

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student¹ v. Ridgefield Board of Education

Appearing on behalf of Student: Student's Father, *Pro Se*

Appearing on behalf of the Board of Education: Attorney Marsha Moses
Berchem Moses & Devlin PC
57 Broad Street
Milford, CT 06460

Appearing before: Janis C. Jerman
Hearing Officer

FINAL DECISION AND ORDER

A special education hearing in the above-captioned matter was requested by Student's Father via Request for Impartial Special Education Hearing. It was received by the Board of Education ("BOE") on July 11.² The 30-day resolution period ended August 10. The deadline to mail the final decision and order is September 24.

The following issues are identified in the request for due process:

1. Did the Board of Education provide Student with a free appropriate public education during the 2013-14 school year?
2. If the answer to Issue One is in the negative, is Student's unilateral placement appropriate?
3. Should the Board of Education be required to pay for Student's unilateral placement for the 2014-15 school year?

Student's Father also raised as an issue the question of whether BOE breached an oral contract entered into at mediation on May 22. The Hearing Officer does not have jurisdiction over breach of contract claims so that issue is not identified for hearing in this case.

¹ In order to comply with the confidentiality requirements of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g ("FERPA") and related regulations at 34 CFR § 99, this decision uses "Student", "Parents", "School" and titles of school staff members and certain other witnesses in place of names and other personally identifiable information.

² All dates are 2014 unless otherwise indicated.

A telephonic pre-hearing conference was scheduled for July 28. Student's Father indicated that he was not available on that date and asked that the pre-hearing conference be rescheduled to a date during the week of August 11.

On August 7, Student's Father withdrew the request for due process without prejudice and indicated that he was in the process of engaging a new attorney. BOE did not object to the request for withdrawal without prejudice.

FINAL DECISION AND ORDER

In light of the above facts, the above-captioned 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

JANIS C. JERMAN

Hearing Officer

Name in Print