

PENNSYLVANIA CATHOLIC CONFERENCE

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October 16, 2007

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**PA. STATE BOARD
OF EDUCATION**

Mr. Jim Buckheit
Executive Director
State Board of Education
333 Market Street
Harrisburg, PA 17126-0333

Dear Mr. Buckheit:

I am writing to you to comment on the proposed amendments the State Board of Education has made to its Chapter 16 Regulations (Special Education for Gifted Students) at 37 Pa. Bulletin 4872, *et seq.*

The Pennsylvania Catholic Conference (PCC) is the public affairs agency of the Catholic Dioceses located in the Commonwealth. I am the Director of Education for the PCC. As Director of Education I represent the approximately 175,000 students that attend diocesan Catholic schools in Pennsylvania. Many of these Catholic school students are gifted students.

The PCC requests that the State Board take this opportunity to make adequate provision for appropriate educational services to be furnished to gifted students who are enrolled in nonpublic schools.

§1371(2) of the Public School Code requires all public school districts to identify each "child with exceptionalities" (a term which includes gifted children) within the district. The statute does not limit this mandate only to those children enrolled in public schools.

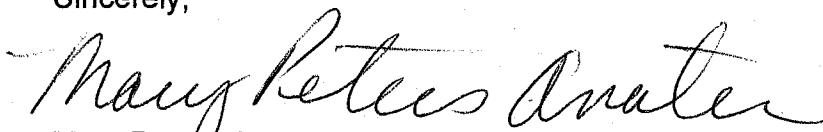
§1372(2) of the School Code obligates the State Board to provide for the proper education and training of "all" exceptional children. Moreover, §1372(4) imposes the "duty" on intermediate units to provide for the proper education of exceptional children *who are not enrolled in public schools.*

Neither of these statutes incorporates any of the prescriptions or limitations on the provision of services to nonpublic school students that are found in the Federal Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. §1412(a)(10).

There is thus no statutory basis for any determination by the State Board to exclude gifted students in nonpublic schools from the opportunity to receive special education services from school districts and/or intermediate units, *while they maintain their enrollment in their nonpublic schools.*

The current provision of the State Board's Regulations (22 Pa. Code §16.42(a)), that merely allows parents to have their gifted children educated in private schools entirely at private expense, fails to satisfy the statutory mandates placed upon the State Board by §§1371 and 1372 of the School Code.

Sincerely,

A handwritten signature in cursive script that reads "Mary Peters Anater".

Mary Peters Anater
Director
Education Department

MPA/ac
00106