

STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION

Bridgeport Board of Education v. Student¹

Appearing on behalf of the Board of Education: Mr. Robert Arnold
Bridgeport Board of Education
45 Lyon Terrace
Bridgeport, CT 06604

Appearing on behalf of Student: Student's Parents, *Pro Se*

Appearing before: Janis C. Jerman
Hearing Officer

FINAL DECISION AND ORDER

A special education hearing in the above-captioned matter was requested by Board of Education ("BOE") via Request for Impartial Special Education Hearing dated May 31, 2018.² The deadline to mail the final decision and order is July 13.

The Request for Hearing indicates that Student was exited from special education in January 2018 based on a multi-disciplinary assessment; that Student's Parents provided an outside evaluation which was reviewed by the Planning and Placement Team ("PPT"); that the PPT determined Student was not eligible for special education based on the outside evaluation; and the Student's Parent requested an independent educational evaluation.

A parent has the right to an independent educational evaluation at public expense if the parent disagrees with the board of education's evaluation. If a parent requests an independent educational evaluation at public expense, the board of education must, without unnecessary delay, either file a due process complaint to request a hearing to show that its evaluation is appropriate; or ensure that an independent educational evaluation is provided at public expense. Individuals with Disabilities Education Act ("IDEA"), 20 USC § 1415(b); 34 Code of Federal Regulations § 300.502(b); Connecticut State Regulations § 10-76d-9.

At a telephonic pre-hearing conference on June 22,³ BOE's Representative indicated that he made several efforts to reach Student's Parents via telephone and email to discuss their

¹ In order to comply with the confidentiality requirements of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g ("FERPA") and related regulations at 34 CFR § 99, this decision uses "Student," "Parents," and titles of certain school staff members and witnesses in place of names and other personally-identifiable information.

² All dates are 2018 unless otherwise indicated.

request for an independent educational evaluation and to resolve the case and that they did not respond.

The following issues are identified:

1. Is Board of Education's evaluation of Student appropriate?
2. If the answer to Issue One is in the negative, is Student entitled to an independent educational evaluation at public expense?

Given the timelines and the intervening holiday, there was not ample time available for the parties to file witness lists and exhibits, to hold a hearing, and to issue a decision within the current deadline. BOE's Representative indicated that BOE would not request an extension of time to accommodate scheduling hearings and agreed to a dismissal based on Student's Parents' lack of communication or response to BOE's attempts to address their IEE request.

FINAL DECISION AND ORDER

Based on the above facts, the request for due process hearing is dismissed. In the absence of proceeding to hearing, the IDEA requires BOE to grant Student's Parents' request for an IEE if the request has not been withdrawn by Student's Parents.

³ Robert Arnold, BOE's Director of Psychology, Due Process & Chief Custodian of Records, appeared on behalf of BOE. Also present was Mr. Baptista, BOE's translator. Student's Parents did not appear. We remained on the conference line for ten minutes. Student's Parents did not communicate with the Hearing Officer to indicate any reason for not appearing.