

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Bloomfield Board of Education v. Student

Appearing on behalf of the Parent

No appearance

Appearing on behalf of the Board

Christine Chinni, Esq.
Chinni and Meuser
30 Avon Meadow Lane
Avon, CT 06001

Appearing before:

Attorney Sylvia Ho, Hearing Officer

FINAL DECISION AND ORDER

ISSUE:

Should a psychiatric evaluation be ordered?

SUMMARY:

The Board of Education ("BOE") initiated a Request for Due Process Hearing on May 1, 2012. The mailing date for the Final Decision and Order is June 15, 2012. A prehearing conference was scheduled for May 16, 2012 at which time neither party appeared. The prehearing conference was rescheduled to May 22, 2012 at which time the Board appeared but the Parent did not. During the Prehearing Conference, the Parent placed a call to the Hearing Officer about the proceeding. Subsequently, the Hearing Officer received a return call from the Parent who advised the Hearing Officer that he was not interested in participating in mediation with the Board or in the hearing process.

A hearing was scheduled for June 5, 2012 and notice was sent to Parent by certified and regular mail. On June 1, 2012, the Parent called the Hearing Officer and requested a continuance of the hearing because of a conflict in his work schedule. The Hearing Officer obtained Parent's email address and informed the Parent that she could not engage in ex-parte communications. The Parent was directed to contact the Board's attorney. Subsequently, the Hearing Officer emailed both parties regarding the Parent's request, memorialized the conversation, directed the Parent to the Board's attorney and denied the Parent's request for postponement. On June 4, 2012, the Parent left a message on the Hearing Officer's voicemail stating that he would not come to the hearing and would withdraw the Student should the hearing be conducted.

The hearing was held on June 5, 2012. After the commencement of the hearing, the Board informed the Hearing Officer on the record that the Parent had withdrawn the Student from the Bloomfield Schools that morning, prior to the commencement of the hearing. A copy of the withdrawal of the Student was submitted as Board Exhibit 1. The Board requested withdrawal of the Hearing Request because of the

June 6, 2012

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mootness of the hearing issues caused by the withdrawal of the Student from the school system by Parent. However, the Board wished to reserve its right to a future Request for Hearing on the same issues should the Parent re-enroll the Student in the school system in any future school term.

The Hearing Officer **GRANTED** the Board's Request and **DISMISSED** the matter without prejudice to be renewed should Parent re-enroll the Student in the school system.

FINAL DECISION AND ORDER:

The Board's Request to Withdraw the Hearing Request is **GRANTED** and the matter is **DISMISSED** with prejudice.