

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Westport Board of Education

Appearing on behalf of the Parents: Attorney Mark R. Jacobs
Jacobs Partners, LLC
Merritt View
383 Main Avenue
Norwalk, Connecticut 06851

Appearing on behalf of the Board: Attorney Marsha Belman Moses
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, Connecticut 06460

Appearing before: Attorney Christine B. Spak, Hearing Officer

FINAL DECISION AND ORDER

SUMMARY:

The issues in this matter included evaluation and extended year programming. During the prehearing on June 22, 2001 the parent indicated she might be retaining counsel. The hearing was scheduled to begin July 6, 2001. On July 2, 2001 the Hearing Officer received a request for a continuance from the Parent's counsel indicating they had just been retained and did not have time to prepare for a July 6, 2001 hearing. On July 3, 2001 the Hearing Officer received a letter from the Board's attorney indicating the Board had no objection to the continuance request. The Hearing Officer did not respond to either communication and appeared at hearing. Neither counsel appeared but a representative for the Board did appear after consulting with her counsel and requested that the two letters referred to above be entered into evidence, which they were.

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 three 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 parties did not appear to present the case and therefore it is dismissed without prejudice.

FINAL DECISION AND ORDER:

This matter is **dismissed** without prejudice.