March 21, 2009

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

Regarding Raised Bill # 1142, Section 4 (d) (i) and Section 5 (b)

Relief of State Mandates on School Districts:

Dear Senator Gaffey, Representative Fleishmann, and Committee:

I am in strong OPPOSITION to Bill 1142, Section 4 (d) (i) and Section 5 (b).

Section 4 (d) (i). This proposed legislation will shift the burden of proof in due all due process cases to the plantiff on all issues. Since almost all due process in our state is brought by parents against school districts, this mandate puts an undue burden on parents to present an even higher standard of evidence than is currently required by IDEA. Parents are already at a great disadvantage when in comes to enacting their child's due process rights. The cost of attorneys and experts, and the stress on a family seeking administrative support when they believe their child has been denied FAPE is a barrier that few parents have the resources to manage. Please vote "NO" on this section of this bill.

Section 5 (b). This proposed legislation will change the requirement for school districts to provide special education services at a child's 21st birthday rather than continuing to support students through the year of the 21st birthday as has been the case up until now. First, this legislation will live long past the fiscal crunch we find ourselves in and is detrimental to the our population of special education students and their families. Second, it will add to the state's responsibility to care for this population sooner than expected and will add to the cost of services at the state level. Essentially, the school districts are shifting the cost burden to the state without to the detriment of children and families – and taxpayers.

Please vote **"NO"** on these sections of this bill.

Sincerely,
Susan E. Flaherty