

STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION

Enfield Board of Education v. Student<sup>1</sup>

Appearing on behalf of Student:

Attorney Penelope Petzold  
The Law Office of Penelope Petzold, LLC  
45 Elizabeth St  
Hartford, CT 06105

Appearing on behalf of the Board of Education:

Attorney Christine Chinni  
Chinni & Meuser LLC  
14 Station Street  
Simsbury, CT 06070

Appearing before:

Janis C. Jerman  
Hearing Officer

**FINAL DECISION AND ORDER**

A special education hearing in the above-captioned matter was requested by Board of Education (BOE) via letter dated March 6, 2020<sup>2</sup> and filed with the Due Process Unit on March 9. The original 45-day deadline to mail the final decision and order was April 23.

A telephonic pre-hearing conference was scheduled for March 20. Neither party appeared. The pre-hearing conference was rescheduled for March 25. Attorney Chinni appeared on behalf of BOE. Student's Mother, who was representing Student *pro se* at that time, did not appear.

The following issues were identified:

1. May the Board of Education conduct a functional behavioral assessment of Student absent parental consent?
2. May the Board of Education conduct a psychiatric consultation of Student absent parental consent?

Via email dated March 25, BOE's Attorney requested a 30-day extension of the deadline to mail the final decision and order on the basis that BOE's school facilities are closed pursuant to government orders during the COVID-19 pandemic. After fully considering the positions of

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<sup>1</sup> In order to comply with the confidentiality requirements of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g ("FERPA") and related regulations at 34 CFR § 99, this decision uses "Student," "Parents," and titles of certain school staff members and witnesses in place of names and other personally-identifiable information.

<sup>2</sup> All dates are 2020 unless otherwise indicated.

the parties, the request was granted and the deadline to mail the final decision and order was extended to May 23. Hearing was scheduled for May 11.

On May 4, Student's Mother requested that the hearing be delayed until BOE's school facilities reopen. After fully considering the positions of the parties, the deadline to mail the final decision and order was extended until June 22. The May 11 hearing was postponed to June 16, to be held via videoconference.

On June 1, Student's Mother requested a 30-day extension of the hearing "as previously requested." After fully considering the positions of the parties, the request to postpone the hearing for 30 days was denied.

Neither party timely filed their exhibits or witness list. In response to the Hearing Officer's inquiry as to the status, BOE's Attorney requested that the June 16 hearing be postponed and that the June 22 deadline to mail the final decision and order be extended to accommodate rescheduling the hearing. After fully considering the parties' positions, the requests were granted. The deadline to mail the final decision and order was extended to July 22 and hearings were scheduled for July 17.

On July 8, Attorney Petzold filed her appearance on behalf of Student in lieu of Student's Mother. On July 13, Student's Attorney requested a continuance of the case so that she can review the records and familiarize herself with the matter and attempt to resolve the matter. After fully considering the positions of the parties, the request was granted. The deadline to mail the final decision and order was extended 30 days to August 21 and hearings were scheduled for August 11 and August 14.

Neither party timely filed their exhibits or witness list. In response to the Hearing Officer's inquiry as to the status, Student's Attorney filed a Motion to Compel Production of Evidence. BOE's Attorney requested to withdraw the case without prejudice to allow the parties to participate in mediation.

### **FINAL DECISION AND ORDER**

The above-captioned case is dismissed without prejudice. Any outstanding motions are deemed denied as moot as a result of this dismissal.