

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Norwalk Board of Education

Appearing on behalf of the Parent: Parent, Pro Se

Appearing on behalf of the Board: Marsha Belman Moses, Esq.
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, CT 06460

Appearing before: Mary H.B. Gelfman, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Was the decision of the Planning and Placement Team (PPT), that Student had met his Individualized Education Program (IEP) goals and should graduate from high school at the end of this school year, correct?
2. If Student is not eligible for graduation this year, what is an appropriate program for him for 2005-2006?
3. Are additional evaluations necessary? (Issue added by Parent after commencement of the hearing.)

PROCEDURAL HISTORY:

This hearing was requested on March 30, 2005, (Exhibit HO-1) and the hearing officer was appointed on March 31, 2005. In response to notice of a pre-hearing conference scheduled for April 6, 2005, on April 4, Parents requested a later date to provide time for them to secure copies of Student's school records and to consult an attorney. The pre-hearing conference was held on April 21, 2005, with appearances by Parents, Student's attorney, and the Board's attorney. The hearing was scheduled for May 12, 16, and 26, 2005, and at the parties' request, the hearing officer extended the deadline for the mailing of the final decision and order from May 16 to June 15, 2005, to accommodate the additional hearing dates. (Exhibit HO-16)

On May 5, 2005, Parents requested that the hearing session scheduled for May 12 be postponed to allow more time for preparation, and the hearing officer granted that request. (Exhibits HO-23, HO-39) The hearing convened on May 16, 2005, with Parent Pro Se and Student's attorney did not appear. After testimony started, the parties agreed that additional hearing dates would be necessary. June 1 and 2, 2005, were added to the schedule.

All motions and objections not previously ruled upon, if any, are hereby overruled.

SUMMARY:

The PPT has found that Student has earned more than the required course credits and met his goals and objectives, including transition goals, and recommended that he graduate from high school at the end of the 2004-2005 school year. Parents disagree, and feel that he needs another year.

To the extent that the procedural history, summary, and findings of fact actually represent conclusions of law, they should be so considered, and vice versa. *Bonnie Ann F. v. Calallen Independent School District*, 835 F. Supp. 340, 20 IDELR 736 (S.D. Tex. 1993).

FINDINGS OF FACT:

From a review of all documents entered on the record of the hearing and testimony offered on behalf of the parties, I make the following Findings of Fact.

1. Student, whose birth date is March 3, 1985, is twenty years of age and identified as other health impaired. He had been identified as neurologically impaired until the State of Connecticut eliminated that category and adopted the disability categories listed in federal law. (Exhibits B-1, B-6, B-12, B-16, B-28, B-38, B-43, B-53, B-63, B-79, B-86)
2. After Student had reached 18 years of age, the Probate Court appointed Parents as conservators of his estate and his person. The Probate Court also appointed an attorney to represent Student's interests. (Exhibit HO-4, HO-15)
3. The Bureau of Rehabilitation Services (BRS) contact notes summarize that agency's participation in Student's transition. Contacts consisted of telephone calls to school staff members and Parents; reports of Student's attendance at Job Club; participation in PPT meetings in March, 2003, June, 2003, May, 2004, and March 2005; and meetings with school staff members to discuss Student's progress. Parents objected to BRS meeting with Student and/or school staff concerning Student without notice to Parents and an opportunity for Parents to participate. These contact notes establish that BRS explained to Parents on several occasions Student's eligibility for services

from BRS and the details of what those services could encompass. (Exhibit B-80, Testimony, BRS Regional Director, Parent)

