

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Hartford Board of Education

Appearing on behalf of the Parents: Student's Mother and Father, pro se.

Appearing on behalf of Hartford Board of Education: Atty. Ann F. Bird, Assistant Corporation Counsel, City of Hartford, Office of the Corporation Counsel, 550 Main Street, Hartford, CT 06103.

Appearing before: Attorney Patricia M. Strong, Hearing Officer

FINAL DECISION AND ORDER

PROCEDURAL HISTORY

This hearing was requested on June 23, 2003. This hearing officer was assigned to the case on June 24. A prehearing conference was held on July 2. The Board attorney reported that the parties had requested mediation dates in mid to late July. A hearing date was scheduled for July 29, 2003. The sole issue would be whether the student's placement at the Hartford Transitional Learning Academy ("HTLA") was appropriate. On July 18, the Hearing Officer was advised that the Parent did not attend the July 17 mediation. The Board timely filed its list of witnesses and 11 exhibits. The Parents did not file any. The hearing was convened on July 29, at which time the Parents appeared and requested a continuance for purposes of seeking an independent psychiatric evaluation of the Student. They were not prepared to proceed with the hearing. The due process request was marked as Hearing Officer Exhibit 1. The Hearing Officer denied the request for a continuance and offered the Parents an opportunity to withdraw the hearing request without prejudice. They did not do so. The parties were advised that the case would be dismissed without prejudice. The Parents asked the Board to schedule a PPT meeting so that they could request an independent evaluation of the Student.

CONCLUSIONS OF LAW

1. The jurisdiction for this hearing is provided by Conn. Gen. Stats., Section 10-76h(a)(1), which provides in relevant part:

A parent or guardian of a child requiring special education and related services pursuant to sections 10-76a to 10-76g, inclusive . . . may request, in writing, a hearing of the local or regional board of education or the unified school district responsible for providing such services whenever such board or district proposes or refuses to initiate or change the identification, evaluation or educational placement of or the provision of a free appropriate public education to such child or pupil, provided no issue may be raised at such hearing unless it was raised at a planning and placement team meeting for such child or pupil and provided further, nothing in this subsection shall be construed to limit the right of such parent . . . to initiate a planning and placement team meeting at any time. . . .

The sole issue in the hearing is whether the Student was appropriately placed at HTLA. The Parents were not prepared to go forward on that issue. The issue regarding an independent evaluation was not raised at a PPT meeting. There is no jurisdiction over that issue in this case. See also Section 10-76h(g)

2. Section 10-76h-9 requires requests for postponement of a hearing to be made in writing five business days before a hearing. The Parent was not in compliance with this rule.

3. Section 10-76h-18 permits the hearing officer to order, sua sponte, the dismissal of a case for failure of a party to prosecute a hearing.

FINAL DECISION AND ORDER

The Parents have failed to withdraw the case or to prosecute the case, and, therefore, it is ordered that this case shall be dismissed without prejudice.