

Friis, John

From: dperryhome@aol.com
Sent: Sunday, March 22, 2009 9:54 PM
To: Friis, John
Subject: TESTIMONY

I am writing on behalf of my seventeen year-old handicapped son, Ross Perry, who has global developmental delays to strongly object to two changes to the Special Education Law which are being proposed in the body of bill SB 1142. Specifically,

- 1) We are AGAINST shifting the burden of proof in due process hearings to the party who brought the hearing.

- 2) We are AGAINST ceasing services on a child's 21st birthday rather than continuing those services through that entire school year.

BURDEN OF PROOF - As parents of a child with significant mental retardation and language delays we have always had to advocate for our child. We take this role seriously because Ross, unlike mainstream children, cannot advocate for himself. We also know that if he receives the appropriate education now, while in school, he has the best chance of being a contributing member of society as opposed to an individual who is solely supported by society. We think this is important for our son and for society as a whole.

Given that education is the unique opportunity a person has to learn the skills they need to grow and develop it is critical that each year be effective. The problem, particularly as the economy falters and budgets tighten, is that schools look to aggregate services and programs. A "one for all" mentality begins to emerge as a cost-saving measure and unfortunately this is inappropriate for most children with disabilities who have tremendous and often unique learning styles. The loser in this scenario is the children. We have observed that when disagreements arise Ross's only real protection is that the burden of proof is on the district. We as parents have to retain the ability to be able to step in to challenge the school district on equal footing if we think they are not providing appropriate services. A due process hearing is already very expensive for a parent and not a step to be taken lightly. But we as parents do it when necessary to protect our children. We are relieved knowing that we have an even playing field because the burden of proof is on the school district. We can call in our own experts and the district has to defend its position - this system works to the benefit of the child.

A second point to consider is that Special Education is expensive and often unpopular. Yet the Americans with Disabilities Act provides all Americans with the right to an appropriate education. Maintaining the burden of proof on the school district helps keep "the district honest" and less likely to cave into local political or financial pressures because parents retain an effective tool to call into question their programs.

21ST BIRTHDAY - It seems counter-intuitive to ask anyone to interrupt their education in the middle of a school year. Programs have long been designed to go through a set period of time. Its like saying to a mainstream child - you're 18 now on Dec. 2nd so no more school. No one would ever think that was in anyone's best interests. How can you plan for the child or for the program?

Thank you for considering our testimony against the proposed legislation.

Dennis W and Martha G Perry
27 Dunning Road
New Canaan, CT 06840

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