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Thomas P. Gaffey, Co-Chair
Andrew M. Fleishmann, Co-Chair
Education Committee
Room 3100, Legislative Office Building
Hartford, Ct 06106

RE: Testimony regarding 2 changes proposed by Raised Bill SB 1142
Referred to as a raised act concerning relief of state mandates on school districts.

- (1) Sec.4, Subdivision (1), subsection (d) of Section 10-76h. I oppose the Act.
(2) Sec.5 Subsection (b) of Section 10-76d of the general statute. I oppose the Act.

(1) In regard to change proposed to Sec.4, Subdivision (1) of subsection (d) of section 10-76h of the general statutes; the changes proposed as follows: " In making a determination as to the issues in dispute, the hearing officer or board shall review the evidence presented in the hearing with the burden of proof on the party requesting the hearing"

I absolutely oppose this bill as this proposed change further restricts the rights of parents to attain proper and adequate services for their learning disabled children.

The present statute assigns the burden of proof on the school districts to prove that they are providing a free and appropriate education to the child, regardless of whether the due process hearing is brought by the parents of that child, or by the school district. This is unconscionable given that most due process hearings are brought by the parents when they have become frustrated by the inability or unwillingness of a school district to provide proper, needed services for their child.

By assigning the burden of proof to the party requesting the due process, this act will in fact shift the burden of proof in Due Process Hearings from the School districts that have many resources including retained legal council and the control of information, to the parents of children with a learning disability, most of which do not have the means for attaining adequate legal services, nor the expertise for gathering important educational, psychological and procedural information that is important in preparing or presenting a case in a due process hearing.

By changing the onus of proof to the parents, this bill removes the school districts responsibility to both provide, document and defend the appropriateness of their programs for the child with a learning handicap. Instead it charges the parents with a much more lengthy, challenging and expensive task of evaluating the school districts program(s) or lack thereof. Parents do not have the resources.

I support the existing process. In the existing process the parent, either through expert testimony given by school district personnel including school psychologists, speech pathologists, special education teachers or by privately hired psychologists, speech pathologists and other experts, establish what an appropriate program is for their child. The second step in the process is to ascertain whether the school district can provide the appropriate program for a child. If it is proven that such services cannot be provided by the district, then the child can be placed in an appropriate program either within the district, or in a program elsewhere. This process is straight forward.

The existing process also involves less risk for the parents, both in terms of time and finances. Both are critical in getting a handicapped child the services they need. The longer a child goes without proper services, the less likely they are to make progress. If you put the burden of proof on the parents, as this proposed legislation will do, you will discourage parents from pursuing the appropriate program for their children, simply because they cannot afford the extended legal battle, and will be frustrated by the additional time in establishing this additional burden of proof.

This proposed act is at the very least against the very spirit of FAPE legislation that guarantees each child to a free and appropriate education. This change is mean spirited and intended to discourage parents from pursuing their due process rights.

Please Vote NO on this section of the Raised bill SB 1142.

(2) Sec. 5, subsection (b) of Section 10-76d of the general statutes - I oppose this change

Please Vote NO.

I oppose the change proposed to Sec.5, subsection (b) of section 10-76d of the general statutes; the changes proposed as follows: " The obligation of the school district under this subsection shall terminate when such child is graduated from high school or (reaches age twenty-one) upon the child's twenty-first birthday, whichever occurs first... "

This is yet another attempt to take away the rights of learning disabled students, and their parents. The current statute allows a student to complete the full academic year that includes their 21st birthday. This proposed bill steals that right away from any child who is classified as, or receiving special education services. This proposed bill discriminates against handicapped children and again is contrary to the spirit of assisting these individuals. There is absolutely no way that this is either fair to the student and parents.

Connecticut standards are already below the standards in many other states that allow students to attend school to age 22.

In addition the passage of this bill will only ADD to the state's responsibility to care for this population of individuals sooner than it does now, and will add to the cost of, and demand for services at the state level (DSS, DDS). By passing this bill, the burden of cost is shifted from the school districts, to the state agencies responsible for taking over their care.

Please vote "NO" on this section of this bill.

As a parent who has had to fight for the rights of a learning disabled son, I know personally what is involved with in the struggle to get proper services for a student in need of special education services.

Thank you for listening to my comments in opposition to this bill.

Sincerely,

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