

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. West Hartford Board of Education

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

Appearing on behalf of the Board: Attorney Susan C. Freedman
Shipman & Goodwin LLP
One Constitution Plaza
Hartford, CT 06103-1919

Appearing before: Attorney Mary Elizabeth Oppenheim
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Whether the Student has completed the requirements for graduation.
2. If not, whether the Parents' proposed placement of the Student at Chapel Haven for the 2004-2005 school year is appropriate.

SUMMARY:

This matter was assigned on June 16, 2004, and a prehearing conference was held on June 24. Prior to the prehearing, the Parents' attorney filed a motion for an interim ruling that the Student be able to participate in graduation. The Board's attorney submitted a response to this request. An interim ruling was issued which provided that the Student shall be permitted to participate in the graduation ceremony. The interim ruling further clarified that neither parties' actions at the graduation shall prejudice the outcome of the case. Participation with acceptance of a diploma by the Student was not to be construed as the Student's and the Parents' agreement that the Student has met the requirements for graduation. Conversely, such participation without receipt of a diploma would not preclude the Board from maintaining its claim that the Student had met the requirements of graduation.

At the prehearing, counsel for both parties confirmed that the parties were attempting to settle this matter by submitting this case to mediation. The attorney for the Parents submitted a request for an extension of the mailing date of the decision so that the parties could submit this matter for mediation. That request was granted in accordance with Section 10-76h-9(e) of the Connecticut Regulations which provides for a 30-day postponement for settlement discussions between the parties. The hearing was scheduled for August 3.

On July 27, the attorney for the Parents submitted a notice that the parties have not yet resolved this matter through mediation, and had not yet scheduled the mediation. The parties had decided to utilize an outside mediator to attempt to resolve this matter. The Parents' attorney noted that it did not appear that they would be able to schedule the mediation prior to the scheduled hearing date of August 3. In accordance with Section 10-76h-9(e) of the Connecticut Regulations, if after the 30-day postponement for settlement discussions the parties are not prepared to go forward with the hearing, the hearing officer shall dismiss the hearing request without prejudice.

FINAL DECISION AND ORDER:

The matter is **DISMISSED**, without prejudice.