

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Board of Education

Appearing on behalf of the Parent:

Parent, *Pro se*

Appearing on behalf of the Board:

Lee Kennedy Tiernan, Esq.
Office of Corporation Counsel
26 Kenderick Street
Waterbury, CT 06702

Appearing before:

Mary H.B. Gelfman, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Is Student eligible for special education?
2. Were Parents' procedural rights violated concerning a Planning and Placement Team (PPT) meeting in May, 2005:
 - Failure to send notice of the PPT meeting to both Parents, as had been requested;
 - Failure to provide notice that eligibility for special education would be discussed at the PPT meeting;
 - Failure to consider Student's medical history and continuing medical issues in determining eligibility (or lack of eligibility) for special education.
3. Was the information considered in PPT meetings on October 4 and 25, 2007, and January 17 and March 20, 2008, accurate and complete? Was all the medical information provided by Parent recorded and considered by the PPT? Were secondary diagnoses included?
4. Was the November 22, 2006, re-evaluation appropriate?
5. If the above procedural violations are confirmed, are compensatory special educational services an appropriate remedy?

PROCEDURAL HISTORY:

This hearing was requested on March 26, 2008 and the hearing officer was appointed on April 1, 2008. A pre-hearing conference was held on April 28, 2008. When the hearing convened on May 21, 2008, the parties requested time to try to settle their dispute. An agreement was signed and the request for hearing was withdrawn.

SUMMARY:

Student, who has several medical diagnoses mostly related to Velocardiofacial Syndrome, had been classified as Learning Disabled and when she achieved appropriate grades and test scores, she was exited from Special Education. Parents believed that she needed a variety of supports and filed for a hearing, asking that she be identified as Other Health Impaired and be provided with such supports.

CONCLUSIONS OF LAW AND DISCUSSION:

Section 10-76h, Connecticut General Statutes (C.G.S.), authorizes an impartial hearing officer to conduct a special education hearing and to render a final decision in accordance with Sections 4-176e through 4-180a, inclusive, and Section 4-181a. Federal regulations at 34 C.F.R. § 300.511 also provide for special education hearings.

FINAL DECISION AND ORDER:

There being no issues remaining in dispute and the request for hearing having been withdrawn, this matter is DISMISSED without prejudice.