

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. New Haven Board of Education

Appearing on behalf of the Parents: Father, pro se

Appearing on behalf of the Board: 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 Father filed a hearing request on May 2, 2005. This Hearing Officer was assigned to the case on May 3. A prehearing conference was scheduled on May 10. At that time both parties were pro se and requested to reschedule the prehearing on May 12 with their attorneys. The prehearing conference was rescheduled for May 12. Both parties were advised to have their attorneys file appearances as soon as possible. Atty. Moses appeared for the Board later in the day on May 10. No attorney appeared for the Parent. The Father was again pro se at the May 12 prehearing conference. He requested additional time to get an attorney. He also said he was available for a hearing in May and requested two consecutive hearing dates in June. June 9 and 10 were selected. The Parent was advised that it would be necessary to extend the decision deadline beyond June 15, 2005 since there was not adequate time between the hearing and the deadline to render a decision. He was unsure if he should agree and wanted to discuss it with an attorney. Atty. Moses agreed to file the motion if he wanted her to do so. He was given until May 16 to file a request to extend the decision deadline either personally, through his attorney or by asking Atty. Moses to file it. He was further advised that a hearing notice would not be issued until the requisite extension was received.

On May 16, the Hearing Officer received a letter from Atty. Moses stating that she had not been contacted by the Father or an attorney. The Hearing Officer wrote to the parties on May 18 notifying them that the prehearing order was not complied with. The Father was directed to respond in writing, with a copy to Atty. Moses, as to why the case should not be dismissed. He was given until May 25 to explain good cause for noncompliance with the prehearing order. On May 19 the Father left a voice mail message requesting a hearing on a request for payment of counsel to represent him. The Hearing Officer asked Mr. Thomas Badway of the State Department of Education (SDE)

to contact the Father and explain the hearing process. On May 25 the Father wrote a letter advising that he would represent himself, that he wanted to proceed with the hearing on June 9 and 10 and that he did "not wish to file and [sic] extension." He asked the Hearing Officer to "forward this document to any contacts necessary." The Hearing Officer wrote to the parties and advised them that the hearing would not be scheduled on June 9 and 10 because there was not adequate time to render a decision before June 15 and that the case would be dismissed without prejudice. A copy of his letter and appearance form was forwarded to Atty. Moses.

FINAL DECISION AND ORDER

It is ordered that this case is dismissed without prejudice.