

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Connecticut Technical High School System Board of Education

Appearing on behalf of the Student: Attorney David Shaw
Law Office of David Shaw
34 Jerome Avenue, Suite 210
Bloomfield, CT 06002

Appearing on behalf of the Board: Attorney Christine Chinni
Chinni & Meuser
30 Avon Meadow Lane
Avon, CT 06001

Appearing before: Attorney Ann F. Bird
Hearing Officer

FINAL DECISION AND ORDER

ISSUES

1. Is the Individualized Education Program (“IEP”) developed for the Student at the November 8, 2013, Planning and Placement Team (“PPT”) meeting inappropriate because it was prepared before an appropriate analysis of the Student’s maladaptive behaviors and a Behavior Intervention Plan (“BIP”) were developed, before any analysis of the Student’s progress on goals and objectives of the 2012-13 IEP was considered and before an evaluation of the Student’s educational and transitional needs was conducted?
2. Is the Connecticut Technical High School System Board of Education (“Board”) responsible to pay for an evaluation secured by the Student if it used that evaluation to comply with the Final Decision and Order of the hearing officer in *Student v. Connecticut Technical High School System*, Case No. 13-0321?

PROCEDURAL HISTORY

The Student filed this Request for Impartial Due Process Hearing (“Request”) on November 19, 2013. Another Impartial Hearing Officer was appointed to determine the case on November 20, 2013. A prehearing conference was conducted and evidentiary hearings were scheduled. Attorney David Shaw appeared for the Student and Attorney Christine Chinni appeared for the Board. Subsequently, the initial Impartial Hearing Officer recused herself due to a scheduling issue and this Impartial Hearing Officer was appointed on December 12, 2013.

The Student filed a Motion for Default for Failure to Appear and Defend dated December 6, 2013. The Board then filed a Motion to Dismiss Connecticut State Board of Education, Connecticut Technical High School System and Howell Cheney Technical High School as Parties on December 13, 2013. In response, the Student filed a Motion to Strike Second Motion to Dismiss on December 13, 2013.

On January 8, 2014, the Impartial Hearing Officer issued an Order addressing these motions and dismissing some of the Student's claims. Subsequently, on January 14, 2014 and January 21, 2014, the Student requested that the Impartial Hearing Officer allow two separate amendments to the Request to add new issues. Each of the Student's requests was granted. The Impartial Hearing Officer later dismissed one of the two new issues, allowing the second issue to survive.

Evidentiary hearings were convened on March 6, 2014 and March 7, 2014. The parties each presented testimony from witnesses and offered documentary evidence that was admitted into evidence.

At the conclusion of the hearings, the parties jointly requested a thirty-day postponement and extension of the deadline to file the final decision in order to allow the parties an opportunity to file briefs before the final decision was issued. That request was granted, and the deadline to file the final decision was extended to April 25, 2014.

Subsequently, on April 4, 2014, the Student reported that the parties were in the process of finalizing a global settlement that was being negotiated under the auspices of the United States District Court for the District of Connecticut. The parties jointly requested an additional thirty-day postponement of the deadline to file the final decision in order to allow the parties additional time for filing the briefs in the case should the settlement fall through. The request was granted.

Subsequently, the Student requested several additional thirty-day postponements of the timeline to file the final decision in order to accommodate the need for approval of the settlement by the Probate Court and the United States District Court, and to allow the parties additional time for filing briefs should the settlement fail. The Board of Education did not oppose these requests, and the deadline to file the final decision in the case was ultimately extended to September 12, 2014.

On September 4, 2014, the Impartial Hearing Officer requested that Counsel for the Student report whether the matter is ready for dismissal. No report was provided. On September 8, 2014, the Impartial Hearing Officer directed Counsel for the Student to show cause why this matter should not be dismissed for failure to prosecute and/or to request a further extension of the deadline.

On September 9, 2014, Counsel for the Student reported to the Impartial Hearing Officer that the settlement had been finalized and approved by the Probate Court and

September 10, 2014

Final Decision and Order Case No. 14-0278

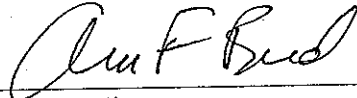
United States District Court. Counsel requested that the matter be dismissed with prejudice.

FINAL DECISION AND ORDER

It is ordered that the Student's request for dismissal is granted and that this matter is dismissed with prejudice.

If the local or regional board of education or the unified school district responsible for providing special education for the student requiring special education does not take action on the findings or prescription of the hearing officer within fifteen days after receipt thereof, the State Board of Education shall take appropriate action to enforce the findings or prescription of the hearing officer.

Appeals from the hearing decision of the hearing officer may be made to state or federal court by either party in accordance with the provisions of Section 4-183, Connecticut General Statutes, and Title 20, United States Code 1415(i)(2)(A).



Hearing Officer Signature

ANN F BIRD

Hearing Officer

Name in Print