

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. North Haven Board of Education

Appearing on behalf of the Student: Parent, Pro Se

Appearing on behalf of the Board: Attorney Linda Yoder
Attorney Jessica Ritter
Shipman & Goodwin, LLP
One Constitution Plaza
Hartford, CT 06103-1919

Appearing before: Attorney Brette H. Fitton, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. During the Planning and Placement Team (hereinafter "PPT") meeting held on December 19, 2012, did the Board offer and/or agree that Student's Parent was to provide Student's transportation with reimbursement from the Board to the Parent?
2. What transportation services are required to enable the Student to receive a Free Appropriate Public Education (hereinafter "FAPE")?
3. Is the Parent entitled to reimbursement for transportation of the Student to and from his educational placement for the period of January 1, 2013 through June 30, 2013?
4. Did the Board violate Student's procedural safeguards by:
 - a. conducting a PPT meeting on November 14, 2012 without Parents in attendance;
 - b. predetermining the outcome of the December 19, 2012 PPT meeting;
 - c. offering transportation services outside the PPT process;
 - d. offering to meet with Parent to review Parent's concerns regarding requested corrections to the December 19, 2012 Individualized Education Program (hereinafter "IEP");
 - e. failing to provide either Prior Written Notice under 34 C.F.R. § 503 or a response to Parent's due process request in accord with the requirements set out in 34 C.F.R. § 300.508 (e)(1)(i)-(iv); and/or
 - f. failing to respond to Parent's request to amend Student's educational record?
5. Did the Board violate Student's procedural safeguards by producing an IEP that did not reflect the decisions made by the PPT at the December 19, 2012 meeting, and if the Board did produce an IEP that did not reflect the decisions made by the PPT at December 19, 2012 meeting, did this result in a denial of FAPE?
6. Did the Board fail to provide the opportunity for Parent to meaningfully participate in the IEP process?

7. Is the Student entitled to an independent educational evaluation at public expense?

SUMMARY:

Parent filed a due process hearing request which was received by the North Haven Board of Education on January 22, 2013. Attorney for the Board filed a response to the pending due process hearing request on February 1, 2013. There was discussion during the first prehearing conference regarding the general nature of Parent's claims of procedural safeguard violations. It was agreed that the Parent would file an amended hearing request in which Parent would detail the violations Parent believed had occurred. On February 16, 2013, Parent filed an amended hearing request. A second prehearing conference was held on February 28, 2013. The Board filed a Motion to Dismiss Parent's claim for an independent educational evaluation at public expense, which was rendered moot by Parent's withdrawal. The parties engaged in a resolution conference on March 14, 2013, after which Parent contacted the Hearing Officer to indicate Parent was withdrawing the hearing request. On March 18, 2013, the Hearing Officer received written confirmation of Parent's withdrawal through the United States Postal Service.

FINAL DECISION AND ORDER:

In light of the above facts, the case is dismissed.