4. The record of a PPT meeting held on March 21, 2003, listed Student as in the twelfth grade. Student and both his parents, a representative from BRS and six Board staff members attended this meeting. On the notice for this meeting, the purpose was given as “program review/parent request”. Student was described as having a good vocabulary, enjoying puzzles, and good comprehension, and “inappropriate behavior has decreased”. In volunteer job placements in the City Hall newsstand and the public library, he was reported as accomplishing his assigned tasks, although somewhat lacking in customer service and people skills. His childish behavior could be controlled with reminders. The BRS representative discussed services available after high school graduation and activities provided in the transition period, including a planned trip to the Department of Labor with other students. His parents wanted another year of high school for him to improve his marketable skills. (Exhibits B-38, B-80, pp. 3-4, B-85)
5. BRS representatives requested a situational assessment of Student’s actual performance in a work place setting. BRS contact notes show the first request on February 24, 2003 and subsequent discussions by phone and at meetings in March, 2003, and on January 9, February 6, and March 5, 2004. Board staff responded, reporting difficulty in locating an appropriate evaluator on Board staff and reluctance to hire a provider agency to perform the evaluation. (Exhibit B-80)
6. Reports prepared for the March 21, 2003, PPT meeting included a work-site report from the City Hall newsstand dated March 3, 2003. On a scale of one through five, with five being “excellent”, Student received a two in “Takes initiative to move to another task”; and three threes in “Shows willingness to accept all work assignments”, “shows enthusiasm”, and “performs effectively under pressure”. He was rated above average (four) in “appearance and grooming”; “focus on task, not supervisor”; “aware of the work goal”; “deals with tasks efficiently”; and “overall performance”. Excellent ratings were for “attends work regularly, on time and as scheduled”; “follows safety rules at site”; “cooperates with supervisor”; “works well with others”; “good social skills at work site”; “trusting and/or dependable at the work site”; “follows directions”; “performs tasks with minimal supervision”; “accepts criticism”; and “responsibility”. (Exhibit B-33)
7. In a self-evaluation also dated March 3, 2003, Student checked 16 items “always” and two “sometimes”. He did not check anything “never”. The Board’s School to Career Teacher confirmed that Student’s self-evaluation was realistic. (Exhibit B-34, Testimony, School to Career Teacher)
8. A report dated March 21, 2003, from his Special Education/Vocational Teacher listed strengths as good reader, cooperative, makes positive contributions; and weaknesses as occasionally distractible. Reporting on Student’s work at the public library, this teacher commented that Student was independently placing books on shelves

alphabetically and “does an excellent job performing all library tasks”. (Exhibits B-36, B-37)

9. In preparation for the next PPT meeting, reports from teachers were prepared. The Speech/Language Pathologist who had been providing therapy wrote that Student had been working on curriculum material and vocabulary, and that he “rarely needs cueing to control behavior that is inappropriate to the classroom”. The Social Worker who was seeing him in a social skills group described him as “polite, articulate, capable”, an “active participant who makes a positive contribution”. When he “gets silly and distracted ... the behavior is not severe”. His Pre-Vocational Teacher listed strengths: good reader, likeable, friendly, capable; and weaknesses: childish behavior, off task. In Basic English, his strengths were: reading decoding, auditory memory, sentence structure, punctuation/capitalization follow-up, and class participation. Weaknesses in this class were vocabulary, handwriting, and writing skills (paragraph formats). An Occupational Therapist who was monitoring Student’s job-site performance and his vocational classes reported that he was “usually focused and would need only gentle verbal cues to get back on task”. This therapist noted strengths: multi-step sequencing and good auditory memory. “He does not seem to mind repetition and maintains the same quality throughout the task”. Student’s Guidance Counselor summarized his career in high school, listing participation in the Basic Skills program for academics, vocational preparation in the Developmentally Handicapped program, and work experience at several job sites. (Exhibit B-41)
10. At a PPT meeting held on June 5, 2003, it was agreed that Student would have an extended year program that included work at a job site twice a week. This meeting was attended by Student and both his parents, a BRS representative, and five Board staff members. His 2003-2004 program would include vocational skills and community work sites, and he would continue social work. The Speech/Language Pathologist recommended dropping direct speech therapy. His strengths were listed as assignment completion, sentence assembly, hardworking, friendly, reading decoding and word recognition. Concerns/needs were: handwriting skills, sentence recall, receptive language, and childish behavior. (Exhibit B-43)
11. As of the end of the 2002-2003 school year, Student had accumulated 20.625 units of credit: 20 units are required for graduation. (Exhibit B-45)
12. A Functional Behavior Assessment performed on October 31, 2003, Student’s fifth year of high school, listed pro-social behaviors: capable of understanding multi-step tasks, has a good sense of humor, and receptive language in school and at job sites. Problematic behaviors listed as targeted for reduction were bringing inappropriate objects [toys] to school and workplace (three times per week) and making comments not related to task at hand (daily). A Behavior Intervention Plan was developed to address these two areas. Student’s Special Education/Vocational Education Teacher reported that these two behaviors were extinguished quickly with cooperation from Parents. (Exhibit B-46, Testimony, Special Education/Vocational Education Teacher)

