

**A.C. 42276** : **STATE OF CONNECTICUT**  
: **APPELLATE COURT**  
**ALEXANDER PHILLIPS ppa** :  
**RALPH E. PHILLIPS** :  
: **V.** :  
: **TOWN OF HEBRON, ET. AL.** : **July 25, 2019**

**APPLICATION OF COUNCIL OF PARENT ATTORNEY AND  
ADVOCATES  
TO APPEAR AS AMICUS CURIAE AND TO FILE A BRIEF**

The Council of Parent Attorney and Advocates (COPAA), a national not-for-profit organization advocating for the rights of students with disabilities, hereby respectfully request permission of the court to appear as amicus curiae in the above-captioned proceeding and to file an amicus. In support of this motion, COPAA represents:

1. Counsel for proposed Amicus Curiae has communicated with Attorney Patricia Cofrancesco, counsel for the Appellant, who stated that Appellant has no objection to COPAA filing an amicus brief.
2. The Council of Parent Attorneys and Advocates (“COPAA”) is a national not-for-profit organization for parents of children with disabilities, their attorneys, and advocates. COPPA’s members work to safeguard students’ civil rights and provides resources, training, and information for parents, advocates, and attorneys to assist them in obtaining the free

appropriate public education (FAPE) such children are entitled to under the Individuals with Disabilities Education Act (IDEA or Act), 20 U.S.C. § 1400 et seq.

3. COPAA believes effective educational programs for children with disabilities can only be developed and implemented with collaboration between parents and educators as equal parties. COPAA brings to the Court this unique perspective and has previously filed as *amicus curiae* in the United States Supreme Court in *Endrew F. v. Douglas Cnty. Sch. Dist. RE-1*, 137 S. Ct. 988(2017); *Fry v. Napoleon Cnty. Sch.*, 137 S. Ct. 743 (2017); *Forest Grove Sch. Dist. v. T.A.*, 557 U.S. 230 (2009); *Bd. of Educ. v. Tom F.*, 552 U.S. 1 (2007); *Arlington Cent. Sch. Dist. Bd. of Educ. v. Murphy*, 548 U.S. 291 (2006); *Schaffer v. Weast*, 546 U.S. 49 (2005); and *Winkelman v. Parma City Sch. Dist.*, 550 U.S. 516 (2007), and in numerous cases in both federal and state appellate courts.

4. COPAA has 140 members in Connecticut.

5. COPAA has substantial expertise in the issues in this case, including exhaustion of administrative remedies, stemming, in part, from COPAA's substantial involvement in the case of *Fry v. Napoleon County School District*.

6. The proposed amicus curiae believe it important to bring its expertise on the need for effective procedural protection for students with disabilities to the attention of this court.

7. The proposed amicus curiae appear in support of Appellant nor the Appellee on the issues of exhaustion of administrative remedies and judicial estopped.

8. The proposed amicus curiae have a direct and substantial interest in this litigation and assert that no other party can adequately represent their interest. Further, their participation will occasion no delay or prejudice to any party.

9. The brief history of the case is that the case was filed by summons and complaint of September 29, 2016. Defendants filed a motion to dismiss on January 17, 2017, which was fully briefed by both sides. On October 5, 2018, Judge Farley granted the motion to dismiss and entered judgment in part. Appeal to the Appellate Court followed.

10. The proposed amicus relies on the specific fact that Judge Farley issued a decision which proposed amicus believes is incorrect as a matter of law.

11. The proposed amicus relies on the legal grounds governing the need to exhaust administrative remedies as set forth in *Fry v. Napoleon Cnty.*



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