

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Appearing on behalf of the Guardian: Attorney Karolin Down
Moukawsher & Dowd, LLC
527 Prospect Avenue
West Hartford, CT 06105

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

Appearing before: Robert L. Skelley, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Was the behavior of the Student, which led to an expulsion hearing, a manifestation of his disability?
2. If so, is the Hartford Board of Education ("Board") denying the Student a free and appropriate public education ("FAPE") by expelling the Student for that behavior?

PROCEDURAL HISTORY:

The Guardian filed for a due process hearing on October 15, 2013, following a manifestation determination hearing held on September 19, 2013. An expedited hearing was scheduled for November 4, 2013. A mandatory resolution meeting was to be held on October 21, 2013. The Parents requested a rescheduling of the resolution meeting, which was subsequently planned for October 25, 2013. The Board arrived on October 25, 2013 to convene the resolution meeting. The Guardian did not attend, but did have her attorney and a staff person from the Department of Children and Families present. The Board inquired as to if the Guardian was going to attend the mandatory resolution meeting. The Board was informed that the Guardian would not be attending the meeting either by phone or in person; therefore the resolution meeting did not go forward. The Board filed a Motion to Dismiss on October 28, 2013, copied to counsel for the Guardian. On October 30, 2013, the Board notified the Hearing Officer via email, and copied to counsel for the Guardian, that the Board had learned that the Student was no longer enrolled in the Hartford Public Schools. The Board stated that as long as the Student was not enrolled in the Hartford Public Schools it would no longer be seeking expulsion of the Student, and requested that the matter be dismissed as moot. There has been no

response to either the Motion to Dismiss or the information indicating that the Student is no longer enrolled in the Hartford Public Schools by the Guardian.

FINAL DECISION AND ORDER:

Relevant to an expedited hearing request and pursuant to 34 Code of Federal Regulations (“C.F.R.”) §300.532(c)(3)(i) “a resolution meeting must occur within seven days of receiving notice of the due process complaint...”), a time frame that the Parties cannot mutually agree to extend. *Id.* The Board properly scheduled a resolution meeting within the seven day time period, to which the Guardian requested a rescheduling of the meeting to a time period that was outside of the mandatory seven day time period. The Parties did not waive the resolution period in lieu of the use of mediation, as described in 34 C.F.R. §300.506. The Board accommodated the Guardian and rescheduled the resolution meeting to a time period that was still within the 20 calendar day time period for resolving the matter. The Guardian did not attend the rescheduled resolution meeting held on October 25, 2013. Given that the Guardian has failed to attend the mandatory resolution meeting and has disenrolled the Student from the Hartford Public School System and enrolled him in another school system, and with the Board stating it no longer is seeking expulsion of the Student as long as he is not in the Board’s system, there remains nothing in dispute in this matter. The matter is therefore DISMISSED *with prejudice*.

If the local or regional board of education or the unified school district responsible for providing special education for the student requiring special education does not take action on the findings or prescription of the hearing officer within fifteen days after receipt thereof, the State Board of Education shall take appropriate action to enforce the findings or prescription of the hearing officer.

Appeals from the hearing decision of the hearing officer may be made to state or federal court by either party in accordance with the provisions of Section 4-183, Connecticut General Statutes, and Title 20, United States Code 1415(i)(2)(A).


Hearing Officer Signature

Robert L. Skelley, Esq.

Hearing Officer Name in Print