

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Farmington Board of Education v. Student

Appearing on behalf of the Board: Attorney Craig S. Meuser
Shipman & Goodwin LLP
One American Row
Hartford, CT 06103-2819

Appearing on behalf of the Parent: The Parent proceeded *pro se*

Appearing before: Attorney Mary Elizabeth Oppenheim
Hearing Officer

ISSUE:

Whether the Board is entitled to a comprehensive evaluation of the Student in the absence of parental consent.

FINAL DECISION AND ORDER

The matter was assigned on November 4, 2003, and a prehearing conference was held on November 7. The Parent did not participate in the prehearing conference as she was not available at the scheduled time.

The hearing convened on November 18, but was continued at the request of the Board, so that information could be obtained regarding the residency of the Student.

¹ The hearing continued on December 9, at which time the Board's attorney indicated that the residency of the Student continued to be an issue. At the December 9 hearing, the Board director testified that the Parent had indicated that she intended to register the Student at Bristol public schools, and that the Student would live with another person in Bristol. At that time, Bristol was challenging residency, and a residency hearing was pending. The Student's brother was attending the Board schools at this time, and therefore, the Board was concerned that the Bristol schools would prevail in their residency hearing. The Board was informed that a decision would be made on the residency matter by the end of the month. [Testimony Jane Currie]

The hearing was continued to January 6 at which time the Board indicated that the residency issue was still unresolved, and the matter was continued.

¹ The hearing was also continued due to the hearing officer's urgent medical appointment.

The Parent did not appear at any of the scheduled hearing dates.

On January 12, 2004, the Board's attorney submitted notice that the Board had learned that the Parent had now withdrawn all of her children from the Board's schools. Therefore, the Board was withdrawing this matter, without prejudice.

As this matter has proceeded with testimony, the appropriate manner in which to conclude this case is not by a withdrawal, but through a dismissal without prejudice. The Board's notice to withdraw this case, therefore, is construed as a request to dismiss this case without prejudice.

FINAL DECISION AND ORDER:

The matter is **DISMISSED**, without prejudice.