

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 IN OPPOSITION TO SECTION 2 OF RAISED BILL NO. 1105, AN ACT CONCERNING SPECIAL EDUCATION

March 7, 2011

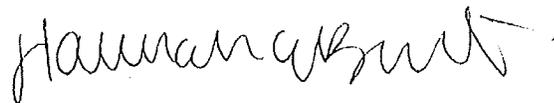
This testimony is submitted on behalf of the Center for Children's Advocacy, a non-profit organization based at the University of Connecticut School of Law. The Center provides holistic legal services for poor children in Connecticut's communities through individual representation and systemic advocacy. 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.

We oppose Section 2 of Raised Bill No. 1105, *An Act Concerning Special Education*, which would eliminate the requirement that a school district receive specific consent before placing a student into a private special education program. Given how critical parental participation is to appropriate educational planning, we are concerned that this bill would allow a district to remove a child from the public school environment absent parental consent. Moreover, the pragmatic effect of this bill will be to disadvantage parents who lack the resources to pursue due process or an understanding of their procedural protections.

Currently, if a parent does not provide consent for a private placement, the district must initiate due process proceedings to prove the appropriateness of a change in placement. While these proceedings are pending, the child remains in the current educational placement unless the district and the parent agreed to move the child. Under the changes contained in Section 2 of Raised Bill No. 1105, a parent would have to pursue due process to avoid his or her child being moved to a private placement. Because a district must give a parent five days notice of a proposed change in placement, a parent who filed for due process within that timeframe could request that his or her child stay in the current educational placement under the "stay put" provisions of special education law. **Functionally, therefore, the difference between current law and Section 2 of Raised Bill No. 1105 is that a parent who does not have the resources to pursue due process or who does not understand his or her procedural rights would not be able to invoke this right to keep his or her child in the current educational placement.** Since the decision to move a child out of the public education environment is such a grave decision, the Center cannot support a change in that decision-making process that that would disadvantage families with limited resources or limited understanding of the law.

For the foregoing reasons, we oppose section 2 of Raised Bill No. 1105. Thank you for your time and consideration.

Respectfully submitted,



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TeamChild Juvenile Justice Project



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