

December 12, 2022

CASE NUMBER: 23.0171

STUDENT V. DARIEN BOARD OF EDUCATION

Appearing on behalf of the Student: Student

Appearing on behalf of the Board: Andreana Bellach, Esq.
Shipman & Goodwin, LLP
One Constitution Plaza
Hartford, Connecticut 06103

Appearing on behalf of the Conservator
of the Person and Estate for the Student: Piper Paul, Esq.
500 Post Road East #239
Westport, Connecticut 06880

Appearing before: Jane Ford Shaw, Hearing Officer

DISMISSAL

PROCEDURAL HISTORY/SUMMARY

The Student submitted a request for due process to the State of Connecticut on October 24, 2022. This Impartial Hearing Officer was assigned to determine the case on October 24, 2022. The Board of Education filed a Motion to Dismiss in response to the Student's request for due process on November 1, 2022 on the grounds that the Student lacks standing to make educational decisions, including filing a due process complaint. In support of its motion, the Board cited an order issued by the State of Connecticut Probate Court for the District of Norwalk-Wilton appointing Attorney J. Hogan Love as Conservator of the Estate and Person (hereinafter "Conservator") for the Student. On November 3, 2022 a prehearing conference was held. Counsel for the Board, Counsel for the Conservator, and the Conservator for the Student appeared. The Student did not appear. Through Counsel, the Conservator represented to this Hearing Officer that he did not participate or file the present complaint and concurs with the Board's Motion to Dismiss.

ORDER

The request for due process filed by the Student is hereby dismissed with prejudice for lack of standing. On August 23, 2022 the State of Connecticut Probate Court for the District of Norwalk-Wilton issued an order appointed a conservator of the person and the estate for the

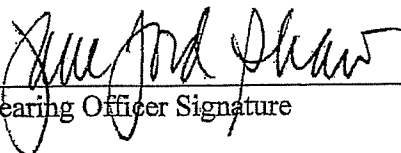
Student. In its findings, the Court specifically cited the Student's inability to make independent educational decisions. The Conservator represented to this Hearing Officer that he did not file or participate in the filing of the due process complaint. Accordingly, the Student lacked standing to file said complaint.

The Student's Request for Due Process is hereby DISMISSED with prejudice.

BY: */s/ Jane Ford Shaw*
Hearing Officer Jane Ford Shaw
10 Sasco Hill Road
Fairfield Connecticut 06824
hearingofficershaw@gmail.com

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

Jane Ford Shaw

Hearing Officer Name in Print