13. The report of group counseling by a school social worker during the 2003-2004 school year described Student:

He is friendly and can be very serious and thoughtful. He is an active and eager group participant who can always make a positive contribution to the group. He will ask questions in our discussion as it relates to his own value system. He wants to learn and improve his skills. I see his self confidence improving and I feel he can make even more gains in that area as he becomes more successful in various endeavors. He is a very nice young man with a great deal of potential. (Exhibit B-52)
14. The BRS Vocational Counselor met with Student's Parents, the Special Education/Vocational Education Teacher and the School to Career Teacher on April 2, 2004. At this time, Student was expected to graduate from high school in June, 2004. The BRS Vocational Counselor suggested a neuropsychological evaluation, to confirm his eligibility for services and to determine the impact of his disability on vocational planning. Parent refused consent for this evaluation. This meeting included discussion of alternatives available from BRS: however, Parents favored another year at the high school. (Exhibit B-80, pp. 7-8)
15. A PPT meeting held on May 19, 2004, again identified Student as in the twelfth grade and classified as neurologically impaired. Student and his Father, a representative from BRS, and four Board staff members attended the meeting. The record of the meeting includes a narrative summary:

This was scheduled to be a senior exit for [Student], but parents have decided to keep [Student] for another year at [Board high school]. Representative from BRS explained once again their services and that they only look for paid employment. [Student] is eligible for long term supported employment through BRS once he graduates. Dad stated that parents have conservatorship. (Exhibit B-53, p. 2)
16. The May 19, 2004 PPT noted strengths: money skills, attendance, friendly; and concerns/needs: handwriting skills and childish behavior. The PPT recommended that Student continue vocational skills class and community-based worksites; continue social work services; explore personal word processing class. An extended year program would be provided. (Exhibit B-53)
17. A PPT meeting was held on September 29, 2004, to plan a triennial evaluation. Student's present program was to continue. At this meeting Parent and Student were accompanied by an advocate, and four Board staff members attended. (Exhibit B-56)
18. Scores from a Speech/Language evaluation conducted in October, 2004, included: CELF-4 Core Language Score, 85, in the borderline range of functioning; CELF-4 Expressive Language Index, 85, in the borderline range; CELF-4 Language Content Index, 88, in the average range; CELF-4 Language Memory Index, 69, very low range; CELF-4 Working Memory Index, 83, borderline range. Other tests reflected scores varying from average to low. In a language sample to evaluate Student's

stuttering, he scored mild to moderate. On a checklist of Attitudinal Indicators of Stuttering, Student showed a good attitude toward his stuttering. The Speech/Language Pathologist reports that Student has no problem communicating clearly. (Exhibit B-57, Testimony, Speech/Language Pathologist)

