



Greater Hartford Legal Aid, Inc.

## Written Testimony of Maria Morelli-Wolfe and Lynn Cochrane in Opposition to S.B. 7176, An Act Concerning Special Education Amendments

We are Maria Morelli-Wolfe and Lynn Cochrane, attorneys with Greater Hartford Legal Aid, Inc., where we have represented low-income children and their families for a cumulative of 33 years in the areas of child protection, education, and disabilities law. We respectfully urge the Committee to vote against S.B. 7176, which seeks to amend Connecticut's existing special education law to the detriment of families with children with disabilities.

The proposed bill aims to shift the burden of proof in a due process hearing to the party requesting the hearing. Under Connecticut's existing law, if the parents of a child eligible for special education services request a hearing to challenge the school's failure to provide a free and appropriate public education (FAPE) to their child, the school district bears the burden of proving that it actually did provide FAPE. Keeping the burden of proof with the school district acknowledges the power imbalance between school districts and parents. It recognizes that school districts are often in possession of the very information that would prove or disprove that FAPE was afforded to the child. Parents often lack the understanding of what information to request from school districts to prove their case. Moreover, many parents, typically low to middle income parents, cannot afford legal representation at due process hearings and would be at a serious disadvantage against school district's attorneys in presenting their legal case in an adversarial due process proceeding. Some of these parents themselves may have dropped out of school or received special education services themselves during their school career as result of their own impairments, e.g. learning disabilities, cognitive deficits, or emotional problems. These impairments only exacerbate the difficulties such parents would face in advocating for their children during a due process hearing and in overcoming a shift in the current burden of proof. Shifting the burden of proof to parents would stack the odds in favor of school districts in all but the most exceptional circumstances, where parents can procure their own legal counsel.

In light of the above, we respectfully urge the Committee to oppose S.B. 7176, which would amend current Connecticut law by shifting the burden of proof to those least in the position of meeting the burden, the parents, often without counsel and undereducated. Thank you for your consideration of this testimony.

Prepared by:

Maria Morelli-Wolfe & Lynn Cochrane  
Greater Hartford Legal Aid  
860-541-5042