

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Regional School District No. 10

Appearing on behalf of the Student: Attorney James F. Kane
One Liberty Square
New Britain, CT 06051

Appearing on behalf of the Board of Education: Attorney Christine L. Chinni
Shipman & Goodwin LLP
One American Row
Hartford, CT 06103-2819

Appearing before: Attorney Christine B. Spak
Hearing Officer

FINAL DECISION AND ORDER

ISSUE:

1. Whether the Student is eligible for one more year of school.

SUMMARY:

The student in this matter has a birth date of August 18, 1982. The parent requested one more year of school for her son, beyond the current year (2002-2003) so that, if she prevailed, an educational program would be provided until June of 2004. She indicated she believed her son would benefit from more work experience. The matter had a Final Decision Mailing Date of June 26, 2003. A first date of hearing was scheduled for June 2, 2003. On May 29, 2003 the Counsel for the student, with agreement from the Board, requested in writing a continuance of the hearing scheduled for June 2, 2003, indicating that it "appears that the parties have negotiated a settlement."

The Due Process Regulations state "Hearing officers will not entertain requests for postponement or extension unless they are presented as follows: In writing and submitted no later than 5:00 p.m. five business days prior to the scheduled hearing or deadline date." Section 10-76h-9 of the Regulations of Connecticut State Agencies. In this matter the request was received two business days before the hearing. In accord with the regulations it was not entertained, it was not granted and the hearing proceeded as scheduled. The moving party did not appear but either called the hearing site or was called by the Board, and

apologized for not appearing, believing the matter had been continued. He indicated that the matter had not in fact been settled but, rather, was going to be handled by another attorney and the parent needed time to accomplish this transition. Therefore, he did not want the matter terminated with prejudice. The Board, who had advised him to cite settlement as the reason for the continuance request, but advised him it might not be granted, agreed that it could be terminated without prejudice. The student's counsel agreed to submit his intention in writing and the hearing was convened to reflect this on the record. A dismissal without prejudice allows the Student's new counsel to refile at a time when they are available to prosecute their claims.

FINAL DECISION AND ORDER:

The matter is **DISMISSED** without prejudice.