Feinstein Education Law Group

86 Denison Avenue, Mystic, CT 06355 · *Phone:* 860-969-0700 · *Fax:* 860-969-0701
Satellite: 945 Main Street, Suite 304, Manchester, CT 06040

Attorney Jillian Griswold
jillian@attorneyfeinstein.com
www.edlawct.com

TESTIMONY OF
THE FEINSTEIN EDUCATION LAW GROUP
FOR THE EDUCATION COMMITTEE IN **OPPOSITION OF RAISED BILL 5552**, AN ACT CONCERNING SPECIAL EDUCATION

March 7, 2016

Good afternoon Senator Slossberg, Representative Fleischmann and members of the Education Committee. My name is Jillian Griswold and I am an attorney with the Feinstein Education Law Group. I have represented parents of children with disabilities in special education matters across Connecticut since 2007, including low income families through Connecticut Legal Services for over seven years. I am also a parent in Willington CT.

I am testifying today in opposition to Raised Bill 5552, An Act Concerning Special Education. HB 5552 is truly bad legislation. It requires a two day "adjudicative process" before parents can request a due process hearing to secure an appropriate educational program for their child. The findings of fact and recommendations from the adjudicator are admissible in any subsequent due process hearing. This legislation is unnecessary, violates federal law, is ineffective, costly to both parents and schools, and delays services to children with disabilities.

HB 5552 is completely unnecessary. Connecticut already follows federal law, IDEA, and offers an adjudicatory hearing process for resolving disputes about special education before an impartial hearing officer. After a parent or school requests a due process hearing, parties may resolve the dispute through either a resolution session or a mediation prior to the hearing. Even without filing for a due process hearing, alternative dispute resolution options are already available. Specifically, the State Department of Education investigates written complaints and offers IEP facilitators to attend PPT meetings, parties can also agree to attend Mediation or a one-day Advisory Opinion Hearing.

HB 5552 violates federal law and denies parents basic due process rights. IDEA gives parents the right to request due process hearings when they disagree with the school. Immediate access to a due process hearing is essential because certain procedural protections and timelines

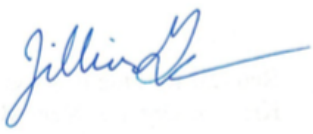
are triggered, which are not triggered in an "adjudicatory process". Delaying the right to request a hearing violates IDEA.

HB 5552 is ineffective and will not create better outcomes for children with disabilities or for schools. Under this legislation the "adjudicator's" findings of fact and recommendations become part of a subsequent due process hearing record. HB 5552 does not, however, provide any control over the nature of the proceedings and scope of the evidence. The record will be useless because there are no procedures for developing facts or for examination of witnesses. Similarly any recommendations from the "adjudicator" are useless because they are unenforceable. HB 5552 is only effective in delaying decisions about what a child needs in order to receive a free appropriate public education.

HB 5552 puts parents at a disadvantage. Repeat players, like the school district, will benefit from added layers of procedure. Parents, will not. Further, the "adjudicator" must have experience and expertise in special educational, which will likely result in someone closely related to school districts. From the outset, this creates a school-side power imbalance. Further, parents can recover attorney's fees if they win in a due process hearing. This remedy is not available in an "adjudicatory process" which increases the huge disparity that already exists between school districts and parents.

I thank the Committee for this opportunity, and welcome any questions. I have also provided my contact information for any additional follow up.

Thank you for opposing HB 5552.



Jillian Griswold
(860)969-0700 ext. 103
jillian@attorneyfeinstein.com