

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Board of Education

Appearing on behalf of the Parent: John A. Cvejnovich, Esq.
O'Connell, Flaherty & Attmore, LLC
1350 Main Street
Springfield, MA 01103-1628

Appearing on behalf of the Board: Rebecca Santiago, Esq.
Leander A. Dolphin, Esq.
Shipman & Goodwin, LLP
One Constitution Plaza
Hartford, CT 06103-1919

Appearing before: Mary H.B. Gelfman, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

Parents' issues

1. Is the May 2011 Individualized Education Program (IEP) offered by the Board appropriate to the Student's special education needs in the least restrictive environment?
2. Is the extended year program offered by the Board on June 29, 2011 appropriate to the Student's special education needs?
3. Has the Board provided the Student's IEP service providers with copies of the current IEP?

PROCEDURAL HISTORY:

This hearing was requested by Parent on May 16, 2011. The Hearing Officer was appointed on May 25, 2011, and the date for mailing the decision was July 30, 2011. The original pre-hearing conference was scheduled for June 7, 2011, but was postponed pending the Hearing Officer's consideration of the Board's Motions to Dismiss and to Consolidate. The Hearing Officer then dismissed some of the Parent's issues because they were beyond the scope of the Hearing Officer's authority. The Motion to Consolidate proposed consolidation of cases involving the Student's siblings, which was denied.

On June 30, 2011, the Board requested a hearing to override Parent's refusal to consent to an evaluation. The Hearing Officer consented to consolidation of the Board's issue with the Parent's issues. A pre-hearing conference was held on July 19, 2011. The hearing for the consolidated cases was scheduled for September 6 and 9, 2011. The decision date was September 12, 2011.

By letter dated July 28, 2011, Parent's Attorney requested an "indefinite continuance" of the consolidated cases, due to injuries he had received in an automobile accident, or a thirty day continuance if a date certain was required. The Hearing Officer responded by re-scheduling the hearing for September 29, 2011 and extending the decision date to October 12, 2011. By email dated September 1, 2011, Parent withdrew her request for a hearing, noting that she would re-file when her attorney was able to resume work after surgery.

All motions and objections not previously ruled upon, if any, are hereby overruled.

SUMMARY:

The Student has been diagnosed as having autism. Parent questioned the appropriateness of his special education program and the qualifications of school staff members assigned to provide his program.

In order to comply with the confidentiality requirements of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and related regulations at 34 C.F.R. § 99, the following decision uses "Student", "School", "Parent" and titles of school staff members and other witnesses in place of names and other personally identifiable information.

DISCUSSION

Parent Attorney's July 28, 2011 request mentions a "ninety day delay". Pursuant to Section 10-76h-9 (a), Regulations of Connecticut State Agencies, postponements or extensions of the timelines in special education hearings are limited to thirty calendar days. In granting the prior postponement, from September 6 to September 29, this Hearing mentioned the alternative of withdrawing and re-filing. However, case 11-0560, initiated by the Board, remains active at this time.

FINAL DECISION AND ORDER:

The Parent having withdrawn her request for hearing, case number 11-0469 is DISMISSED without prejudice.