

Roger Letso
93 Poverty Hollow Road
Newtown, CT 06470

March 8, 2010

Thomas P. Gaffey, Co-Chair
Andrew M. Fleishmann, Co-Chair
Education Committee
Room 3100, Legislative Office Building
Hartford, Ct 06106

RE: Testimony regarding House Bill 5425
Section 2, House Bill 5425. Please support.
Section 3, House Bill 5425. Please oppose.

I ask that you please support Section 2 of HB5425 An Act Concerning Special Education. Both federal and state legislation mandate that our public schools utilized evidence based practices for our students with special education needs. Hundreds of scientific studies have shown that applied behavior analysis improves outcomes for children and adults with autism. But these services need to be provided by someone properly trained.

The legislation would require that anyone who was hired by our schools to provide applied behavior analysis services be a Board Certified Behavior Analyst (BCBA), a Board Certified Assistant Behavior Analyst working under the supervision of a BCBA or a state licensed health care professional whose scope of practice includes behavior analysis.

Please support Section 2 of HB 5425.

In addition I ask that you oppose Section 3 of HB5425 of the same act. It is extremely important to the children of Connecticut that this Section 3 of the bill be stricken from the bill.

Currently, Connecticut law requires that school districts prove that they offered a child with disabilities an appropriate program if the dispute proceeds to a Due Process Hearing. Section 3 of this Bill proposes changing this law, and placing the burden of proof with the party who asked for the hearing, which in almost all cases is the parent.

If section 3 is passed, the burden of proof would in fact shift the burden of proof in Due Process Hearings from the School districts that have many resources including retained legal council and the control of information, to the parents of children with a learning disability, most of which do not have the means for attaining adequate legal services, nor the expertise for gathering important educational, psychological and procedural information that is important in preparing or presenting a case in a due process hearing.

By changing the onus of proof to the parents, this bill removes the school district's responsibility to both provide, document and defend the appropriateness of their programs for the child with a learning handicap. Instead it would charge the parents with a much more lengthy, challenging and expensive task of evaluating the school districts program(s) or lack thereof. Parents do not have the resources to fight these battles, and their handicapped children are further damaged by the delay in getting the services they need. These citizens (both the children and the parents) need protection in this process.

Please oppose Section 3 of HB 5425.

Thank you for your consideration.

Sincerely,

Roger Letso,
93 Poverty Hollow Road
Newtown, CT 06470
Home phone (203) 426-0449
Work phone (203) 882-8810, ext. 311
Email address: rletso@cccdinc.org