

## Center for Children's Advocacy

University of Connecticut School of Law, 65 Elizabeth Street, Hartford, CT 06105

### TESTIMONY OF THE CENTER FOR CHILDREN'S ADVOCACY URGING AMENDMENT TO RAISED BILL NO. 6501, AN ACT CONCERNING DELAYS IN THE EVALUATION AND DETERMINATION PROCESS FOR STUDENTS SUSPECTED OF REQUIRING SPECIAL EDUCATION

March 7, 2011

This testimony is submitted on behalf of the Center for Children's Advocacy, a non-profit organization based at the University of Connecticut School of Law. Through our TeamChild Juvenile Justice Project, the Center represents children in securing appropriate educational programming and improving academic outcomes by reducing high suspension, expulsion, and dropout rates.

The Center strongly supports the goals of Raised Bill No. 6501, *An Act Concerning Delays in the Evaluation and Determination Process for Students Suspected of Requiring Special Education*. Delays in special education evaluations significantly harm the students who experience them. In our practice, we regularly review educational records where students have been retained or promoted without meeting academic standards for promotion for multiple years without the benefit of a planning and placement team ("PPT") meeting to discuss referral to special education. By the time these students begin receiving appropriate educational services, many of them have experienced such significant educational failure that they require intense supports to reengage in school. Identifying these students promptly and providing timely and appropriate educational supports is critical to ensuring that they experience educational success. Consequently, the goal of Raised Bill No. 6501 is incredibly important.

However, Raised Bill No. 6501 should be amended to better achieve this goal. First, the language of this bill should be amended to track the language of Conn. Agency Regs. § 10-76d-7, which provides that "[p]rovision shall be made for the prompt referral to a planning and placement team of all children who have been suspended repeatedly or whose behavior, attendance or progress in school is considered unsatisfactory or at a marginal level of acceptance." By defining when a district should "suspect that a child requires special education and related services," the language of the regulation is clearer than the language of Raised Bill No. 6501 and is less likely to confuse school districts and parents.

Second, the language of Raised Bill No. 6501 could be read to create a form separate from the PPT process that a parent would sign to waive the right to special education evaluations. When special education evaluations are considered for a child, the PPT process is a critical opportunity for individuals with expertise regarding the child to discuss their concerns and whether evaluations are appropriate. Additionally, the PPT process has strong procedural protections for a parent who disagrees with the team's determination either to conduct or not to conduct evaluations. As currently written, Raised Bill No. 6501 simply adds confusion to this process by potentially creating a different mechanism for determining whether or not special education evaluations will occur. The language of Raised Bill No. 6501 is not clear regarding who would discuss evaluations with the parent



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before the parent determined whether or not to waive the right to evaluations. It is also not clear how long such a waiver would remain in effect or what procedures a parent would follow for revoking that waiver. Finally, it is not clear what procedural protections would attach to the process of discussing and signing that waiver. Given these concerns, **the discussion of special education evaluations should remain located within the PPT process rather than in a separate process, as Raised Bill No. 6501 could be interpreted to create.**

For the foregoing reasons, we support the goals of Raised Bill No. 6501 but urge its amendment to better achieve those goals.

Thank you for your time and consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Hannah Benton". The signature is written in a cursive style with a large initial "H" and a long, sweeping underline.

Hannah Benton  
Staff Attorney  
TeamChild Juvenile Justice Project