



# State Advisory Council on Special Education

STATE DEPARTMENT OF EDUCATION • 165 CAPITOL AVENUE, HARTFORD, CT 06106

March 4, 2016

On behalf of the Connecticut State Advisory Council on Special Education (“SAC”), I am writing to express the SAC’s position with regard to proposed House Bill No. 5552. The Council **strongly opposes** House Bill No. 5552 and believes that if this legislation is enacted it would create an undue financial burden on parents and would result in a delay of provision of special education services to students with disabilities. Moreover, the proposed legislation violates the Individuals with Disabilities Education Act (IDEA) in that it attempts to circumvent the parent’s right to file a due process complaint if he or she disagrees with the LEA’s decision regarding decisions on placement and programming for the student. For the reasons set forth in greater detail below, the SAC opposes proposed House Bill No. 5552.

The SAC on Special Education has been authorized by the Individuals with Disabilities Education Improvement Act (IDEA) since the Act's inception in 1975. The SAC is also authorized under Section 10-76i of the Connecticut General Statutes (C.G.S.) with the express purpose to "advise the General Assembly, the State Board of Education (SBE) and the Commissioner of Education" on special education matters.

The Council **STRONGLY OPPOSES** House Bill No. 5552 and believes this legislation will have the following negative ramifications:

1. It will create a financial hardship to families, a considerable number of whom are already burdened with high medical and support therapy costs; and
2. It will create an even greater unfair advantage for school districts and a correspondingly greater unfair disadvantage for parents. School Districts already have multiple advantages over parents, especially during a Planning and Placement Meeting (PPT). The reality is that many, if not most; parents are currently unable to afford to advocates and attorneys to represent to advise them in the PPT process and in due process proceedings. Requiring families to go through two proceedings instead of one will make it impossible for most families to ever challenge a School District’s decision regarding programming and placement of their student. Families, many of whom cannot afford representation, would be forced to pay an attorney and experts to attend two proceedings instead of one, which would create an even greater financial hardship for families who are already struggling financially. The Council is greatly concerned that the proposed Bill will “stack the deck” even further in ensuring favorable outcomes for the Districts, which, in turn, will also impede the Districts’ mandate to provide FAPE (Free and Appropriate Public Education).

On behalf of the State Advisory Council, I urge you to not add to these families’ difficulties by passing HB 5552.

Thank you for your time and consideration.

Sincerely,

*Kelly D. Neyra*

Kelly D. Neyra, Chair  
Connecticut State Advisory Council on Special Education