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Affiliated with the National Education Association

July 19, 1999

The Honorable Allan Egolf
State Representative
86th Legislative District
P. O. Box 759
18 West Main Street
New Bloomfield, PA 17068

JUL 21 1999

Dear Representative Egolf:

Thank you for sending me a copy of House Bill 1576 in which you are the prime sponsor. I requested the Government Relations Division staff to review the bill. The staff stated HB 1576 and HB 316 are basically the same having a provision for community service and a few other changes dealing with transfer students.

The Government Relations Division staff shared the bill with the PSEA Legislative Committee and the committee took a position of support. Consequently, PSEA will be supporting this bill.

If you have any questions or concerns, please feel free to contact me.

Sincerely,

David J. Gondak
Presidents

DJG:L

CC: Executive Officers
Executive Director
John Baughman
Laurel McLeaish
Sayre Turney



PENNSYLVANIA ASSOCIATION OF SCHOOL ADMINISTRATORS

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November 9, 1999

Hon. Allan Egolf
PA House of Representatives
403 South Office Building
Harrisburg, PA 17120

Dear Rep. Egolf:

The Pennsylvania Association of School Administrators supports the concepts imbedded in HB 1576 PN 1920.

We believe that students who are dangerous and/or disruptive should be expelled from regular school programs. We further believe that students who have been excluded from regular school programs for disciplinary reasons should not be exempt from the compulsory education requirements applicable to all other young people. PASA also believes that students who are excluded from regular public school programs and their parents should take responsibility, including financial responsibility, for their education during the period of expulsion.

HB 1576 PN 1920 recognizes that the parents of some students will not have the financial ability to make arrangements for an alternative education placement. The bill would have the county court make the determination about a parent's financial ability to support an alternate education placement and order the district to provide for the education of an expelled student whose parents are not financially able to do so. In such cases, the court may order the parent to perform services to the school district during the period of the expulsion in lieu of payment.

While supporting the concepts of HB 1576, school administrators find troubling the provisions governing court procedures and service in-lieu of payment.

First, it is not clear how the court proceeding is initiated. Does the school initiate action against a parent who is in violation of compulsory attendance, because the expelled student has been out of school for over 3 days (the regular rule applying to compulsory attendance) or 30 days (the amount of time a student has under H.B. 1576 to find an alternative program) without making arrangements for an alternate education program? In this action, do the parents raise lack of resources as a defense, asking the school to provide for the education of the student? Or do the parents initiate the action, asking the court to require the school to provide for the education of the expelled student because they are unable to do so? Regardless of who initiates the action,

there are no guidelines to help the school district or the court determine when a parent is unable to afford an alternative to the regular public education program.

Further, there are several problems with the requirement for school service in lieu of payment. The work skills of the parent may not be the skills that the school needs. The hours that the parent has available for service may not be the hours that the school needs the service or hours that school officials have to supervise the service. This mismatch would only add to the tension in what may already be a tense relationship between the parent of the expelled student and school officials. Supervising service in such cases may be more costly, more disruptive, and more difficult to the district than providing for the alternative instruction. Most school districts are better able to supervise the learning of students in alternate instruction than they are to supervise the non-voluntary work of their parents. Under the bill, it appears that the court could require the school district to both require the school district to provide a program to an expelled student and supervise the service of the parent(s). This may end up being a disincentive for school districts to use the new authority in the bill to hold parents responsible for the education of expelled students.

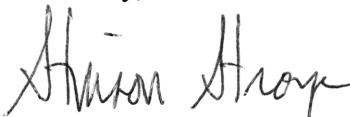
We suggest that, instead of court ordered school service as a mechanism for holding students and parents financially responsible, the obligation to pay for an alternative program for an expelled student of compulsory school age be placed squarely on the student himself. If the student (or student's parent) is unable to pay for the compulsory education, the court could direct such payment and put a lien on the student's future earnings to repay the cost of the education program.

