

Cooper, Kathy

2928

From: Michelle L. Elliott
Sent: Tuesday, June 12, 2012 2:32 PM
To: Schalles, Scott R.; Wilmarth, Fiona E.; Hoffman, Stephen F.; Cooper, Kathy; Day, Sumner; Johnson, Leslie A. Lewis; Everyone
Subject: FW: Chapter 10 Comments-State Board of Education Final-Omitted Regulation #6-325 (IRRC #2928): "Safe Schools"

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IRRC

From: HURLEY, MIKE [mailto:hurleym@carliseschools.org]
Sent: Tuesday, June 12, 2012 2:31 PM
To: Michelle L. Elliott
Subject: FW: Chapter 10 Comments-State Board of Education Final-Omitted Regulation #6-325 (IRRC #2928): "Safe Schools"

Ms. Michelle L. Elliott
 Regulatory Analyst
 Independent Regulatory Review Commission
 333 Market Street, 14th Floor
 Harrisburg, PA 17101

Dear Ms. Elliott:

After reviewing the resubmitted Chapter 10 regulations (Version 3), there remain serious concerns over the implementation and inconsistent requirements that are contained in this document. It would now appear, based on the regulation being rescinded twice by the State Board of Education, that the Board may have failed to obtain appropriate input into developing these regulations. I have summarized the concerns, several of which have been posted previously, and still remain unresolved:

- This regulation targets only public schools and does not require private and non-public schools to comply with safety regulations. SEE definition of School Entity. In particular this regulation does not subject private providers of Alternative Education Schools, which typically are serving disruptive youth, to address any of this issues, consistent with public school requirements. Should not the safety and security of all children residing in the Commonwealth of Pennsylvania be of concern? A related regulation(Title 35) in its requirement for school emergency plans, covers all schools.
- This regulation has significant fiscal and personnel impacts on school entities. There has been no comprehensive analysis of this regulation regarding the financial impact to districts. As an example: this regulation does not allow, or it is undefined as to use of electronic submission of documents in lieu of hard copies. Items required to be submitted annually (i.e. yearbooks) are often outdated when printed and of little or no value in an actual emergency months after printing. The cost of producing additional yearbooks and other items can stretch already shrinking school budgets.

There continues to be *serious concerns* about the operational security of providing documents to all fire departments. In most cases, fire departments in rural areas of the Commonwealth are volunteers, and the requirement to provide this information could potentially violate student confidentiality. In the second submission of this regulation the State Board of Education removed the requirement for providing information to fire companies in response to multiple concerns expressed to the IRRC regarding the initial proposed regulation. In addition as the proposed current language addresses requirements to provide responding or involved law enforcement officers information regarding special needs students, this regulation could be mis-interpreted and ultimately result in a **violation of Family Educational Rights and Privacy Act (FERPA)**.

While the intention of this legislation is admirable, in its current form, it does little to prevent school violence, and may in fact result in the reduction of successful programs and personnel time which have previously and successfully advanced school safety and security. I would urge the rejection of this regulation and recommend the State Board of Education

convene a meeting of schools officials, law enforcement officers along with fire, EMS and emergency management officials to construct a viable alternative to the current proposed chapter 10 regulations. (The third submission of the proposed Chapter 10 regulations (re-submitted only 3 business days after proposal 2 was withdrawn) re-inserted the original language and did not involve any discussions with stakeholders.

Respectfully,

Michael L Hurley, PRSBO
Carlisle Area School District
Director of Safety and Security

President – Cumberland County Safe Schools Association