

CONNECTICUT STATE DEPARTMENT OF EDUCATION
Hartford, CT

STUDENTS : CASE NUMBERS: 17-3
v. :
BROOKLYN BOARD OF EDUCATION : NOVEMBER 21, 2016

Prehearing Conference Outline

A prehearing conference is an informal procedure where the hearing officer meets with the parties before conducting the hearing. At this conference the hearing officer will discuss administrative procedures and other matters as listed below. Note that the parties may be asked to restate their position on the record for any or all issues once the hearing begins.

The Impartial Hearing Board shall address the following matters:

1. Legal representation;
2. Petition of Appeal
 - a. Filing by proper person (Connecticut General Statutes (C.G.S.) Section 10-186(b)(1));
 - b. Filing within 20 days (C.G.S. Section 10-186(b)(2));
3. Intervenors (C.G.S. Section 4-177a);
4. Interested Person (C.G.S. Section 4-177c);
5. Discovery (C.G.S. Section 4-177c);
6. Determination of issue;
7. Exchange of potential exhibits;
8. Exchange of potential witness lists;
9. Stipulation of facts;
10. Agreement on Content of Lower Record;
11. Name of Parties;
12. Mailing Address;
13. Order of Presentation and Administrative Procedure; and
14. Other pertinent matters

The prehearing conference has been scheduled for December 14, 2016, at 10:00 a.m. at the Brooklyn Board of Education: Brooklyn Middle School, 119 Gorman Rd., Brooklyn, CT 06234. The meeting will be held in the Special Education conference room. The hearing will begin immediately following the conclusion of the pre-hearing conference.

/s/ Frederic S. Ury
Impartial Hearing Board

STATE BOARD OF EDUCATION
Hartford, Connecticut

In The Matter of Students v. Brooklyn Board of Education
School Accommodations Case No. 17-3

Notice of Appellate Hearing Regarding Transportation

Legal Authority and Jurisdiction For This Hearing

The hearing referenced above is hereby scheduled, and will be heard, pursuant to Connecticut General Statute (C.G.S.) Section 10-186. This matter will be heard by an Impartial Hearing Board of the State Board of Education consisting of one person who, pursuant to C.G.S. 10-186, shall render a final decision on behalf of the State Board of Education. Please be advised that Frederic S. Ury, Impartial Hearing Board, shall hear this appeal. The Board of Education has not provided a transcript, as of yet. We are providing here the portion of the record which has been provided by the Board of Education.

Time and Location of Hearing

Pursuant to C.G.S. Section 10-186(b)(2), the hearing shall be held in the local or regional school district in which the cause of the complaint arises. The hearing is scheduled as follows:

Date: December 14, 2016

Time: 10:00 a.m.

**Location: Brooklyn Board of Education
Brooklyn Middle School
119 Gorman Road, Brooklyn, CT 06234
Room: Special Education Conference Room**

Allegations

The attached appeal, received by the State Board of Education on November 2, 2016, expressly states the allegations made by the complaining party. (Refer to the appeal to ascertain the specific allegations.)

Parties

The determination of the parties of interest shall be reviewed by the Impartial Hearing Board prior to or at the hearing. Pursuant to C.G.S. Section 10-186(b)(2), either party may request that the Impartial Hearing Board join all interested parties, or the Impartial Hearing Board, acting on its own motion, may join an interested party. The Impartial Hearing Board has no authority to

make a determination of the rights and responsibilities of a board of education that is not a party to the hearing.

Note that, pursuant to C.G.S. Section 10-186(a): “A board of education which has denied school accommodations shall advise the board of education under whose jurisdiction it claims such child should be attending school of the denial.” C.G.S. Section 10-186(a)

Subject Matter of Hearing

The subject matter of this hearing is Student’s appeal of the decision of the Brooklyn Board of Education as to the Student’s transportation. For a more complete statement see the attached appeal.

Procedure

This hearing is held in accordance with C.G.S. Section 10-186, and the contested case provisions of the Uniform Administrative Procedure Act. See C.G.S. Sections 4-176e to 4-183 (except for C.G.S. 4-178a and 4-179), inclusive.

Prior to conducting the appellate hearing at the above-referenced location, the Impartial Hearing Board shall conduct a prehearing conference with the parties to review the procedure of the hearing and discuss any other matters raised by the parties.

If, after the hearing, the Impartial Hearing Board finds that any child is illegally or unreasonably denied school accommodations the Impartial Hearing Board shall order the board of education under whose jurisdiction it has been found such child should be attending school to provide such accommodations. Except in the case of a residency determination, the finding of the local or regional board of education, subcommittee of such board, or a local impartial hearing board shall be upheld unless it is determined by the Impartial Hearing Board that the finding was arbitrary, capricious or unreasonable. C.G.S. Section 10-186(b)(4). In the case of a denial of schooling based on residency, the party denied schooling shall have the burden of proving residency by a preponderance of the evidence. C.G.S. Section 10-186(b)(1).

Pursuant to C.G.S. Section 4-177c, regarding discovery of information, each party shall be afforded the opportunity to inspect and copy relevant and material records, papers and documents in the possession of the other party. The parties should communicate with each other directly with regard to such inspection and copying prior to the date of the hearing. Also, regarding evidence offered at the hearing, each party has the right to present evidence and argument, examine witnesses, and review documents and other forms of evidence. Each party may conduct cross-examination, i.e. question the witness of another party, in order to produce a full and true disclosure of the facts. Also, the Impartial Hearing Board may examine witnesses.

In general, each party has the following rights:

1. To testify and produce witnesses and other evidence in support of his or her position and conduct cross-examination of other parties, intervenors and witnesses;

2. To be represented by a third party, including an attorney; and
3. To file a written request for a continuance of the hearing provided such request is filed at least seventy-two (72) hours prior to the date and time of the hearing scheduled in this Notice of Appellate Hearing. Such request shall be entertained by the Impartial Hearing Board which may grant or deny the request.

Final Decision

The Impartial Hearing Board will render its final decision within forty-five days after receipt of the notice of appeal. In this case the notice of appeal was received November 2, 2016. An extension of time for rendering a decision may be granted by the Commissioner of Education upon an application by a party or the impartial hearing board describing circumstances related to the hearing requiring an extension.

The final decision will contain findings of facts and conclusions of law which shall state the reasons on which the decision is based. The final decision of the Impartial Hearing Board may be appealed to the Superior Court in accordance with the provisions of C.G.S. Section 4-183, except venue shall be in the judicial district within which the local or regional school board is situated. See C.G.S. Section 10-187 (2015).

cc: Attorney Frederic S. Ury, Impartial Hearing Board
Attorney Anne Littlefield for the Brooklyn Board of Education
Student's Parents, Appellants
Post Reporting Service