

TESTIMONY IN SUPPORT OF SB 842, AN ACT CONCERNING FOSTER CHILDREN AND THE DESIGNATION OF SURROGATE PARENTS AND HB 5658, AN ACT CONCERNING EDUCATIONAL SURROGATES, THE JUVENILE JUSTICE SYSTEM AND CHILDREN REQUIRING SPECIAL EDUCATION

Committee on Children  
February 17, 2015

Submitted by Roger E. Bunker, J.D.

Senator Bartolomeo, Representative Urban, Distinguished Members of the Committee

Based on my personal and professional experience, I support the adoption of SB 842 and HB 5658, which would provide surrogate parents for incarcerated youth with special educational needs.

I support these Bills as a parent of a student with educational disabilities, a retired attorney with 20 years experience in representing children in juvenile court and advocating for students with special educational needs, as a member of Bloomfield's Juvenile Review Board for over 15 years, and as a surrogate parent for the last five years.

I am the parent of an adult child with a specific learning disability. Her disability was not diagnosed until the end of her eighth grade year. At that time, because of her increasingly severe behaviors, we took her to a special clinic, which identified her after only a half hour of an eight hour interview process. She was not identified by her school. The school's explanation for her failure to make academic progress was that she was shy, then lazy, then not intelligent. Between first and eighth grade, her full scale IQ scores dropped from 118 to 85 because she was not learning as much as her non-learning disabled peers against whom her cognitive test results were measured. Fortunately, once identified and after mediation, the school system provided her with an appropriate education. As a result, she graduated from the University of Hartford, is married, and has three delightful children. At the time she was diagnosed, we feared she would never graduate from high school and lead a normal productive life. Also, her full scale IQ rose to 113.

Subsequently, I have spent more than 20 years representing children in the Superior Court for Juvenile Matters in both the Child Protection and Delinquency Courts and advocating for the educational rights of children with special educational needs. During this time, I have become aware of the fact that many children with special educational needs are not identified and do not receive the services they need to be successful adults and that frequently their delinquent behavior is due to these failures.

As a member of my town's Juvenile Review Board, I deal with youths who have taken their first step toward serious involvement in the juvenile justice system. Many of them exhibit strong indications of unidentified educational disabilities.

As surrogate parents, my wife and I have learned that the difficulties we had in identifying our daughter's educational disability and obtaining the help she needed are widespread.

Based on my personal and professional experience, I support providing access for incarcerated youth to effective advocates for their educational needs because:

1. Children with educational disabilities often act out because of anger, frustration, and embarrassment due to their inability to progress academically at the same rate as their peers. Provision of appropriate educational supports will help them to becoming responsible and productive citizens and to avoid reoffending;

2. Effective educational advocacy is difficult, especially for struggling families. Even for us, a well educated, stable, two parent family, actively involved in our children's education, identifying our child's educational needs and obtaining the services and supports she needed was very difficult. During the process, we relied on the services of a committed knowledgeable educational advocate from the Learning Disabilities Association of Connecticut; now SpEd Connecticut;

3. We have all heard about the educational achievement gaps in Connecticut. One of those gaps that we do not hear about as much is the gap between children with educational disabilities and their nondisabled peers. Statistics show that students, who are identified for special educational services, are less likely to graduate high school, attend post-secondary schools, and to be meaningfully employed. Estimates are that 50-80% of incarcerated youth have educational disabilities. Recently, The Hartford Courant reported on a study by Connecticut Voices for Children which showed that students with identified special educational needs are arrested three times more often than other students, expelled twice as often and suspended from school almost three times as often. Identified special education students have special legal protections from discipline for actions which are manifestations of their disabilities. The situation of students with educational disabilities who have not been identified and who do not have these protections must be significantly worse.

4. As a surrogate parent, I know that:
  - a. Many children who should qualify for special educational services are not identified and do not receive appropriate services without effective advocacy. Currently, such advocacy is provided by surrogate parents only for children committed to the Department of Children and Families in the foster care system, but not to those in the juvenile justice system;

- b. An appropriate education is critical for the future success of students and their ability to be productive members of society;

- c. The costs of providing surrogate parents to students is relatively low, especially when compared to the costs of incarceration and the lost income provided by productive citizens;

- d. As surrogate parents currently serve about 2,500 students in Connecticut, the anticipated increase in students eligible for surrogate parents as a result of these Bills should not impose a significant burden on the system..

Please pass these Bills. It is the right and cost effective thing to do.

Respectfully submitted

Roger E. Bunker  
Bloomfield, CT