19. A psychological evaluation performed in October and November, 2004, determined that on the Wechsler Abbreviated Scale of Intelligence (WASI), his verbal IQ was 83, performance IQ 62, and full scale IQ 71. On the Vineland Adaptive Behavior Scales, his scores in communication, daily living skills, socialization, and his adaptive behavior composite were all at the low level. The evaluator identified visual analysis skills and visual motor integration as significant weaknesses. These scores were consistent with prior testing in 1999 and 2001. (Exhibits B-2, B-21, B-58, B-63)
20. Academic achievement testing was performed by Student's Special Education/Vocational Education Teacher on November 4, 2004. His results on the Woodcock Johnson III were reported as strengths: spelling, Grade Equivalent (G.E.) 13.0; Letter word identification, G.E. 11.6; Reading fluency, G.E. 7.4; and Passage comprehension, G.E. 7.7. Weaknesses were reported: Math word problems, G.E. 4.4; Calculation, G.E. 4.9; and Math fluency, G.E. 4.8. While reporting lower math scores, the teacher pointed out that Student is very good at counting out change. (Exhibits B-59, B-82)
21. The School Social Worker, who has worked with Student in a group addressing social skills since 2002, reported on his group participation and increasing maturity. She had also observed him at several out-of-school activities, including dances held by Best Buddies, an organization for teenagers with disabilities and non-disabled peers. The social skills group included discussion of relationship issues. She described Student as relating well to adults and ready for the work place. She felt that he had "maxed out on the benefits of the high school". (Testimony, School Social Worker)
22. The PPT convened on December 15, 2004, to review triennial results. This meeting was attended by Student, his Mother, and six school staff members. The record of this meeting includes the notation "[Student] will graduate in June 2005". (Exhibit B-63)
23. During the 2004-2005 school year, Student has worked at the Town Clerk's Office three days a week (Monday, Wednesday and Friday) and in the City Purchasing Department two days a week (Tuesday and Thursday). In a report dated March 16, 2005, Student's Special Education/Vocational Education Teacher summarized his duties on the two work sites, and commented that he had been successful in these two placements as well in placements at the City Hall newsstand, Linens & Things, Norwalk Hospital laundry room and stock room, Food for Thought (kitchen prep work), Maritime Aquarium, public library, mailroom at the Board of Education, and delivering mail at the high school in prior years. He has good data entry skills although his speed is limited, and he quickly adjusts to new routines after they have been explained to him. He retains his skills over weekends and vacation breaks.

(Exhibits B-71, B-81, Testimony, Special Education/Vocational Education Teacher, School to Work Teacher)

24. A review of Student's goals and objectives shows steady progress in both academics and transition goals.

2002-2003 IEP Goal 1: [Student] will improve reading, listening, writing, communication, interpretation, organization & comprehension skills, when presented with selected assignments.

Objectives: 1. [Student] will focus on material presented orally & respond appropriately. All four 2002-2003 progress reports, "Satisfactory progress – likely to achieve goal".

2. [Student] will write clear, meaningful, simple sentences using correct grammar & punctuation. All four 2002-2003 progress reports, "Satisfactory progress – likely to achieve goal".

3. [Student] will write a simple, clear, meaningful paragraph using proper grammar, punctuation & format. All four 2002-2003 progress reports, "Limited progress".

4. [Student] will select & utilize appropriate references: newspaper, website, library, dictionary, etc., to locate information needed to complete assignments. All four 2002-2003 progress reports, "Satisfactory progress – likely to achieve goal".

5. [Student] will participate appropriately in class discussions. First marking period, "Limited progress", three marking periods, "Satisfactory progress – likely to achieve goal".

6. [Student] will read & answer questions for a given selection. All four 2002-2003 progress reports, "Satisfactory progress – likely to achieve goal".

2002-2003 IEP Goal 2: [Student] will continue to improve functional independent living skills.

1. [Student] will use principles of comparison shopping to determine best buy among items. All four 2002-2003 progress reports, "Satisfactory progress – likely to achieve goal".

2. [Student] will peel and slice fruits and vegetables, cutting away from self when using a knife and peeler without prompts. All four 2002-2003 progress reports, "Satisfactory progress – likely to achieve goal".

3. [Student] will read clothing labels to determine setting for washer, dryer and iron in order to wash, dry and iron the item(s). First two marking periods, "Not Introduced"; two marking periods, "Limited progress".

4. [Student] will read sales slips to determine price charged for item(s), total order and change due. First marking period, "Not introduced"; three marking periods, "Limited Progress".

5. Given a real life situation, [Student] will be able to use the appropriate calculation to find the solution. All four 2002-2003 progress reports, "Satisfactory progress – likely to achieve goal".

6. Using store flyers and menus, [Student] will select an item(s), count out exact change to purchase item(s) and/or round up to the next dollar in order to present

payment. All four 2002-2003 progress reports, "Satisfactory progress – likely to achieve goal".

