

TESTIMONY OF THE CENTER FOR CHILDREN'S ADVOCACY  
TO THE EDUCATION COMMITTEE

March 16, 2017

Chairman Fleischmann, Chairwoman Slossberg, Chairwoman Boucher and esteemed members of the Education Committee

This testimony is submitted on behalf of the Center for Children's Advocacy, a non-profit organization that provides holistic legal services for Connecticut's poorest and most vulnerable children through both individual representation and systemic advocacy. Undersigned counsel, along with our colleagues, regularly represent children and youth with disabilities and their parents against boards of education and offer our perspective based upon our collective experience.

We submit this testimony concerning two bills in front of you today, **H.B. 7252, An Act Establishing an Adjudication Process for Special Education and the Rights of Parents to Observe Their Child At School**, and **H.B. 7255, An Act Establishing a Task Force to Conduct a Feasibility Study Regarding the Creation of a Special Education Predictable Cost Cooperative**. The Center endorses **H.B. 7252**, with some minor but important adjustments of note. However, the Center has significant concerns regarding **H.B. 7255**, and asks the Committee to proceed with great caution concerning this bill.

**H.B. 7252: An Act Establishing an Adjudication Process for Special Education and the Rights of Parents to Observe Their Child At School**

This bill achieves two main things: 1) it creates a voluntary adjudication process in which parents and school boards can agree to engage in an effort to resolve their disputes before proceeding to a hearing, and 2) it ensures the right of parents to be able to observe their child in school.

**Section 1**

Providing an additional avenue for parents and Boards of Education to resolve disputes over a child's special education program through the use of independent adjudicator is a practical way to facilitate more resolution in these difficult and highly individualized cases. However, the independent adjudication process must be offered in addition to, **not in place of**, mediation, as it is represented in the current version of the bill. To abandon the mediation process would be wholly inconsistent with federal law under IDEA. Furthermore, convening a panel, **consisting equally of individuals representing both parent/student interests and school districts interests**, to determine the requirements for independent adjudicators would ensure they were qualified and truly independent. We would highly recommend that this panel include representatives from the legal services community, so that the unique needs of their parent/student clients will be considered. In addition, this panel should also determine practical procedures for the adjudication process and ensure that that process does not disadvantage parents who cannot afford counsel.

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## Section 2

It is absolutely essential that parents have the opportunity to observe their child, or have an appropriate professional observe their child, in their child's school program. Unfortunately, the ability of parents to do so varies greatly from town to town in Connecticut, and is often unnecessarily limited depending on a school's decision maker or the person advising them. **H.B. 7252 would correct this inequity**, and assure all parents, regardless of the town they live or their ability to afford counsel, this opportunity. **Such access is crucial to leveling the playing field for parents in a situation where they are considering due process**, and thus, will play a great role in helping parties at odds with one another to reach resolution given the additional perspective observation will allow parents to obtain. We would, however, broaden the language in subsection (b) to include not only the parent and independent evaluators, but also private evaluators or other appropriate professionals serving as the parents' designee. As written, this section might be interpreted to exclude other professionals parents might be working with who might not meet the definition of "independent" according to the school district.

### **H.B. 7255: An Act Establishing a Task Force to Conduct a Feasibility Study Regarding the Creation of a Special Education Predictable Cost Cooperative**

This bill is a study bill with the goal of investigating a feasible cost cooperative for funding special education. While the need to study this issue is both timely and essential, H.B. 7255 is limiting in two concerning ways: 1) it is restricted to investigating only one method of cost sharing, the predictable cost cooperative, and, 2) the task force identified to conduct this review notably lacks any representation from the parent and student community.

It is clear that Connecticut must take initiative to identify a better way to manage the costs of special education in its towns and cities. At the same time, that method cannot place limits on spending that would circumvent/contravene with the legal decision making authority of a child's Planning & Placement Team (PPT). It cannot compromise the confidentiality of individual students and their families by identifying them as being "high risk" or "high need." The suggested cooperative as described raises these concerns. To perform **a thorough study of this issue, HB 7255 should not presuppose that the one method addressed in this bill is the preferred method.** Any funding model must be considered in comparison to others to be properly considered and understood.

Furthermore, any study that occurs must include a panel with adequate representation of parent and student interests, including but not limited to parents of children with disabilities, their advocates and attorneys in private practice and legal service capacities, as well as independent agencies and associations that serve as the voice for these parents and their children.

H.B. 7255 should be re-written to include a review of multiple models of cost sharing, and to do so with crucial input from the parent and student community. If not, it should be abandoned.

In closing, the Center for Children’s Advocacy urges the Committee to pass **H.B. 7252, incorporating the recommended changes and significantly overhaul or abandon H.B. 7255.**

Thank you for your time and consideration.

Respectfully submitted,

/ s /  
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