

STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION

Student v. Stamford Board of Education

Appearing on behalf of the Parent:

Parent, *Pro Se*

Appearing on behalf of the Board:

Attorney Julie C. Fay
Shipman & Goodwin, LLP
300 Atlantic Street
Stamford, CT 06901

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 via Request for Impartial Special Education Hearing dated July 9, 2009. It was received by the State Department of Education on July 14, 2009. Absent contrary information, it is assumed that the Stamford Board of Education received it on the same date. Therefore, the 30-day resolution period ran through August 12, 2009. The original deadline for mailing the final decision and order was September 27, 2009.

A pre-hearing conference was scheduled for July 31, 2009 at 8:30 a.m. Notice was given to the Student via US Mail and to the Board of Education via e-mail. Neither party participated in the pre-hearing conference. The following issue was identified from the request for hearing: Should the Board of Education reimburse the Parent for the cost of the residential component of Student's placement in a residential educational program? The hearing was scheduled to convene on August 25, 2009 and August 31, 2009.

Via letter dated August 6, 2009, the Board indicated that they believed that this matter had been withdrawn in conjunction with the withdrawal of a parallel complaint to the State Board of Education on the same issues. The Board represented that the parties were working together to finalize a placement that is agreeable to both the Student and Board. The Board represented that it needed two additional weeks to complete the necessary arrangements and secure an appropriate placement. The Board requested that the hearing be postponed for thirty days to allow the parties to complete the agreed upon arrangements. The request was denied for failure to comply with Connecticut State Regulations Section 10-76h-9. The parties were permitted to file a new request in compliance with the regulations.

Via letter dated August 13, 2009, the Board resubmitted the request for a 30-day extension. The request was in compliance with Connecticut State Regulations Section 10-76h-9. The request for a 30-day extension was granted after full consideration of the positions of the parties. The August 25, 2009 and August 31, 2009 hearing dates were postponed and the deadline for mailing the final decision and order was extended until October 27, 2009.

The parties were instructed to notify the Hearing Officer in writing of the status of the case no later than Monday, August 31, 2009. The Board indicated that the parties were in agreement as to the need for a residential placement and working on securing an appropriate placement. The Board represented that a PPT was scheduled for September 10 to finalize the placement and revise the IEP accordingly.

The parties were instructed to notify the Hearing Officer in writing of the status of the case no later than Friday, September 18, 2009 and that if the case was not settled and withdrawn by that time, it would be scheduled for hearing on September 28, 2009, October 5, 2009 and October 6, 2009.

The Board represented that the chosen institution was not able to confirm the availability of a residential placement for Student. Therefore, the Board agreed to support a residential placement at another facility. On September 14, 2009, the Board signed a contract with the facility and scheduled a PPT for September 21, 2009 to finalize the placement, which is scheduled to begin on or before November 10, 2009. In the interim, the Student will remain in her current placement. The Parent indicated to the Board that she was in agreement with the recommended residential placement.

On September 22, 2009, the Board received a voice-mail message from a gentleman identifying himself as Student's brother and indicating he was calling on behalf of the Parent. The message indicated that the Student would be moved to the residential placement on November 10, 2009 and that the Parent would like the case put on hold until November 15, 2009 so that she can see if she needs to reopen the case or cancel it.

A pre-hearing conference was held on Friday, September 25, 2009 to discuss the status of the residential placement in terms of whether it settles the case and to determine if there is an agreement as to some or all of the issues raised in the request for hearing in order to determine whether the case would proceed to hearing on Monday, September 28, 2009 as scheduled. The parties were given notice of the pre-hearing conference. The notice included the following statements:

“If the matter is resolved, the Hearing Officer will dismiss the case and cancel the scheduled hearings. If the matter is not resolved, the case will proceed to hearing on September 28, 2009, October 5, 2009 and October 6, 2009.

If the Parent does not participate in the pre-hearing conference, the case will be dismissed.”
[emphasis in original].

The Parent did not participate in the pre-hearing conference on September 25, 2009. The Board represented that they felt that the case was settled because they took responsibility for the full residential placement, which was the sole issue in the case. The Board represented that the Parent was in agreement with the recommended placement and that the Parent just wants to make sure that it happens.

FINAL DECISION AND ORDER

In light of the above facts, the above-captioned case is hereby dismissed without prejudice.