**STATE OF CONNECTICUT**
**DEPARTMENT OF EDUCATION**

| | |
|---|---|
| Appearing for the Parents: | Attorney Gerry McMahon<br>Law Offices of Gerry McMahon, LLC<br>98 Mill Plain Road, Suite 3B<br>Danbury, CT 06811 |
| Appearing on behalf of the Board: | Attorney Anne Littlefield<br>Shipman & Goodwin, LLC<br>One Constitution Plaza<br>Hartford, CT 06103 |
| Appearing before: | Kelly Moyher, Esq.<br>Hearing Officer |

## FINAL DECISION AND ORDER

## ISSUES:

1. Was an appropriate program offered to the Student by the Clinton Board of Education for the 2017-2018 and 2018-2019 school years, including ESY 2018 and ESY 2019?
2. If the Student was denied FAPE, what is the remedy?
3. Is reimbursement for the December 2018 neuropsychological evaluation by Mary Best appropriate?
4. Is the Student entitled to compensatory education and/or any other relief deemed appropriate by the Hearing Officer?

## PROCEDURAL HISTORY/SUMMARY:

The Grandparents, who are the Student's foster parents, filed the Due Process Complaint and Request for Hearing on July 16, 2019. The Hearing Officer was appointed on July 17, 2019. A Prehearing Conference was scheduled for July 26, 2019. The parties discussed the issues during the prehearing conference and discussed the specific issue of who the appropriate person or persons were to file a complaint on the Student's behalf in this case. During the prehearing conference, it was discussed that the Student's grandparents were her foster parents and that she also had a surrogate parent.

The Hearing Officer received a Motion to Dismiss from the Board's attorney on August 7, 2019. There was no response from the Grandparent's attorney to the Board's Motion to Dismiss. The Motion to Dismiss filed on behalf of the Board correctly pointed out that state and federal law limit the right to file a due process complaint to persons with educational decision-making authority. Here, the surrogate parent, who was identified in the complaint filed by the Grandparent's attorney, was charged with educational decision-making authority and as such, was the appropriate person to file a due process complaint on behalf of the Student. The foster parents in this case do not have legal standing to raise a claim on behalf of their granddaughter.

**FINAL DECISION AND ORDER:**

The Board's Motion to Dismiss is **GRANTED.**

The matter is **DISMISSED**.