

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student¹ v. Trumbull Board of Education
Trumbull Board of Education v. Student

Appearing on behalf of Student:	Student's Parents, <i>Pro Se</i>
Appearing on behalf of the Board of Education:	Attorney Christine A. Sullivan Berchem, Moses & Devlin, P.C. 75 Broad Street Milford, Connecticut 06460
Appearing before:	Janis C. Jerman Hearing Officer

FINAL DECISION AND ORDER

A special education hearing in Case 17-0589 was requested by the Board of Education's ("BOE's") Attorney via letter dated June 22, 2017.² It was received by Student's Mother on June 22. The original deadline to mail the final decision and order was August 4. A telephonic pre-hearing conference was held on July 20. Attorney Sullivan appeared on behalf of BOE and Student's Mother appeared on behalf of Student; the following issues were identified:

ISSUES:

1. Is the Board of Education's educational evaluation of Student appropriate?
2. If the answer to Issue 1 is in the negative, is Student entitled to an independent academic evaluation at public expense?
3. Is the Board of Education's psychoeducational evaluation of Student appropriate?
4. If the answer to Issue 3 is in the negative, is Student entitled to an independent cognitive evaluation at public expense?
5. If the answer to Issue 3 is in the negative, is Student entitled to an independent adaptive evaluation at public expense?
6. Is the Board of Education's occupational therapy evaluation of Student appropriate?
7. If the answer to Issue 6 is in the negative, is Student entitled to an independent occupational therapy evaluation at public expense?
8. Is the Board of Education's speech and language evaluation of Student appropriate?
9. If the answer to Issue 8 is in the negative, is Student entitled to an independent speech and language evaluation at public expense?
10. Is the Board of Education's sensory evaluation of Student appropriate?
11. If the answer to Issue 10 is in the negative, is Student entitled to an independent sensory evaluation at public expense?

Student's Mother expressed her intention to file a separate request for due process hearing to address concerns about Student's program and present levels of functioning. She indicated an intent to request consolidation of the two due process cases and agreement to participate in mediation if it covered both

¹ In order to comply with the confidentiality requirements of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g ("FERPA") and related regulations at 34 CFR § 99, this decision uses "Student," "Parents," and titles of certain school staff members and witnesses in place of names and other personally-identifiable information.

² All dates are 2017 unless otherwise indicated.

cases. During the prehearing conference, the parties requested an extension of the deadline to mail the final decision and order to allow Student's Mother time to file her request for due process and have the cases consolidated and to allow them to explore mediation. Student's Mother expressed concern about the impact of any delay on Student's education. After fully considering the positions of the parties, the request was granted and the deadline to mail the final decision and order was extended until September 1.

The parties participated in mediation on August 24. Via email dated August 30, BOE's Attorney requested an extension of the deadline to mail the final decision and order to allow the parties to finalize and sign a settlement agreement. After fully considering the positions of the parties, the request was granted and the deadline to mail the final decision and order was extended until September 29. Hearing was scheduled for September 12. On September 3, Student's Mother indicated that despite their good faith efforts, the parties were not able to finalize a settlement agreement and that they would proceed to hearing on September 12.

Student's Mother filed her request for due process on July 31 and it - Case 18-0054 – was assigned to Hearing Officer Susan Dixon. Pursuant to Section 10-76h-8(f)(3) of the Connecticut State Agency Regulations, the two Hearing Officers consulted and agreed that the cases should be consolidated with the undersigned Hearing Officer. On September 5, the undersigned Hearing Officer granted the Motion to Consolidate. The issues cited in that request for due process include:

1. Did the Board of Education provide an individualized program for Student on the basis of his assessments and performance for the 2016-17 school year?
2. Did the Board of Education provide an individualized program for Student on the basis of his assessments and performance for the 2017-18 school year?
3. Did the Board of Education provide appropriate behavioral support to Student in a timely manner during the 2016-17 school year in order to provide Student with a free appropriate public education?
4. Did the Board of Education offer a program for Student that included the behavioral supports necessary for Student to progress for the 2017-18 school year?
5. Did the Board of Education provide the necessary special education and support services to Student so that he was likely to progress during the 2016-17 school year?
6. Did the Board of Education offer a program that would provide meaningful educational benefits to Student during the 2017-18 school year in the least restrictive environment?
7. Did the Board of Education offer Student an extended school year program with the necessary behavioral supports?
8. Did the Board of Education violate Student's Parent's procedural rights and safeguards by not getting consent to evaluate Student?
9. If the answer to any of the Issues One through Seven are in the negative, what shall be the remedy?
10. If the answer to Issue Eight is in the affirmative, what shall be the remedy?

On September 6, Student's Mother indicated that the parties did reach a settlement agreement and withdrew her request for a due process hearing. BOE's Attorney withdrew BOE's request for hearing in light of Student's Mother withdrawing the request for an Independent Educational Evaluation.

FINAL DECISION AND ORDER

The above-captioned cases are dismissed.