

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. West Hartford Board of Education

Appearing on behalf of the Parents: The Mother proceeded *pro se*.

Appearing on behalf of the Board: Attorney Susan C. Freedman
Shipman & Goodwin LLP
One American Row
Hartford, CT 06103-2819

Appearing before: Attorney Mary Elizabeth Oppenheim
Hearing Officer

FINAL DECISION AND ORDER

ISSUE:

Whether the Student is entitled to counseling by a private psychologist for at least one session per week as part of his program for special education and related services.

SUMMARY:

The Mother brought this request for due process, and this matter was assigned on March 18. A prehearing conference was held on March 23. At the prehearing conference, the Mother stated that the Father shared educational decision-making with her. She requested that the Father be included in the hearing. The Mother's written request for a due process hearing indicated the different addresses for the Mother and the Father, although the request for hearing was signed solely by the Mother. Hearing dates of April 13 and April 26 were scheduled, and a notice of these scheduled hearing dates was sent to the Mother, the Father and the Board's attorney.

On April 6, the Mother submitted a notice via facsimile which indicated that she did not want to proceed with the hearing. The facsimile submitted did not indicate whether the Father agreed with the Mother's decision, or whether the Father was notified of this decision. Furthermore, the facsimile did not include any notice that the Board had been notified regarding the Mother's decision not to proceed with this hearing.

As the Mother was the party who filed the request for hearing, her notice that she does not want to proceed with the hearing is given substantial weight. Because it is not known, however, whether the Father shares in this decision, whether he was notified of this decision, and whether the Board was notified of this decision, it is necessary to dismiss this matter, without prejudice, rather than accepting a notice withdrawing the hearing request.

FINAL DECISION AND ORDER:

The matter is **DISMISSED**, without prejudice.