The Testimony of The Connecticut Parent Advocacy Center
on various bills
Presented by John M. Flanders, Executive Director
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Good Morning Chairman Fleischmann, Ranking Member Lavielle, Chairman Slossberg, Chairman Boucher and members of the Committee, My Name is John Flanders and I am here in my role as the Executive Director of the Connecticut Parent Advocacy Center. CPAC is the Parent Training and Information Center mandated under the IDEA to provide support information training and advocacy for families with children with disabilities. As such we respond to requests for help from 3000 to 4000 parents and education professionals each year. In addition we provide over 100 training sessions for parents and professionals in towns throughout the state and provide a wide range in information and support on our website and various forms of social media.

I would also like to point out that I a m the father of a young adult who participated in special education for 15 years, a member of the Cromwell Board of Education, a former First Selectman and member of both the Board of Selectmen and Board of Finance, a member of the State Advisory Committee on Special Education as well as its Executive Committee and Legislative Committee.

I am here to speak on most of the bills before you. First HB 7255. CPAC believes the mechanisms for funding special education in this state are gravely flawed, and result is inadequate division of the cost, conflict between parents and their children's schools, and far too many children receiving less than the educational support they require and to which they are entitled under the law. We applaud any effort to find a way to address this problem. However, we see a terrible flaw in the plan proposed in 7255. The Task Force envisioned to explore this

question includes not a single parent or person with a disability. We find that both remarkable and unacceptable. To have such a study group without the input of the very people who are entitled to special education services is a grave oversight and probably fatal to the goal of achieving a successful solution.

We also strongly encourage the Committee to amend Section 1(b)(4) to require that the committee include a significant number of parents and self advocates on any proposed Board of Directors to lead this cost cooperative.

In my role at CPAC, I participate in a very large number of committees, study groups and task forces. In practically every one the very first thing I note when I first attend their meetings is the almost universal lack of parents and self advocates on these bodies. This even includes a group appointed to consider parent engagement in special education. When I arrived at my first meeting shortly after taking this position I found a group that had been meeting for the better part of a year without a single mom or dad. How can we possibly address issues where parents are legally required to be participants if we exclude them from the process of exploring solutions.

Regarding HB 7252 CPAC believes that the ability of parents to ensure their concerns and information have their proper place in the determination of their children's educational program is far too often inadequate or even practically non existent. We support any initiative that will strengthen the role of families in special education and the design of IEPs and help resolve disputes between families and their children's schools

Having said that, our support for this bill comes with a two significant caveats. The dispute resolution processes included in the IDEA follows the typical model of jurisprudence in our country. When two parties disagree each has the opportunity to present her side to an

impartial hearing officer who decides whose position carries more weight. In the area of special education schools have extensive experience of the process and access to legal representation. Most families in the state have no reasonable way to obtain either,. Consequently in the vast majority of cases a family that disagrees with their school faces a nearly insurmountable disadvantage.

You will undoubtedly hear testimony from school officials who face parents with skilled attorneys and who claim to provide services that may not be warranted in order to avoid costly and time consuming due process hearings. That happens. But it does not happen for the overwhelming majority of families. Simply put, most families find it extraordinarily difficult or impossible to hire or find the support that will enable them to enter a dispute with their children's school on anything like an equal footing. It costs money to hire a lawyer and far too many families simply do not have it. So they find themselves in a process where they have no training or experience facing a school administration and its attorney who have plenty.

It would not be a gross exaggeration to say that every family that call CPAC for help asks at some point if we can provide them with an advocate to go with them to a PPT meeting, or a mediation, or even a hearing. And every one of them tells us they cannot afford to hire an attorney or advocate. As we provide free services to any parent in the state, but have a particular responsibility to reach out to and serve those of limited means we are absolutely certain that almost every one of these claims about their ability to pay is valid. Let me be clear that we have nothing remotely like the resources needed to provide that for any more than a tiny fraction of those families.

The bottom line is the each party on his own; us against them; making a case, model cannot possibly work equitably for most Connecticut families, and if this bill creates yet another

version of that it may make a bad situation somewhat better, but not nearly enough. If such a program is to be effective the adjudicators must be given the authority, in fact the mandate, to go beyond the cases presented by the parties. Parents representing their children in such a forums for the first time in their lives cannot be expected to present a case as effectively as trained professionals who have professional legal support. Equity requires that adjudicator have the ability and responsibility to investigate not just the case presented, but each child's situation to ensure that a family's inferior resources and experience do not sink their chances. Only a situation that allows the decision maker to work beyond the limitations of the parties ability to craft a case has a chance of protecting families and their children with disabilities.

