

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Enfield Board of Education

Appearing on behalf of the Surrogate Parent:

Pro Se

Appearing on behalf of the Board:

Attorney Christine L. Chinni
Chinni & Meuser LLC
30 Avon Meadow Lane
Avon, CT 06001

Appearing before:

Justino Rosado, Esq., Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Board violate child find by not identifying the Student as requiring special education and related services as defined in the Individuals with Disabilities Education Improvement Act (IDEIA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a et seq.? If so;
2. Was the graduation of the Student appropriate?
3. Is the Student entitled to compensatory education for the denial of a free and appropriate public education (FAPE)?

SUMMARY AND PROCEDURAL HISTORY:

The Student has not been identified as eligible to receive FAPE as defined in the Individuals with Disabilities Education Improvement Act (IDEIA) 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 stated that the Board had violated child find by not finding the Student eligible for special education and related services. The Parent requested that the Student be identified as eligible for special education and related services; the Board denied the Parent's request. The Parent requested a due process hearing. The Board received notice of the request on July 15, 2014. An impartial hearing officer was appointed on July 15, 2014 and a pre-hearing conference was scheduled for July 22, 2014.

The parties agreed to forego a resolution meeting and proceed to mediation. The mediation occurred on September 11, 2014 but was not successful. On September 16, 2014 the Board filed a Motion to Dismiss the Student's request for due process; the Parent filed a timely response to the Board's motion. On September 18, 2015, the Board's motion was denied. The parties agreed to an August 25, 2014 hearing date. This hearing date was cancelled to accommodate the mediation. The hearing convened on November 5, 2014, January 6, 2015 and March 24, 2015. The parties also agreed to the following hearing dates: October 7, December 15, 2014, January 9, 26 and 27, February 3, 6, 9, 10, 27, March 5, 6, 23, and 31, 2015. These dates were cancelled due to medical issues, jury duty and inclement weather.

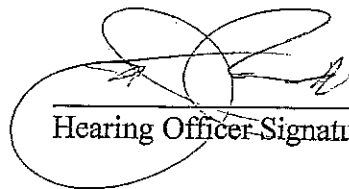
Through electronic mail, the Parent advised the hearing officer that she no longer wanted to pursue the hearing and asked that the matter be withdrawn with prejudice; the Board did not object. The date for the mailing of the Final Decision and Order was extended to April 17, 2015 to accommodate the mediation and hearing dates.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITH 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