

TALKING POINTS

- In its *Schaffer v. Weast* decision, the United States Supreme Court turned the clock back twenty years.
- Placing the burden of proof back on the school district will even the playing field, ensure our taxpayer dollars are being spent on effective programs and enhance school districts' accountability.
- School districts control information and access to the students and their programs and have in-house experts on their payroll; parents have only their strong concern for their child's well-being.
- Parents are at an additional disadvantage because formal discovery is not allowed in special education proceedings.
- Placing the burden on parents in cases involving the least restrictive environment, requires parents to prove their children are worthy of being included.
- Placing the burden on the school district requires them to do nothing more than what they are obligated to do anyway: demonstrate that they are providing the student with an appropriate education in the least restrictive environment.
- If school districts can't meet their burden, they are wasting our tax dollars.
- School districts can and frequently do change IEPs, requiring parents to file for a hearing simply to maintain the status quo.
- *Schaffer*, in conjunction with the recent Supreme Court decision disallowing reimbursement for expert fees to prevailing parents, means that in more and more instances, only wealthy parents can afford to protect their children's rights to special education.

(Choose the information in brackets related to A4076 and the Assembly for the letter to Assemblyperson Stanley; choose the information in brackets related to S2604 and the Senate for the letter to Senator Turner)

Dear (Assemblyperson Stanley / Senator Turner):

I am the parent of a child with a disability and I urge you to post (A4076 / S2604), which will place the burden of proof and production in special education hearings on school districts, in the (Assembly / Senate) Education Committee as soon as possible.

Passage of (A4076 / S2604) is critical to ensuring that children with disabilities can receive the "free and appropriate public education" to which they are entitled. The burdens of proof and production have been on school districts since at least 1989 when the New Jersey Supreme Court recognized that school districts have access to far more information and experts than do children with disabilities and their parents. All (A4076 / S2604) will do is ensure that the burdens are returned to the school districts and level the playing field for children with disabilities.

Thank you for your support.

Sincerely, Name, Address, Phone Number, E-mail Address

cc: (Assemblypersons Cryan, Voss, Wolfe / Senators Sweeney, Doria) and your (Assemblyperson / Senator)