

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Stamford Board of Education v. Student

Appearing on behalf of the Parent: Pro Se

Appearing on behalf of the District: Attorney Marsha Moses  
Berchem, Moses & Devlin, P.C.  
75 Broad Street  
Milford, Ct 06460

Appearing before: Justino Rosado, Esq.  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Is the District's Speech and Language evaluation appropriate? If not;
2. Is the Parent entitled to an Independent Speech and Language evaluation at public expense?
3. Is the District's Occupational Therapy (OT) evaluation appropriate? If not;
4. Is the Parent entitled to an OT evaluation at public expense?

**SUMMARY and PROCEDURAL HISTORY:**

The Student has not been identified as entitled to receive FAPE as defined in the Individuals with Disabilities Improvement Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a et seq.

On October 27, 2017, a PPT was convened to discuss the evaluations performed of the Student. The Parent did not attend and the Grandmother, who was present, disagreed with the evaluations performed by the District and requested an Independent Educational Evaluations. The District refused the Grandmother's request and file for due process.

An impartial hearing officer was appointed on November 21, 2017 and a pre-hearing conference was scheduled for November 28, 2017. At the request of the Parent the conference was rescheduled for December 4, 2017 at 8:00 am.

At the conference, the District notified the hearing officer that the Parent had not attended the PPT at which the IEE was requested and the Grandmother who requested the IEE did not have authority over the educational rights of the Student. A briefing schedule was set to clarify the issue and the District would file a Motion to Dismiss. On December 7, 2017, the Parent emailed

a copy of a Power of Attorney giving the Grandmother authority over the education rights of the Student. The duration of the Power of Attorney is from December 4, 2017 to December 4, 2020. Its initial start date was after the PPT at which the Grandmother requested an IEE.

On December 11, 2017, the District filed a timely Motion to Dismiss and the Parent did not file any objection. A conference schedule was sent to the parties on January 8, 2018, by the hearing officer, setting January 11, 2018 at 8:00 am for a telephonic conference. The Parent did not object to the date or request a rescheduling of the matter. During the conference, an email was sent to the Parent advising that the conference was in progress and to call in. There was no response from the Parent.

The Motion to Dismiss was granted. The Grandmother, at the time of the PPT, did not have authority over the educational right of the Student. The Power of Authority giving the Grandmother educational rights was not executed until December 4, 2017 after the October 27, 2017 PPT where the Grandmother requested an IEE.

The mailing date was extended to accommodate the briefing schedule and the decision. The date for the mailing of the Final Decision and Order is February 2, 2018.

**FINAL DECISION AND ORDER:**

**THE MATTER IS DISMISSED WITHOUT PREJUDICE.**