

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Waterford Board of Education v. Student

Appearing on behalf of the Parents: Mother, pro se

Appearing on behalf of the Board: Attorney Lawrence J. Campana
Sullivan, Schoen, Campana & Connon, LLC
646 Prospect Avenue
Hartford, CT 06105-4286

Appearing before: Attorney Patricia M. Strong
Hearing Officer

FINAL DECISION AND ORDER

PROCEDURAL HISTORY

The Board requested this hearing on March 24, 2004 regarding its proposal to conduct a comprehensive evaluation of the Student. The Parent had initially consented to the evaluation, and then revoked consent. Hearing Officer Exhibit 1. This hearing officer was assigned to the case on March 24. A prehearing conference was held on March 31. Hearing dates were agreed on for April 28 and 30 and May 7.

On April 16, the Parent requested a 30-day postponement of the hearing in order to obtain counsel. The request was denied. On April 23, the Parent wrote a letter requesting a postponement of the hearing until she obtained an evaluation report from an independent psychologist. The request was denied without prejudice. On April 27, the Board's attorney wrote a letter agreeing to postpone the April 28 and 30 hearing dates, but not the May 7 date. The request was denied and the parties were directed to address the Parent's claims regarding scheduling and mootness at the April 28 hearing. The hearing was convened on April 28 with all parties present. The Parent was heard on a motion to dismiss based on an evaluation that was performed on April 23. She claimed that a full set of educational and psychological testing was done. The parties were given the opportunity to confer for purposes of settling the case. No agreement was reached. The Board's attorney requested that the hearing be postponed until mid-June at which time the report would have been completed and presented to a PPT meeting. The Parent objected to the postponement and wanted the Board to withdraw the case. Given the choice of proceeding with the hearing on April 28 or agreeing to postpone the hearing, the Parent agreed to postpone the hearing to June 15 and 16 and to extend the decision deadline to July 1.

On June 11, the Board's attorney wrote a letter stating that there was a PPT meeting on June 10 at which the Parent had the report with her but refused to provide it to the team, saying it was incomplete because her questions hadn't been answered by the evaluators. The Board requested a postponement of the June 15 and 16 hearing dates until the week of July 26 in order to allow the team to receive and review the completed report. The letter did not indicate whether the Parent consented to the postponement or whether efforts had been made to seek her consent. In the event the postponement was denied, the Board asked to withdraw the due process request without prejudice, reserving the right to reinstate due process if the report was not received in 30 days. The parties were advised on June 11 that the postponement request was denied, that the June 15 and 16 hearing dates were cancelled and that the case would be dismissed.

FINAL DECISION AND ORDER

It is ordered that the case shall be dismissed without prejudice sua sponte pursuant to Section 10-76h-18(a)(1).