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APPROPRIATIONS COMMITTEE
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**Testimony Regarding Proposed Merger
of the Office of Protection and Advocacy for Persons with
Disabilities with the Commission on Human Rights and
Opportunities.**

Governor Malloy's proposed merger of these two agencies is ill-advised. It appears to violate federal law, and is harmful to Connecticut residents with disabilities. I urge you to do everything in your power to stop this proposal.

OPAPD, the agency charged with protecting the rights of persons with disabilities and representing them when bring formal discrimination complaints, would be combined with CHRO, the agency that judges whether these complaints have merit and can go forward. The conflicts of interest should be obvious. In addition, the Governor's proposal appears to violate federal law.

The CHRO's obligation is to represent the state in enforcement of anti-discrimination laws. It is a neutral decision-maker when cases are filed – it is the CHRO that makes the threshold determination whether discrimination cases can proceed. OPAPD represents its clients in cases brought to the CHRO. While both these agencies are tremendously important to persons with disabilities, there is no way that these distinct, and at times conflicting, roles can be reconciled.

OPAPD maintains a number of federally-funded programs, and must abide by federal law and regulations. The governing provisions are 42 USC § 10805 and the regulations established thereunder. See, e.g, **42 CFR 51.26**:

Conflicts of interest.

The P&A system must develop appropriate policies and procedures to avoid actual or apparent conflict of interest involving clients, employees, contractors and subcontractors, and members of the governing authority and advisory council, particularly with respect to matters affecting client services, particular contracts and subcontracts, grievance review procedures, reimbursements and expenses, and the employment or termination of staff.

The Governor's plan may result in the defunding of the eight federally mandated P&A programs that the Office of Protection and Advocacy currently operates in Connecticut, and to also defund other disability programs that are conditioned on the state having an independent P&A.

At present, the New York State P&A is in the midst of a major federal investigation due to concerns about its lack of independence from that state's executive branch. This may result in federal decertification or a federally approved "Plan of Correction."

This proposal is an especially bad idea for people with disabilities because it takes away OPA's independence. Under the proposal, the Director of Protection and Advocacy would be appointed by, and report to, the Executive Director of the new Department. The new agency's Executive Director would also get to approve all Protection and Advocacy budget requests and expenditures, even for lawsuits and investigations. This would be a huge step backward from the independence necessary for OPA to be effective.

Please do everything in your power to prevent this merger.

Thank you very much.