

August 19, 2011

Final Decision and Order 12-0011

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Norwalk Board of Education

Appearing on Behalf of the Parents:

Anne. I. Treimanis, Esq.,
Law Offices of Anne. I. Treimanis, LLC
10 Wall Street
Norwalk, CT 06850

Appearing on Behalf of the Board:

Marsha B. Moses, Esq.
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, Ct 06460

Appearing Before:

Attorney Justino Rosado, Hearing Officer

ISSUE:

Was the Student eligible to graduate?

FINAL DECISION AND ORDER

SUMMARY and PROCEDURAL HISTORY:

The Student has been identified as Other Health Impaired-Attention Deficit Hyperactivity Disorder (OHI-ADHD) and is entitled to receive a free and appropriate public education ("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. The Student is over the age of 18 and has given a general power of attorney to his aunt to make all education decisions in his place. The Student's attorney-in-fact objected to the pending graduation of the Student. The Board refused the attorney-in-fact's request.

On or about July 8, 2011, the Board received notice of the attorney-in-fact's request for due process. The parties agreed to forego a resolution meeting and requested mediation. An impartial hearing officer was appointed on July 14, 2011 and a pre-hearing conference was held on July 19, 2011. At the pre-hearing, the Board objected to the sufficiency of the attorney-in-fact's request for due process. The attorney-in-fact agreed to amend the request and another pre-hearing conference was scheduled for July 27, 2011. At the July 27, 2011 pre-hearing conference the Student's attorney informed the parties that a matter was pending before the Office of Civil Rights that could affect the request for due process. The attorney requested that they be allowed to withdraw the request for due process without prejudice. The Board did not object to the request and the request for withdrawal was granted. The date for mailing the Final Order and Decision is September 12, 2011.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITHOUT PREJUDICE.