

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Danbury Board of Education

Appearing on behalf of the Student: Attorney Cheryl Kohler
Connecticut Legal Services
85 Central Avenue
Waterbury, CT 06702

Appearing on behalf of the Board: Attorney Rebecca Santiago
Shipman & Goodwin, LLP
100 Constitution Plaza
Hartford, CT 06103-1919

Appearing before: Attorney Brette H. Fitton
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the District fail to refer Student to a Planning and Placement Team meeting for a special education evaluation?
2. Did the District fail to evaluate Student in all areas of suspected disability?
3. Did the District fail to provide Parents notice of Student's procedural safeguards in a language in which they were fluent?

PROCEDURAL HISTORY AND SUMMARY:

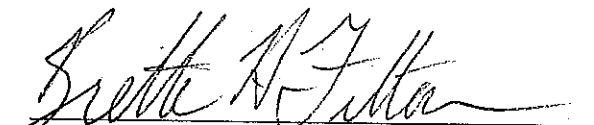
On March 28, 2016, Attorney for the Parent filed a letter with the Connecticut State Department of Education ("CSDE"). This letter alleged three violations of Student's procedural safeguards which are set forth above. Believing the letter to be a request for a due process hearing, the CSDE appointed the undersigned Hearing Officer on March 30, 2016. On April 1, 2016, Attorney for the Parent notified the CSDE by email that the document which she had filed was in fact a complaint and not a request for a due process hearing. This email was forwarded to the undersigned Hearing Officer on April 4, 2016.

FINAL DECISION AND ORDER:

In light of the above facts, the case 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

Brette H. Fitton
Hearing Officer Name in Print