

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Weston Board of Education

Consolidated Case No. 25-0385

**FINAL DECISION AND ORDER
GRANTING BOARD'S MOTION TO DISMISS**

On February 10, 2025, the Hearing Officer consolidated two Due Process Complaints/Hearing Requests case no. 25-0211 filed on October 18, 2024, and case number 25-0385 filed on January 29, 2025, under the latter case number. Essentially, the two cases are the same and brought by the parents and guardians ("Parents") of the student who is over the age of majority and received special education and related services from the Board. The complaints essentially allege the Board has denied the student a free and appropriate education under the Individuals Disabilities Education Act ("IDEA") by denying for transition services for Student. The complaints allege that Student who is in her twenty second year of age is entitled to IDEA special education services until the end of the school year in which she turned 22 by virtue of the enactment of Public Act 23-117 which was passed by the Connecticut legislature and that the Board has violated the IDEA by not providing student with said services and a free and appropriate education.

The Board filed a motion to dismiss on March 17, 2025. The Parents filed an opposition memorandum. In support of the Board's motion, the Board has attached Exhibit A which purports to be a settlement agreement ("Settlement Agreement") dated August 26, 2022 between the parties as a result of a Due Process hearing for the 2020-2021 and 2021-2022 school years wherein the Parents "release and forever discharge the Board, its agents and employees, of and from all manner of actions and actions, causes.." (See Revised Attachment A). The Parents counter that the Motion to Dismiss is improper citing Connecticut Superior Court rules. The Parents further argue that the Hearing Officer should determine that the Settlement Agreement is void considering the changes in Connecticut law between the time the Settlement Agreement was signed and the time the instant complaints were filed.

Student was born on August 13, 2002 and is a resident of the school district. Student was eligible for special education and related services. In August 2022, when Student was approximately twenty years old, Parents, as guardians, brought the above-mentioned Due Process Complaint against the Board. The parties settled the claims arising from the Due Process hearing and executed a Settlement Agreement. The Settlement Agreement states in paragraph 7 that "[t]his agreement is enforceable in any federal or state court of competent jurisdiction." The Settlement Agreement is signed by Parents and representatives of the Board and dated August 26, 2022.

The subject matter jurisdiction of IDEA due process hearings and impartial hearing officers is defined under state and federal law. §10-76h of the Connecticut General Statutes confines the jurisdiction of Hearing Officers to confirming, modifying or rejecting the identification, evaluation or educational placement of or the provision of the FAPE to a child, to determining the appropriateness of a unilateral placement of a child or to prescribing alternative special

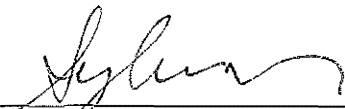
education programs for a child. The Due Process Complaint alleges that the Board is obligated to provide a FAPE to the child to the end of her school year in which she is twenty-two years old by virtue of changes in Public Law 23-117. See Complaint Case No. 25-0385.

The Board has moved to dismiss the case on the grounds that the Parents fully released the Board from any further liability in the Settlement Agreement executed on August 22, 2022. The Parents argument is that the Settlement Agreement should be voided. This is not an issue the Hearing Officer has jurisdiction to decide. The Settlement Agreement was drafted because of the Resolution process after the Parents filed a Due Process Complaint in 2022 and falls under the definition of a “[w]ritten settlement agreement” pursuant to 34 CFR §300.510 (d). In order to determine any issues in the complaint, there must be a determination of whether the case the Parents have released the Board from the claims in the Complaint. The Hearing Officer lacks the authority to make this determination since the enforcement of the Settlement Agreement resides before a court of competent jurisdiction as stated in the language of the Settlement Agreement and as provided in 34 CFR §300.510(d).

The Board’s Motion to Dismiss is GRANTED.

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