

**DEPARTMENT OF EDUCATION
BUREAU OF SPECIAL EDUCATION**

Hartford Board of Education v. Student

Appearing on Behalf of Parents: Attorney Lynn B. Cochrane
Greater Hartford Legal Aid, Inc.
999 Asylum Avenue
Hartford, Connecticut 06105

Appearing on Behalf of the Board: Attorney Melissa Kaufman
Corporation Counsel's Office
550 Main Street
Hartford, Connecticut 06103

Appearing Before: Attorney Ruben E. Acosta, Hearing Officer

ISSUE:

Was the Student receiving a free appropriate public education as required by the Individuals With Disabilities Education Act, 20 U.S.C. § 1402 et seq. and Connecticut General Statutes § 10-76a for the school year 2008-2009 ?

PROCEDURAL HISTORY:

On October 15, 2008 the undersigned was assigned to hear this matter pursuant to a parental request for a due process hearing. The Student was initially represented by her mother. The City was represented by Melinda Kauffman, Assistant Corporation Counsel. A notice pertaining to the scheduling of a pre-hearing conference was sent to both parties on October 21, 2008.

The Parent contacted the hearing officer personally and notified him that she was in the process of obtaining legal representation and wanted to hold the pre-hearing conference when she had obtained said representation. As of the second week of November 2008 Attorney Lynn Cochrane of Greater Hartford Legal Aid agreed to represent the Parent and her daughter. At that time Attorney Cochrane requested a few weeks to review her file and her request was granted without objection.

After reviewing the file Attorney Cochrane concluded that the Student's "special education needs appeared more extensive than that covered by the single issue raised by the Parent in her request for due process". Accordingly Attorney Cochrane asked for additional time to "meet as a PPT, make additional recommendations for evaluations (including an independent educational evaluation) and compensatory education, and then re-meet (as a PPT) to revise her IEP". Thereafter, on January 12, 2009 Attorney

Cochrane informed the hearing officer [by telephone and e-mail] that the request was being withdrawn without prejudice since “the IEE (is) pending”.

The latter information was confirmed by Attorney Cushman by letter on January 15, 2009.

FINAL DECISION AND ORDER

The matter is withdrawn without prejudice pursuant to counsel’s January 15, 2009 letter.