

Dear Members of the Education Committee:

I am writing to express my support of House Bill # 5425. As a member of the Darien Board of Education as well as the parent of a child receiving special education services in the Darien Public Schools, I think it's fair and appropriate that Connecticut's due process burden of proof requirement be aligned with the U.S. Supreme Court and the vast majority of states across the country.

The current Connecticut State Board of Education burden of proof regulations may have good intentions as a means of protecting children, but the outcome should be improvement in the quality of services for children. I am concerned that just the opposite has occurred. For example, our district was forced to spend \$90,000 in legal and expert testimony alone to defend ourselves in a single hearing, in which we prevailed in all aspects. Preparation for and participation in lengthy hearings takes administration and staff away from their ongoing responsibilities to our more than 500 other special education students, not to mention the district's more than 4000 regular education students. Additionally, avoiding the cost of a full hearing and entertaining settlements has become part of the decision-making criteria about a child's program, rather than basing this decision solely on what the child actually needs. In this environment, where regulations have forced legal issues to be an overwhelming consideration, where are the state's safeguards for all of our other students, or for our taxpayers?

Boards of Education have an obligation to protect the interests of all the children in their district. Unprecedented budget constraints, due in part to escalating special education costs and legal fees, as well as other unfunded state mandates, are making it more and more difficult to fulfill that mission. Please help us by supporting compliance with an accepted national judicial standard, which ensures a fair process for all concerned.

Thank you for your consideration.

Sincerely,

Amy M. Bell  
37 Fairfield Avenue  
Darien, CT 06820