

STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION

Enfield Board of Education v. Student

Appearing on behalf of Student:

Attorney Courtney P. Spencer
Law Office of Courtney P. Spencer
701 Hebron Avenue
Glastonbury, CT 06033

Appearing on behalf of the Board of Education:

Attorney Christine L. Chinni
Chinni & Meuser LLC
30 Avon Meadow Lane
Avon, CT 06001

Appearing before:

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 ("BOE") via letter dated November 22, 2010.¹ It was received by Student's Parents on November 22. The original deadline for mailing the final decision and order was January 6, 2011.

A telephonic pre-hearing conference was held on December 14. Attorney Spencer appeared on behalf of Student and Attorney Chinni appeared on behalf of BOE. The following issue was identified: Shall BOE be permitted to conduct a psychiatric evaluation of Student prior to addressing Student's Parents' request for an independent educational evaluation?

On December 6, Student's Attorney moved to dismiss the due process request on the basis that 1) the request is moot because Student's Parents did not revoke consent for evaluation and 2) that the request is premature because BOE did not hold a resolution session prior to filing for due process. BOE's Attorney was notified that she had until December 13 to file an objection. No objection was filed. After fully considering the positions of the parties, the motion to dismiss was denied.

During the December 14 pre-hearing conference, the parties agreed to hearings on January 5 and 7, 2011 if BOE's Attorney filed a request for an extension of the mailing date. BOE's Attorney e-mailed a request for a 30-day extension of the mailing date on December 16.

¹ All dates are 2010 unless otherwise indicated.

The request did not comply with state regulations. The Hearing Officer notified BOE's Attorney that the request could be resubmitted in compliance with state regulations and the Hearing Officer's Orders regarding filing documents via e-mail.

Via letter dated December 21, Student's Attorney filed a request for postponement of hearings and a 30-day extension to permit the parties time to participate in mediation in early January 2011. After fully considering the positions of the parties, the request was granted. The deadline to mail the final decision and order was extended to February 5, 2011 and a hearing was scheduled for January 27, 2011.

The deadline to file exhibits and witness lists was January 20, 2011. The parties were scheduled to participate in mediation on January 21, 2011. On January 19, 2011, Student's Attorney, with agreement of BOE's Attorney, requested an extension until January 24, 2011 to file exhibits. After fully considering the positions of the parties, the request was granted. The parties did not file witness lists or exhibits on January 24, 2011. On January 25, 2011, BOE's Attorney withdrew the request for hearing without prejudice.

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