

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Waterbury Board of Education

Appearing for the Student: *Pro se*

Appearing for the Board: Anne Marie Cullinan
Assistant Superintendent for Special Education
37 Leavenworth Street
Waterbury, CT 06702

Appearing Before: Attorney Scott Myers, Hearing Officer

FINAL DECISION AND ORDER

This matter was commenced by request for due process dated March 27, 2009 directed to the Connecticut Department of Education's Bureau of Special Education, Due Process Unit. Accordingly, absent modification by the Hearing Officer the date for mailing of the Final Decision and Order would have been June 10, 2009. The request for due process indicates that the Student is currently under the guardianship of the Connecticut Department of Children and Families ("CTDCF") and was commenced on her behalf by her appointed surrogate parent ("Surrogate"). The request states, among other things: (1) that the Student is a 10th grader attending the Board's public high school; (2) that the Student had previously been identified as IDEIA-eligible and during the period October 1997 through February 2005 had received speech and language services; (3) that in the 2008/2009 school year the Student has had academic difficulties; (4) that on December 1, 2008 the Surrogate requested an IEP team meeting and evaluations and assessments of the Student; (5) that on February 10, 2009, the Surrogate was advised by school staff that evaluations had begun but that due to the school calendar those evaluations would not be completed until mid-March 2009; (6) that on March 19 and 24, 2009 the Surrogate again requested an IEP team meeting; (7) that on March 25, 2009 the Surrogate was advised by school staff that based on the evaluations done by the early assessment team and teacher comments, the "team" concluded the Student did not need further evaluations or an IEP team meeting. As of May 9, 2009, the Surrogate reported that no IEP team meeting had been convened. The Surrogate seeks an independent evaluation of the Student at Board expense of all

suspected areas of disability, including a suspected learning disability, and an IEP team meeting to determine her eligibility for special education and related services.

The undersigned was appointed Hearing Officer by notice dated May 6, 2009. The Board did not file an answer or a sufficiency challenge, and it does not appear from the materials submitted in this matter that a resolution meeting was convened.

The request identified the New Haven Board of Education as nexus for the Student. On May 9, 2009, the Surrogate advised in writing that after filing the request for due process, the Surrogate had learned that the Hamden Board of Education was actually the Student's nexus. In that filing, which was subsequently confirmed on May 12, 2009, the Surrogate indicated that she wished to withdraw her request for due process at this time.

Accordingly, this matter is hereby **DISMISSED WITHOUT PREJUDICE** as to the issues raised by the Surrogate on behalf of the Student in the March 27, 2009 request for due process. The May 9, 2009 request to withdraw filing includes various statements by the Surrogate as to her understanding of the relative duties and obligations of the Student's nexus district and the Waterbury Board of Education, as well as the Student's rights with respect to both her nexus district and the Waterbury Board of Education and remedies with respect to actions or failures to act of each. The Hearing Officer makes no determination whatsoever in this Final Decision and Order regarding those statements or of any of the facts stated in any of the submissions made in this matter.