



Testimony of the CT Association of Public School Superintendents

IN SUPPORT OF: HB #5552

AN ACT CONCERNING SPECIAL EDUCATION

The CT Association of Public School Superintendents (CAPSS) **supports** House Bill #5552 because the bill alleviates to a noticeable extent the position that local school districts find themselves in when the program for a special needs child is referred to a hearing officer in due process and does so in a way that enhances the chances that the ultimate program given to a special needs child is in the best interest of the child. The position in which school systems find themselves presently is one in which the *burden of proof* before the hearing officer is always on the school system, a position in which school systems in 43 other states in the country are not because in those states, the *burden of proof* is always on the party that appeals the situation to due process.

Because school systems in CT have the *burden of proof* always assigned to them, they settle in most cases of this type for programs that are more expensive than ones that would meet the needs of the children involved every bit as well as the more expensive programs.

HB #5552 does not in any way change the *burden of proof* assignment in due process hearings in CT in any way. The bill does, however, require a step before a due process hearing, a step that would allow for an expert in programs for special needs children as opposed to a person well versed in laws and regulations to review all of the relevant data and make a highly

informed recommendation as to the best program for the child involved. When presenting their perspectives to this expert, neither the parents of the child nor the school system would have any *burden of proof* placed on them because the procedure would focus exclusively on the needs of the child instead of on interpretations of statutes and regulations.

HB #5552 does not prevent either party in a situation of this type from not accepting the recommendation of the expert and proceeding to a due process hearing. If this is were to happen, however, the expert's recommendation would be presented to hearing officer and the officer would have complete discretion as to what if any consideration should be given to the recommendation.

CAPSS urges the Legislature to enact HB #5552.