

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Redding Board of Education

Appearing on behalf of the Student: Parent, pro se

Appearing on behalf of the Board: Attorney Marsha Belman Moses
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, Connecticut 06460

Appearing before: Attorney Christine B. Spak
Hearing Officer

FINAL DECISION

The prehearing in this matter was conducted on October 4, 2006. Both parties participated and a hearing date that the parties agreed upon was selected. The hearing date allowed time for the parties to participate in mediation, which they did, although mediation was not successful in resolving the issues. The issues in dispute were a failure to properly place and program and compensation for the private placement and services provided by the parent for the 2005-2006 and 2006-2007 school years. The Board filed a Sufficiency Challenge and a Motion to Dismiss. The Parent's request for hearing was found to be sufficient and the Motion to Dismiss was denied. The Board requested a continuance for time to prepare for hearing and before the Hearing Officer responded the Parent asked for a request for a continuance by fax, dated November 8, 2006, to allow the Parent to receive all requested documents and because she requested an Advisory Opinion. On her original request for hearing the Parent had already agreed to an Advisory Opinion and the Board had declined to agree. Therefore, given that the Advisory Opinion process is one that must be agreed to by the parties, this reason is not an appropriate basis on which to grant a continuance. After the Parent filed their request for hearing the Board objected to a continuance being granted, and given the short time frame in which these requests were filed, the parties convened for the first day of hearing. At hearing the Parent indicated she wanted to withdraw if she was not given a continuance because she was consulting attorneys and may retain one to represent the Student in this matter. She indicated that she thought that basis had been communicated in her correspondence. The correspondence was reviewed and it revealed that the need to obtain records and the desire for an Advisory Opinion were the two bases for the continuance request. The Parent explained that she was waiting for the Board records (which were available to her from the Thursday before the Monday hearing, although she

stated she did not get the letter telling her so) and for some letters from private providers. She expected to have them within a month and needed all of those records before she could consult with an attorney. The Parent clarified that the relief she was seeking was for the 2005-2006 school year to the present. The Board objected to the continuance. The matter was dismissed without prejudice. The fact that the Parent may refile again as soon as she is prepared to go to hearing was discussed on the record.

FINAL DECISION AND ORDER:

The hearing is dismissed without prejudice.