

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Barkhamsted Board of Education

Appearing on behalf of the Student:	Parent, Pro Se
Appearing on behalf of the Board of Education:	Attorney William R. Connon Sullivan, Schoen, Campane & Connon, LLC 646 Prospect Avenue Hartford, CT 06105-4286
Appearing before:	Attorney Christine B. Spak Hearing Officer

FINAL DECISION AND ORDER

A prehearing conference was conducted on June 9, 2005. Both parties participated, the Mother representing the Student and the Board represented through counsel. The Parent is the moving party in this matter. At this lengthy prehearing conference the parties agreed to the hearing date of June 20, 2005 at 10:15 a.m. They further agreed to waive the five day rule for the exchange of exhibits and witness lists. The parties were informed that given the Parent has access to a fax machine for the sending of materials but not for the receipt of materials, first class mail would be used to send materials, including notices, to the Parent at the address of her choice and this was done with the notice of hearing. It was further explained to the parties that anything faxed or mailed to the hearing officer must be faxed or mailed to the other side at the same time.

At the prehearing the Board indicated that they would be filing a brief on the issue of whether the Parent has an absolute right to have her minor children, the youngest being seven years old, to attend PPTs and the hearing, and whether this changes at all if the three children are to be called as witnesses at the hearing. At the prehearing it was explained to the Parent that she could also brief the issue and if she chose to do so, her brief should also be received on or before June 15, 2005, the date agreed to by the parties. A Motion to Dismiss and brief were filed by the Board on June 15, 2005. No reply brief was received from the Parent.

At the prehearing the Parent had indicated she intended to call fourteen witnesses and it was explained that this is an unusually large number to be called by one side in a due process hearing and this being the case the date for mailing of the final decision would have to be extended to accommodate additional hearing dates and the realistic

expectation that with such a large number of witnesses some may have vacation schedules that will need to be taken into consideration, particularly given that this is a hearing commencing during the summer vacation months. It was explained that the sooner the Parent makes her witness list available the higher the likelihood that the hearing can be completed in a shorter period of time because it will give the hearing officer more dates to work with. No exhibits were received from the Parent and no witness list was received from the Parent. The date for mailing of the final decision was extended to August 18, 2005 and the parties were placed on notice in writing that this date might change depending on the final number of witnesses, length of testimony and briefing schedule.

The Parent did not appear for hearing. The Board Director indicated that after unsuccessful attempts to communicate with the Parent by telephone the Director drove to the address the Parent had provided and delivered a copy of the Board's exhibits and witness list. This was done on June 17, 2005. To date nothing has been received by the Board or the Hearing Officer from the Parent.

At hearing the Board modified their Motion to request a ruling on the more narrow issue of whether the Parent has an absolute right to bring children, regardless of the number of children, the ages of the children, and the anticipated length of the PPT (IEP) meetings, to a PPT. It is noted that the Board represented that some of this child's PPTs lasted two hours and also, that the Board was uncertain what the basis for this request by the Parent was; in the event that it reflected a child care need, the Board offered to provide child care services during the PPT process. Given that the Parent did not appear, the Hearing Officer ruled without the benefit of argument from the Parent at hearing or a possible showing of "knowledge or special expertise regarding the child" (20 U.S.C. Section 1414(d)(1)(B)(vi)) of the proposed child attendees. The Hearing Officer ruled that absent such a showing neither party has an absolute right to bring young children to a PPT.

FINAL DECISION AND ORDER:

The hearing is dismissed.