

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Naugatuck Board of Education

Appearing on behalf of the Student: Parent

Appearing on behalf of the Board: Attorney Michelle Laubin
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, CT 06426

Appearing before: Attorney Brette H. Fitton
Hearing Officer

FINAL DECISION AND ORDER

ISSUE:

Did the District violate the Individuals with Disabilities Education Act by denying Parent meaningful participation at the PPT meeting held on March 28, 2017?

PROCEDURAL HISTORY AND SUMMARY:

On April 27, 2017, the Naugatuck Board of Education received a request for a special education due process hearing filed by the Parent. On May 11, 2017, the Connecticut State Department of Education appointed the undersigned Hearing Officer to preside over the case. The deadline for mailing the final decision and order, based on the April 27th date of receipt was established as July 11, 2017. A prehearing conference was set for Monday, May 22, 2017. Notice of this conference was sent by U.S.P.S. and by email. On May 13, 2017, Attorney for the Board filed a challenge to the sufficiency of the request. On May 19, 2017, the Attorney for the Board indicated that she was not available at the time set for the prehearing conference. Parent did not respond to the Board's notice of unavailability. The undersigned Hearing Officer resent the Notice of Prehearing Conference via email to Parent on May 22, 2017. On May 23, 2017, Parent called the Hearing Officer and confirmed that she had received the emails which contained the Notice of Prehearing Conference. Parent was instructed to reply to the email regarding scheduling the prehearing conference so that a mutually convenient date for a prehearing conference could be identified. The Hearing Officer sent additional emails to Parent on May 30, 2017 and May 31, 2017 requesting a response so that a prehearing conference could be held. As of June 13, 2017, Parent had not responded to any of the Hearing Officer's emails. Based on the information above and pursuant to her authority under R.C.S.A §10-76h-18, the undersigned Hearing Officer finds that Parent has failed to prosecute the request for a special education due process which she filed, and as a result the hearing request is hereby dismissed without prejudice.

FINAL DECISION AND ORDER:

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