

Board of Education
New Milford Public Schools
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New Milford, Connecticut 06776
(860) 355-8406

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October 29, 2014

PRESENT:

Michael P. McKeon, Hearing Officer
Joshua Smith, Assistant Superintendent, New Milford Public Schools
Jay Hubelbank, Director of Fiscal Services and Operations, New Milford Public Schools
Sgt. Brian Glasser, New Milford Police Department
Jeffrey Woods, All-Star Transportation
Steven Sedor, Attorney for the Administration of the New Milford Public Schools
Cheryl D'Amato, Court Reporter
The father of the student who was the subject of the hearing

At the October 24, 2014 special meeting of the New Milford Board of Education, the Board took the following actions through its duly appointed hearing officer.

The special meeting was called to order at 1:15 p.m., and Attorney McKeon immediately moved the hearing into executive session for the purpose of conducting a student transportation hearing, during which matters of personal privacy of the student involved were likely to be discussed, including in the executive session the individuals listed above who were present for the first hearing.

At approximately 3:45 p.m., the hearing participants returned to open session, at which time Attorney McKeon issued the following decision on behalf of the Board.

For the reasons articulated during the course of the hearing, I hereby grant the Administration of the New Milford Public Schools' oral motion to dismiss the parent's hearing request to the extent that the hearing request is predicated upon the length of the student's afternoon bus ride. Although I will further elaborate upon that dismissal in the written decision that will hereafter issue, the crux of this dismissal is, at the very least, predicated upon the fact that the same parents have submitted this same request twice before for a hearing before the New Milford Board of Education, the Board has twice before denied the request, and the Board's original decision denying this request was affirmed and upheld by a hearing officer appointed by the State Department of Education. There was no evidence adduced that would suggest that there is any material difference between that aspect of the present request for accommodations and the prior requests.

The remaining component of the parent's hearing request is also arguably susceptible to the same basis for dismissal, for it appears to have essentially been a variation upon the same argument, but I will deny the Administration's motion. Nonetheless, even when considered solely as an evidentiary issue, given the evidence introduced by the parties during the hearing, and based upon the applicable law, I further find that the Administration of the New Milford Public Schools has clearly satisfied its evidentiary burden with respect to the school accommodations sought herein by the parent.

Therefore, for the foregoing reasons, I find on behalf of the New Milford Board of Education that the student who is the subject of this hearing is not entitled to the school accommodations that the parents have requested on the student's behalf pursuant to Section 10-186 of the Connecticut General Statutes.

The special meeting adjourned immediately following the issuance of the decision.

Respectfully submitted,

A handwritten signature in cursive script that reads "Daniele Shook".

Daniele Shook

New Milford Board of Education