

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

My name is Karen Linder, I am from Clinton, and I am the parent of a 17 year individual with a disability and with special education needs. I am submitting this testimony today in opposition of Raised Bill 5552, An Act Concerning Special Education.

This proposed Bill is entitled 'An Act Concerning Special Education'. Though the Bill has an innocent sounding title, the substance of it is potentially devastating to individuals with special education needs and their families. First, it adds yet another layer of administrative bureaucracy for families to try to negotiate their way through while trying to ensure their son or daughter with special education needs is able to get the support and accommodations necessary in order to receive the free appropriate public education they are entitled to.

My son has experienced first hand the delays in education which occurred while we struggled to work the the School District. These delays are equivalent to being denied his right to a free and appropriate public education. The time we spent as a family trying to navigate the system and collaborate with the School District while they provided years of inappropriate education and stated it was appropriate was time my son lost, never to be recovered. Delays in obtaining a free and appropriate education resulted in depression, anxiety and post traumatic stress disorder for my son which further impacted his ability to access his education and more time lost.

I strongly oppose HB 5552 as it is bad legislation and biases the system further against individuals with special education needs and their families . It adds a required two day "adjudicative process" before parents can request a due process hearing to secure and appropriate education program for their child. This Bill is unnecessary legislation as 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 filling 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. Further, while the IDEA and Connecticut law set strict timelines for due process hearings, HB 5552 sets no timelines and permits a school district to delay consideration and resolution of any due process complaint for a considerable period of time.

I find it very questionable that this type of legislation continues to be raised over and over in Connecticut. It seems I am giving public testimony at the LOB or writing a letter in opposition to this type of detrimental proposed legislation every year or two. This is not the first piece of proposed legislation which has an end result of making it harder and more costly for individuals disabilities and special education needs to obtain a free and appropriate education. Why is this legislation being presented when there is already a mediation process whereby the parties to any dispute might attempt to reach an amicable and mutually agreeable solution to their problems? It is evident to me that School Districts and their litigative partners have put this Bill forward to place additional hurdles and burdens on parents.

I feel the adjudication process proposed is profoundly biased in favor of the school boards. In order to move forward through the process proposed in HB 5552 the parties (the parents and the District) are encouraged to agree upon "an impartial third-party adjudicator". What parent knows the name or identity of "an impartial third-party adjudicator" for the purposes of resolving these special education issues? It seems that the parents would be required to depend on a list of 'impartial adjudicators' from a list that is compiled and provided by the State. How impartial would these purported impartial third-party adjudicators be? The Bill states that the 'adjudicators' "shall have significant experience and expertise in the fields and areas significant to the review of the special educational needs of the child or pupil". Where would this pool of 'significantly experienced' 'impartial' adjudicators come from? History has shown me that they very likely would predominantly be comprised of retired State and local school District officials. These individuals are not impartial and are not unbiased. They see through the lens of the school district — a system which is focused on how to trim special education budgets versus providing a free and appropriate education for children with special education needs.

On a personal level, my family has struggled for over a decade to obtain the free and appropriate education our son is entitled to under federal law. It has not been free — it has cost us thousands of dollars annually in attorney fees, tutors, and independent consultants. It is frequently not appropriate. The struggle for families of children with disabilities is real in Connecticut and HB 5552 would undermine the ability of students with disabilities to receive a free, appropriate public education, would directly contradict federal law (IDEA) and would add substantial new costs and delays to both school districts and parents.

Thank you for the opportunity to provide testimony. I ask the Education Committee to reject HB 5552.

Please feel free to contact me to discuss my testimony or ask any questions.

- Karen Linder  
2 Brookside Drive  
Clinton, CT 06413  
860.287.3085/office