

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Westport Board of Education

Appearing on behalf of the Parent:

*Pro Se*

Appearing on behalf of the Board:

Andreana Bellach, Esq.  
Shipman and Goodwin LLP  
300 Atlantic Avenue, 3<sup>rd</sup> FL  
Stamford, CT 06901

Appearing before:

Sylvia Ho, Esq.  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

Should the Hearing Officer direct the Board to pay the amount of \$102,600.00 to Parent and Student to hire professionals to provide services for Student?

**PROCEDURAL HISTORY/SUMMARY:**

The Parent filed a Due Process Complaint and Request for Hearing which on May 15, 2023. The Hearing Officer was appointed on May 26, 2023. The Board filed a Sufficiency Challenge on May 25, 2023. The Parent filed an Objection to the Sufficiency Challenge on June 1, 2023. The Hearing Officer conducted a Prehearing Conference on June 1, 2023. The Hearing Officer granted the Board's Sufficiency Challenge on June 1, 2023 and directed the Parent to file a Revised Complaint with five business days. The Parent filed a Revised Complaint on June 5, 2023. On June 12, 2023, the Board filed a Motion to Dismiss and Sufficiency Challenge. The Parent filed an Objection.

**RULINGS OF LAW:**

The Revised Due Process Complaint enumerates a number of claims for the failure of the Board to provide a free and appropriate education to Student. However, the proposed resolution in the Complaint seeks an Order directing the Board to pay an amount of \$102,600.00 to Parent and Student so that they can pay for professional services for Student as requested relief. The Hearing Officer advised the Parent and Student previously in the Prehearing Telephone Conference that that Hearing Officers have no legal authority to award monies. Nevertheless, the Revised Complaint seeks the very relief that the Hearing Officer has no legal authority to grant. Conn. Gen. Stat §10-76(d)(1)(A)-(C) prescribes authority to hearing officers the authority "to confirm, modify, or reject the identification, evaluation or educational placement of or the provision of a free appropriate

public education”; “to determine the appropriateness of an educational placement or “to prescribe alternative special education programs.” The statute does not provide legal authority for hearing officers to award monies nor to direct the Board to pay monies to parents. The Hearing Officer does not have jurisdiction to grant the relief requested.

**FINAL DECISION AND ORDER:**

The Board’s Motion to Dismiss is GRANTED. The matter is **DISMISSED** without 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).



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Hearing Officer Signature

Sylvia Ho

Hearing Officer

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Name in Print