

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Simsbury Board of Education

| | |
|-------------------------------------|--|
| Appearing on behalf of the Student: | Parent, Pro-se |
| Appearing on behalf of the Board: | Attorney Julie C. Fay Shipman & Goodwin, LLP One Constitution Plaza Hartford, CT 06103-1919 |
| Appearing Before: | Attorney Robert L. Skelley Hearing Officer |

FINAL DECISION AND ORDER

Procedural History:

This matter is before the Hearing Officer pursuant to a request for a Due Process Hearing filed by the Parent on June 18, 2012. The Board filed a Motion to Dismiss/Sufficiency Challenge on June 27, 2012, citing that the matter should be dismissed for lack of subject matter jurisdiction as there was no issue in dispute over which the hearing officer had the authority to resolve; or in the alternative, to direct the Parent to revise her complaint to comply with the sufficiency requirements set forth in 20 U.S.C. §1415 (c)(2)(A). Specifically the Board requested the identification, with specificity, of the precise issue which is in dispute between the Board and the Parent, and the specific remedy the Parent is seeking from the Board. The Parent responded, via an email, with what is presumed to be the objections to the Motion to Dismiss/Sufficiency Challenge. A pre-hearing conference was held on July 2, 2012. At the pre-hearing conference the Parent agreed to amend the complaint and to provide the Board and the Hearing Officer with the amended complaint by close of business, July 18, 2012. As of yet, no Amended Complaint has been received by the Hearing Officer. On July 24, 2012, the Board renewed its request for dismissal of the matter. On July 24, 2012, at approximately 9:29 pm, the Parent sent an email to the parties in which she states, among other things, "That is correct, I am no longer pursuing this complaint in a formal hearing". The email then continues to address the Parent's difficulty in obtaining information she believed was necessary to address the Amended Complaint; the email addresses further issues and concludes with the Parent stating, "I don't believe a formal hearing will correct matters, but I believe I have gotten your attention". The Board, in the letter renewal for dismissal does state that the parties are participating in mediation to address issues for the 2012-2013 academic year, and that the mediation is scheduled for August 22, 2012.

FINAL DECISION AND ORDER:

Given that the Parent has stated in writing, via email, that she does not wish to pursue this matter through a formal hearing; and given that there was not an Amended Complaint filed in this matter pursuant to the pre-hearing conference agreement of the parties, and with no issues remaining to be decided, this matter is DISMISSED, *without prejudice*.