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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.

This proposed bill will significantly harm students with disabilities. I speak on behalf of my clients, students with disabilities and their families, most of who are unable to speak for themselves, and who do not comprehend the gravity of the consequences this bill would have on their ability to receive an appropriate education. Please remember that the purpose of special education is...
(a) To ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living;
(b) To ensure that the rights of children with disabilities and their parents are protected;
(§ 300.1 IDEA 2004).
The purpose is NOT to cut costs nor weigh the competing needs of municipal budgets against costs of educating our most vulnerable children.

Following are some specific comments:

New suspension regulations must not be delayed:
Most suspensions are given for trivial matters. When students are sent home they miss the education they sorely need. Parents often have to miss work to supervise their child – and the student watches TV for the day. For students with disabilities, 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 2 years.

Burden of Proof must not be changed:
Connecticut must keep the burden of proof on the School District – the party who possesses the information upon which the decisions are made – as opposed to the parents who may have tremendous difficulty obtaining the information. This imbalance of power supports placing the burden of proof on/with the school district, the party with greater access to necessary evidence, based on the fundamental principles of fairness. Please remember that the goal of IDEA 2004 is to provide a free appropriate public education to children with disabilities. As we know, if the parents and the school district reach an impasse over the contents of an IEP, either side can request due process; however, practically speaking, it is almost always the parents who initiate due process because the school district typically can simply withhold the needed services, another illustration of this imbalance of power. This places an onerous burden on families to prove that the program is not appropriate, without the school having to assume any burden to prove that their program is appropriate.

Special education services must not terminate 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, in its wisdom, 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. This is common sense as most transition programs run from September to June. Planning would be impossible if each student was dropped from said programs during each of the months, dependent on their birthdays.

Thank you very much for your consideration of this point of view. I implore you not to change the current regulations in Connecticut in connection with burden of proof and when special education services end. I also ask that you do not delay in going forward with the in-school suspension rules.

Respectfully yours,

Anne Eason

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