

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Case #: 01-368

Date of Decision: January 9, 2002

Student v. Greenwich Board of Education

Appearing on behalf of the Parents:

Attorney Gary Mayerson, Mayerson &
Associates, 250 W. 57th Street,
Suite 624, New York, NY¹

Appearing on behalf of the Board:

Attorney Valerie E. Maze,
Law Department, Town Hall,
101 Field Point Road, Greenwich, CT

Appearing before: Attorney Mary Elizabeth Oppenheim, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:²

1. Whether the Board offered an appropriate program to the Student for the 2001-2002 school year.
2. If not, whether the Parents' proposed program is appropriate for the Student.

SUMMARY:

The matter was assigned on December 6, 2001. A prehearing conference was held on December 18, after a previously scheduled prehearing conference was cancelled due to a family medical emergency at the request of Parents' counsel. At the prehearing conference, Attorney Valerie Maze participated on behalf of the Board and Attorney Gary Mayerson participated on behalf of the Parents. Attorney Maze represented to the Hearing Officer that she is an attorney currently admitted to practice in the State of

¹ Attorney Mayerson indicated at the prehearing conference that he was not licensed to practice law in Connecticut, but was intending to submit an application to appear pro hac vice with the Court, and appear with local counsel. As of the date of this decision, Attorney Mayerson had not confirmed that the application had been submitted to Court, nor had any local counsel notified this hearing officer that he/she was appearing in this case.

² The request for hearing did not include any statement of the issues. With the Notice of Scheduled Hearing Date, counsel for both parties were requested to submit a statement of issues by December 21. The Board submitted a statement of issues; Parents' counsel did not submit such a statement. The identified issues are summarized from the Board's submitted statement of issues.

Connecticut. Attorney Mayerson indicated that he would be filing a pro hac vice application to appear in this matter. As the pro hac vice application has not yet been submitted, the prehearing proceeded only on the administrative issue of scheduling hearing dates. A Notice of Scheduled Hearing Date was forwarded to counsel, which notified counsel that the hearing would convene on January 8.

At the January 8 hearing date, the Board's counsel and the Board representative were present. The Parents' counsel and the Parents failed to appear. No postponement of the January 8 hearing was granted. Counsel for the parents submitted a request for "adjournment" of the January 8 hearing which was not submitted in a timely manner in accordance with Sec. 10-76h-9 of the Regulations of Conn. Agencies, nor did the request include any information on the four factors which must be considered in granting a postponement or extension pursuant to Sec. 10-76h-9(d).

FINAL DECISION AND ORDER:

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