

# *Connecticut School Attorneys Council*

*clo CBE*

*81 Wolcott Hill Road*

*Wethersfield CT 06109*

*860-571-7446 | FAX 860-571-7452*

March 16, 2017

TESTIMONY OF THE CONNECTICUT SCHOOL ATTORNEYS' COUNCIL ON RAISED HOUSE BILL 7252, AN ACT ESTABLISHING AN ADJUDICATION PROCESS FOR SPECIAL EDUCATION AND THE RIGHT OF PARENTS TO OBSERVE THEIR CHILD AT SCHOOL.

Good Morning Senator Slossberg, Senator Boucher, Representative Fleishman, and esteemed members of the Education Committee.

The members of the Connecticut School Attorney's Council (CSAC) thank you for the opportunity to submit testimony today on Raised House Bill 7252, An Act Establishing an Adjudication Process for Special Education and the Right of Parents to Observe Their Child at School.

CSAC is comprised primarily of attorneys who represent boards of education, and as a result, the group and its members are involved regularly with the legal and practical issues surrounding a parent seeking to observe his/her child as part of an independent educational evaluation ("IEE"), including compliance with federal regulations implementing the Individuals with Disabilities Education Act ("IDEA"), *see* 34 C.F.R. § 300.502, and implementing state regulations, *see* Conn. Agencies Regs. § 10-76d-9. We are also affiliated with the Connecticut Association of Boards of Education ("CABE") and the National School Boards Association.

With this background, the CSAC testifies in opposition to Sections 2 and 3 of the bill due to the significant student privacy and confidentiality concerns and the substantial disruption to the educational process that the proposal would create. While CSAC appreciates a parent's desire to observe his/her child in the educational environment, such a desire must be balanced against the privacy rights guaranteed by state and federal law. Specifically, state and federal law contain stringent protections with respect to the disclosure of a student's personally identifiable information (PII) without parental consent as well as protect the confidentiality of a student's disability status. However, the proposed bill, as written, runs afoul of these guaranteed privacy and confidentiality protections. Significantly, the proposed bill requires districts to permit a constant stream of visitors to observe students during instructional time and affording such visitors access to students' PPI without parental consent and potentially leading to breaches of confidentiality with respect to disability status.

Connecticut General Assembly Education Committee Public Hearing  
Connecticut School Attorney's Council Testimony: March 16, 2017

In addition to potential violations of legal mandates, implementing this legislation would cause significant disruption to the education process. In fact, the proposed bill has a strong potential to bring our schools to a halt due to the logistical and administrative coordination necessary to effectuate the observation of students. First, the introduction of an unfamiliar individual to the classroom would undoubtedly distract students, especially young ones and those who struggle to attend generally, as they receive instruction. Second, district administrators would need to redirect their scarce time and resources from their primary responsibilities to ensure that the contemplated observations are not used to circumvent current legal restrictions. In addition, boards of education and school administrators will need to address many unanswered questions such as: 1) may parents use all 16 hours during the same school week and if not, how will methods need to be implemented to keep track of the hours used and remaining?; 2) can a limitation be placed on the number of consecutive hours?; 3) may there be a time restriction on an observation and if yes, does it have to be hour per hour, or can it be by 1/2 hour?; 4) for student safety and liability purposes, which school-based staff member will monitor the observations given that the classroom teacher is unable to do so?; and 5) even where such a staff member is identified, who will complete the professional tasks of the individual while s/he accompanies a parent observer conducting a parent observation?

In addition, we advise our clients to have a school observer along with any parent observer who is permitted to come into the classroom; this would be impossible with the hours required. Specifically, with an average of 25 students per classroom, this could amount to 400 hours per year of parent observations within the classroom, not including additional observations needed for evaluations of student and teachers. Four hundred hours of observation means that for nearly half of the school year, parents would be in the classroom observing. In addition, the bill would appear to permit “interviews” and other interaction between the visiting parent and professional staff during the observation, which could detract from the primary mission of staff, namely the delivery of instruction to all of the students.

Finally, another important reason to remove Sections 2 and 3 of the bill is that last month, at its February 2, 2017 meeting, after several hours of testimony and discussion, the State Board of Education established an IEE Task Force to address the very issues that are the subject of this legislation. Members with significant expertise and experience were appointed to that task force earlier this month and it is scheduled to meet and begin work shortly. This legislation would result in a duplication of efforts in a time of scarce budgetary resources and also has the potential to implement a burdensome process that would corks at cross purposes to the recommendations of the Task Force. The CSAC urges the General Assembly not to take action on Sections 2 and 3 of Raised House Bill 7252, at this time, to allow the IEE task force to complete its work and issue recommendations.

Melika Forbes, President CSAC, Shipman & Goodwin LLP

On behalf of the Connecticut School Attorneys Council