

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

I am writing to object to the provision in Proposed Bill #HB 5425 that establishes that the burden of proof lies with the party requesting a special education hearing.

I am a therapist who works with children and teens on the autism spectrum to help them learn social skills. Some of the families I have worked with for the past 11 years have had to hire both advocates and lawyers just to ensure that their children received the appropriate education that they are entitled to by law. So many of these families have had to mortgage their homes, borrow thousands of dollars from family members and go into deep debt to afford the high cost of their lawyers. In the end, all of them did receive the services their children were always entitled to but did not receive prior to bringing in legal counsel.

If this bill passes, I can't imagine how so many more families will be able to access costly legal services. If they can't, then their children will suffer by not receiving the education that high functioning autistic children need, which most public schools are falling short in providing until legal action gets taken. In addition, many of the special education attorneys in our area are so overwhelmed with so many cases that they don't have the time or staff to handle what is already coming their way. Passage of this bill will make it more difficult for parents to access this service, even if they could pay for it.

Historically, the majority of hearings reviewing the delivery of special education services to students with disabilities, our most vulnerable population, are already decided in favor of the school districts. This bill proposes a drastic 180 degree change of the burden of proof in special education due process cases. It would make due process hearings excessively costly and would be an insurmountable challenge for parents, creating a situation in which the families could not have a fair hearing with any reasonable chance of prevailing.

Please consider these issues when making your decision.

Thank you,

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