

The Law Offices of Jennifer Laviano, LLC
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**Re: Testimony in Opposition to Raised Bill 5552: An Act Concerning
Special Education**

March 6, 2016

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

I write in opposition to RB 5552, which purports to add an additional, and mandatory, layer to the already complicated special education process, and which further is in violation of the IDEA.

As an attorney representing children with disabilities for approximately 20 years in the Connecticut, I can tell you that Parents of children with disabilities are already at a huge disadvantage in understanding the special education legal system. I represent many children whose parents are lawyers and many whose parents are educators, and they are as confused, if not more so, than parents who have had no additional training in the special education process! To add a mandatory layer to the process would serve only to force families to retain counsel, or risk having a "record" that could be used against them in Due Process to their detriment.

Further, there is no doubt in my mind, nor that of numerous of my colleagues with whom I have consulted, that this legislation would be impermissible and violative of the federal laws, both the IDEA and Section 504 of the Rehabilitation Act. Therefore, the this legislation will expose numerous school districts, and the State of Connecticut, to litigation which will undoubtedly determine that parents have a right to go directly to Due Process without any state-imposed additional barriers. The legislation serves no legitimate purpose, other than to add additional confusion for parents, and expose school districts to further litigation.

Please do not vote in favor of this legally impermissible and unwise legislation!

Very truly yours,

Jennifer D. Laviano