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Subject: the kinder, gentler Jen

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My name is Jennifer Laviano, and I am an attorney who represents children with disabilities trying to secure appropriate programs from their school districts under the IDEA. I have been representing children in CT in this regard for over 12 years. While I represent children with all types of disabilities, over the years the percentage of my cases that involve children with Autism Spectrum Disorders has grown dramatically, going from being a very occasional case to making up the majority of my practice. I estimate that I have represented well over a hundred children with autism spectrum disorders in this State.

Unfortunately, it is now incredibly rare to have a special education teacher tell you that they have never worked with a child with autism before. As the incidence of autism has exploded, so too has the need for trained educators. To their credit, some districts have recognized this on their own, and have put in the hard work and financial commitment necessary to ensure that children with autism in their community are being properly educated. These few districts saw the trend early, and hired quality BCBAs to help design and implement programs in their schools. They invested early, and by being proactive, were able to make available to children with autism quality educational programs in their neighborhood public schools, as required by law.

Unfortunately, there are many, many other districts who have not done this, and these are the districts who are in most need of this bill. There are many, well intentioned teachers and service providers in these districts who genuinely want to find a way to help these children, but who simply do not have the training or background to do it effectively. I have witnessed firsthand what an incredible difference can be made in a child's program when these districts bring in a BCBA to be part of their team, where the individual backgrounds and expertise of the different service providers work in concert with the added expertise in behavior analysis, and it is a remarkable thing. I have seen so many public school educators starving for the information and guidance of an expert in behavior, but for whatever reason the administration has not yet brought in a BCBA to help them. I even once had a special education teacher follow me out of a meeting and privately thank me for getting the school district to bring in a BCBA to help her.

The IDEA mandates that local and state educational agencies ensure that children with disabilities are being educated by properly trained, certified staff. We are not doing that. Instead, we are allowing children's IEPs to state that they will receive behavioral support, but then not monitoring the licensure or certification of the individuals who are supposed to implement that support. By enacting this bill, Connecticut will be codifying what is already required by federal law, but is routinely being ignored. Would we allow a college student who is majoring in physical therapy to provide PT, unsupervised, to a child with cerebral palsy? Would we permit an occupational therapist to provide speech therapy to a child with a stutter? For that matter, would we allow somebody who "almost has" their driver's license to drive a school bus? Of course not. And yet, throughout CT, individuals with absolutely no certification are holding themselves out as capable of designing, implementing and supervising behavior programs. This is happening every day in CT. It is happening as I speak. It is unacceptable, and with all due respect to the Attorney General, whom I commend for his genuine and focused interest in rectifying this situation, waiting until 2011 for CT districts to finally comply with federal law is more than two years too late.

Connecticut is out of compliance now, and children are suffering now. It can not be overstated that the children that we are talking about, the children who are receiving these often arbitrary services, are some of the most vulnerable children in our schools. Many, many of them can not speak. They can not go home and tell their parents if something strange is happening at school, or if the person who is working with them seems to know what they are doing. These children are in the greatest possible need of the protection and vigilance of the adults charged with their education and care. Right now we are failing these children by enforcing virtually no standard when their IEPs call for behavioral support. Let's end that today.

Thank you for your time.

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