

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

I am writing as a parent of a 4-year old with autism and a Behavior Analyst who works for a regional educational service center serving southern Connecticut to strongly object to the provision in Proposed Bill HB 5425 that establishes that the burden of proof lies with the parents when requesting a special education hearing on whether the school's efforts are the most appropriate for educating a child.

The current law states that the burden of proof is the responsibility of the school district to prove it has provided a "Free, Appropriate, Public Education" (FAPE) through the Individual Education Plan (IEP).

The current law reflects well-settled Connecticut policy.

The current law is the only means parents have to address inappropriate educational programming and settings for our children when the school refuses to consider evidence-based practices and make based decisions based on what has the best evidence behind it for someone like my son. I have seen schools most often provide only what they readily know how to provide even when those services do not have the scientific evidence behind them as the most appropriate and effective. Rather, schools often provide what they are capable of providing given the specialties that they have on-hand already without making any changes to staffing or normal routine.

All the advantages lie currently with the school in cases of due process. First, school districts are in control of all of the child's records, the child's staff, and multiple experts. I know because I am one of those experts as a Behavior Analyst working with children with autism and older students who have behavioral problems. I am routinely called to schools to consult and I see that they do what they can, but often it is not at all effective and children continue to slip further along from year to year as problems continue and worsen. Schools have unlimited access to all the information about the program they are providing. They can use their own staff as expert witnesses and call upon people like me as well to help them.

Compare the schools to the my son's mother, as a well-educated parent of a 4 year-old with autism. My son's mother he has a Masters in Public Health from Yale and is a researcher at Yale and yet even she does not understand the jargon used at the IEP meetings and does not know to ask the right questions about our son's education and what is most effective versus what the school is indicating is needed. If it were not for my professional expertise and persistent pushing, access to friends around the country who are even more expert than me, and the current focus to put the burden of proof on the school, our son would still not be speaking (he is now a chatterbox and has almost caught up to all his typical peers), be focusing on hanging up a backpack in school (his original program when he entered preschool) even though he entered school not eating any solid food – he only drank two types of liquids and had never had solid food. The school implemented an entirely ineffective program that did not even involve the basic skills needed for eating, but rather sensory stimulation around his mouth which had failed several times when tried earlier in Birth to Three. Yet, that was what the school personnel knew how to do so they kept doing it. I insisted on using a behavioral (ABA) approach and my son started eating solid food for the first time within just one or two sessions once the behavioral program was initiated. If I had to go through Due Process, I would have to spend at least \$3000 to get my own expert to testify and finding an expert is problematic particularly when I had exhausted all the experts in the area who the school thought would be helpful. Most parents do not know who would best be able to help them with their child's educational issues and what would be a better, more appropriate educational program and setting. I was fortunate to happen to have the right expertise to help my

son, but everyone I spoke with inside and outside of the educational world have commented that they have never before had a parent with my type of expertise who happened to also have a child with autism come to them and describe so precisely what was needed based on scientific evidence and decades of practice.

Overall, There exists a huge imbalance of power favoring school districts and this bill would tip the balance so far in their favor that thousands of children and their parents in Connecticut would have no voice and no way to prove that the program the school is providing was inappropriate. This bill is not in the best interests of the children in Connecticut and removes a key means by which parents can impact their kids' education for the better when they see something wrong that impacts their children.

To add insult to injury, historically the majority of hearings reviewing the delivery of special education services to students with disabilities, kids like my son, 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 force someone like me and my son's mother to go heavily into debt, move to another state, or simply give up because the challenge would be insurmountable. I want to ensure that I have a fair hearing with any reasonable chance of prevailing to ensure my son gets the treatment he needs to continue his recovery from autism.

I'd be happy to talk with anyone in person about my passion and professional experience related to this problem and

Thank you,

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