

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Hartford Board of Education

Appearing on behalf of the Parent (Mother): Attorney Alexis N. Highsmith
Greater Hartford Legal Aid, Inc.
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Hartford, CT 06105

Appearing on behalf of the Board: Attorney Melinda B. Kaufmann
Assistant Corporation Counsel
City of Hartford
550 Main Street
Hartford, CT 06103

Appearing before: Attorney Patricia M. Strong, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Should the Board have identified the Student as eligible for special education and related services under federal and state "child find" provisions prior to her referral for expulsion pending a hearing on May 18, 2009?
2. Should the Board have made a referral of the Student to a Planning and Placement Team as mandated by Regs. of Conn. State Agencies, Section 10-76d-7 for "children who have been suspended repeatedly or whose behavior, attendance or progress in school is considered unsatisfactory or at a marginal level of acceptance"?
3. Should the Board be required to place the Student in an alternative, smaller setting for diagnostic purposes for the remainder of the 2008-2009 school year and conduct expedited evaluations of her eligibility for special education and related services?

PROCEDURAL HISTORY:

The Parent's attorney requested this expedited hearing by faxing and mailing a letter dated May 14, 2009 to the State Department of Education ("SDE"). The Board of Education received a copy of the letter on May 14, 2009. This Hearing Officer was assigned to the case on May 26, 2009. A prehearing conference was scheduled for June 1, 2009. On May 29, 2009, the Parent's attorney

notified the Hearing Officer that on May 27, 2009 at a Planning and Placement Team meeting, the Board agreed to refer the Student for special education eligibility. She stated that the hearing request was withdrawn without waiving the Parent's right to re-file at a later date or to challenge the findings of the evaluations once they are completed. The mailing date for the final decision is June 29, 2009.

FINAL DECISION AND ORDER:

It is ordered that this case shall be dismissed without prejudice.