

Friis, John

From: jrosssmarkkids@aol.com
Sent: Sunday, March 22, 2009 9:55 PM
To: Friis, John
Subject: Testimony on Raised S.B. No. 1142

March 23, 2009

Education Committee
Room 3100, Legislative Office Building
Hartford, CT 06106

Attention: Sen. Thomas P. Gaffey and Rep. Andrew M. Fleischmann

Re: Raised S.B. No. 1142, Session Year 2009

Dear Sen. Gaffey, Rep. Fleischmann, and members of the Education Committee,

I am requesting that you accept this letter as testimony for opposition to S.B. No. 1142 by Smart Kids with Learning Disabilities, a nonprofit organization based in Westport, Connecticut whose members include parents of children with learning disabilities, attention deficit disorders and other learning challenges:

AN ACT CONCERNING RELIEF OF STATE MANDATES ON SCHOOL DISTRICTS.

To delay the implementation of the in-school suspension mandate until July 1, 2011; to change the date in which a teacher is notified that his or her contract will not be renewed from April first to May first; to require that providers of school readiness programs submit space allotment reports every other month; to establish that the burden of proof lies with the party requesting a special education hearing; to provide that a local or regional board of education's commitment to provide special education to a child terminates upon the child's twenty-first birthday; and to eliminate certain reporting requirements on local and regional boards of education.

The proposed bill will significantly harm students with disabilities. I am providing²⁰this testimony on behalf of students with learning disabilities and their families, who are members of Smart Kids with Learning Disabilities, and who are not aware of the significant consequences this bill would have on their children's ability to receive an appropriate education, in order to ensure that they are prepared for further education and employment.

My specific comments include the following:

New suspension regulations must not be delayed:

Most suspensions are given for trivial matters. When students are sent home they miss the opportunity to benefit from the education that they, in particular, most seriously require. For students with disabilities, suspensions are frequently the result of misunderstandings, and of schools' failure to develop appropriate positive behavioral support plans. As a result of such suspensions, students with disabilities are denied meaningful access to the general education curriculum. The implementation of in-school suspensions should not be delayed for 2 years.

Burden of Proof must not be changed:

Connecticut must keep the burden of proof on the School District – the party possessing the information upon which decisions are made – as opposed to the parents, who may have tremendous difficulty obtaining information and marshaling the evidence required to demonstrate appropriate services. This imbalance of power supports placing the burden of proof on/with the school district, the party with greater access to necessary evidence. Please remember that the goal of IDEA 2004 is to provide a free appropriate public education to children with disabilities. As we know, if the parents and the school district reach an impasse over the contents of an IEP, either side can request due process; however, practically speaking, it is almost always the parents who initiate due process because the school district typically can simply withhold the needed services. This change places an onerous burden on families to prove that the program being delivered is not appropriate, without the school having to assume any burden to prove that their program is appropriate.

Thank you very much for your consideration of these points. In particular, we request you not to change the current regulations in Connecticut in connection with burden of proof.

Respectfully yours,

Jane Ross
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