

DENNIS M. O'BRIEN, MEMBER
ROOM 100 MAIN CAPITOL
HOUSE BOX 202020
HARRISBURG, PA 17120-2020
PHONE: (717) 787-5689
FAX: (717) 787-1339

PHILADELPHIA OFFICE:
9811 ACADEMY ROAD, LOWER LEVEL
PHILADELPHIA, PA 19114-1715
PHONE: (215) 632-5150
FAX: (215) 281-2094



House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

COMMITTEES

HEALTH AND HUMAN SERVICES
CHAIRMAN
JUDICIARY
POLICY

Original: 2144

April 2, 2001

Independent Regulatory Review Commission
Robert E. Nyce, Executive Director
333 Market Street, 14th Floor
Harristown 2
Harrisburg, PA 17101

RECEIVED
2001 APR -2 11:11:53
INDEPENDENT REGULATORY REVIEW COMMISSION

Dear Executive Director Nyce:

The IRRC will again be reconsidering the elimination of the Pennsylvania Special Education Standards (Chapter 342) and the complete revision of the Pennsylvania Special Education Regulations (Chapter 14) on April 5, 2001. As the IRRC did in March by a 4-1 margin, this letter is written to once again reiterate my opposition to the "changed" submission to the IRRC by the State Board of Education. The changes are cosmetic and the regulations are, in substance, "essentially unchanged from the version that you rejected in March..." (That is also the opinion of the Education Law Center that has analyzed the "changes" in its letter to you dated March 25, 2001. I have been favored with a copy of the Education Law Center's letter to you and would respectfully suggest that the concerns in that letter expressed by one of the most respected advocates in the United States for children with disabilities be seriously considered).

I would indicate that I am in receipt of a letter dated February 26, 2001 to Chairman McGinley from Senators Schwartz, Lavalle, Hughes and Kukovich -- members all of the Senate Education Committee -- expressing their recommendations to the IRRC "to disapprove Final Form Regulation #6-270". I concur with those Members of the General Assembly requesting disapproval. I would, however, indicate that the specific objections enumerated by the Senators, while valid (and indeed at least one appears to be violative of federal law), are not the only objections that our office finds with these proposed regulations. For instance, as a Member of the Judiciary Committee I have been conducting meetings with the Attorney General's Office, the Pennsylvania Bar Association and staff of my office and the Judiciary Committee over the very complex change involving the utilization of lay advocates in due process hearings.

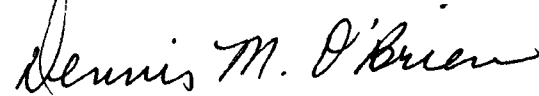
For the first time at the last IRRC meeting, families, advocates and legislators were finally heard. The arguments have not changed. The regulations have not improved.

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For a multitude of reasons which have been expressed in my earlier correspondence with the Independent Regulatory Review Commission, my correspondence with the Senate and House Education Committees and my correspondence with the Board of Education and Pennsylvania Department of Education, I urge the Independent Regulatory Review Commission to disapprove Final Form Regulation #6-270.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Dennis M. O'Brien". The signature is written in black ink and is positioned above the printed name.

DENNIS M. O'BRIEN, Chairman
Health and Human Services Committee

DMO'B/ljb

cc: The Honorable Matthew J. Ryan
The Honorable John M. Perzel
The Honorable Samuel H. Smith
The Honorable David G. Argall
The Honorable Eleanor Z. Taylor
The Honorable Roy W. Cornell
The Honorable Merle H. Phillips
The Honorable John E. Barley