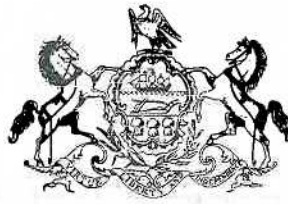


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Commonwealth of Pennsylvania
STATE BOARD OF EDUCATION

July 27, 2006

INDEPENDENT REGULATORY
REVIEW COMMISSION

2006 JUL 31 AM 8:55

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Chava Kintisch, Esquire
Disabilities Law Project
1315 Walnut Street, Suite 400
Philadelphia, PA 19107-4798

Dear Ms. Kintisch:

Thank you for your letter received by this office by facsimile transmission on July 26, 2006 regarding the proposed regulations contained in 22 Pa. Code Chapter 36 (Foreign Corporation Standards).

Your letter is considered as official public comment and is being shared with each member of the State Board of Education, Chairs of the House and Senate Education Committees and the Independent Regulatory Review Commission (IRRC).

The Regulatory Review Act provides that information regarding proposed and final regulations be mailed to those who make official comment at their request. If you would like to receive a copy of the final-form regulation when they are submitted for final approval by the legislative committees and IRRC, please submit a written request to me at the address printed below.

Sincerely,

A handwritten signature in cursive script that reads "Jim Buckheit".

Jim Buckheit
Executive Director

Cc: Members of the State Board
Senator Rhoades
Senator Musto
Representative Stairs
Representative Roebuck
Kim Kaufman

DISABILITIES LAW PROJECT

Philadelphia

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215-789-2498 [TDD]
215-772-3126 [FAX]
dlp.phila@dlp-pa.org

Respond To: Philadelphia

VIA FACSIMILE NO. (717) 787-7306 AND U.S. MAIL

July 26, 2006

Jim Buckheit
Executive Director
State Board of Education
333 Market Street, 1st Floor
Harrisburg, PA 17126-0333

Dear Mr. Buckheit:

Pennsylvania Protection & Advocacy and the Disabilities Law Project submit the following comments to proposed rulemaking on 22 Pa. Code Chapter 36 (Foreign Corporation Standards), 36 Pa. Bull. 3280 (July 1, 2006). The proposed revisions do not require foreign-owned or operated postsecondary institutions to address students with disabilities. Chapter 31 (Higher Education General Provisions) covers postsecondary education institutions, domestic and foreign, and addresses students with disabilities. Chapter 36 should provide students with disabilities the same level of protection as Chapter 31 to avoid inconsistency or ambiguities in interpretation. This is especially important because Chapter 32 (Equal Education Opportunity) may not cover all foreign institutions.

Section 36.7(a) is proposed as: "Appropriate physical facilities and instructional equipment shall be adequate to initiate and continue the program, course or offering." We recommend the following additional language for Section 36.7(a): "Classrooms, laboratories, faculty offices, related academic buildings, student living facilities and recreational facilities must be comparable to the standards prescribed by § 31.43 regarding accessible buildings and equipment and integrated academic and nonacademic programs."

In addition, because many foreign institutions have online operations, we propose the following additional language for Section 36.7(a): "All websites and website-based

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instruction of the Commonwealth enterprise shall be accessible to persons with disabilities. In compliance with the Americans with Disabilities Act (42 U.S.C. §§ 12101-12213) and its implementing regulations; Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794) and its implementing regulations; the Pennsylvania Human Relations Act (43 P.S. §§ 951-963) and its implementing regulations; and all other applicable federal and state laws and regulations. Web sites and web-based instruction must comply with relevant policies governing website accessibility for persons with disabilities, such as the Web Content Accessibility Guidelines established by the World Wide Web Consortium."

We also recommend a new section, Section 36.7(d): "The Commonwealth enterprise must provide student services to students with special needs comparable to student services prescribed by Section 31.33(b)(7)."

As you know, we previously commented this spring that Chapter 31 should be strengthened to reflect the rights and protections to which students with disabilities are entitled (please refer to enclosed letter dated June 12, 2006). Although our comments were not incorporated into the final Chapter 31 regulations as passed, the Board has told us that it would consider our suggested changes the next time that it undertakes a review of Chapter 31. Should the Chapter 31 regulations be revised to incorporate our comments or add other provisions relating to students with disabilities, we recommend that Chapter 36 be sufficiently revised to reflect such changes.

Chapter 36 should be consistent with Chapter 31 and include protections for students with disabilities. Thank you for your consideration of our comments.

Sincerely,



Chava Kintisch, Esquire
Disabilities Law Project

Enc.

cc: Independent Regulatory Review Commission
Richard Bunn, Chair, Chapter 36 Committee, Pa. Bd. of Ed.
Dr. James Garity, Postsecondary/Higher Education, Pa. Dept. of Ed.
Karl Girton, Chairperson, Pa. Bd. of Ed.
Dr. Francis Michellini, Chairperson, Council of Higher Ed., Pa. Bd. of Ed.

