

Testimony of John M. Flanders, President, Special Education Equity for Kids in Connecticut
(SEEK)

To The Committee on Education

March 12, 2025

Senator McCrory, Chairwoman Leeper, Senator Berthel, and Representative Zupkus,

My name is John Flanders and I serve as the President of Special Education Equity for Kids of Connecticut. I am also an attorney who represents families of students in Special education and the father of a now adult student who received special education.

SEEK has focused its testimony on S.B. 5001 with our recommendations for steps that can be done to improve the programs that serve students with disabilities. Our full slate of suggestions can be found in the organization's testimony.

I would like to discuss concerns and suggestions in three areas. Our first concern involves the Bureau of Special Education within the State Department of Education. IDEA requires and empowers the states to ensure that each child with a disability receives a Free appropriate public education.

Unfortunately too much of our efforts are directed to collecting information at the expense of using that information to support better results. Not to put too fine a point on it our Special Education Bureau lacks the resources and direction to support the rights of students with disabilities. This leaves the full weight of enforcing students' rights on their families. Too few families have the resources or understanding to effectively pursue the mechanisms available under IDEA. This situation is exacerbated by the r=wide disparity in parents' incomes and educations in the state.

Nor is the information needed for effective advocacy easily available. As an example despite multiple requests the results of state complaints against schools has not been made publically available.

We strongly recommend the Bureau be provided much needed resources. As important they should be directed to inform both the General Assembly and the public about systematic challenges around the state.

Second we note that information is the single most important resource a PPT can have in designing an IEP for students. IDEA provides for the right to an independent educational evaluation (IEE) obtained by parents in cases where they disagree with the information provided by school evaluations. Unfortunately access to this right can be difficult and expensive to obtain. Schools have the right to file for a due process hearing

to prevent families from bring this data to PPT, and too few families have the resources either to obtain evaluations on their own or to use lawyers to help enforce their rights. On the other hand we fully understand that IEEs can be expensive for schools.

There is, however an at least partial solution. IDEA permits schools to bill Huskey, or even private insurance for the cost of services so long as parents permit and ther is not resulting cost to the family. Some schools use this method to obtain related services for students but the process is extraordinarily burdensome and DPH immediately retains half of the proceeds resulting in schools generally obtaining roughly a quarter of the costs imposed.

We recommend this system be modified so that in the case of a request for an IEE for a student covered by Husky that as much of the benefit be returned to the district as possible. This shifts the cost away form the district, especially some of our poorest, adds Federal money to the mix and adds to the information accessible to a PPT to design and appropriate education program. We see this as a win win.

Third, many disputes between families and schools are resolved through mediation or simply negotiation between the parties. Settlement agreements come in many forms, many of which include cost sharing between the school district and families for placements or services. These agreements are memorialized in legally binding agreements. These agreements invariably involve non-disclosure clauses, meaning families cannot share the results with others.

We believe this has the effect of stifling families access to information. It silos information when two families face the same needs resulting in inequitable solutions. We recommend a program that allows for the sharing of information without undue burden on the schools. We note that although NDAs apply to both parties the fact that a limited number of law firms represent school districts means that the school negotiators are able to access a significantly higher amount of information form parents in these negotiations.