

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. East Hartford Board of Education

Appearing on behalf of the Parent:

pro se

Appearing on behalf of the Board:

Linda Yoder, Esq.
Julie Jaquays, Esq.
Shipman & Goodwin, LLP
One Constitution Plaza
Hartford, CT 06103-1919

Appearing before:

Sylvia Ho, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Was the proposed placement at Woodland School appropriate?
2. If not, should Student remain at Mayberry School?

PROCEDURAL HISTORY:

The Parent filed the Hearing Request on June 7, 2023. The Hearing Request was written in Spanish and translated into English. The Hearing Officer was appointed on June 13, 2023. Notices were provided to the email address supplied by the Parent in English and Spanish of a scheduled Prehearing Conference for June 22, 2023. The Parent did not attend the Prehearing Conference. The hearing was scheduled for August 10, 2023. Notices were sent to the Parent in English and Spanish of the upcoming hearing date. Both Board representatives and the State Department of Education's Special Education Due Process Unit attempted to reach the Parent by electronic mail with no response. The hearing convened on August 10, 2023. The Parent did not attend. The Board reported that the Parent had been personally notified of the August 10, 2023, and sent an electronic email to the Board stating that she did not plan to proceed. Thereupon, the Hearing Officer took evidence of the communications with Parent as a record of the Hearing since the Parent had not contacted the Due Process Unit nor the Hearing Officer of the fact. The Board presented the testimony of the Director of Pupil and Personnel Services and Exhibits B1-B-3 (with Spanish translations). The Hearing Request and Spanish translation) was admitted as Exhibit HO-1.

SUMMARY:

The Student was eligible for Special Education and related services and had been attending Mayberry School in the School District. At a Planning and Placement Team (“PPT”) meeting on May 24, 2023, the team recommended placement at Woodland School due to concerns that the Student’s behaviors were interfering with his learning. The Parent disagreed and filed a Hearing Request. Prior to the hearing date, the Parent withdrew the Student from the school district due to plans to relocate the family to Puerto Rico.

STATEMENT OF JURISDICTION:

This matter was heard as a contested case pursuant to Connecticut General Statutes (C.G.S.) §10-76h and related regulations, 20 United States Code §1415(f) and related regulations, and in accordance with the Uniform Administrative Procedure Act (U.A.P.A.), C.G.S. §§4-176e to 4-178, inclusive, §§4-181a and 4-186.

FINDINGS OF FACT:

After considering all the evidence, including documentary evidence and testimony of the witness, I find the following facts:

1. Student was born on September 17, 2017 and attended kindergarten at Dr. Franklin H. Mayberry School (“Mayberry”). The PPT meeting met on May 24, 2023 to determine the Student’s eligibility for special education and develop an Individualized Education Plan (“IEP”), if determined eligible. (Exhibit B-1)
2. The PPT determined that the Student is eligible for special education under the category of OHI-ADD/ADHD and recommended that the IEP be implemented in a therapeutic structured program at Woodland School within the East Hartford Public Schools. The Student had significant behavioral challenges and emotional regulation challenges that interfered with his learning such as leaving the classroom and physical aggression. The Student required direct instruction in letter and number recognition and required speech and language therapy. The Student The IEP recommended that the Student receive behavioral supports in a self-contained classroom in order to receive direct instruction and proposed the development of Behavioral Intervention Plan (“BIP”). (B-1)
3. The Parent disagreed with the proposed IEP and filed a Hearing Request on July 7, 2023. The Hearing Request was written in Spanish and translated to English. Thereafter, all communications to Parent by the Hearing Officer were translated from English to Spanish. The Parent did not participate in the Prehearing Conference nor attend the Hearing although both were duly noticed to Parent at the electronic mail address that Parent provided.

4. The Director of Pupil and Personnel Services (“PPS”) was new to the position as of the summer of 2023 and was not a participant in the May 24, 2023 PPT meeting. After the Parent filed the hearing request, he attempted to schedule a Resolution session but the Parent did not respond. All communications with Parent were translated into Spanish through Parent Squared, an electronic translation service, before being sent to Parent. (Testimony, Director of PPS)
5. The School District was also serving the family through a Bilingual Family Support Specialist who had been visiting the home as a resource to the family. Through the Bilingual Family Support Specialist, the school was able to communicate with the Parent and was notified that the family intended to move to Puerto Rico and needed the Student’s school records. The Director of PPS was able to meet with the Parent in person at Mayberry School on August 2, 2023 with the Bilingual Family Support Specialist present and provided the requested records for Parent to take to a new school in Puerto Rico. (Testimony, Director of PPS)
6. On August 8, 2023, the Parent withdrew the Student from East Hartford Public Schools. The Parent did not notify the State Department of Education’s Special Education Due Process Unit nor the Hearing Officer. (Exhibit B-2)
7. The same day of the withdrawal, the Parent sent a communication to the Director of PPS confirming that she did not wish to proceed with the Hearing Request because she was moving to Puerto Rico.

FINAL DECISION AND ORDER:

Since the Parent does not wish to proceed with the Hearing Request, the case is DISMISSED

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

Sylvia Ho
Hearing Officer Name in Print