

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Regional School District No. 10

On behalf of the Parents:

Parents, *Pro Se*

On behalf of the Board of Education:

Attorney Christine L. Chinni
Shipman & Goodwin LLP
One American Row
Hartford, CT 06103-2819

Hearing Officer:

Stacy M. Owens, Esq.

FINAL DECISION AND ORDER

ISSUES:

1. Whether the Student is eligible to receive special education services.
2. If so, whether the Student's conduct on March 18, 2004 is a manifestation of his disability.

(these issues are based solely upon the information provided in the Parent's request for hearing)

SUMMARY/PROCEDURAL HISTORY

On March 26, 2004, the State of Connecticut Department of Education received a request for hearing from the Parents. On the April 1, 2003, the undersigned was appointed as hearing officer to preside over the hearing, rule on all motions, determine findings of fact and conclusions of law, and issue an order.

By letter dated April 5, 2004, a prehearing conference was scheduled for April 12, 2004. Attorney Christine Chinni responded by letter dated April 9, 2004, indicating she represented the Board in the above-referenced matter and requested a 30-day postponement of the prehearing conference to allow the parties to engage in settlement discussions.

By letter dated April 12, 2004, the Hearing Officer granted the Parties a 30-day postponement of the prehearing conference. In said letter, the prehearing conference was

rescheduled for 8:00 a.m. on May 12, 2004, and the hearing was scheduled for May 17, 2004.

On May 12, 2004, the Parents were not available for the prehearing conference.

FINDINGS OF FACT:

1. By May 11, 2004, the Hearing Officer had not received anything in writing from either party indicating the case had settled and was being withdrawn.
2. On May 11, 2004, the Hearing Officer sent the parties a reminder notice for the prehearing conference on May 12, 2004 via facsimile and first class mail.
3. On May 11, 2004, Attorney Chinni left a voicemail message indicating the parties had a settlement agreement and that the prehearing conference was not needed.
4. By May 12, 2004, the Hearing Officer still did not have any written correspondence from the Parents stating the case was settled and it was being withdrawn.
5. On May 12, 2004, the Hearing Officer contacted the Parents at 8:00 a.m. for the prehearing conference. No one answered at the phone number provided in the record for contact.

CONCLUSIONS OF LAW

In accordance with Section 10-76h-18(a)(2) of the Regulations of the Connecticut State Agencies, “. . . the hearing officer may order, sua sponte, . . . dismissal of a hearing for failure of any party to participate in the prehearing conference . . .”

FINAL DECISION AND ORDER

Based on the absence of a written withdrawal of the request for hearing and the Parents' failure to participate in the prehearing conference, this matter is **dismissed without prejudice**.