

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Norwich Board of Education

Appearing on behalf of the Parents: Attorney Howard Klebanoff  
Klebanoff & Phelan, P.C.  
433 South Main Street, - Suite 102  
West Hartford, Connecticut 06110

Appearing on behalf of the Board: Attorney Frederick L. Dorsey  
Siegel, O'Connor, Schiff & Zangari,  
P.O. Drawer 906, 171 Orange Street  
New Haven, Connecticut 06504

Appearing before: Attorney Patricia M. Strong, Hearing Officer

**FINAL DECISION AND ORDER**

**PROCEDURAL HISTORY:**

This hearing was requested on August 16, 2001. This hearing officer was assigned to the case on August 17, 2001. A prehearing conference was held on August 24. The parties wished to mediate the case first. The Parents filed a motion to extend the decision deadline from October 1 to November 10, which was granted. The hearing was scheduled for October 24 and 30. The Parents and Board respectively filed hearing exhibits and witness lists with the Hearing Officer. On October 11, the Parents retained Attorney Klebanoff to represent them. On October 24, the parties and their attorneys appeared and indicated that they wished to discuss possible settlement prior to starting the hearing. After approximately two hours, the parties indicated on the record that they had reached an agreement and requested until October 29 in which to reduce the agreement to writing and withdraw the case. On October 29, the Parents' attorney asked to postpone the October 30 hearing for two weeks for the purpose of finalizing the agreement and withdrawing the hearing request. The request was granted, the case was rescheduled for November 16 and the deadline for decision was extended to November 30. The Hearing Officer postponed the November 16 hearing because of illness and rescheduled it for December 4. The decision deadline was extended to December 6. On December 3, the Board's attorney requested a postponement because the business manager and auditor had been out of town and had not approved the agreement. The Parents' attorney joined in the request. The Hearing Officer granted the request, extended the decision deadline to December 31 and ordered that the Parents should withdraw the case on or before

December 14 or proceed to a hearing on December 18. No withdrawal or other communication was received from the parties after December 3. On December 17, the Hearing Officer contacted both attorneys to inquire whether there was a need for a hearing on December 18. The Hearing Officer was advised that there were difficulties in getting the agreement signed, but the parties did not wish to proceed with the hearing. The Parents were not ready to withdraw the case. The hearing was cancelled and the parties' attorneys were advised the case would be dismissed without prejudice.

**FINAL DECISION AND ORDER:**

The parents have failed to prosecute the case with proper diligence as required by Regs. of Conn. State Agencies, Section 10-76h-18 or to withdraw it as settled within a reasonable time, and, therefore, it is ordered that it shall be **dismissed** without prejudice.