

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student and East Hartford Board of Education

Appearing on behalf of the Student:

Mother, *Pro Se*

Appearing on behalf of the Board of Education:

Attorney Linda Yoder
Shipman & Goodwin LLP
One Constitution Plaza
Hartford, CT 06103-1919

Appearing before:

Attorney Ann F. Bird, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Was the Student's program at the time of the disciplinary offense appropriate?
2. Was the Student's behavior a manifestation of his disability?

PROCEDURAL HISTORY:

The Student requested an expedited special education due process hearing in the above-captioned matter on August 11, 2016. This Impartial Hearing Officer was appointed to hear the case on August 11, 2016. A telephonic pre-hearing conference was convened on August 25, 2016. The Student's mother appeared on behalf of the Student and Attorney Linda Yoder appeared on behalf of the Board of Education. It was established that the deadline to issue the final decision and order is October 25, 2016. An evidentiary hearing was scheduled for September 20, 2016.

The evidentiary hearing was convened on September 20, 2016. Attorney Linda Yoder appeared on behalf of the East Hartford Board of Education, as did Director of Pupil Personnel Dr. Sharon Bremner. The Student did not appear at the hearing nor did the Student communicate with the Impartial Hearing Officer to indicate that she was unable to attend the hearing.

Attorney Yoder reported on behalf of the East Hartford Board of Education that the Student's mother recently withdrew the Student from enrollment with the Board of Education, indicating that she would home school the Student. Attorney Yoder and the Board attempted to communicate with the Student's mother about this choice and to find out whether she desired to proceed with this matter. In addition, the Impartial Hearing Officer sent the Student's mother an e-mail explaining that she could request dismissal if she did not wish to proceed with the case. The Student's mother did not respond to any of these inquiries. The Notice of Hearing and the Request for Due Process were marked as Hearing Officer Exhibits 1 and 2 and the Student's Individualized Education Program of May 25, 2016 was marked as Board Exhibit 1 at the hearing. The Student failed to appear at the scheduled hearing or take other reasonable steps to prosecute this matter.

FINAL DECISION AND ORDER:

It is ordered that this matter is dismissed for failure to prosecute.

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

ANN F BIRD

Hearing Officer

Name in Print