

Voter Registration as Part of Implementation of Chapter 15

25 Pa. C.S.A. §1101 et seq.

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CHAPTER 711

Although charter and cyber charter schools are not subject to the procedural mandates contained in Chapter 15, Chapter 711 requires charter and cyber charter schools to ensure compliance with Section 504 and its implementing regulations.

PURPOSE

This Basic Education Circular (BEC) is designed to provide additional assistance to Local Educational Agencies (LEAs) regarding their duty to address voter registration opportunities as one aspect of a student's transition to adult life. It supplements the BEC relating to the implementation 22 Pa. Code Chapter 15, which addresses the responsibility of school districts to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 and its implementing regulations at 34 CFR Part 104 (relating to non-discrimination on the basis of handicap in programs and activities receiving federal financial assistance).

The federal requirements apply to each recipient of federal financial assistance from the U.S. Department of Education and to each program or activity that receives or benefits from such assistance.

It is the intent of this BEC , by incorporation and reference, to make the voter registration provisions of BEC 25 Pa. C.S.A. §1101 et seq. applicable also to students served only under Chapter 15, with allowances for certain procedural differences between the two programs.

LEA Responsibility

Receiving voter registration information and assistance is an important element of preparation for adult life. It is to be encompassed within the community living and citizenship training goals of transition services for students eligible for special education services under 22 Pa. Code Chapter 14. BEC 25 Pa. C.S.A. §1101 et seq sets forth how voter registration information and assistance are to be offered and implemented by LEAs as an element of the transition planning process for those students eligible for special education.

School-based voter registration information and assistance are no less important for students with disabilities eligible for services only under Chapter 15, for whom access to other common voter registration opportunities may be similarly limited (e.g., in conjunction with driver licensing).

Accordingly, each LEA is required to make voter registration forms and assistance available to students of voting age who are eligible for services only under 22 Pa. Code Chapter 15, to the same general extent as made available to students with disabilities pursuant to BEC 25 Pa. C.S.A. §1101 et seq.

Procedures

Only these minor variations should be necessary in order for the voter registration provisions of BEC No. 25 Pa. C.S.A. §1101 et seq. to be applied effectively in the Chapter 15 context.

- References to "IEP" should be understood and implemented as references to Chapter 15 service agreements;
- References to "IEP meetings" should be understood as any face-to-face meeting between school personnel and parents arranged for the purpose of discussing the need for or content of a service agreement;
- Even though face-to-face meetings to discuss the content of service agreements may not occur on at least an annual basis, it is nevertheless required that the parents and student annually be informed of the availability of voter registration information and assistance and that they be invited to discuss inclusion of such assistance in the student's Chapter 15 service agreement; and
- Where it is not expected that a face-to-face meeting analogous to an IEP meeting will occur at least annually, this may be accomplished instead by sending the family a preprinted notification that provides a point of contact for follow-up inquiry, and which can be included with other communications sent to the family involved.

Consent Decree Agreement

It should be noted that implementation of the foregoing procedures is required by the terms of a federal court-approved agreement partially settling litigation brought by the U.S. Department of Justice (DOJ) and several private plaintiff organizations to enforce the National Voter Registration Act of 1993 (NVRA).

In *United States v. Commonwealth of Pennsylvania*, No. 95-CV-382 (E.D. Pa.), and *ACORN, et al. v. Ridge*, No. 94-CV-7671 (E.D. Pa.), DOJ and the ACORN group contended (among other things) that the NVRA requires Pennsylvania to designate all special education offices within public school districts as "voter registration agencies," a position contested by the Commonwealth.

In settlement of that issue, DOJ and the ACORN group agreed not to seek such a designation, which otherwise would have required LEAs to implement the NVRA's extensive "agency-based registration" procedures and requirements. In exchange, the agreement approved in the consent decree requires the Commonwealth to establish the much simpler procedures set forth in BEC 25 Pa. C.S.A. §1101 et seq., as incorporated here.

REFERENCES:

State Statutes

[25 Pa. C.S.A. §1101 et seq.](#)

State Board of Education Regulations

[22 Pa. Code Chapter 14](#)

[22 Pa. Code Chapter 15](#)

Department of Education Regulations

[22 Pa. Code Chapter 711](#)

Federal Statutes

29 USC §794, §504 of the Rehabilitation Act of 1973

42 USC §1973gg et seq., The National Voter Registration Act of 1993

Federal Regulations

34 C.F.R. Part 104

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