

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

New Britain Board of Education v. Student

Appearing on behalf of the Student: Parent

Appearing on behalf of the Board: Attorney Michael McKeon
Sullivan, Shoen, Campane & Connon, LLC
646 Prospect Avenue
Hartford, CT 06105

Appearing before: Attorney Brette H. Fitton, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Does the student's program and placement at Raymond Hill School constitute a free appropriate public education in the least restrictive environment?
2. Should the parents consent to and make the student available for a psychiatric evaluation by a qualified psychiatrist of the Board's choice?

SUMMARY:

This hearing was requested on February 13, 2013. The original deadline for the mailing of the final decision and order was March 30, 2013. The Hearing Officer originally scheduled a prehearing conference for February 21, 2013. This conference did not take place due to scheduling conflicts. A second prehearing conference was scheduled and took place on March 5, 2013. This conference ended before all issues could be addressed and a follow up prehearing conference was scheduled for March 8, 2013. During the prehearing conference held on March 8, 2013, the parties agreed to request a continuance of 30 days in order to allow Parent additional time to find counsel in this matter and further prepare her position.

After a consideration of all of the factors set out in Section 10-76-h-9(d)(1)-(4) Regulations of Connecticut State Agencies, this continuance request was granted and the new deadline for the mailing of the final decision and order was set. The new deadline is April 29, 2013. The originally scheduled hearing dates of March 13, 2013, March 14, 2013 and March 15, 2013 were cancelled and new hearing dates of April 4 and April 9, 2013 were scheduled. During a follow up prehearing conference on March 28, 2013 to determine the status of Parent's attempts to obtain representation, Parent notified the hearing officer that she had a meeting with an attorney on Monday, April 1, 2013. Counsel for the Board indicated he had also had a personal matter that had arisen which conflicted with the April 4, 2013 date. The April 4, 2013 date was cancelled and the April 9, 2013 date was kept. On April 8, 2013, the hearing

May 3, 2013

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officer received notice from Counsel for the Board that Parent was requesting mediation and an additional extension request was made so that the parties could participate in mediation on May 1, 2013. The April 9, 2013 hearing date was marked off and a new hearing date of May 22, 2013 was set. The new deadline for the mailing of the final decision and deadline was set for May 29, 2013. After receiving notification of the new hearing date, the Parent sent a facsimile indicating she was not available on May 22, 2013. Receiving no objection to the extension request from the Board, the Hearing Officer set a new deadline for the mailing of the final decision and order for June 28, 2013 and set a new hearing date of June 7, 2013. The parties engaged in mediation on May 1, 2013 and reached an agreement. On May 3, 2013, Counsel for the Board withdrew the hearing request.

FINAL DECISION AND ORDER:

In light of the above facts, this case is dismissed without prejudice.