

RIDGEFIELD BOARD OF EDUCATION

70 Prospect Street, Ridgefield, Connecticut 06877
Phone: (203) 431-2800 Fax (203) 431-2810

MEMO

DATE: March 5, 2010
TO: Education Committee of the Connecticut General Assembly
FROM: Deborah Low, Superintendent of Schools, Ridgefield Public Schools
SUBJECT: Comments in support of House Bill #5425 (Burden of Proof)

I would like to add these comments in support of House Bill #5425 seeking to amend Section 3D, subdivision (1) subsection (d) of statute 10-76h of the general statutes.

In virtually every civil action in the country, the burden of proof rests on the party bringing the action.

The recent Supreme Court decision Schaeffer v. Weast held that in the absence of some reason as determined by the state, in due process hearings, the burden of proof should be on the parents who commence special education due process hearings, as in other types of litigation.

Connecticut is only one of two states in the country that has determined that the burden of proof remains with the school district.

The current burden of proof standards seem to start with the presumption that district programs are inappropriate and need proving otherwise. If parents make minimal or unsubstantiated complaints against the district, the current practices require the district to prepare for the case anyway. Hearings are costly and staff members are pulled away from their regular duties to prepare and present testimony.

As it should, special education legislation provides students and parents many procedural safeguards. However, the current burden of proof practices are not balanced and have the effect of being a serious drain on the already scarce, valuable school resources of time and money.

Thank you for your attention.