

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Stratford Board of Education

Appearing on behalf of the Parent:

Pro Se

Appearing on behalf of the Board:

Attorney Michelle Laubin
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, Ct 06460

Appearing before:

Justino Rosado, Esq., Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Is the program provided by the Board for the 2014-2015 school year appropriate and does it provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)?
2. Should the Student be returned to the school program that was being provided prior to May 27, 2014 PPT?

SUMMARY and PROCEDURAL HISTORY:

The Student has been identified as Other Health Impaired and is entitled to receive FAPE as defined in the Individuals With Disabilities Education Improvement Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a et seq. At a planning and placement team (PPT) meeting, the Parent was in disagreement with the program offered by the Board for the 2014-2015 school year; the Parent requested the Student's prior program. The Board refused the Parent's request. On September 12, 2014, the Board received notice of the Student's request for due process. The parties agreed to go to a resolution meeting. An impartial hearing officer was appointed on June 18, 2014 and a pre-hearing conference was held on September 17, 2014. A hearing date October 24, 2014 was chosen by the parties. At the pre-hearing conference, the Parent requested that the Student remain at his prior placement. An order of stay-put was issued on September 18, 2014.

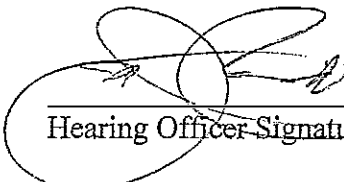
On September 15, 2014, the Board filed a sufficiency challenge on this matter. The Parent was advised at the pre-hearing conference that she needed to respond to the sufficiency challenge. On October 3, 2014, the Parent was sent notice that the matter would be dismissed if she did not respond to the Board's sufficiency challenge or if the matter was settled she needed to advise the hearing officer. The Board notified the hearing officer that the Parent, at a PPT meeting, made reference to withdrawing the matter. Since the Parent did not respond to the hearing officer's request, on October 8, 2014, the Parent was sent notice that the matter would be dismissed. There has been no response from the Parent. The date for the filing of the Final Decision and Order is November 26, 2014.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITHOUT PREJUDICE.

If the local or regional board of education or the unified school district responsible for providing special education for the student requiring special education does not take action on the findings or prescription of the hearing officer within fifteen days after receipt thereof, the State Board of Education shall take appropriate action to enforce the findings or prescription of the hearing officer.

Appeals from the hearing decision of the hearing officer may be made to state or federal court by either party in accordance with the provisions of Section 4-183, Connecticut General Statutes, and Title 20, United States Code 1415(i)(2)(A).



Hearing Officer Signature

Justino Rosado
Hearing Officer Name in Print