2002-2003 IEP Goal 3: [Student] will continue to develop skills necessary to secure & maintain employment.

1. [Student] will successfully complete a job application, independently, using a resume as a guide. All four 2002-2003 progress reports, "Satisfactory progress – likely to achieve goal".
2. [Student] will use want ads as a source of job information. First marking period, "Not introduced"; three marking periods, "Satisfactory progress – likely to achieve goal".
3. [Student] will identify free services provided by the State Employment Agency in helping people find jobs & training. First marking period, "Not introduced"; three marking periods, "Satisfactory progress – likely to achieve goal".
4. [Student] will identify acceptable ways of dealing with problems at work. All four 2002-2003 progress reports, "Satisfactory progress – likely to achieve goal".
5. [Student] will identify the factors that make up a positive job attitude. All four 2002-2003 progress reports, "Satisfactory progress – likely to achieve goal".
6. [Student] will identify work habits and attitudes which promote keeping one's job. All four 2002-2003 progress reports, "Satisfactory progress – likely to achieve goal".

2002-2003 IEP Goal 4: [Student] will improve listening, communication, and comprehension skills using selected assignments.

1. [Student] will identify the main idea and supporting details in a paragraph using curriculum material. All four 2002-2003 progress reports, "Satisfactory progress – likely to achieve goal".
2. [Student] will define curriculum vocabulary in context. All four 2002-2003 progress reports, "Satisfactory progress – likely to achieve goal".
3. [Student] will listen to a paragraph and paraphrase material to indicate comprehension. All four 2002-2003 progress reports, "Satisfactory progress – likely to achieve goal". (Exhibit B-28, pp. 7-12)

2003-2004 IEP Goal 1: [Student] will increase his reading comprehension skills.

1. [Student] will identify cause & effect relationships from readings. First three marking periods, "Limited progress".
2. [Student] will demonstrate an understanding of and respond to information read in the literature and other readings. First marking period, "Limited progress"; second and third marking periods, "Satisfactory progress – likely to achieve goal".

2003-2004 IEP Goal 2: [Student] will participate in community living activities for social, recreational and personal enrichment.

1. [Student] will continue to involve himself in school activities. First three marking periods, "Satisfactory progress – likely to achieve goal".
2. [Student] will continue to take advantage of community resources such as the beach, public library, clubs and other organizations. First three marking periods, "Satisfactory progress – likely to achieve goal".

3. [Student] will be aware of local and timely news events and be able to speak about them. First three marking periods, "Limited progress".

2003-2004 IEP Goal 3: [Student] will continue to improve his functional independent living skills.

1. [Student] will increase his independence in volunteer job situations. First three marking periods, "Satisfactory progress – likely to achieve goal".
2. [Student] will explore [other?] area of interest within the community. First three marking periods, "Satisfactory progress – likely to achieve goal".
3. [Student] will expand his opportunities to become more responsible for his daily living needs. First three marking periods, "Satisfactory progress – likely to achieve goal".

2003-2004 IEP Goal 4: [Student] will continue to develop the skills necessary to secure and maintain employment.

1. [Student] will match his interest and strengths to possible career options. First marking period, "Limited progress"; second and third marking periods, "Satisfactory progress – likely to achieve goal".
2. [Student] will display mature behavior in a job setting – without cues. First two marking periods, "Limited Progress"; third marking period, "Satisfactory progress – likely to achieve goal".
3. [Student] will identify positive work habits and attitudes that enable one to keep a job – he will do this independently. . First marking period, "Limited progress"; second and third marking periods, "Satisfactory progress – likely to achieve goal".

2003-2004 IEP Goal 5: [Student] will review the rules & expectations of appropriate behavior. First three marking periods, "Satisfactory progress – likely to achieve goal".

1. [Student] will review problem solving techniques. First three marking periods, "Satisfactory progress – likely to achieve goal".
2. [Student] will [review] the rules and expectations of acceptable behavior in a variety of settings. First three marking periods, "Satisfactory progress – likely to achieve goal".
3. [Student] will explore skills to acquire & maintain relationships w/ peers and colleagues. First three marking periods, "Satisfactory progress – likely to achieve goal". (Exhibit B-43, pp. 5-9)

2004-2005 IEP Goal 1: [Student] will continue to improve the vocational skills necessary to locate and maintain a job.

