

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Redding Board of Education

Appearing on behalf of the Student: Parent

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

Appearing before: Atty. Christine B. Spak, Hearing Officer

FINAL DECISION AND ORDER

ISSUE:

None stated.

SUMMARY:

The request for hearing in this matter was dated February 28, 2003. It was assigned to the undersigned hearing officer on March 4, 2003, with a date for mailing of the final decision set for April 17, 2003.

By letter the Board's counsel provided a telephone number to be used for the prehearing conference. By letter the Parent also provided a telephone number to be used for the conference and when called an individual provided the hearing officer with another number to be used for the prehearing conference. Both the Board counsel and the Parent were available for the call. At the outset of the prehearing conference the Parent informed the hearing officer that she was considering retaining counsel and would answer no questions. This included basic questions such as the student's date of birth and whether the Parent had a fax number by which she could get notices in this matter. Given that the Parent would not answer basic questions, questions regarding the issues for hearing and witness lists could not be pursued.

Connecticut regulations state that: "The prehearing conference shall simplify or clarify the issues in dispute." They further state: "The hearing officer shall ...identify witnesses and address such other administrative matters as the hearing officer deems necessary to complete a timely hearing." Section 10-76h-7(b) of the Regulations of Connecticut State Agencies. This was not possible in this case due to the parent's unwillingness to participate in the prehearing conference in a meaningful manner. A dismissal of a

hearing may enter, sua sponte, when a party fails to participate in a prehearing conference. Section 10-76h-18(a)(2) of the Regulations of Connecticut State Agencies.

FINAL DECISION AND ORDER:

The matter is **DISMISSED** without prejudice.