

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Montville Board of Education

On behalf of the Parents: Mother, *Pro Se*

On behalf of the Board of Education: Attorney Craig S. Meuser
Shipman & Goodwin LLP
One American Row
Hartford, CT 06103-2819

Hearing Officer: Stacy M. Owens, Esq.

FINAL DECISION AND ORDER

ISSUES:

1. Whether the Board is providing the Student FAPE in accordance with the IDEA; if not
2. Whether the Student should be placed at the American School for the Deaf with vocational support.

SUMMARY/PROCEDURAL HISTORY

On December 2, 2003, the State of Connecticut Department of Education received a request for hearing from the Parent, forwarded by the Montville Board of Education. On December 2, 2003, the undersigned was appointed as hearing officer to preside over the hearing, rule on all motions, determine findings of fact and conclusions of law, and issue an order.

A prehearing conference was scheduled for December 12, 2003. During the prehearing conference, the Parent, the Student, and Attorney Meuser, on behalf of the Board, appeared. Discussions during the prehearing conference revealed the Student in the above-referenced matter was 18 years of age. Although the Student has reached the age of majority, the Parent, and not the Student, filed the request for hearing.

So as to not stall the proceedings, the Hearing Officer was prepared to make exception and allow the Student to supplement the Parent's original hearing request by submitting his own signed written request for a hearing for the record.

During the December 12, 2003 prehearing conference, the Parent informed the hearing officer that on that same day a planning and placement team meeting (“PPT meeting”) was scheduled to review the Student’s placement and program. The Student, through an interpreter, expressed his desire to remain in his present program at the Montville Alternative High School.

By agreement, the Parent, Student and Attorney Meuser decided to reconvene for a prehearing conference on December 19, 2003, should the parties fail to resolve the issues during the December 12, 2003 PPT meeting.

On December 16, 2003, the Hearing Officer received a letter from Donna Maynard, Director of Special Services for the Board, indicating the Student did not wish to proceed with due process and attached a letter from the Student, again, indicating his desire to remain at the Montville Alternative High School.

By letter dated December 18, 2003, the Hearing Officer canceled the prehearing conference continued for December 19, 2003.

FINDINGS OF FACT:

1. On December 2, 2003, the Parent filed a request for hearing on behalf of the Student.
2. The Student was born on August 9, 1985, thereby making him 18 years old.
3. The Student did not want to proceed with the hearing, nor did he want to change his educational placement.

CONCLUSIONS OF LAW

In accordance with Section 1-1d of the Connecticut General Statutes a person reaches the “age of majority” when he/she turns 18 years old. At such age, the person has the “. . . same legal capacity, rights, powers, privileges, duties, liabilities and responsibilities . . .” as an adult.

In this particular case, the Student, born August 9, 1985, reached the “age of majority” at 18 years old, and therefore possessed the legal capacity, rights, power and privilege to file a request for hearing on his own behalf. Although due process in this matter was initiated by the Parent, the Hearing Officer was willing to allow the Student to supplement the original request with his own signed written request for hearing. Despite this accommodation being provided in the interest of judicial efficiency, the Student, as an adult of majority age, chose to not exercise his right to due process.

FINAL DECISION AND ORDER

This matter is **dismissed** without prejudice.