

STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION

Student v. Windham Board of Education

Appearing on behalf of the Student:

Parent, *Pro Se*

Advocate, Jerry Spears  
148 Foster Drive  
Willimantic, CT 06226

Appearing on behalf of the Board

:

Mr. Jeffrey Forman  
Windham Public Schools  
Director of Special Services  
322 Prospect Street  
Willimantic, CT 06226

Appearing before:

Attorney Janis C. Jerman, Hearing Officer

**FINAL DECISION AND ORDER**

A special education hearing in the above-captioned matter was requested by the Board of Education via Request for Impartial Special Education Hearing dated July 6, 2010.<sup>1</sup> A pre-hearing conference was scheduled for Monday, August 2 at 11:30 a.m. Student's Parent and Student's Advocate appeared on behalf of Student. No one appeared on behalf of the Board of Education. At 11:37, the Hearing Officer e-mailed the Director of Special Services asking him to join the conference call. At 11:43, when he did not appear, the call was ended.

The pre-hearing conference was rescheduled for Monday, August 9 at 8:30 a.m. The notice indicated that the Board of Education filed the Request for Impartial Special Education Hearing and that if the Board of Education does not appear for the re-scheduled pre-hearing conference, the matter will be dismissed for failure to prosecute.

Student's Parent and Student's Advocate appeared on behalf of Student at the August 9 pre-hearing conference. No one appeared on behalf of the Board of Education. At 8:35, the Hearing Officer e-mailed the Director of Special Services asking him to join the conference call. At 8:40, when he did not appear, the Hearing Officer indicated to Student's Mother and Student's Advocate that she intended to dismiss the case for failure to prosecute.

Student's Advocate indicated that they were in agreement with the matter being dismissed because the parties were scheduled for mediation on August 11 and were hopeful that the matter would resolve then.

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<sup>1</sup> All dates are 2010 unless otherwise indicated.

Student's Advocate indicated that if the matter did not resolve through mediation, they understood that the Board of Education could re-file at that time.

**FINAL DECISION AND ORDER**

In light of the above facts, the above-captioned case is hereby dismissed without prejudice.