

Connecticut Down Syndrome Congress
PO Box 4487
Wallingford, CT 06492
Toll Free: 888.486.8537
www.ctdownsyndrome.org

Dear Sen. Gaffey, Rep. Fleischmann, and Members of the Education Committee,

I am writing to object to Section 3 of Proposed Bill #HB 5425, establishing that the burden of proof lies with the party requesting a special education hearing.

As the President of the Connecticut Down Syndrome Congress (CDSC), I am writing on behalf of the students with Down syndrome and other intellectual disabilities to OBJECT to the Section 3 of Proposed Bill #HB 5425, which establishes that the burden of proof lies with the party requesting a special education hearing.

The Connecticut Down Syndrome Congress was formed in 1986 as a special interest group to advocate for persons with Down syndrome in the state of Connecticut. Today we are a welcoming and supportive network of over 350 parents, numerous professionals and over 20 advocacy groups statewide. Our vision is to improve the lives of persons with Down syndrome, by promoting equity, opportunity, inclusion and empowerment for individuals and their families in all aspects of life. In the CDSC's role as a parent support group has heard countless reports from parents and advocates that all too frequently school districts have only honored a commitment to a child receiving a "Free, Appropriate, Public Education" (FAPE) through the Individual Education Plan (IEP) because they felt the burden of proof.

The current law states that it is the responsibility of school districts to prove they have provided a "Free, Appropriate, Public Education" (FAPE) through the Individual Education Plan (IEP). The current law reflects well-settled Connecticut policy.

To change current law would place an unfair burden on parents whose children are denied a free and appropriate public education by local school districts. Hearings by the State Department of Education are the best -- and often the only -- means by which parents can secure the civil rights of their children when local districts refuse to provide essential educational services.

In these hearings, school districts have the considerable advantage of usually being represented by one of our state's large legal law firms who are paid by the district's insurance company while parents often represent themselves because they cannot afford to hire a private attorney. School districts also control every step of the educational process, from staffing and testing to the students' entire educational record. Placing an additional burden on parents in these circumstances is unfair and unnecessary. The court and the Constitution already indicate where the burden of proof lies; there is no need for the legislature to further complicate this issue and we strongly object to any move to make this process more difficult for families.

Sincerely,
Chris McAuliffe
President, Connecticut Down Syndrome Congress