

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. South Windsor Board of Education

Appearing on behalf of the Student: *Pro Se*

Appearing on behalf of the Board: Linda L. Yoder, Esq.  
Shipman & Goodwin LLP  
One American Row  
Hartford, CT 06103-2819

Appearing before: Scott P. Myers, Esq.  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

Was the wallet-stealing incident in which the Student was involved a manifestation of a disability which would entitle the Student to special education and related services support under the IDEA and/or Connecticut law and, if so, what is the disability?

**SUMMARY AND PROCEDURAL HISTORY**

This proceeding was commenced on December 12, 2003 by the Parent who is challenging a determination that an incident of alleged wallet stealing in which the Student was involved was not a manifestation of the Student's disability. Prior to the time of the incident, the Student had been identified as eligible to receive special education and related services and was receiving such services based on an identified learning disability. The Parent questions whether the Student's disabilities had been properly or fully identified. By agreement of the parties, the Board suspended expulsion proceedings against the Student to permit the Parent to obtain an independent evaluation of the Student. Once that evaluation was completed, the PPT was to reconvene to determine how to proceed. One option was for the Board to conduct its own evaluation of the Student.

Pending the outcome of all of those activities, the Student, who had been suspended for the incident, would be receiving tutoring at home. Although framed as a challenge to the manifestation determination, the Parent appears to have commenced due process primarily to secure an enhanced tutoring program for the Student during the interim period.

At the initial Pre-Hearing Conference on December 19, 2003, the parties advised that a PPT had been scheduled for January 6, 2004 to review the results of the evaluation obtained by

the Parent. In light of the fact that it was unclear whether there was actually a dispute being presented for resolution, by agreement of the parties a scheduling order was entered, a hearing date established, and a second Pre-Hearing Conference scheduled for January 7, 2004 to review the results of the January 6, 2004 PPT and determine whether this matter would proceed and, if so, on what issues. At the January 7, 2004 Pre-Hearing Conference, the parties reported that no definitive outcome had been obtained from the January 6, 2004 PPT. The psychologist retained by the Parent identified the Student as depressed and recommended a psychiatric evaluation. The Board was proposing a two to three week diagnostic placement. The Parent had some concerns about such an evaluation.

The parties indicated that they were willing to agree to discuss a compromise involving a psychiatric evaluation performed by a psychiatrist identified by the Board. The parties agreed to continue their discussions and report back to the Hearing Officer on January 9, 2003. The initial procedural scheduling order remained in place, with an anticipated hearing date of January 20, 2003.

On January 14, 2003, the Board submitted a report that the Parent had decided to withdraw her request for due process and go forward with the expulsion hearing. Appended to the Board's submission was a handwritten note addressed to the Hearing Officer which purports to be from the Parent and which confirms the Board's statements.

### **FINAL DECISION AND ORDER**

This matter is **DISMISSED**, without prejudice.