



TESTIMONY ON HB 7252 AN ACT ESTABLISHING AN ADJUDICATION PROCESS FOR SPECIAL EDUCATION AND THE RIGHT OF PARENTS TO OBSERVE THEIR CHILD AT SCHOOL

Gary S. Mala
Superintendent of Schools

The Avon Public Schools supports The CT Association of Public School Superintendents (CAPSS) position to oppose the enactment of HB 7252 AN ACT ESTABLISHING AN ADJUDICATION PROCESS FOR SPECIAL EDUCATION AND THE RIGHT OF PARENTS TO OBSERVE THEIR CHILD AT SCHOOL in its present form for the following reasons.

- While the adjudication process specified by the Act has some merit, its impact would be marginal because adjudication is specified as optional and because the adjudicator's finding would be prohibited from being submitted to a hearing officer who might conduct a hearing on the matter. Adjudication, therefore, would amount to nothing more than glorified mediation, something that is already available in dispute situations between boards of education and the parents of children who have special needs.
- The Act does nothing to remedy the financial and educational damage being rendered by the regulation in CT that always places upon local boards of education the *Burden of Proof* in dispute hearings between boards and the parents of children with special needs. **THIS REGULATION HAS RESULTED AND CONTINUES TO RESULT IN UNNECESSARY EXPENDITURES OF TAXPAYERS DOLLARS FOR PROGRAMS THAT ARE FREQUENTLY NOT IN THE BEST INTEREST OF THE CHILDREN INVOLVED. THIS UNNECESSARY EXPENDITURE RESULTS IN LESS FUNDS AVAILABLE FOR CHILDREN WHO DO NOT HAVE SPECIAL NEEDS.**
- The Act's specification of visiting rights for parents could compromise the ability of teachers and administrators to insure the safety of the children entrusted to their care and the ability of teachers and administrators to maintain an appropriate environment for learning in schools for all children. Teachers and administrators have to be able to control who can visit a school and teachers need to meet their responsibilities free from harassment.

The Avon Public Schools and CAPSS' objections in these matters could be remedied if the Act was amended as follows.

- Make adjudication a mandatory step prior to a dispute hearing involving boards of education and the parents of children with special needs and require the adjudicator's finding to be presented to the hearing

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officer in the event of a hearing. This amendment would give adjudication the weight that it would need to be taken seriously by both sides, would give the hearing officer the benefit of the opinion of an expert in the matters being considered and would establish a forum in which there would be an even playing field for both sides.

- Instead of establishing a statutory right for parents to visit the school in accordance with one size fits all guidelines from the State Department of Education, require local boards of education to establish in consultation with parents, teachers, administrators and the superintendent of schools policies and procedures for parental visits. Such an amendment would place decisions of this type where they can be made most effectively, in the context of local school systems and local communities.

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