

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student vs. Simsbury Board of Education

Appearing on behalf of the Board:

Attorney Julie C. Fay
Attorney Thadius L. Bochain
Shipman & Goodwin, LLP
One Constitution Plaza
Hartford, CT 06103

Appearing on behalf of the Student:

Parent, *Pro Se*

Appearing before:

Attorney Uswah A. Khan
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Is there a denial of FAPE for 2016-2017 and 2017-2018 school year?
2. If so, is the Student entitled to reimbursement or compensatory education?

PROCEDURAL HISTORY:

The Parent initiated this special education due process matter, Case No. 10-0096, on August 17, 2018. This Impartial Hearing Officer was assigned to the case on August 21, 2018.

A sufficiency challenge had been filed by the Board and granted on August 30, 2018. The Student was afforded an opportunity to amend his request for due process. The Student did submit an amended request for due process on August 30, 2018, beyond the time permitted in the Sufficiency Order.

A Prehearing Conference was convened on September 25, 2018. The Student's mother appeared on behalf of the Student and Attorney Julie Fay appeared on behalf of the Simsbury Board of Education.

A second Prehearing Conference was convened on October 11, 2018. The Board filed a Motion to Dismiss on September 19, 2018, and the Student filed an Answer on October 4, 2018. During the second prehearing conference, it was decided that no trial dates would be set until the Motion to Dismiss was ruled on.

The Student moved to New Hartford, New York on or about August 28, 2018.

FINAL DECISION AND ORDER:

1. The parties have both filed Memorandum of Law along with their Motion to Dismiss and Answer.
2. The Board in its Memorandum of Law asks the Hearing Officer to dismiss the complaint based on, among other things, the untimeliness of the complaint and the fact that the Student no longer resides in Connecticut. However, the issue at hand is not whether the Student resides in the Simsbury district, but more importantly, as brought up in the Memorandum of Law by the Board Sections 4 and 5, whether the Hearing Officer has the authority to provide the relief requested by the Student in his amended complaint dated August 30, 2018, pursuant to Conn. Agencies Reg. §10-76h-18(5).
3. The hearing officer is in agreement with Section 4 of the Board's Memorandum of Law. Specifically, the hearing officer finds that she does not have the authority to grant the relief being sought by the Parent. The Parent is requesting compensation of \$275,000 as monetary damages and grade alterations, using tuition at Yale as a guideline. Furthermore, the relief requested in a due process hearing for SAT prep classes, AP Exam, and prospective college tuition are clearly beyond the scope and are inconsistent with the purpose of the IDEA. Said remedy is outside of the scope of the authority of a Hearing Officer under the IDEA.
4. Pursuant to Conn. Agencies Reg §10-76h-18(5) there is no authority for a Hearing Officer to make changes to a student's grades.
5. The Board's Motion to Dismiss is granted and the Amended Complaint filed by the Student on August 31, 2018 is dismissed in its entirety.