Second, we strongly oppose any attempt to have this adjudication process replace mediation. The IDEA requires the state to make mediation an option for families, and this clearly would not be a legal alternative if it deprived families of the opportunity to mediate a solution.

Further the Bureau of Special Education Services is in the process of revising the mediation process, adding new mediators with different training. We believe this step should be give a chance, and that parents deserve the opportunity to try to achieve solutions through the reformed process.

I wish to add that we support the change to Section D of the statute without reservation. The ability of a family to observe their children in school is vital. It allows them to get a first hand view of how their child's program is working. Failure to allow such observation deprives them of information they need to be the full participants in the PPT the law requires.

Further, limiting observation deprives the whole team of the information that comes from someone who has the chance to see the child's actions in both the major parts of her life. Too

often we hear from parents whose children are not able to replicate the skills and behavior they show in school in other parts of their lives. This is particularly true for those children whose limited ability to communicate make parents' ability to learn what happens in school virtually nil. Such a dichotomy should result in questions, not the dismissal of the other's observation. It should trigger the need to find out why parent and schools are not seeing the same child, but it often does not and so the vital information is sought by nor addressed by the PPT. The ability to observe gives that information to parents and as importantly helps them to frame the questions that drive the work of the PPT.

We also support SB 1008 enthusiastically. Placing families with the most seriously challenged children in a position of needing to further fight for programs that they so vitally need is simply unconscionable. We understand there are real financial challenges for the state but we cannot address them by taking what amounts to a minuscule piece of the budget by placing unbearable costs on the backs of families who already face challenges that most of us would find inconceivable.

Our position on SB 1007 is the information required to be collected under this act could be more effectively and affordably determined by other means and requiring such reports on an annual basis would present a burden on both the communities and the woefully understaffed Bureau of Special Education. We further are not convinced that the data can be made unaccessible from the provisions of the Freedom of information Act. If released such information could be used to single out the children with the greatest needs and violate their right to privacy.

We share the concern that educational budgets must pass through several hands in most communities, and that there are Boards without direct involvement in education who may be

tempted to make cuts that are indefensible in light of the needs of children with disabilities. Preventing that is admirable. We are concerned however that the penalties against this would, if applied, serve only to make it more challenging to meet those needs. Further, as similar penalties are available in current law and have never been to our knowledge imposed. We are concerned that the bill will serve only to create a paper tiger.

On SB 1009 we enthusiastically applaud any effort to improve the knowledge and skill of any participant in this process, and those making decisions on the rights of the children with disabilities of this state should be required to have training of the highest caliber. We note, however that the bill does nothing to ensure that the Hearing Officers have a to good understanding of the situation and responsibilities of the families in due process hearings. We are especially concerned as IDEA allows schools to take parents to due processes to challenge requests for Independent Educational Evaluations (IEE). This vital process gives parents the right to correct misinformation in evaluations and to compel a PPT to review information when the request to obtain it has been denied.

Because the school is more likely to initiate due process in such situations the chances of a family being brought into a hearing without support are significantly higher. In such a situation a hearing officer who does not understand the limitations of a parent appearing without representation may unfairly deprive that parent of her ability to obtain vital information and the PPT the ability to use it in its development process; not because the need is not there, but simply because they lack the knowledge and training to craft an effective case.

If this bill is to move forward we urge the Committee to amend it in such a way that hearing officers are fully trained in and exposed to the needs and limitations of families.

With respect to HB 7253 we recommend that the Committee anticipated in Section (j)(5)

be amended to require that no fewer than two persons or organizations representing families in education matters participate as full members in the meeting, and that at least one of those groups represent urban, minority and low income communities such as AFCAMP.

We also note the Interagency Council for Ending the Achievement Gap does not include a representative with adequate, direct, personal knowledge and understanding of the needs of children with disabilities. The disparities in achievement of students in special education is unacceptably wide and when disability is combined with other factors like poverty the challenges reinforce each other making the gap for those students a quantum leap higher. A Council that lacks representation from parents and special education advocacy organizations to address their needs is inadequately representative.

CPAC strongly supports HB 7354. We applaud any effort to require educators to learn about the needs of children with disabilities. We add, however that the training should apply to all expected student weaknesses and the training requirement should be returned to the broader standard in place prior to the passage of S.B. 953.

On behalf of CPAC and the thousands of parents who have depended on us for training and advocacy I want to thank the Committee members for your attention. I am happy to answer any questions and the organization looks forward to working with you and your staff to ensure appropriate educations for all of our children.