

STATE OF CONNECTICUT
OFFICE OF THE CHILD ADVOCATE
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**TESTIMONY OF THE OFFICE OF THE CHILD ADVOCATE FOR THE STATE OF
CONNECTICUT REGARDING HB 5552-AN ACT CONCERNING SPECIAL EDUCATION AND
SB 381-AN ACT ESTABLISHING A TASK FORCE TO STUDY SCHOOL CLIMATE**

MARCH 7, 2016

Good morning, Representative Fleischmann, Senator Slossberg, Senator Boucher, Representative Lavielle, and distinguished members of the committee. The Child Advocate, Sarah Eagan, thanks you for the opportunity to offer testimony in **opposition** to **Raised Bill No. 5552**, An Act Concerning Special Education and in **support** of **SB 381**, An Act Establishing a Task Force to Study School Climate.

The broad statutory obligations of the Office of the Child Advocate (OCA) include reviewing, evaluating and reporting on the efficacy of child-serving systems throughout the state. OCA meets regularly with lawmakers, policy-makers and other stakeholders to review and advocate for policies and practices that will promote children's well-being. OCA responds to hundreds of calls for help regarding children annually. Many of these calls are from parents seeking information about special education laws and requesting legal advocacy in special education meetings and legal proceedings.

The Office of the Child Advocate opposes Raised Bill No. 5552 for the following reasons:

HB-5552 is superfluous and burdensome to parents.

There is no benefit to adding an additional step to the process of resolving special education disputes. Current state and federal laws contain a number of measures to ensure that the parties settle these disputes before proceeding to a due process hearing. **First**, the parties have the option of requesting mediation prior to resorting to a due process hearing. **Second**, when a due process hearing is requested, federal law *mandates* that a resolution session be held within 14 days to address the disputes prior to a formal hearing. **Third**, the parties have the option of requesting an advisory opinion after a short evidentiary hearing.

Enacting HB-5552 will harm children by delaying access to services.

The language of Raised Bill No. 5552 mandates that parents participate in a non-binding adjudication hearing *before* they request an administrative hearing. This means a potential *delay* in decisions about what the child needs to receive an appropriate public education.

Implementing HB-5552 will be costly for school districts and parents.

Resolving special education disputes is an already intimidating and arduous process for parents, many who are pro se parties to these actions. Enacting this legislation will place an additional financial burden on parents, who will need to take time off work, find childcare, and if they can afford it, retain counsel and hire experts for both hearings. OCA is cognizant of the difficult choices that this Legislature must make during these increasingly challenging fiscal times. Accordingly, OCA encourages the committee to carefully consider the unnecessary expenses that Boards of Education (and parents) will incur both preparing for, and participating in, these hearings. The cost is further difficult to justify given that the hearing is essentially advisory and the adjudication can be rejected by either party.

OCA regularly receives calls from parents who are at their wits end finding and maintaining appropriate educational services for a child with a disability. In recent weeks, OCA has been addressing the following complaints:

1. A 5 year old with social-emotional challenges who was suspended for *five days* from school;
2. An 11 year old boy diagnosed with Autism Spectrum Disorder who has been arrested and repeatedly suspended at school;
3. A 12 year old girl with learning disabilities and social-emotional challenges who was placed on homebound status because she could not “regulate” herself in the classroom environment.
4. A group home serving developmentally disabled adolescents and where youths’ IEPs remain unchanged from year to year.

OCA provides advice and support to every parent that calls. OCA will file complaints with the SDE when such assistance will help a child or parent; and OCA will investigate certain complaints with school districts when the complaint raises a significant or systemic concern. Parents already have a difficult time navigating the complexities of special education law and procedure, understanding the nuances of educational testing and evaluations and the state’s regulatory processes. Adding another layer of obligations for parents prior to being able to process a dispute with a hearing officer, the parent’s right under federal law, creates an additional burden for parents which is hard to justify. Parent burdens need to be lightened and children need to be better supported.

The Office of the Child Advocate supports Raised Bill No. 381 for the following reasons:

In the last 30 years, a growing body of research confirms the importance of the learning climate for children and adolescents. Research proves that a positive school climate directly impacts telling indicators of success such as increased teacher retention, lower dropout rates, decreased incidences of violence, and higher student achievement. OCA supports initiatives that improve school climate by implementing behavioral supports, supportive teaching practices, and strengthening interpersonal relationships between students and teaching staff.

Thank you again for the opportunity to submit this testimony.

Sincerely,

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