

STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION

Student v. West Hartford Board of Education

Appearing on behalf of the Student: Parents, *Pro se*

Appearing on behalf of the Board of Education: Attorney Susan C. Freedman
Shipman & Goodwin, LLP
One Constitution Plaza
Hartford, CT 06103

Appearing before: Attorney Janis C. Jerman, Hearing Officer

FINAL DECISION AND ORDER

A special education hearing in the above-captioned matter was requested by the Student's Parents via letter dated April 5, 2010.¹ It was received by the Board of Education on April 7. The thirty-day resolution period ran through May 7 and the deadline for mailing the final decision and order is June 21, 2010.

A pre-hearing conference was held on April 22. Student's Father appeared on behalf of Student upon the verbal representation that he had authority to act on behalf of Student who is over the age of 18. Attorney Freedman appeared on behalf of the Board of Education. On April 26, Student's Father filed a written authorization signed by Student authorizing Student's Father and Student's Mother to act on his behalf in this case.

Via Memorandum To the Parties And Order dated May 3, the Hearing Officer set forth the issues as identified in the telephonic pre-hearing conference. The issues identified in that Order were as follows:

1. Did the Board of Education improperly fail to identify Student as a child eligible for special education services?
2. Are Student's Parents entitled to reimbursement for testing performed by Dr. Thies?

Via e-mail dated May 5, Student's Father raised the following concerns regarding the statement of issues:

With regard to Issue One above: "we are concerned that although it addresses a failure to 'identify student as a child eligible for special education services,' it is incomplete to the extent that it

¹ All dates are 2010 unless otherwise indicated.

also does not specifically address the additional and consequent failure to provide a ‘free and appropriate public education,’ as stated in the pre-hearing conference call.

With regard to Issue Two above: “we are concerned that although *and because* this addresses what we are seeking, it does not also address our more important pursuit of ‘compensatory educational services,’ as stated in the pre-hearing conference call.

After reviewing the Request for Impartial Special Education Hearing and notes of the telephonic pre-hearing conference, the Hearing Officer amended the statement of issues as follows:

1. Did the Board of Education improperly fail to identify Student as a child eligible for special education services?
2. Did the Board of Education fail to provide Student with a free appropriate public education during the 2009-10 school year?
3. If the answer to Issues One or Two above is in the affirmative, what shall be the remedy?
4. Are Student’s Parents entitled to reimbursement for testing performed by Dr. Thies?

The parties participated in mediation on May 14. On May 14, Student’s Mother indicated in writing that the parties reached agreement at mediation and that the Parents wish to withdraw the request for due process with prejudice.

FINAL DECISION AND ORDER

In light of the above facts, the above-captioned case is hereby dismissed with prejudice.