

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Waterbury Board of Education

Appearing on behalf of the Student: Surrogate Parent, Pro Se

Appearing on behalf of the Board: Attorney Elaine M. Skoronski
Office of Corporation Counsel
City of Waterbury
236 Grand Street
Waterbury, CT 06702

Appearing before: Attorney Christine B. Spak
Hearing Officer

FINAL DECISION AND ORDER

A prehearing conference was conducted on October 10, 2003 and the Surrogate Parent (hereinafter, the Student) participated and indicated that the Student was on homebound instruction. Both parties appeared for hearing. At the outset of the hearing both parties were offered the opportunity to participate in a prehearing conference due to the fact that neither party had received notice for the first prehearing conference. The Board indicated that they preferred to first attempt to negotiate a settlement directly with the Student without the participation of the Hearing Officer. The Board also presented a Motion to Dismiss for reason that the matter was strictly a 504 matter and therefore the Hearing Officer lacked jurisdiction. The Hearing Officer explained that it was her understanding that there was an issue of IDEA eligibility. The parties were in disagreement as to the facts underlying the eligibility claim and whether it was properly before the Hearing Officer. The parties were given an opportunity to resolve the matter as they had requested. After a period of negotiation, they reported back that they had been successful in their negotiation. It was agreed that there would be no ruling on the Motion to Dismiss as the settlement rendered a ruling unnecessary, and that the Hearing Officer should dismiss the case.

The Surrogate Parent requested that the Student be given an opportunity to speak on the record; there was no objection to this and she was allowed to do so. She presented as an unusually mature, poised, and intelligent young woman who was confident she could

succeed in her neighborhood public high school and she was eager to have the opportunity to try.

FINAL DECISION AND ORDER:

This hearing is dismissed.