

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Ansonia Board of Education

Appearing on behalf of the Parents: Parents, pro se

Appearing on behalf of Ansonia Board of Education: Attorney Marsha Belman Moses, Berchem, Moses & Devlin, P.C., 75 Broad Street, Milford, CT 06460

Appearing before: Attorney Patricia M. Strong, Hearing Officer

**FINAL DECISION AND ORDER**

**PROCEDURAL HISTORY**

The Parents filed a due process hearing request with the State Department of Education (SDE) on May 23, 2006. This Hearing Officer was assigned to the case on May 24. On May 25, the Board's attorney filed an appearance. The Board received the due process request on May 25, 2006. A prehearing conference was held on June 7 with the Mother and the Board's attorney at which time the Parent was asked to clarify the issues in dispute and the proposed resolution. She was unable to be more specific than to say that the Parents believed that the Student has a disability and that the Parents want the Student to be tested. The Parents want the Board to continue giving the Student "the help she needs." The Board's attorney stated that she would file a sufficiency challenge and/or a motion to dismiss. A hearing date was scheduled for July 7 and the decision deadline was set at August 8, 2006.

On June 13, the Board's attorney filed a Motion to Dismiss the hearing request. The Hearing Officer issued a notice to the parties regarding the July 7 hearing and advised the Parents that they must file a response to the Motion to Dismiss by June 20. On June 20 the Hearing Officer received a telephone call from an attorney who said he was representing the Parents and that they had obtained an evaluation of the Student. He was aware of the deadline to respond to the Motion to Dismiss. He was advised to file an appearance and to confer with the Board's attorney regarding a possible resolution of the complaint. He did not file an appearance, nor has he or the Parents filed a response to the Motion to Dismiss. In her Motion, the Board's attorney set forth in detail the various testing conducted by the Board, including a neuropsychological evaluation, a central auditory processing evaluation, a speech and language evaluation and a psychological evaluation to assess attention deficit disorder. Copies of the pertinent documents are attached to the Motion. All testing concluded that the Student did not have an attention deficit disorder and ruled out a specific learning disability. The Student was exited from

special education in May 2006. The Parents have not identified any specific area of suspected disability, nor have they identified any test they want to have administered to the Student. The complaint as filed does not meet the relevant statutory [20 U.S.C. Section 1415(b)(7)(A)] requirements as to description of the issues and the proposed resolution of those issues. The Parents have not complied with the order of the Hearing Officer to file a response to the Motion to Dismiss by June 20. The July 7 hearing is cancelled.

**FINAL DECISION AND ORDER**

It is ordered that this case be dismissed without prejudice.