

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. New Haven Board of Education

Appearing on behalf of the Parents: Father, pro se

Appearing on behalf of the New Haven Board of Education: Atty. Marsha Belman Moses, Berchem, Moses & Devlin, P.C., 75 Broad Street, Milford, CT 06460

Appearing before: Attorney Patricia M. Strong, Hearing Officer

FINAL DECISION AND ORDER

PROCEDURAL HISTORY:

This hearing request by letter to the State Department of Education ("SDE") was received on June 14, 2007. The Board of Education received the hearing request on June 15. This Hearing Officer was assigned to the case on June 15. On June 19, Atty. Moses appeared for the Board. On June 20, a notice of a prehearing conference scheduled for June 28 was faxed to the Board's attorney and mailed to the Parent. All communications with the parties were sent in this manner. On June 26, the Parent telephoned the Hearing Officer and left a message that he was unavailable for the June 28 conference call. The Hearing Officer sent a letter to the parties on June 27 and asked the Board's attorney to contact the Parent by telephone to ascertain whether he was available on June 29 or July 3, the alternate dates given in the June 20 prehearing notice. The Board's attorney wrote to the Hearing Officer on June 27 stating that a message was left with the Parent requesting the conference to be rescheduled on July 3 at 9:00 a.m. On June 27, the Board's attorney filed a Motion to Dismiss and/or Sufficiency Challenge to the Parent's Complaint.

The Hearing Officer rescheduled the prehearing conference for July 3 at 8:45 a.m. and sent a notice to the parties on June 29, along with a letter advising the Parent that he should file a response to the Motion to Dismiss by July 5. The prehearing conference was held on July 3 with the Board's attorney. The Parent did not answer his telephone and the voice mail recording stated that a voice mailbox had not been set up. The Board's attorney reported that the Parent never returned the telephone call from June 27. A hearing date was scheduled for August 2 and the decision deadline was set at August 29, 2007. On July 3, the Parent faxed a letter to Atty. Moses and the Hearing Officer requesting that the "claim" be dismissed without prejudice. He also stated that: "I do not know how to respond to such claims. While my claims are genuine, I'm at a lost. As it happens, I am without legal representation and want closure from Celentano Museum

Academy School concerning these claims.” In her Motion to Dismiss, the Board’s attorney states that the Parent has filed a series of complaints against the Board through various forums. She further states that these complaints are frivolous, without foundation and intended to harass the Board.

The Parent’s request to dismiss this complaint without prejudice is denied. The Board’s motion is granted. The complaint as filed on June 14 is insufficient in that it does not contain a description of the nature of the problem of the child relating to such proposed initiation or change, including facts relating to such problem. It does not reference any school year or any Individual Education Program (IEP). 34 C.F.R. Section 300.508(b)(5). In addition, the complaint does not set forth any proposed resolution that is within the authority of the Hearing Officer to grant. Conn. Gen. Stats., Section 10-76h(d)(1).

FINAL DECISION AND ORDER:

It is ordered that this case shall be dismissed.