

Diane Willcutts
195 Auburn Road
West Hartford, CT 06119
Diane.willcutts@gmail.com
(860) 992-5874

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Written Testimony In Opposition to HB 5552 – An Act Concerning Special Education

Dear Senator Slossberg, Representative Fleischmann, and members of the Education Committee:

I am an education advocate who has spent 14 years working on behalf of hundreds of children with disabilities throughout the state. I also have two children with disabilities of their own.

I ask you to oppose HB 5552, as it harms children with disabilities.

Adding an “adjudicative process” prior to permitting parties to request a due process hearing interferes with a child’s opportunity to receive a Free and Appropriate Public Education (FAPE) and violates the federal Individuals with Disabilities Education Act (IDEA), which permits parties to file for a due process hearing whenever there is disagreement about the evaluation, identification, or education of a child with disabilities--without any additional step before parties are permitted to file.

Filing for a due process hearing is a last resort for families. When it does happen, it’s almost always because the child has been struggling at school for years. IDEA requires that hearing decision to be issued within 75 days of the request being filed, but it is not unusual for this to take 6 months or more. Adding an extra layer of delay is not in the best interest of the child.

The proposed adjudicative process might sound like a good idea because the parties have an opportunity to select a mutually-agreed-upon education expert to review the program. But the vast majority of education experts are not “neutral,” as they typically have prior ties to school districts and were trained in IDEA by school board attorneys or by administrators who were trained by school board attorneys. Although there are certainly educators who are primarily focused on the needs of children, school districts are unlikely to agree to use these individuals. And according to this bill, when there isn’t agreement, the Connecticut State Department of Education (CSDE) would then select the adjudicator, which is also a concern. The CSDE consists primarily of former school district employees and works closely with school districts. I don’t believe that CSDE staff intend to be biased, but they have been immersed in a culture that focuses on the needs of school districts.

Due process hearings are rare. Although there are more than 60,000 children with disabilities in Connecticut, there were only 19 hearings that went to a decision in 2014. There were approximately 230 hearing requests filed that year, which means that over 90% were resolved with the existing alternative dispute resolution systems.

If you have any questions, please email or call me. Thank you for your attention!

