

STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION

Achievement First Hartford Academy v. Student and Hartford Board of Education

Appearing on behalf of the Student: Parent, *Pro se*

Appearing on behalf of Achievement First: Attorney Elizabeth Knight Adams
Law Office of Elizabeth Knight Adams
81 Wethersfield Avenue
Hartford, CT 06114

Appearing on behalf of the Board: Attorney Melinda B. Kaufmann
Assistant Corporation Counsel
City of Hartford
550 Main Street
Hartford, CT 06103

Appearing before: Attorney Janis C. Jerman, Hearing Officer

FINAL DECISION AND ORDER

An expedited special education hearing in the above-captioned matter was requested by Achievement First Hartford Academy (“Achievement First”) via Request for Impartial Special Education Hearing dated May 6, 2010.¹ It was received by the Due Process Unit on May 6. The case was initially assigned to another Hearing Officer who recused herself due to a relationship with one of the parties. The case was assigned to the undersigned Hearing Officer on May 10.

On May 10, the Hearing Officer issued a Memorandum and Order outlining the issue raised in the Request for Hearing, setting out the timelines for the case, and scheduling a pre-hearing conference on May 18 and scheduling hearing dates on May 25 and 26. The issue raised is whether Student’s high level of impulsivity and extreme behaviors require placement in an Interim Alternative Educational Setting (“IAES”) to maintain the safety of Student and others in the school setting.

On May 13, Achievement First filed a Motion to Join the Hartford Board of Education (“Board of Education”) as a party, claiming it to be the local education agency responsible for Student’s special education program. On May 14, the Hearing Officer issued a scheduling order permitting the Board of Education to file a response to the motion and relaying to them the May 10 Memorandum and Order.

¹ All dates are 2010 unless otherwise indicated.

On May 17, the Board of Education's Attorney filed an appearance on their behalf. As indicated by the Board of Education's Attorney during the May 18 pre-hearing conference, the appearance was not limited to the issue of the Motion to Join. The Motion to Join is deemed moot in light of the Board of Education's appearance.

On May 18, the Board of Education filed a Motion to Dismiss Due to Lack of Standing and/or Failure To Participate in Resolution Meeting.

A telephonic pre-hearing conference was held on May 18. Attorney Adams and Kate Blanchard appeared on behalf of Achievement First and Attorney Kaufmann appeared on behalf of the Board of Education. Student's Mother did not appear. At the pre-hearing conference, the parties discussed the factual background leading up to the case and responded to questions from the Hearing Officer regarding standing and jurisdiction.

Achievement First was given until May 20 to file a response to the Motion to Dismiss and to the following questions raised by the Hearing Officer:

1. Whether Achievement First is a Local Education Agency ("LEA") for purposes of 34 CFR §300.532(a);
2. Whether there is an issue in dispute where it is represented that Student's Mother does not challenge the proposed interim alternative educational setting;
3. Whether there is an issue in dispute where it is represented that Student's Individualized Education Plan ("IEP") team has not determined an interim alternative educational setting pursuant to 34 CFR § 300.531.

Achievement First filed an Objection to Motion to Dismiss on May 20. On May 21, the Board of Education filed a Reply Brief in Support of Motion to Dismiss. On May 23, the Motion to Dismiss for lack of jurisdiction was granted and the May 25 and 26 hearings were cancelled.

FINAL DECISION AND ORDER

In light of the above facts, the above-captioned case is hereby dismissed.