Pennsylvania clearly has a mechanism for making and collecting student loans in the post secondary setting. The same principles could be applied here. While there may be defaults on such loans, we think it would be cheaper, simpler and, in the long run, a more effective way to structure this bill. Making the expelled student responsible for payment of the cost of alternative instruction is better than giving the court abstract jurisdiction to order parent service, as currently proposed in HB 1576 PN 1920.

We therefore urge you to consider this change, and to approve the bill and report it to the full House with this change in it.

Thank you for your consideration of our suggestions.

Sincerely,



Stinson W. Stroup
Executive Director

Cc: Hon. Jess Stairs, Chairman
House Education Committee



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James D. Crawford
President

Larry Frankel
Executive Director

M E M O R A N D U M

TO: MEMBERS OF THE HOUSE EDUCATION COMMITTEE
FROM: LARRY FRANKEL, EXECUTIVE DIRECTOR
DATE: NOVEMBER 15, 1999
RE: HOUSE BILL 1576 (PRINTER'S NO. 1920)

I write on behalf of the American Civil Liberties Union of Pennsylvania to express a number of concerns we have with the current version of House Bill 1576, the Student Responsibility Law.

Our initial concern relates to Section 2, the Declaration of Policy. In that Section, it is stated that the General Assembly finds and declares certain broad propositions. We are troubled by the inclusion of such broad statements in the absence of a process whereby the General Assembly could knowingly make such findings. We do not believe that these kinds of findings should be listed in any legislation (and not just this bill) because they frequently are not the result of an actual fact finding process by the General Assembly.

We also have a specific concern about those findings. There are references to compliance with rules and regulations of school entities. Unfortunately, the findings do not require that the rules and regulations be reasonable and in accordance with statutes passed by the General Assembly and consistent with constitutional principles. Our offices receive many calls from parents questioning rules and regulations of their local schools. While most of these complaints are not cause for litigation, we do hear about a lot of irrational rules and regulations. The findings section of this bill does not even take into account the fact that there are many unreasonable rules and regulations adopted by school entities. Nor does the bill recognize the sad reality of students being expelled for failing to comply with unreasonable policies.

sec 2(i)

Moving on to Section 4 of the bill, we do not fully understand subsection (a) - the general rule. Our confusion may be a result of the wording on line 5 of page 3. The general rule appears to state that a school entity should not expend funds for an expelled student "during the expulsion period or 12 months." It is not clear when the 12 months start and whether that means a continuous or cumulative period of time. It seems that some language needs to be added after 12 months so that there will be no question as to how to interpret and understand this provision.

it can't be cumulative since any expulsion periods w/ that cum. it would be less and take precedence

We are particularly troubled by Section 4(c)(3) which states that: "Any student whose alternative education program is paid for by the school entity shall submit a sworn affidavit signed by the student and the student's parents or legal guardians stating that the student agrees to comply with the terms and conditions of the alternative education program." As a result of last week's passage of House Bill 8, these alternative programs can be run by for-profit companies. What restrictions will be placed on such companies to make sure that their terms and conditions (with which the student must agree to comply) are truly related to the needs of the students and not the needs of the owners and investors of the companies? We can imagine some terms and conditions that no student or parent should ever have to agree to, but there may be little choice in light of the action taken last week by the General Assembly.

← Conflic?

Finally, in Section 5 of the bill there is a provision for an informal hearing regarding readmission. (Page 4, lines 22-25). The bill does not indicate the purpose of the hearing, what evidence (if any) is to be presented at the hearing and what can occur at the hearing. This paragraph seems to take a stab at addressing due process concerns without providing sufficient detail for meaningful implementation of the legislation.

↑ agree

The ACLU believes that this legislation needs to be modified if the General Assembly hopes to create consistent and reasonable policies and procedures for school entities. We hope that careful consideration will be given to amending this legislation to address the concerns that we have raised.



Serving School Districts in Dauphin, Cumberland, Perry, and Northern York Counties

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February 2, 2000

Representative C. Allan Egolf
House Box 202020
403 South Office Building
Main Capitol Building
Harrisburg, PA 17120-2020

Dear Representative Egolf:

I am writing on behalf of the Capital Area Intermediate Unit and its legislative study group of superintendents and vocational school directors to urge your support of House Bill 1576, the Student Responsibility Law.

