

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 the Education Committee members,

Please accept this letter as testimony for my opposition to S.B. No. 1142: *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.*

We reside in Fairfield, Connecticut and are the proud parents of a 14-year old son in the autism spectrum. As the parents of a child with special needs, we implore you that the **Burden of Proof must not be changed**. It is difficult enough to raise a special needs child during these economic times and many parents do not have the financial resources, access to necessary evidence (educational records), professional relationships with special needs professionals or legal counsel to aid us in advocating for our children.

Connecticut must keep the burden of proof on the School District – the party who possesses the information upon which the decisions are made – instead of the parents who may have tremendous difficulty obtaining the information. It is almost always the parents, like us, who have to initiate due process because the school districts do not provide the necessary program for our children. Changing this law will put the school system at an unfair advantage because they will not have to assume any burden to prove that their program is inappropriate. All the school system will do is to withhold services that would provide relief for them at the cost of our special needs children's education and add yet another burden on our families.

Also, please do not **terminate special education services upon the child's twenty-first birthday**. The federal special education law, The Individuals with Disabilities Education Act – IDEA 2004, does not prevent states from giving students with disabilities and their family's greater protection than the minimum protection that the federal law allows. IDEA 2004 states that special education services terminate when a student turns age 21. Connecticut states that such education shall be continued until the end of the school year in the event that the child turns twenty-one during that school year.

Planning, which usually takes place from September to June, would not be possible if each student was dropped from transition programs during each of the months, dependent on their birthdays.

Lastly, **new suspension regulations must not be delayed.** For special needs students, most suspensions are the result of schools not having appropriate positive behavioral support plans in place. Often these behaviors are a result of inadequate planning, and the student with a disability does not have meaningful access to the general education curriculum. Keeping the student in school is best educational practice and should not be delayed for two years.

Again, we implore you not to change the current regulations in Connecticut in connection with burden of proof and when special education services end. Thank you for listening to us. We truly appreciate you giving a voice to those Connecticut citizens who cannot speak for themselves.

Respectfully yours,

Mark and Marinelle Mayo  
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