

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Regional School District No. 9

Appearing on behalf of the Parents: Atty. Phillip J. Cohn, Cohn & Associates LLC, 277
Sturges Ridge Road, Wilton, CT 06897

Appearing on behalf of the Regional School District No. 9: Atty. Michael P. McKeon,
Sullivan, Schoen & Connon, LLC, 646 Prospect Avenue, Hartford, CT 06105-4286

Appearing before: Attorney Patricia M. Strong, Hearing Officer

FINAL DECISION AND ORDER

PROCEDURAL HISTORY

The Parents filed a due process hearing request with the State Department of Education (SDE) on June 20, 2007. A copy was received by the Regional School District No. 9 (Board) on June 21, 2007. This Hearing Officer was assigned to the case on June 22. On June 22, Atty. McKeon filed an appearance for the Board. A prehearing conference was held on July 9. At the prehearing conference the parties agreed to mediate and hearing dates were scheduled for August 10 and 13. The decision deadline was set at September 4, 2007. The Board's attorney stated that he wanted to file a Motion to Dismiss. The attorneys were given dates to file and respond to the motion. The Board's motion was due on July 20. The Parents' reply was due on July 27. The Board's Motion was not filed until July 24. The Parents' attorney objected to the late filing, but nevertheless, filed his response of July 27.

The Board's Motion is granted. The Student's date of birth is January 30, 1989. She is, therefore, 18 years old. The Parents do not have standing to file a complaint on behalf of an adult child where, as here, they have not been appointed as guardians. Pursuant to IDEA and Connecticut statutes, the adult Student is the proper party in a due process complaint. Conn. Gen. Stats., 10-76h(a)(1). The Parents' attorney does not mention in the complaint that the Student is a party or that he represents her. In the response to the Motion to Dismiss, he states: "I represent the Parents in the above-referenced matter."

In the event that the Student files a due process complaint alleging the same matters, two additional defects in this complaint are noted. First, the Student graduated

with a regular diploma from Joel Barlow High School (the Board's high school) on June 19, 2007. Neither the complaint, nor the Parents' response to the Motion to Dismiss challenges the validity of the graduation. The Board's responsibility to provide special education ends at age 21 or graduation from high school, whichever occurs first. Conn. Gen. Stats., Section 10-76d(b)(1). Second, the alleged failure to provide an appropriate Section 504 plan is not a matter within the jurisdiction of this Hearing Officer. See Circular Letter C-9, November 3, 2000, Connecticut Commissioner of Education.

FINAL DECISION AND ORDER

It is ordered that this case be dismissed.