

STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION

Student and Fairfield Board of Education

Appearing on behalf of the Student:

Parent, *Pro Se*

Appearing on behalf of the Board of Education:

Attorney Michelle Laubin
Berchem, Moses & Devlin PC
75 Broad Street
Milford, CT 06040
203-783-1200
mlaubin@berchemmoses.com

Appearing before:

Attorney Ann F. Bird
Hearing Officer

FINAL DECISION AND ORDER

ISSUE:

Did the Board of Education fail to identify or evaluate the Student or fail to offer the Student a free appropriate public education or an appropriate placement by: a) failing to provide the Student with a textbook provided to other students in October 2016; b) taking the Student's bag of chips in December 2016; and/or c) reprimanding the Student's mother for parking in an assigned parking place in September 2016?

PROCEDURAL HISTORY:

The Student submitted a request for due process to the State of Connecticut on or about November 7, 2017. This Impartial Hearing Officer was assigned to determine the case on November 13, 2017.

The Board of Education (Board) submitted a challenge to the sufficiency of the due process request on November 17, 2017 (Sufficiency Challenge).

The Student did not submit an objection to the Board's Sufficiency Challenge within the time allowed or at all.

The Board argues that the Student's request for due process is insufficient because the request for due process does not identify the name of the school the Student currently attends, does not relate to the identification, evaluation, placement or the provision of a free appropriate public education, and does not propose a resolution to the case, all as required by 34 C.F.R. Section 300.508(b).

The Board is correct that the Student's request for due process does not satisfy the requirements of 34 C.F.R. Section 300.508(b). It does not name the Student's school or

propose a resolution to the dispute. These defects, however, could be corrected through amendment. The other defect, however – that the request for due process does not relate to the identification, evaluation, placement or provision of a free appropriate public education - is not susceptible to correction through amendment.

The Student's claims that she was not given a textbook, was deprived of her bag of chips and that her mother was reprimanded have no relation to her identification, evaluation, placement or the provision of a free appropriate public education. Accordingly, the request for due process must be dismissed.

FINAL DECISION AND ORDER:

It is ordered that the matter is dismissed as insufficient.