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INDEPENDENT REGULATORY
REVIEW COMMISSION



July 24, 2007

Ms. Michaela A. Totino
Regulatory Analyst
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101

Re: ID#6-306 (2618); 22 PA Code § 14.133

Dear Ms. Totino,

I am a parent of a child with a disability, and I am an advocate for families of children with disabilities. Through my personal and professional experiences, I have gained insights which I feel are important for the State Board to consider before finalizing the 22 PA Code Chapter 14 regulations. Please consider my comments on the proposed changes to the regulations.

I would like to support the comments submitted by the VALUE Coalition.

1. I support the regulations to codify Least Restrictive Environment standards established in the Oberti decision.

2. Section 14.133(c) defines a restraint as "devices or techniques that last longer than 30 consecutive seconds..." The 30 second definition is extremely troubling because there is no accountability if a school uses restraints for 29 or fewer seconds. A child could therefore be restrained continually with no need to report to the parents. Restraints are extremely traumatic. Please remove the 30-second standard.

3. Behavior support must emphasize positive techniques. VALUE recommends, and I agree, that the term "positive" be added to the phrase "behavior support" in order to signal the emphasis on positive techniques and the use of restraints only as a last resort.

4. VALUE addresses the proposed changes concerning 22 PA Code §14.133(c)(1) and (2): parental notification about restraints and convening an IEP team meeting when restraints are used. I strongly support VALUE's proposal that if restraints are to be used, the procedures involving restraints must be clearly specified in the IEP prior to the use of the procedure: the specific type and amount of the restraint, which staff are permitted to use the procedure, what type of training the staff will have prior to administering the procedure, how the use of the procedure will be monitored, and a plan to eliminate the use of the procedure. If restraints are used, the regulations should call for an IEP team



meeting within 10 days after the use of the procedure, unless the parent agrees, after written notice, to waive the meeting.

5. I agree with VALUE's statement regarding prone restraints. They are dangerous, and I feel they should be banned from the list of acceptable procedures. If, however, the State Board is unwilling to prohibit their use, then the regulations must state that the student's IEP must document that the student's primary care physician determined the procedure necessary.

6. As an advocate, I have seen many instances where families are frustrated by timelines. The current 60 school day standard for conducting an evaluation is too long; this translates into waiting for 1/3 of the school year for a determination about whether the student is eligible for supports and services. I request that the State Board adopt a 60 calendar day standard, so that students in critical need of supports and services are able to begin receiving them sooner.

7. Another timeline issue that parents find frustrating is that they often request an evaluation, but they are not given a Permission to Evaluate (PTE) form for days, or sometimes weeks. I request that the regulations state that the LEA must present the family with a PTE form within 5 days of receiving a written request for an evaluation.

I thank you for offering this opportunity for public comment and for considering my suggestions. As a parent of a child with a disability, working with other families and advocates as well as with lawyers and school districts, I feel it is critical that we work together to form the best possible public education system.

Sincerely,

A handwritten signature in cursive script that reads "Amy Guthrie". The signature is written in black ink and is positioned above the typed name.

Amy Guthrie, Advocate