

STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION

Student¹ v. Waterbury Board of Education

Appearing on behalf of Student: Attorney Marisa Mascolo Halm
Center for Children’s Advocacy
65 Elizabeth Street
Hartford, CT 06105

Appearing on behalf of the Board of Education: Attorney Dawn Desantis
Corporation Counsel
City of Waterbury
236 Grand Street
Waterbury, CT 06702-1930

Appearing before: Janis C. Jerman
Hearing Officer

FINAL DECISION AND ORDER

A special education hearing in the above-captioned matter was requested by Student’s Attorney via letter dated December 16, 2020.² The Board of Education (“BOE”) received it on December 22, 2020. The 30-day resolution session ends January 21 and the 45-day deadline to mail the final decision and order is March 7.

A telephonic pre-hearing conference was held on January 11. Attorney Halm appeared on behalf of Student and Attorney Desantis appeared on behalf of BOE. The following issues were identified:

1. Did the Board of Education fail to timely evaluate Student to determine eligibility for special education and related services during the 2018-19 school year?
2. If the answer to Issue One above is in the affirmative, is Student entitled to compensatory education?
3. Did the Board of Education provide Student with a free appropriate public education during the 2018-19 school year?
4. If the answer to Issue Three above is in the negative, what shall be the remedy?

The parties scheduled a resolution session on January 15 and agreed that if the matter did not resolve at that session, they would participate in mediation.

BOE’s Attorney indicated an intention to file a motion to join Unified School District #1 to this case and was given a deadline of January 18 to file such motion. Hearings were scheduled for February 4 and 5.

¹ 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 2021 unless otherwise indicated.

BOE's Attorney did not file a motion to join another district. On January 20, on behalf of Student's Parents, Student's Attorney withdrew the request for a due process hearing.

FINAL DECISION AND ORDER

The above-captioned case is dismissed.