

STATE OF NEW HAMPSHIRE
BOARD OF EDUCATION

Student v. Nashua Board of Education

(SB-FY-11-06-015)

REPORT OF HEARING OFFICER AND RECOMMENDATION OF DISMISSAL

I. PROCEDURAL BACKGROUND

On June 1, 2011 the *pro se* Petitioner filed this appeal of “repeated suspensions” by the Nashua Board of Education (School Board) of Petitioner’s child, a student at Nashua North High School. The Petition does not provide additional details regarding the dates, basis or terms of the suspensions but it does include a requested “outcome” of “Suspension for rest of this year. Return in September [2011] to alternate school,

”

At a June 15, 2011 Prehearing Conference, the Nashua School Board, through its legal counsel, Stephen M. Bennett, Esq, filed a “Letter of Decision” dated May 19, 2011 in which the School Board orders that the Student be suspended for a period of 12 months with a right to request a ‘review” of the suspension” by applying for “readmission at least 3 weeks prior to the beginning of the 2012-2013 school year.” (*Emphasis added*).

At that time it was discovered by the Parties that the date “2012-2013” was a typographical error and that the suspension order was actually intended to allow a request for readmission prior to the 2011-2012 school year.

As a result of this discovery the Parties determined that settlement of this matter was likely and requested that this appeal be stayed to allow the Parties to attempt to resolve the appeal without a hearing. By letter dated November 15, 2011, legal counsel

advised that the matter had been resolved by agreement and requested that the appeal be withdrawn.

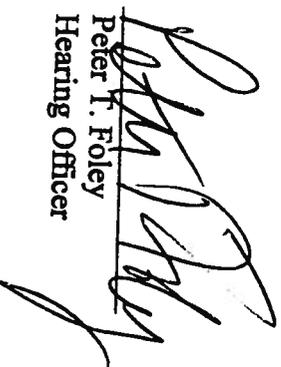
II. RECOMMENDATION

On the basis of the Parties' prehearing resolution of this matter, it is recommended that this appeal be **DISMISSED** with prejudice so as to bar the filing of an additional appeal Petition with the State Board of Education regarding any of the issues raised in this appeal.

III. NOTICE PURSUANT TO ED 201.01

Any Party, within 15 days of the date of this Proposed Order, may file a list of exceptions with supporting memoranda of law for review by the State Board. Any Party who wishes to present oral argument to the Board shall file a separate request for oral argument within the same time frame.

Date: December 16, 2011


Peter T. Foley
Hearing Officer