



Connecticut Association of Boards of Education, Inc.

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Testimony
Submitted to the
Education Committee

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**HB 5020 AN ACT IMPLEMENTING THE BUDGET RECOMMENDATIONS OF THE GOVERNOR
CONCERNING EDUCATION**
HB 5421 AN ACT CONCERNING EDUCATORS AND ADMINISTRATORS
HB 5422 AN ACT CONCERNING MINOR REVISIONS TO THE EDUCATION STATUTES
HB 5425 AN ACT CONCERNING SPECIAL EDUCATION
SB 381 AN ACT CONCERNING STUDENTS WITH TERMINALLY ILL PARENTS

The Connecticut Association of Boards of Education (CABE) supports the provision of HB 5421, An Act Concerning Educators and Administrators, which would provide for an alternate route to certification for school administrators. It is not clear to us why the opportunity is limited to those who have 30 months or less of teaching experience.

CABE supports the provision of HB 5422, An Act Concerning Minor Revisions to the Education Statutes, which would establish May 1 as the deadline for boards of education to notify non-tenure teachers that their contracts may not be renewed. This is particularly important as boards deal with budget reductions. Providing one additional month for school district to provide non tenured teachers with notice of possible non-renewal will allow boards of education to have a clearer fiscal picture and reduce the number of unwarranted non-renewal notices. Insurance of non-renewal notices has a significant negative impact on the morale and functioning of the school districts.

CABE supports the provisions of HB 5425, An Act Concerning Special Education, which would provide that the burden of proof lies with the party requesting a special education hearing. The Connecticut Association of Boards of Education implores you to address the burden of proof issue in the proposed amendments to the special education regulations. This is an area of critical concern to board members, superintendents and many legislators. As we all struggle to deal with fiscal constraints, it is imperative to address this issue.

In Commissioner McQuillan's summary of the proposed changes dated February 3, 2010, this issue was addressed in Section 38: "Aligns burden of proof to standard established by the Supreme Court in *Schaffer v. Weast*: as the IDEA is silent on the issue of burden of proof, the court held that the traditional rule that the party that files the claim bears the burden of proof should apply."

Unfortunately, the March 3 summary fails to include this important change.

Connecticut is one of only two states that do not adhere to federal practices regarding the burden of proof in special education due process hearings. The current regulation must be changed to reflect the *federal legal* standard of placing the burden of proof on the party challenging the placement. The current regulation has resulted in escalating legal expenses for all boards of education in Connecticut cities and towns. One Ct. superintendent referred to the growing litigious nature of special education as a primary source of "budget

hemorrhaging". Because of Connecticut's Regulation Sec. 10-76h-14, Connecticut school districts face more legal obstacles and incur greater costs for special education due process issues than districts in 48 other states.

We urge you to bring Connecticut into conformity with 48 other states and provide for the burden of proof to be placed on the moving party.

CABE opposes SB 381, An Act Concerning Students with Terminally Ill Parents, which would require boards of education to provide two hours of home instruction each school day to students assisting with the care of a terminally ill parent. This new mandate would create a specific entitlement to instructional time for students who are out of school because of one specific situation.