

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Board of Education

Appearing on behalf of the Parent:

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Appearing on behalf of the Board:

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Appearing before:

Mary H.B. Gelfman, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Board offer a free appropriate public education in the least restrictive environment for Student for the 2006-2007 school year?
2. If not, is placement at The Rectory appropriate to Student's special education needs?
3. Is the Board responsible for reimbursement of the cost of Student's placement at The Rectory for the 2006-2007 school year?

PROCEDURAL HISTORY:

Parents requested a hearing on December 6, 2006, proposing that the issues presented be incorporated into a prior hearing concerning the same student which was concluding. The hearing officer was appointed on December 7, 2006. A pre-hearing conference was held on December 15, 2006. The parties agreed to waive a resolution meeting and the deadline for mailing the final decision and order was set at January 29, 2007. The hearing was scheduled to convene on January 23, 2007.

The hearing officer for the prior hearing declined consolidation, and on December 19, 2006, the Board challenged the sufficiency of the request for hearing. This hearing officer agreed that the request was not sufficient, and Parents' attorney submitted a revised request on January 25, 2007. A resolution meeting on February 7, 2007, failed to resolve the issues in dispute.

A second pre-hearing conference was held on February 15, 2007. The date for mailing the final decision and order was then set at March 24, 2007. At the pre-hearing conference, there was an asserted need for additional hearing dates and the parties requested an extension of the deadline for mailing the final decision and order, pursuant to Section 10-76h-9(c), Regulations of Connecticut State Agencies. This request was granted: the mailing date was extended from March 24 to April 23 and thence to May 23, 2007. The hearing was scheduled for March 19 and 27 and April 2, 3 and 23, 2007.

On March 14, 2007, the parties requested that the hearing be postponed because there had been a delay in the decision for the prior hearing. The parties asserted that: ... the underlying facts and issues in the two cases are similar, the parties concur that the pending decision in the previous case will impact their respective positions with regard to possible settlement of this matter. In response, the hearing officer postponed hearing session scheduled for March 19 and 29 and April 2 and 3, 2007, and re-scheduled the hearing for April 23, 2007.

On April 11, 2007, the parties again requested postponement of the hearing sessions scheduled for April 23, 2007, requesting a "four week window" after receipt of the decision for the prior hearing within which to attempt settlement.

FINAL DECISION AND ORDER:

In the light of prior postponements, the request for postponement of the April 23, 2007, hearing session is DENIED and this case is DISMISSED without prejudice for failure to prosecute.