

March 23, 2009

Testimony to the Education Committee in Opposition to **SB 1142, AN ACT CONCERNING RELIEF OF STATE MANDATES ON SCHOOL DISTRICTS**

My name is Dr. Kathleen Whitbread. I am an Associate Professor of Education at Saint Joseph College, where I teach in the teacher preparation program and serve as the director of special education. I am also an Educational Consultant providing services to children, school boards, and families on behalf of children with disabilities and the educational advisor for the Board of Directors of the Connecticut Down Syndrome Congress (CDSC). In addition, I am the parent of a 19 year old son with a learning disability. Please accept this letter as testimony **AGAINST** Sections 4 and 5 of SB 1142, AN ACT CONCERNING RELIEF OF STATE MANDATES ON SCHOOL DISTRICTS.

Section 4 (BURDEN OF PROOF):

Section 4 places an undue burden on parents who are forced to request a Hearing by the State Department of Education in order to obtain a free and appropriate public education (FAPE) for their children. In the overwhelming majority of cases, the party requesting the hearing is the parent of a child with a disability. These parents are already at a disadvantage based on the fact that school boards are highly knowledgeable about how district decisions are made and also have the ability and resources to retain first-rate legal representation. Many parents of the most vulnerable children with disabilities in our state are unable to afford legal representation at all and enter these proceedings without an attorney. Parents who proceed without attorneys prevail in at only 10% of due process hearings. Due to this inherent and significant imbalance of power, it is imperative that Connecticut keep the burden of proof in due process hearings on school districts. Connecticut State regulations require that school districts have the burden of proving the appropriateness of the child's program in a special education due process hearing because it is the responsibility of the district to ensure the appropriateness of the program.

Section 5 (TERMINATION OF SERVICES AT AGE 21):

Currently, students with the most complex disabilities in Connecticut are permitted to continue receiving services under the Individuals with Disabilities Education Act (IDEA) through the academic year in which they reach age 21. Section 5 would terminate such school services for students upon their twenty-first birthday – regardless of where that birthday falls in the calendar year. This would mean, in effect, that students would be forced to stop attending school in the middle of a school year, causing not only a disruption of services, but a significant social impact as these students would be excluded from the traditional end-of-senior-year activities. Please do **NOT** change the language of the general statutes as proposed in Section 5.

As a parent of a child with a disability, and a professional in the field of education, I urge you to defeat Raised Bill No. 1142 in committee.