Regulatory Review Commission Number 2618
State Board of Education Number 6-306
Final-Form Chapter 14 Special Education Services and Programs Regulations**

Dear Mr. Buckheit and Mr. Kaufman,

PAR supports the proposed Final Form Regulations which have addressed our major recommendations. Outlined below are PAR's five (5) recommendations which have been satisfactorily addressed. Our support is not only based on the new language found in the Final-Form Regulations but also on discussions with Jim Buckheit of the State Board of Education and Linda Rhen and Maureen Cronin of the Department of Education who further clarified their intent with these regulations as it relates to the recommendations PAR submitted in June 2007.

PAR (The Pennsylvania Association of Resources for Autism and Intellectual Disabilities) is a statewide association whose members provide the full range of supports and services to more than 42,000 individuals with intellectual disabilities as well as 8,000 people living with autism in 5,600 residential service locations in the Commonwealth, as well as non-residential and in-home supports.

The five areas of most concern to us, along with the responses received from the Department of Education, are noted below for future reference as we begin working to implement the regulations:

1. Section: §14.105 Personnel

§14.105 now states, "ALL INSTRUCTIONAL PARAPROFESSIONALS SHALL MEET ONE OF THE FOLLOWING QUALIFICATIONS EFFECTIVE JULY 1, 2010: (I) Have completed at least 2 years of postsecondary study. (II) Possess an associate degree or higher. (III) Meet a rigorous standard of quality as demonstrated through a State or local assessment."

Discussion:

PAR's concern with this section was the 2008/2010 dates and that it did not provide for grandfathering of existing staff who do not meet the academic/formal education requirements nor did it sufficiently take into consideration experienced employees who do not meet the formal education requirements.

The Final-Form Regulations set the date at 2010 and the Department has assured PAR that the change in language that is reflected in III will protect our employees who are qualified but who do not meet the formal academic study requirements of I and II.

In our recent conversations with the Department we also expressed concern that the State or local entities not develop "quality standards" that would somehow preclude staff who are qualified through experience rather than through formal schooling and that we be involved in interpretations of such standards. Linda Rhen assured PAR that III was written to recognize that academic education is not the only way to be qualified and she believed that III fully addressed our concerns to not lose qualified and valuable staff who haven't had the formal education. Linda further offered to involve PAR in interpretations of quality standards referenced in III, which we appreciate. Both Linda Rhen and Maureen Cronin felt certain that our concerns were fully addressed in III. Therefore, PAR supports this section.

2. Section: §14.105 (a)(2) Paraprofessionals: regarding collective bargaining agreements

§14.105 (a)(2) states "Nothing in subsection (a) should be construed to supersede the terms of a collective bargaining agreement in effect on July 1, 2008."

Discussion:

The Final-Form Regulations address PAR's concern.

3. Section: §14.133 Behavior Support

§14.133(b)(i), now states, "THE TERM RESTRAINT DOES NOT INCLUDE BRIEFLY HOLDING, WITHOUT FORCE, A STUDENT OR ELIGIBLE YOUNG CHILD IN ORDER TO CALM OR COMFORT HIM, GUIDING A STUDENT OR ELIGIBLE YOUNG CHILD TO AN APPROPRIATE ACTIVITY, OR HOLDING A STUDENT'S OR ELIGIBLE YOUNG CHILD'S HAND TO SAFELY ESCORT HER FROM ONE AREA TO ANOTHER."

Discussion:

The Final-Form Regulations address PAR's concern.

4. Section §14.133 (c)(5)

"School entities shall maintain and report data on the use of restraints as prescribed by the Secretary. THE REPORT SHALL BE REVIEWED DURING CYCLICAL COMPLIANCE MONITORING CONDUCTED BY THE DEPARTMENT."

Discussion:

The Department has informed PAR that the data that is collected will not be collected for presentation to the general public. We applaud the Department for safeguarding this information to use for improvements in the provision of services and for recognizing that making such information public would have the effect of discouraging rather than encouraging full and accurate reporting. This approach is a quality improvement approach rather than a compliance approach, and we are certain that it will result in better outcomes.

PAR requests that the Department keep in mind that a reporting method should be simple, non-duplicative of other existing requirements, and not implemented in a way that would result in a net increase in paperwork, staff time, or added cost. We covet the time that staff has to provide services and request that if you add paperwork for this compliance requirement, you remove at least the same amount of paperwork for something else that you consider less important.

5. Section: §14.155 Range of Services

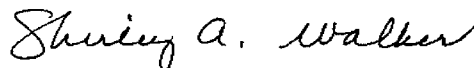
§14.155 (a) states “The Department will ensure that options are available to meet the needs of children eligible for early intervention. The options may be made available directly by early intervention agencies or through contractual arrangements for services and programs of other agencies in the community, including preschools [provided these other agencies are licensed, when appropriate, by the Department or the Department of Public Welfare]. The options may be made available directly by early intervention agencies or through contractual arrangements for services and programs with other agencies in the community, including preschools, provided that the other agencies are subject to the supervision or licensure of the Department of Public Welfare or licensed by the State Board of Private Academic Schools.”

Discussion:

Thank you for making the revisions that include both programs subject to supervision and to licensure. The Final-Form Regulations address PAR’s concern.

We appreciate how attentive you have been to our issues and recommendations. Thank you for working with us toward Final-Form Regulations that we could support. We look forward to working with you at various points in the implementation of these regulations.

Sincerely,



Shirley A. Walker
President and CEO