

2635

From: Kaufman, Kim
Sent: Tuesday, September 16, 2008 6:27 AM
To: Gelnett, Wanda B.; Schalles, Scott R.; Wilmarth, Fiona E.; Johnson, Leslie A. Lewis; Emery, Heather; Outreach
Subject: Fw: IRRC #2635 - Opposition to Final-Form Regulation

Attorney Clark #4

----- Original Message -----

From: James Clark <JayClark@jamesclarklaw.net>
To: Kaufman, Kim
Sent: Mon Sep 15 23:42:10 2008
Subject: IRRC #2635 - Opposition to Final-Form Regulation

Dear Mr. Kaufman:

As a member of the Pennsylvania Association for the Education of Gifted Students, Inc. (the "Association"), I write to express my opposition to the final-form regulation and to ask that the Commissioners determine that IRRC #2635 is not in the public interest.

Notwithstanding the assertion by the Association that a majority of its members support the final-form regulation, the members of the Association were not polled. From my communications with Association members and with other members of the regulated community, it is my belief that a majority of the parent portion of the regulated community, as well as a significant number of teachers, are not in support of the amendment.

A resolution opposing the final-form regulations was presented at the annual membership meeting; however, Dr. Mason, the Association President, ruled any discussion of the resolution to be "out of order" with threat of expulsion from the meeting. Although this was the largest meeting of the membership in recent history, Dr. Mason would not allow it to have a voice on this issue.

Several of the early written comments on the final-form regulations have been provided by appointed Board members. As stated by Dr. Mason in his written comments, the Association Board is following the suggestion of Dr. Zahorchak and his staff to write letters in support. If the final-form regulation was in the public interest, I suggest there would be a well-spring of support from the regulated community. In the instant case, it is the party with the statutory duty to enforce the law that is the pushing the strongest for the passage of watered-down regulatory language for compliance.

Thank you for consideration of my comments and for consideration of the public interest of these regulations for the education of our gifted children.

Sincerely,

James R. Clark

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