

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Meriden Board of Education

Appearing on Behalf of the Parent:	Pro Se
Appearing on Behalf of the Board:	Attorney Leander Dolphin Shipman & Goodwin LLP One Constitution Plaza Hartford, CT 06103-1919
Appearing Before:	Attorney Justino Rosado Hearing Officer

FINAL DECISION AND ORDER

ISSUE:

Did the Board violate child find in not identifying the Student as requiring special education services as defined in the Individuals with Disabilities Education Improvement Act (IDEA)?

SUMMARY and PROCEDURAL HISTORY:

The Student has not been identified as entitled to receive a free and appropriate public education (FAPE) as defined in 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 Parent requested that the Student be identified as requiring special education and related services as defined in IDEA. The Board refused the Parent's request.

On June 19, 2012, the Board received notice of the Parent's request for due process. The parties agreed to go to a resolution meeting. An impartial hearing officer was appointed on June 19, 2012 and a pre-hearing conference was held on June 26, 2012. A hearing date of August 2, 2012 was chosen by the parties.

In an electronic transmission, the Parent amended her request for due process. The Board held their response to the amended complaint in abeyance because the parties agreed to mediate the matter. A mediation date of August 24, 2012 was chosen by the parties. The parties were not able to resolve the matter in mediation and a September 28, 2012 pre-hearing conference was scheduled.

The Board filed their objection to the Parent's amended complaint. The Parent responded with a request to amend her prior amended due process complaint and would continue amending until the complaint was correct.

The sufficiency challenge filed by the Board was found to have merit. The Parent's continued amendment of the due process complaint showed that the Parent was having difficulty framing a request for due process for which relief could be granted. Therefore, the matter is dismissed without prejudice.


The date for the mailing of the Final Decision and Order was extended to accommodate the parties' mediation and the hearing date. The date for mailing the Final Decision and Order is November 1, 2012.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITHOUT 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