

March 29, 2018

Final Decision and Order 18-0267

Student v. Glastonbury Board of Education

Appearing on behalf of the Student: Keisha Gatison
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Appearing on behalf of the Board: Peter Maher
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Appearing before: Jane Ford Shaw, Hearing Officer

FINAL DECISION AND ORDER/DISMISSAL

ISSUES:

1. Did the Board deny Student a free and appropriate public education (“FAPE”) for 2017-18 school year?
2. If the Board did not provide Student a FAPE for the 2017-18 school year, is there an appropriate alternative placement for the Student?
3. Is compensatory education an appropriate remedy?

PROCEDURAL HISTORY/SUMMARY

The Student submitted a request for due process to the State of Connecticut on January 3, 2018. This Impartial Hearing Officer was assigned to determine the case on January 9, 2018. The Board of Education filed a motion to dismiss/sufficiency challenge in response to the Student’s request for due process on February 15, 2018. On February 19, 2018, this Hearing Officer issued an order allowing the Student until February 27, 2018 to file an objection and/or amendment to the due process request pursuant to Sec. 10-76h-8(c) and/or Section 10-76h-8(f)(2) of Regulations of Connecticut State Agencies (RCSA). On February 27, 2018, the Student filed his objection. On March 5, 2018, this Hearing Officer granted the Board’s motion to dismiss/sufficiency challenge finding that although the Student does complain about possible procedural violations under the IDEA and concerns related to “returning the Student to the LINKS program,” the request for due process fails to identify the dates of PPT meetings where the procedural violations may have occurred and the request for due process lacked a sufficient description of the proposed or refused initiation or change of identification, evaluation or educational placement of the Student or the provision of a FAPE to the Student. The Student

was further ordered to submit an amended request for due process that corrected the deficiencies. Specifically, the Student was ordered to identify the date(s) of PPT meetings where the Student disputes compliance with procedural requirements under the IDEA and to provide a description of the nature of the dispute relating to the proposed or refused initiation or change, including facts relating to the dispute pursuant to 34 C.F.R. §300.508(b); 20 U.S.C. §1415(b)(7)(A)(ii); see also RCSA §10-76h-3(d). The Student was further directed to identify a specific placement as part of the proposed resolution. The Student filed an amended request for due process on March 7, 2018. Board filed a motion to dismiss for insufficiency of the amended request for due process on March 20, 2018 on the grounds that the amended request does not sufficiently identify the issues for hearing under the IDEA and that it does not comply with the Hearing Officer's order issued on March 5, 2018.

ORDER

The amended request for due process filed by the Student failed to set forth facts which sufficiently provides a description of the nature of the dispute relating to the proposed or refused initiation or change including facts relating to the dispute pursuant to 34 C.F.R. §300.508(b); 20 U.S.C. §1415(b)(7)(A)(ii); see also RCSA §10-76h-3(d). Moreover, the Student failed to provide an identifiable placement as part of the proposed resolution pursuant to the Hearing Officer's order. Accordingly, the amended request for due process is deemed insufficient and does not comply with the March 5, 2018 order.

The Student's request for due process is hereby DISMISSED without prejudice.