

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. South Windsor Board of Education

Appearing for the Student: Martha Stone
Center for Children's Advocacy
University of Connecticut, School of Law
45 Elizabeth Street
Hartford, CT 06105

Appearing for the Board: Denise Epps
Director of Special Services
South Windsor Public Schools
1737 Main Street
South Windsor, CT 06074

Appearing Before: Scott Myers, J.D., M.A. (Clinical Psychology),
Hearing Officer

FINAL DECISION AND ORDER

(May 6, 2008)

BACKGROUND

This matter was commenced by request for due process dated April 8, 2008. That request states that the Student disagrees with a manifestation determination made at an IEP team meeting on April 3, 2008 determining that conduct for which he was being subject to disciplinary action was not a manifestation of his disability. It is unclear from the documentation whether this matter was commenced by the Student (who appears to be over 18 years of age) on his own behalf or by the Student's father. The undersigned was appointed as hearing officer on April 11, 2008.

On April 15, 2008, the Hearing Officer was notified that the parties had agreed to participate in a Department-sponsored mediation scheduled to take place on April 16, 2008. On April 21, 2008, the Hearing Officer contacted both Ms. Epps and the identified representative of the Student to ascertain whether this matter had been resolved through the mediation. Ms. Epps' assistant advised that the Board was not represented by counsel and that it was her understanding that the parties had resolved the dispute but that Ms. Epps was out of town for the week.

On April 25, 2008, the Hearing Officer issued a notice of pre-hearing conference (the "Notice") directing that unless the parties reported to him by or before April 30, 2008 that this matter had been resolved, a telephonic pre-hearing conference ("PHC") would convene on May 2, 2008 to determine whether a hearing was necessary and establish a schedule for hearing if necessary.

The Hearing Officer did not hear back from the Student's representative until April 25, 2008, after the Notice had been mailed. That representative (which appears to be the Student's father) reported that Ms. Stone was representing the Student. The Hearing Officer transmitted the notice of pre-hearing conference to Ms. Stone electronically and she subsequently contacted the Hearing Officer by telephone and reported that the parties had resolved their dispute in the mediation but that the documentation was not yet complete.

The Hearing Officer thereafter notified both parties by e-mail that he would proceed in accordance with the Notice. Having received no notification from the parties as to the status of this matter prior to May 2, 2008, the Hearing Officer convened the PHC on May 2, 2008 as provided in the Notice. However, neither party appeared at the PHC. In a follow-up telephone call with each party on May 2, 2008, Ms. Stone represented that this matter was settled and may be withdrawn and Ms. Epps confirmed that representation. The representation of Ms. Stone was confirmed in an e-mail sent to both parties on May 2, 2008.

Accordingly, this matter is hereby DISMISSED.