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Wolf Transition Committee

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Dear Governor-Elect Wolf:

On behalf of the Public Interest Law Center of Philadelphia I am writing to suggest achievable administrative and legislative action for 2015 that could significantly improve the lives of vulnerable Pennsylvanians and advance the priorities set forth in your campaign.

The Law Center is one of the oldest civil rights law firms in Pennsylvania. We use high-impact legal strategies to improve the well-being and life prospects of Pennsylvania's most vulnerable populations through training, advocacy, community organizing, research, and litigation. Our aim is to dismantle the policies and practices that prevent people from accessing critical resources including a high-quality public education, access to health care, healthy and sustainable neighborhoods, housing, employment, and the right to vote.

We are counsel in the recently-filed claim by the William Penn School District and others that state officials are failing to provide the thorough and efficient system of public education mandated by the Pennsylvania constitution. We were counsel in the successful challenge to Pennsylvania's photo identification law and in *Holt v. 2011 Legislative Reapportionment Commission*, in which the Pennsylvania Supreme Court rejected a state legislative redistricting map for the first time ever under our current constitution. We work with communities of color, low-wealth communities, and other historically marginalized neighborhoods to improve the quality of the built and natural environment; this work has drastically decreased pollution from trash incinerators, sewage treatment plants, and waste processing facilities across the Commonwealth. A recent product of this work is the Garden Justice Legal Initiative, which seeks to bolster environmental justice and food security by providing pro bono legal, policy advocacy, education, and organizing support to community gardeners and market farmers in the Philadelphia region.

Our proposals are as follows:

Education

- **Reframe the debate over public education funding to focus on equalizing local tax burdens and thereby increasing tax fairness.** We understand that ending the inadequate and inequitable system of school funding is a priority of the Administration and recognize it cannot be completed in one year. A focus on the local tax burden will help to secure the public support for the large amount of state funding that will be necessary.
- **Appoint a task force to review the overidentification of non-Caucasian students with disabilities.** Pennsylvania's rules deem acceptable a ratio of 4 non-Caucasian students identified for special education to every one 1 Caucasian student (a 4.0 risk ratio). No other state has a ratio this high.
- **Require and fund training for school staff to provide proven services to children with autism (ABA), and dyslexia (Structured Literacy).** 1 in 68 children have autism. 1 in 5 children have dyslexia. The more children who read, the fewer adults will be in our prisons.
- **Revise the state special education mediation system to permit parents of students with disabilities to have counsel present.** I attach a law review article written by Law Center personnel on this topic. Sonja Kerr & Jenai St. Hill, *Mediation of Special Education Disputes in Pennsylvania*, 15 U. Pa. J.L. & Soc. Change 179 (2012).

Health Care

- **Increase low-income children's access to dental care by examining whether reimbursement rates to dental providers are too low to encourage enough pediatric dentists to accept Medicaid patients.** In the 2013 fiscal year, only 39.56% of the 1.2 million Pennsylvania children enrolled in Medicaid in Pennsylvania received any of the required dental services, leaving 763,623 children without vital dental care. This is well below the national average and unacceptable under any metric.

Healthy and Sustainable Neighborhoods

We assume the priority environmental issue of your Administration will be effective protection of environmental and community resources impacted by Marcellus Shale energy processing. Nevertheless, we believe there are other significant issues that also need attention.

- **Sign an Executive Order on Environmental Justice that makes environmental justice a priority and part of the mission of all State agencies and requires State agencies to adopt an environmental justice strategy; orders DEP to develop recommendations for regulations and/or a framework that incorporates analysis of cumulative impacts of environmental pollutants on communities into DEP permitting procedures; and orders DEP and the Department of Health to examine community health criteria that can trigger stricter permitting rules.**
- **End the asset test for federal food assistance programs (eligibility is limited to households having less than \$5,500 in assets.)** One in eight Pennsylvanians is food insecure, meaning they do not know where their next meal will come from and lack access to enough food for an active, healthy life, as measured by the United States Department of Agriculture. The “asset test” has served only to impose a burden on individuals and families, without providing cost savings or increased efficiency in the administration of this critical program.
- **Direct the Department of Agriculture to encourage local and sustainable food production and biodiversity by 1) allocating resources to education and training for new farmers—urban, peri-urban, and rural—and in support of farms engaged in the transition from conventional farms to sustainable methods; 2) creating a statewide Community Gardens Program to identify vacant public land for community gardening purposes and to coordinate among community groups and state or local agencies; and 3) proposing a rule to carve out an exemption from the Seed Act for local free seed libraries from the testing and labeling requirements designed for seed sales.**

Housing

- **Develop an *Olmstead* plan for all Pennsylvanians with disabilities, close our institutions, and become fully compliant with the Americans with Disabilities Act.** We support the outline for achieving these goals submitted by the Pennsylvania Disability Rights Network.

Employment

- **Require the Office of Vocational Rehabilitation to provide services to all individuals with intellectual disabilities without requiring a minimum level of functionality assessment.**
- **Require OVR to assist individuals with intellectual disabilities to participate in community-based employment services rather than facility-based services for assessment.** Individuals sent to facility-based services (sometimes referred to as sheltered workshops) for a 30-day assessment often do not emerge for decades.
- **Ensure that state agency websites and employee management systems are compatible with screen readers so that individuals with visual impairments can access job postings, and schedule requisite testing with accommodations.** Currently the lack of these resources excludes people with visual impairments from employment opportunities with the state.
- **Prohibit state agencies from turning away qualified job applicants with arrest or conviction records.** Under state law, it is illegal for employers to deny a job to someone on the basis of a criminal charge that did not result in a conviction. It is also illegal to deny a job to someone with a conviction if the offense does not relate to the applicant's suitability for the job.

Voting

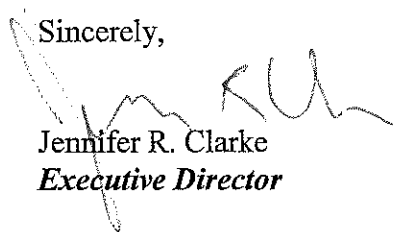
- **Prioritize passage and implementation of online voter registration legislation.** Twenty-four states offer online voter registration, but Pennsylvania still relies on a paper-based registration system. Modernizing Pennsylvania's registration system would not only increase participation but would lower administrative costs. It is important that any legislation is not restricted to people who already hold a PennDOT photo identification, but instead, like Delaware's, allows any eligible citizen to register without mailing in any paperwork. It is our understanding that the Department of State already has most of the needed technical infrastructure in place.
- **Implement in all state agencies a system akin to that used by PennDOT to offer voter registration materials and assistance to members of the public who interact with them in compliance with the National Voter Registration Act, or the "Motor Voter" Law.** While PennDOT has implemented a streamlined, electronic system, other departments (particularly the Department of Human Services and the Department of

Health) fall far behind. We also encourage you to improve agencies' tracking of NVRA interactions with members of the public, and to ensure that private contractors operating on behalf of agencies like DHS and DOH fulfill their delegated NVRA responsibilities.

- **Direct the Secretary of Commonwealth to halt the certification of touchscreen electronic voting machines (direct-recording electronic, or DRE, machines).** Most of the country has moved away from DRE machines in favor of optical scan voting machines because DRE machines have been shown to be vulnerable to tampering or malfunction, and they do not generate a permanent physical record of the voter's intent that would allow for a meaningful recount in the event of machine problems.

We look forward to working with your Administration to implement these suggestions. We would be pleased to meet with your transition team to discuss any of these suggestions further

Sincerely,



Jennifer R. Clarke
Executive Director

Enclosure

Cc: Katie McGinty