Although our schools do not expel many students, the financial responsibility that results from expulsion proceedings and programs can produce extremely high bills for the taxpayers. We support legislation that places the financial burden on the students and families.

Thank you for your support.

Sincerely,

Glenn W. Zehner, Ed.D.
Executive Director
on behalf of:

Dr. William Cowden, Superintendent, Big Spring School District
Mr. John Fronk, Superintendent, Millersburg Area School District
Dr. Barbara Hasson, Superintendent, Central Dauphin School District
Dr. Patricia Sanker, Superintendent, South Middleton School District
Dr. Brian Small, Superintendent, Northern York County School District
Dr. Anthony Vicic, Administrative Director, Cumberland-Perry Tech. School

When I was teaching at Swartz Intermediate High School in Carlisle, I was appalled when I discovered that when disruptive, violent students were expelled that the school had to send a teacher to their home, at extra cost, to attempt to educate them.

--This was ineffective and expensive.

--The student got vacation, was not punished, maybe even rewarded, and the taxpayer was hit again for expenses.

HB 1576
~~My~~ bill should do three things:

1. Teach disruptive student that there are consequences to actions—teach responsibility.
2. Save taxpayer money—not have to pay for bad behavior.
3. (Most Important) Force parents to become more involved in their child's education—which is the biggest reason for the child's problem in the first place—if they have to pay as a result of their child's actions, they will become more attentive and involved.

Currently, when student is expelled, the parents are to find or provide education if they are able. They say they can't, so the school must assume the responsibility at their expense. This bill will require parents to do that and pay for it.



JERRY L. NAILOR
MEMBER, 88TH DISTRICT
HOUSE OF REPRESENTATIVES
COMMONWEALTH OF PENNSYLVANIA

Alan -

1-19-00

file

interested in the results of my recent survey, as your legislation is overwhelming!

Thought you'd be interested in the results of my recent survey. Question #4 deals with

85.3% - pretty
Regards, Jerry

88th Legislative District Questionnaire

As your State Representative, I would like to know your views on the pending issues before the General Assembly. Your responses to the following survey questions will be very helpful to me as I cast votes on your behalf in Harrisburg. The survey is designed so that two members of your household may respond to each question. Thank you for taking the time to share your views with me.

Law Enforcement/Crime

1. In Pennsylvania, a police officer cannot pull a motorist over and cite him or her for not wearing a seat belt. Seat belt use is only a form of secondary enforcement. On one side of the argument is that government should not interfere with an individual's personal choice to wear a seat belt. The other side of the argument is that seat belts save lives, and the federal government will award additional funding to states if they show increased seat belt usage rates. Do you think we should change our law and permit police to stop drivers who are not wearing their seat belts?

851 45.8% YES 1009 54.2% NO

2. Should local police departments be permitted to use radar for speed enforcement, if they are properly trained in its use?

1199 64.8% YES 652 35.2% NO

3. Would you support a law prohibiting the use of hand-held cellular phones while operating a vehicle?

1539 82.3% YES 331 17.7% NO

Education

4. Many taxpayers are not aware that they are responsible for providing the necessary funding to educate students who have been expelled from our public schools. Most often this includes in-home tutoring. A bill has been introduced that would require parents of that student to fund their "out-of-school" education. Do you believe parents should be financially responsible for educating their child if he or she was expelled from the public school system?

1565 85.3% YES 269 14.7% NO

5. Do you favor a state mandate limiting the size of elementary classrooms, in kindergarten to third grade, to no more than 20 students?

1073 58.8% YES 753 41.2% NO

General Issues

6. Each year, hundreds of issues come before the General Assembly that are important to the people of the Commonwealth. Please list, by order of the importance, some of the issues that may be of interest to you this year. (1 being the most important, 6 being the least important).

#5	Land Use and Preservation of Open Space	#2	Crime
#4	Infrastructure/Road Improvements	#6	Job Creation
#3	Tax Reduction	#1	Education