1. The Student will explore a variety of job sites and assess strengths and interests. First two marking periods, "Satisfactory progress – likely to achieve goal": third marking period, "Mastered".
2. The Student will prepare a resume. First two marking periods, "Satisfactory progress – likely to achieve goal": third marking period, "Mastered".
3. The Student will attend to task and consistently work up to ability in a work based environment. First two marking periods, "Satisfactory progress – likely to achieve goal": third marking period, "Mastered".

4. The Student will complete a variety of forms with assistance. First two marking periods, "Satisfactory progress – likely to achieve goal": third marking period, "Mastered".
- 2004-2005 IEP Goal 2: [Student] will review rules and expectations of appropriate behavior in a variety of settings.
1. The Student will explore realistic plans and life goals. First three marking periods, "Satisfactory progress – likely to achieve goal".
 2. The Student will review problem solving techniques. First three marking periods, "Satisfactory progress – likely to achieve goal".
 3. The Student will explore the skills necessary to develop & maintain peer relationships. First three marking periods, "Satisfactory progress – likely to achieve goal". (Exhibits B-53, pp. 5-6, B-76)
25. Student's present levels of educational performance, given on the record of a PPT meeting held on December 15, 2004, included strengths: attendance, spelling, positive attitude, and expressive language; and concerns/needs: visual motor skills, visual analysis, recalling visual designs, low average verbal, cause & effect, reasoning skills, and receptive language. (Exhibit B-63)
26. The PPT met on March 17, 2005, with Student, his Parents, two representatives from BRS, and seven school staff members. In the summary of this meeting, school staff members are quoted as stating that Student is ready to graduate from high school, and BRS representatives are quoted as stating that their agency is ready to help Student find a job as soon as he graduates. After this meeting, Parents wrote to a Board staff member that they disagreed with the statement that Student was ready to graduate. Referring back to a similar letter sent in February, 2005, they ask for another year at the high school. (Exhibits B-66, B-74, B-79)
27. The PPT met on May 11, 2005, at Parents' request. At Parent request, Student was not present at this meeting, although his name appears on the record. Both Parents and a Parent Advocate were present, also eight school staff members and the attorney who represents the Board. BRS was not represented at this meeting, and Board staff members tried to arrange another meeting between the Parents and BRS. Graduation was discussed: Board staff members felt that Student was ready to graduate, Parents continued to ask for an additional year at the high school. (Exhibit B-86)
28. Student's Special Education/Vocational Education Teacher facilitated a meeting between BRS, Student and his Parents on May 18, 2005. Once again, a BRS Vocational Counselor described the process available for Student. The first step is development of an employment plan, followed by consultation with a BRS-contracted employment agency. (Exhibits B-80, B-87)
29. Parent presented a witness in support of his case that Student had not met his goals. This witness is a qualified and licensed social worker, with some training as an advocate. This witness weakened her credibility by using hand-written summaries of various topics, without reference to specific exhibits. Her criticisms of IEP goals and

objectives, including questioning why Student had not “mastered” more of them, failed to integrate knowledge of Student’s consistently measured ability and achievement into review of his progress. Her written analysis includes inaccurate interpretations of data. (Exhibit P-8, Testimony, Parent Advocate)

30. The Regional Director of BRS summarized BRS services available to Student in testimony. She remarked that BRS had participated in PPT meetings for three years because each year they expected that Student would be graduating and seeking a job through BRS. She explained that a brief gap in contact between BRS and the Parents occurred when Student’s BRS Counselor was ill and a substitute was not immediately appointed. She responded to Parent’s concern about lack of opportunity to see BRS records and participate in meetings with BRS, explaining that Student would have to consent before BRS could share his information. (Testimony, BRS Regional Director)

CONCLUSIONS OF LAW AND DISCUSSION:

