

Literacy Advocates

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Testimony of Sheryl Knapp to the Joint Committee on Education March 8, 2010

Good afternoon Senator Gaffey, Representative Fleischmann and esteemed members of the Education Committee. My name is Sheryl Knapp, and I am here today to voice my strong opposition to Section 3 of Raised House Bill #5425, which shifts the burden of proof at special education due process hearings to the party requesting the hearing.

I am an independent reading consultant, as well as the parent of an elementary aged student with an intellectual disability. The birth of my daughter opened my eyes to the enormous untapped potential within students with significant disabilities, and prompted me to leave the business world to pursue a career in education and advocacy.

Every day, I see the struggles parents face to secure – and maintain – appropriate programs for their children. The only recourse they have when districts fail to provide appropriate services is due process; it's a path of last resort that no parent wants to take. Taking a school district to due process is already a daunting and costly task for families. School districts are inherently at an unfair advantage in that they have ultimate control over the entire process, from the staff members to all the testing and other information upon which decisions are made. Districts also have virtually unlimited access to experts and high-powered legal representation – all at taxpayer expense.

Placing the burden of proof on the party requesting the special education hearing would only exacerbate this imbalance of power, as in most instances it is the parents who are making the request; districts typically have no reason to initiate due process since they have ultimate control over service delivery and can simply withhold services. Due process hearings would become even more costly, accessible only to the most wealthy, and also unfair – ultimately depriving students of their right to an appropriate education.

Unless you are a parent of a child with significant special needs, there is no way to know the pressures we feel every single day regarding our children's educational programs. For students like my daughter, receiving an appropriate education will likely make the difference between her living a maximally independent, productive life and being dependent on state- and federally-funded services. Although it would in no way level the playing field in due process hearings, please at least give families a more equitable opportunity to exert their due process rights. **Please delete Section 3 from Raised House Bill Number 5425.**

Thank you very much for your consideration.

Sheryl Knapp