

Hayes, Katherine

From: Winona W. Zimmerlin [wzimmerlin@lawyer.com]
Sent: Monday, March 23, 2009 1:00 PM
To: Friis, John
Subject: Testimony - SB 1142

I am testifying in opposition to SB 1142, An Act Concerning Relief of State Mandates on School Districts

I am an attorney in private practice. I represent students with disabilities in education proceedings. I oppose SB 1142. It will hurt all children, in particular children with disabilities.

The bill seeks to change the burden of proof in due process hearings and place it on to the person bringing the hearing. That is almost always the parent. The district rarely needs to file for a hearing because if the parties disagree about a special education program, the school's program will go into effect unless the parent files for due process. Placing the burden of proof on the parent is an unfair burden to the parent. It is the school, not the parent, who is legally required to propose an appropriate program. The school should therefore be able to defend its program. The evidence and witnesses are generally in the control of the school. The school has virtually unlimited resources it can use in defending its program. Parents are at a severe financial disadvantage when filing for due process. Placing the burden of proof on the parents will further increase costs to the parents. Parents will need to spend more money for expert witnesses. Experts cost thousands of dollar. The school uses its own staff as experts. The cost to the school to prove the appropriateness of its program is far less than the cost to the parents to prove that it is inappropriate.

This bill also seeks to delay implementation of a prohibition on out of school suspensions for all but the most serious offenses. This provision has already been delayed. It is time to require the school to educate our children in school, not simply suspending them when they have a problem. Children who are suspended are not learning. They are sitting at home doing nothing or getting into more trouble. Often parents must take time off from work to stay with their children. Children who are repeatedly suspended have poorer outcomes. If children are in school, they are supervised and learning. Schools can teach children to modify their behavior if children are in school. Simply suspending them does not teach them to modify behavior. It is often viewed as a reward by the student involved. In school suspensions provide an opportunity to the school to prepare educational programs designed to aid troubled youth and change behavior in a positive way.

This bill also proposes to terminate educational services when a disabled child turns age 21, rather than continuing services until the end of the school year. Education will be stopped in the middle of a semester. It will be difficult for a school to implement a coherent curriculum, as education will end in the middle of the year. This change will be disruptive to the student involved. Transition programs often run from September to June and so there will be a large gap in the student's education.

Thank you for the opportunity to present this testimony.

--

Winona W. Zimmerlin
Law Office of Winona W. Zimmerlin

2 Congress Street
Hartford, CT 06114
Phone: (860) 249-5291
Fax: (860) 247-4194