

I am testifying in opposition to Raised Bill 5552, An Act Concerning Special

It requires a two day “adjudicative process” before parents can request a due process hearing to secure an appropriate educational program for their child. The findings of fact and recommendations from the adjudicator are admissible in any subsequent due process hearing. This legislation is unnecessary, is ineffective and very costly to both parents and schools.

HB 5552 is unnecessary. 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 filing 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.

HB 5552 violates federal law and denies parents basic due process rights. IDEA gives parents the right to request due process hearings when they disagree with the school. Immediate access to a due process hearing is essential because certain procedural protections and timelines are triggered, which are not triggered in an “adjudicatory process”. Delaying the right to request a hearing violates IDEA.

HB 5552 puts parents at a disadvantage. Repeat players, like the school district, will benefit from added layers of procedure. Parents, will not. Further, the "adjudicator” must have experience and expertise in special educational, which will likely result in someone closely related to school districts. From the outset, this creates a school-side power imbalance. Further, parents can recover attorney’s fees if they win in a due process hearing. This remedy is not available in an “adjudicatory process” which increases the huge disparity that already exists between school districts and parents.

I am a parent of a child with special needs and I thank you for taking the time to read my email.

Sincerely,

Stacy Varvaro

Westport, CT 06612