

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Torrington Board of Education

Appearing on behalf of Student: Parent, Pro se

Appearing on behalf of Board: Attorney Michelle C. Laubin
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, CT 06460

Appearing Before: Attorney Robert Skelley
Hearing Officer

FINAL DECISION AND ORDER

Issues:

1. Does the Student have the correct number of credits required by the Torrington Board of Education to graduate?
2. Is the Board denying the Student a free and appropriate public education ("FAPE") by graduating the Student at the end of the 2011-2012 academic year?
3. Does the May 1, 2012 IEP deny the Student a FAPE by failing to provide effective behavioral supports; modifications; appropriate accommodations; necessary related services, supplemental aids and services?
4. Does the total number of in and out of school suspensions received by the Student during the 2011-2012 academic years constitute an improper change in placement and thus a denial of a FAPE?
5. Has the Student been denied a FAPE by the Board's failure to provide instruction in an IAES, despite the findings of two Manifestation Determination hearings held on December 16, 2011 and March 19, 2012?
6. Has the Student been denied a FAPE by the failure of the Board to reasonably schedule and provide an approved Independent Educational Evaluation?
7. Has the Board failed to provide a FAPE to the Student by failing to provide the Parent with a full and complete academic record when so requested?

In the Amended Complaint the Parent raised four (4) additional issues:

8. Was the District's programming for the academic years 2010-2011 and 2011-2012 inappropriate?
9. If so, what shall be the remedy?
10. Is the Student entitled to have an Independent Educational Evaluation paid for by the Board?
11. Does the Student qualify for Special Education services for the 2012-2013 academic year, and if so, what would constitute an appropriate program and placement?

Procedural History:

This matter is before the Hearing Officer pursuant to a Request for Due Process Hearing filed by the Student on May 28, 2012, and received by the Board on the same date. The original complaint was filed as an expedited complaint. A pre-hearing conference was held on June 6, 2012 in which the Parent requested to amend the complaint and remove it from the expedited list. The Board had no objection to the Parent filing an Amended Complaint. The issue of representation of the Student was also raised, as the Student is 18 years of age. The Parent and the Board both agreed that an Authorization for Educational Advocacy needed to be filed with the Board. The Parent filed an Amended Complaint on June 19, 2012. The Student in this matter also filed a notarized Authorization for Educational Advocacy, granting her Parent's permission to represent her interests in this matter. The parties stated that they were willing to attempt mediation to resolve the issues. An initial hearing date of July 16, 2012 was set. On June 29, 2012, Attorney Laubin requested that the July 16 date be used for mediation and that a future date be selected for the hearing date. There were also complications noted regarding prior emails from the Parent that suggested legal counsel was being sought and to whom communications should be directed.

On July 9, 2012, Attorney Andrew Feinstein filed an appearance in the matter on behalf of the Student. An extension of the mailing date was granted to allow the parties to utilize the July 16 date for mediation. August 6, 2012 was set for the new hearing date. On July 30, 2012 Attorney Laubin requested a further extension of the mailing date as the parties believed that they were nearing agreement and would be working on the formalization of the agreement with both parties stating that there was no detriment to the Student in granting a continuance. Attorney Laubin also requested an extension due to medical issues that would preclude her from attending the hearing date. The parties were to contact the Hearing Officer when the formal agreement was finalized. On August 17, 2012 Attorney Feinstein requested an extension of the mailing date to September 30, 2012 as the parties were continuing to work on an agreement certifying that there was no detriment to the Student should an extension be granted. The Board had no objection to the extension, which was subsequently granted. On August 29, 2012 in response to the Hearing Officer's request for a status, Attorney Laubin indicated that it appeared that settlement talks had ended without a resolution and that hearing dates would be needed.

On September 13, 2012, Attorney Feinstein indicated via email that he no longer represented the Student. On September 18, 2012 the Hearing Officer requested direction from the Parent as to the status of the complaint, representation of the Student, and future actions to be taken. On September 18, 2012, the Parent indicated via email that the complaint was being withdrawn without prejudice.

Final Decision and Order:

It is therefore ordered that:

Pursuant to the request by the Parent to withdraw the request for due process, any pending motions not yet resolved are dismissed as moot and this matter is dismissed *without prejudice*.