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Education Committee  
Connecticut General Assembly

**Testimony on S. B. 1142, "An Act Concerning Relief of State Mandates on School Districts" Sec. 4**

I wish to testify against the changes planned for C.G.S. 10-76(h)(d)(1) as contained in Section 4 of the raised Bill. I am against the proposal to shift the burden of proof to the moving party in special education matters.

I am the parent of a child, now an adult, who was identified as eligible for special education services in the second grade. I am also a licensed Special Education teacher who has attended numerous PPTs for middle and high school students I have taught. My experiences as a Special Education teacher led me recently to become a lawyer in order to advocate for children and families with exceptionalities. The proposed language will cut into the heart of our concept of education, where the school district is responsible for the educational program of our children. This change will negatively impact the ability of a family to secure a free, appropriate education for their child.

It is difficult enough for parents who find themselves in the situation where they feel their child needs more services. Everything is new and confusing. The school district is the party in the position to show that it has provided an appropriate education to the child. It is charged with having the knowledge and understanding of the educational process parents' most likely lack. The staff are highly trained professionals who have had years of experience with many children including those exceptionalities. To ask the parent to try to prove that the district is not providing an appropriate education is to treat the matter as if it were simply like any other civil action.

It is because of the great disadvantages placed on the families and children that the federal legislation protecting the rights of the disabled was passed in the first place. The parent should only have to question whether the child's education program is an appropriate one if the current program does not yield success. A successful child will give the parent no reason to complain. Should the district not have to worry so much

about being questioned, there will be less motivation to make sure everything will be done properly. Here, the school district that prepared the IEP and has greater expertise and resources should have the burden of proving that the IEP is appropriate for the individual child.

As an analogy, think of being a first time home buyer. You receive a number of forms in small print. You try to figure them out, but are told they are the standard documents necessary to buy a house. Maybe you look at the amount of money you're borrowing and the interest rate. Other than that you are depending on others to do the right thing. Now, imagine you're buying your tenth house. You don't need a lawyer or real estate agent to explain it to you. You know the pitfalls, what questions to ask, what should and shouldn't be in the contracts. No more foreign language to you now. Most parents go through the special education experience just once.

I'm fully aware of the costs of special education. Not only as a taxpayer, but I served on my regional Board of Education (18). I know the difficulties in trying to budget when special education costs are so fluid from year to year. It is not easy to explain to your neighbors that we are required by law to educate all our children, even those that some feel are a waste of time and money.

I do not think the procedural protection of disabled students rises to the level of a "state mandate," as most citizens would think of the term, which would require some form of "relief." This is civil rights protection, not a "mandate" that requires onerous funding by a town. This is not an "leveling of the playing field."

Let's not change the existing language in Connecticut. It properly puts the burden on the district to show it is providing an appropriate education. It protects those who are the most vulnerable. Those who do not have the knowledge, experience or resources to sustain the burden as the moving party. Let's make sure all citizens are protected in our state by striking this language from S.B. 1142.

Thank you for your time and consideration.