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***Testimony of Robyn Kaplan Cho, CEA
Before the Education Committee – March 8, 2010***

***Raised Bill No. 5425
An Act Concerning Special Education***

My name is Robyn Kaplan-Cho and I am submitting this written testimony on behalf of the Connecticut Education Association (CEA) where I am on staff and responsible for educating our members on issues related to special education laws.

I would like to first comment on Section 1 of the bill which reconstitutes the State Advisory Council (SAC) on special education. While we support consolidating the over thirty-six slots currently required by the statute, we do have a concern related to teacher representation on the SAC. Under the current law, there are two designated slots for teachers - one for a regular education teacher appointed by the Majority Leader of the Senate and one for a special education teacher appointed by the Minority Leader of the House. Raised Bill No. 5425 reduces the two teacher slots to just one slot to be filled by any public school teacher.

Given the pivotal role that teachers, both regular and special education, play in the education of students with disabilities, it seems vital to ensure that each group of teachers continues to be represented on the SAC. This legislation does reduce the total number of appointees but it would still remain a rather large Council with at least twenty-nine (29) members. So continuing to include two slots specifically for a regular and a special education teacher would be proportionately fair and not unduly burdensome.

Finally, Section 3 of the bill would shift the burden of proof in special education hearings from the school district to the party requesting the hearing, consistent with the traditional rule in civil cases that the party initiating the legal action bears the burden of proof. Given that Connecticut's current rule is so out of line with most other states and with the U.S. Supreme Court decision in *Schaffer v. Weast*, the CEA believes that this issue clearly requires further exploration.

Thank you for your consideration.