

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Stamford Board of Education

Appearing on behalf of the Student: Pro Se

Appearing on behalf of the Board: Attorney Christopher Tracey
Shipman & Goodwin, LLP
300 Atlantic Avenue
Stamford, CT 06901

Appearing before: Justino Rosado, Esq., Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Was the graduation of the Student, on June 2014, appropriate and did it deny a free and appropriate public education (FAPE)?
2. Is the Student entitled to compensatory education for the denial of FAPE?

SUMMARY AND PROCEDURAL HISTORY:

The Student has been identified with Speech or Language Impairment and is entitled to receive FAPE as defined in the Individuals With Disabilities Education Improvement Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a et seq. The Student is over the age of eighteen and on June 26, 2015, signed a letter stating he was giving permission to his mother to proceed in his place and to represent him in all hearings and meetings related to this matter. (Hearing Officer's Exhibit No. 4) At a planning and placement team (PPT) meeting, the Parents rejected the graduation of the Student. The Student requested to continue at the Board's school. The Board refused the Parents' request.

On June 18, 2015, the Board received notice of the Student's request for due process. The parties agreed to attend a resolution meeting on June 30, 2015. An impartial hearing officer was appointed on June 18, 2015 and a pre-hearing conference was held on June 23, 2015. Hearing dates of August 25 and 26, 2015 were chosen by the parties.

In an electronic transmission dated July 28, 2015, the Board informed the hearing officer that the matter had been resolved at the resolution meeting and they were waiting for the Student to sign the agreement. (Hearing Officer's Exhibit No. 6). Another prehearing conference was scheduled for August 7, 2015. At the pre-hearing conference the mother agreed to sign the agreement. The Student and Parents signed the agreement. The agreement was signed but a withdrawal of the matter was not sent.

On August 25, 2015, the first day of hearing, neither the Student nor the Parent appeared. The Board presented (Board Exhibit No. 2), which was the agreement signed by the Board, the Student and both his Parents. The agreement was received as an exhibit not for its content, but to show that an agreement had

September 1, 2015

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been reached and ratified by the parties. Since neither the Parent nor the Student appeared at the hearing, the request for due process was dismissed for failure to prosecute.

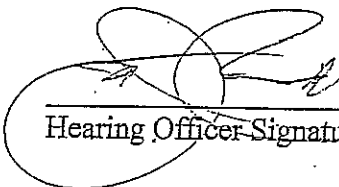
On August 26, 2015, the Parent sent an email withdrawing the matter. (Hearing Officer Exhibit No. 7)
The mailing date of the Final Decision and Order is September 1, 2015.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED FOR FAILURE TO PROSECUTE.

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

Justino Rosado
Hearing Officer Name in Print