1. There is no dispute that Student is eligible for special education.
2. While both federal and state regulations provide that a special education student may continue to receive a free appropriate public education until age 21, that eligibility ends with high school graduation. The Office of Special Education Programs (OSEP), U.S. Department of Education, has explained that since graduation requirements are a state responsibility, decisions regarding eligibility for graduation of special education students may be delegated under state law (Letter to Davis-Wellington, OSEP 2003, 40 IDELR 182). In Connecticut, it is the responsibility of the PPT to determine when a special education student has met the requirements for high school graduation (Section 10-221a(d), Connecticut General Statutes (C.G.S.)). In making its decision, the Board’s PPT considered both the number of credits required for graduation and Student’s progress on his IEP goals and objectives, including transition goals and objectives.
3. Requirements for transition services are set forth at 34 C.F.R. 300.29. The record in this case shows an excellent effort by both the Board’s staff and BRS to provide transition services in conformity with federal requirements.
4. In the springs of 2003 and 2004, the PPT recommended that Student graduate. However, they agreed to Parents’ requests for additional time at the high school. It is not clear from the record or from testimony whether school staff members had independent reasons for changing their recommendations, or whether they were simply deferring to Parents’ wishes.
5. The Board and BRS have collaborated in Student’s transition planning. Student has participated in a Job Club sponsored by BRS at the Board’s high school. A BRS Vocational Counselor has met several times with Student and Parents regarding

opportunities for jobs. BRS representatives have described BRS services several times to Parents. The issue of Parent access to all BRS meetings and records concerning Student could easily be resolved if Parent provided BRS with documentation of his conservatorship status.

6. While many of Student's test scores are low, he has continued to progress in school and when his cognitive ability is considered, he has done well. He has learned to perform very well on several job sites with relatively close supervision. The rules for the high school job site placement program require that a paraprofessional job coach be present with Student on job sites: as Student has become more proficient, the job coach has "faded" to allow Student more independence. He is ready to attempt a real job with support from BRS. All the professionals who have been working with him agree that he is ready to graduate. He is likely to continue learning new skills and improving his old skills in a challenging job. One of the best comments about his abilities is that he understands directions given to him and rarely needs to be reminded with cues.
7. BRS requested a situational assessment in a work place several times. While Board staff were recorded as having difficulty finding an appropriate evaluator, there was no documentation that the Board either refused to perform the evaluation or asked BRS to arrange for it.
8. Parent questions Student's success on many goals and objectives where he has been rated as making "Satisfactory progress – likely to achieve goal". A careful examination of these goals and objectives reveals that many of them describe "life goals" that may never be 100% achieved by most people, those with disabilities and those without disabilities. Student's steady progress is well demonstrated.
9. Student has made adequate progress on his IEP goals and objectives and earned more than enough credits. He is ready to graduate. BRS is ready to provide support in his post graduation employment.

FINAL DECISION AND ORDER:

1. Student is eligible to graduate in June, 2005.
2. Since Student will be graduating, it is not necessary to address an educational plan for 2005-2006.
3. The triennial evaluation in late 2004 was thorough and provided results that are consistent with prior testing. However, the situational assessment in a work place requested by BRS was never performed. The Board is directed to collaborate with BRS in providing a situational assessment.

COMMENT ON THE CONDUCT IF THE HEARING (Section 10-76h-16(b), Regulations of Connecticut State Agencies)

The Parent appeared Pro Se. It is the practice of this hearing officer to give Pro Se Parents the widest possible latitude in presenting a case. This Parent repeatedly pled ignorance of the basic rules of this administrative forum, yet offered exquisitely crafted questions, timed perfectly to advance his case. He is clearly capable of reading the procedural requirements that are sent out with the notice of hearing by the Due Process Unit, Connecticut State Department of Education. He was advised by several advocates, and accompanied by an advocate at two PPT meetings. However, he claimed to have never been told about the option of mediation, and he ignored the requirements of 34 C.F.R. 300.509(a)(3), that five-day notice of evidence and witnesses be provided to the other party in a special education hearing. He continued to question BRS services although documentation by both the Board and BRS shows that they had been explained to him on several occasions over three years. It is hoped that the information provided on the record of the hearing will help him better understand his son and the opportunities available to him as an adult.