

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Fairfield 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 Michelle C. Laubin
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, CT 06460

Appearing before: Attorney Mary Elizabeth Oppenheim
Hearing Officer

FINAL DECISION AND ORDER

SUMMARY:

This matter was assigned on June 29, 2004, and a prehearing conference was held on July 8. The hearing was scheduled for August 4.

On July 27, the Parents' attorney submitted a notice that the Student had run away from the school he was attending, but had been found. He was to be returning to the State, so the Parents' attorney requested that the hearing be postponed so that the Board could evaluate the Student upon his returning to the State.

The Board's attorney submitted a response to the request, opposing the postponement and did not agree to proceed with an evaluation, as there was an issue as to the Student's consent to the evaluation. The Board's attorney noted that the Student had now reached the age of 18. The records indicated that the Student reached the age of 18 on July 15. [Exhibit P-2] The request for postponement was denied, and the Parents' attorney was ordered to submit verification of representation of the Student.

On August 3, the Parents' attorney submitted notification that the Student had not yet given consent to his representation, and noted that the Student may be incapable of making this decision at this time as he is seriously in need of treatment. The Parents'

attorney requested that the matter be withdrawn without prejudice. As the Student has now reached the age of 18 and the Parents' attorney is not now representing the Student, a request to withdraw the case from the Parents' attorney cannot be accepted. However, in light of the circumstances of this case, the matter is dismissed without prejudice. The hearing was requested by the Parents, but the Student has now reached the age of 18. As this is a dismissal without prejudice, the Student will be able to re-file a request for due process at a later date.

FINAL DECISION AND ORDER:

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