

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Hartford Board of Education

Appearing on behalf of the Surrogate Parent:

Attorney Aida Arus  
Law Office of Aida Arus  
255 Main Street  
Hartford, CT 06106

Appearing on behalf of the Board:

Attorney Frederick L. Dorsey  
Kainen, Escalera and McHale, P.C.  
21 Oak Street  
Hartford, CT 06106

Appearing before:

Justino Rosado, Esq.  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Did the Board violate “child find” by not evaluating the Student in all suspect areas of disability in a timely manner? If so;
2. Is the Student entitled to compensatory education for the denial of a free and appropriate public education (FAPE)?

**SUMMARY AND PROCEDURAL HISTORY:**

The Student has not been identified as eligible to receive FAPE as defined in the Individuals with Disabilities Education Improvement Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a et seq. At a planning and placement team (PPT) meeting, the Surrogate Parent rejected the determination that the Student was not eligible for special education and related services and requested he be identified as eligible; the Board refused the request.

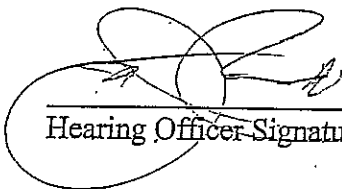
On June 5, 2015, the Board received notice of the Surrogate Parent’s request for due process. An impartial hearing officer was appointed on June 5, 2015 and a pre-hearing conference was held on June 10, 2015. A hearing date of July 30, 2015 was chosen by the parties. The parties agreed to go to mediation in place of a resolution meeting. The hearing date was cancelled to accommodate the mediation which was held on September 28, 2015. In an electronic transmission, the Board’s attorney advised the hearing officer that the parties had resolved the issues. On October 6, 2015, the Surrogate Parent’s attorney withdrew the matter; the withdrawal was granted. The date for the mailing of the Final Decision and Order was extended to accommodate the parties’ mediation. The date for the mailing of the Final Decision and Order is October 16, 2015.

**FINAL DECISION AND ORDER:**

**THE MATTER IS DISMISSED WITH 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).



Hearing Officer Signature

Justino Rosado  
Hearing Officer Name in Print