

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Hartford Board of Education

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| Appearing on behalf of the Student: | Surrogate Parent, <i>Pro se</i> |
| Appearing on behalf of the Board: | Attorney Melinda Kaufmann Assistant Corporation Counsel City of Hartford 550 Main Street Hartford, CT 06103 |
| Appearing before: | Attorney Mary Elizabeth Oppenheim Hearing Officer |

FINAL DECISION AND ORDER

ISSUES:

1. Whether the Board failed to provide the Student with FAPE for the 2012-13 school year;
2. Whether the Board failed to evaluate the Student;
3. Whether the Board failed to offer the Student with FAPE for the 2013-14 school year;
4. Whether the Student shall be provided a program at Options for the 2013-14 school year;
5. Whether the Student is entitled to compensatory education.

PROCEDURAL HISTORY/DISCUSSION:

This hearing request was received by the Board on August 1, 2013, and a prehearing conference convened on August 8, 2013. At the prehearing conference, it was confirmed that the mailing date of the decision was October 15, 2013, and the initial hearing date of September 17, 2013 was scheduled. At the prehearing conference both parties indicated that they agreed to mediate this case.

On August 29, 2013 the Surrogate Parent submitted a Request/Motion to Compel Mediation or Resolution Session. That Motion was granted, in part. The Hearing Officer does not have authority to compel attendance at a resolution session, which was not convened in a timely manner and cannot compel cooperation in the voluntary mediation process. It was found, however, that the Board failed to convene a resolution meeting within 15 days of receipt of the due process hearing request.

The regulations provide that "[i]f the LEA fails to hold the resolution meeting specified in paragraph (a) of this section within 15 days of receiving notice of a parent's due process complaint or fails to participate in the resolution meeting, the parent may seek the intervention of a hearing officer to begin the due process hearing timeline. 34 CFR 300.510(b)(5). Therefore, the mailing date of the decision was revised to reflect that the due process hearing timeline began on August 29, 2013. Therefore, the new mailing date of the decision was set as Friday, October 11, 2013.

With the revision of the mailing date of the decision, two additional hearing dates of September 12, 2013 and September 16, 2013 were scheduled at the request of the Surrogate Parent.

The hearing convened on September 12, 2013. The initial witness at the hearing was the School Psychologist. At the conclusion of the testimony of the School Psychologist, the parties requested and were provided time to attempt to settle the case. After the parties convened their own settlement discussions, they returned to the hearing room to report that the parties had executed a settlement agreement. Therefore, this matter is dismissed.

FINAL DECISION AND ORDER:

The matter is **DISMISSED**.