

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Bethel Board of Education

Appearing on behalf of the Parents: pro se

Appearing on behalf of the Board of Education: Attorney Susan C. Freedman  
Shipman & Goodwin LLP  
One American Row  
Hartford, CT 06103

Appearing before: Attorney Deborah R. Kearns  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

- I. Whether the parent was wrongfully accused of forging medical records by the local educational agency (LEA)?
- II. Whether it was proper to deny access to the school without proper medical records?
- III. Whether the hearing officer has jurisdiction to grant the requested relief where the parent is requesting the LEA to “own up to” its statements to the parent to prevent a similar statement from being made in the future?
- IV. Whether the hearing officer has subject matter jurisdiction to hear the stated claims?

**PROCEDURAL HISTORY**

The parent requested a Due Process hearing on November 25, 2003. On November 26, 2003 the parent was notified by telephone of the prehearing conference call scheduled for November 28, 2003. The parent did not respond to the call or participate in the prehearing conference. The parent was notified of another prehearing conference call but did not participate. Three weeks later the parent left the hearing officer a telephone message that they would be available to participate in a prehearing conference. The date and time suggested was not arranged as a mutually agreeable time with the LEA’s counsel or the hearing officer.

The LEA filed a Motion to Dismiss, claiming the hearing officer did not have subject matter jurisdiction over the parent's claims. The issues failed to state a claim that involved the LEA's provision of a free and appropriate public education for the student. The parent's issues I and III do not claim there is a dispute about the LEA's provision of the child's program, identification, nor is there any request for additional services. The parent filed an Objection to the Board's Motion to Dismiss. The LEA requested a postponement of the hearing scheduled for January 13, 2004. The parent did not appear at the hearing on January 13, 2004 to claim his objection to the motion or the continuance. It was stated on the record on January 13, 2004, the matter would be heard on January 27, 2004. The parent did not appear to prosecute his claims on January 27, 2004. The LEA's Motion to Dismiss is granted, the hearing officer does not have jurisdiction over Issues I and III. The parent did not proceed with his Objection to the Board's Motion to Dismiss, as it applies to Issue II. The hearing officer has no jurisdiction to grant the relief the parent seeks.

### **FINAL DECISION AND ORDER**

The case is **dismissed** without prejudice.