

David,

I am unable to make the meeting tomorrow, but I have reviewed the draft and make the following recommendations (I had trouble saving the document to make the recommendations on the document, so I hope you can follow this):

Page 1:

- The IEP:
- Making the IEP form more user friendly: Different districts use different programs –eg IEP Direct, so this would be difficult. IEP Direct gets the requirements from the state, so I am unclear on how this would be done.
- Require that a student’s paraprofessional... I see this as an increase in cost. A PPT requires 3 individuals- an administrator, a special educator and a classroom teacher. In addition, if a student is IEP’d for additional services (SLP, OT etc) those providers are required to attend the PPT. If a paraprofessional also attends the PPT there would be not only an increase in cost (coverage for staff), the student would not be receiving the IEP’s support during that time – we would be taking away from services the student requires.
- Implement a system... how will the cost be covered? I am not sure of the point of this
- Increase font size... This is not required by IDEA
  
- II. Improve Services for Students with Language Related Learning Disabilities
- K-3 students must receive explicit.. I believe this is duplicating the Dyslexia Task Force that was established last year by the MORE Commission, and there is not yet a definition established yet. I would be hesitant in conflicting recommendations from both commissions
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- III. Teacher and staff training
- Create a paraprofessional training program... I believe any training and how it is provided would depend on para and teacher contracts, which are different across the state
- IV.
- Given the shortage of qualified school psychologists..Perhaps we should consider adopting the Federal regulations and only the federal regulations. If we consolidate to 1 set of common regulations across the country, every district is using 1 and there would not be conflicts when students move from district to district or state to state
- VI. Transition Services
- Require one state agency... I believe we already have this
  
- XVI. Due process and the Burden of Proof
  
- Here are some facts:
  
- In all other areas of American Juris Prudence the burden of proof rests on the party bringing the action

- CT is 1 of only 5 states in the nation that have not adopted the IDEA preference for placing the burden of proof on the party bringing the action, following the US Supreme Court decision in Schaffer vs. Weast in 2005
- 45 other states either had the rule prior to the Supreme Court decision, adopted that rule by statute regulation following the Supreme Court's decision, or have no law or regulation on the subject and simply follow the "law of the land" and assign burden of proof to the party bringing the action
- Most New England states put the burden of proof on the party bringing the action: ME, MA, NH, RI, VT
- PA, OH, CA, WA, and DC all place the burden of proof on the party bringing the action

Possible Solution:

No change to the legislation is necessary, remove the regulation that unfairly places the burden of proof on the school district in EVERY instance and place the burden of proof on the moving party consistent with all other areas of American Juris Prudence and with the Supreme Court decision in Schaffer vs. Weast which directly speaks to this issue

I hope my thoughts are helpful and I sincerely apologize to the committee that I cannot attend. Please feel free to contact my tomorrow if you or any members have questions. I can be reached by e-mail or my cell 203-258-2157

Respectfully,

Jody Harkins