

ISSUES: (as deduced from request for hearing)

1. Did the Board provide an appropriate special education program in the least restrictive environment for Student?
2. If not, what shall be the remedy?

FINDINGS OF FACT:

1. Student is a 13-year-old boy who has been diagnosed as having attention deficit hyperactivity disorder and asthma. He attended the Integrated Day Chartered School within the Board's district until he and his Parent moved to Georgia in March or April, 2000. The record suggests that the Board has agreed to provide special education services in charter schools within the district. (Exhibits HO-2, HO-3)
2. In her request for a hearing, Student's Parent listed a variety of concerns about special education services for Student, administration of medication to student at school, and discipline issues. (Exhibit HO-2)
3. By letter dated April 11, 2000, the Board requested a continuance of the hearing, which had been scheduled to convene on April 19, 2000, and provided the Parent's Georgia address and telephone number. (Exhibit HO-3)
4. The Hearing Officer scheduled a pre-hearing conference for April 25, 2000, by conference telephone call, and on April 12, 2000, sent a notice with a cover letter to Parent's address in Georgia. The letter explained that if the date for the telephone conference call was not convenient, Parent should return an enclosed postcard or telephone the Hearing Officer to arrange for an alternate date. The Hearing Officer also wrote that if she did not hear from the Parent, she would telephone the number provided in Georgia on April 24, to confirm the pre-hearing conference. (Exhibit HO-4)
5. Having received no communication from the Parent, the Hearing Officer telephoned the Parent at approximately 9 am and 2 pm on April 24, and left messages on an answering machine. When she called again at 5 pm, she spoke with someone who assured her that Parent would be home from work at 7 pm and a call at 8 pm should be convenient. When the Hearing Officer called at 8 pm, the call was answered by a machine. (Hearing Officer's report on transcript of hearing)
6. On April 25, 2000, the Parent did not call in for the pre-hearing conference. On that day, the Hearing Officer scheduled the hearing for May 24, 2000, sending a notice, cover letter, and a copy of the procedure for requesting an alternate date to the Parent in Georgia. (Exhibit HO-6)

7. By letter dated May 10, 2000, the Board's attorney objected to the lack of a pre-hearing conference at least ten days prior to the scheduled hearing. The Hearing Officer responded by letter dated May 11, 2000, stating that a pre-hearing conference would be convened on May 24, 2000, immediately prior to the hearing. She also wrote that if, at that time, the Board felt the need for additional time to prepare its case, the Board could request a continuance. (Exhibits HO-8, HO-9)
8. By letter dated May 17, 2000, the Board's attorney notified the Hearing Officer that the Board was reserving the right to submit a witness list and exhibits after issues had been determined in the pre-hearing conference. (Exhibit HO-10)
9. Neither the Hearing Officer, Board staff members, nor the Board's attorney heard from the Parent prior to May 24, 2000. (Transcript)
10. When the hearing convened on May 24, 2000, the Parent did not appear. The Hearing Officer entered all the documentation of attempts to contact the Parent and schedule the hearing on the record. (Transcript)
11. The Board moved that the matter be dismissed.
12. Upon her return to her office after the hearing, the Hearing Officer received an answering machine message from the Parent, requesting a continuance of the hearing.

CONCLUSIONS OF LAW:

1. The pre-hearing conference and the hearing for this case were scheduled pursuant to sections 10-76h(b) and 10-76h(c)(2), Connecticut General Statutes.
2. The Parent did not appear for the pre-hearing conference, and did not communicate concerning an alternate date for the pre-hearing conference or for the hearing, prior to the hearing.

FINAL DECISION AND ORDER:

1. This matter is **DISMISSED** without prejudice.