

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. West Haven Board of Education

Appearing on behalf of the Parent: Attorney Piper Paul
Law Office of Piper A. Paul, L.L.C.
P.O. Box 126
Westport, CT 06881

Appearing on behalf of the Board: Attorney Michelle Laubin
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, CT 06460

Appearing before: Attorney Mary Elizabeth Oppenheim, Hearing Officer

FINAL DECISION AND ORDER

ISSUE:

Whether the Student's conduct which resulted in the pending disciplinary action was caused by or had a direct and substantial relationship to the Student's disability, or whether the conduct in question was the direct result of the Board's failure to implement the Student's IEP.

PROCEDURAL HISTORY/DISCUSSION:

This request for an expedited hearing was received by the Board on November 17, 2010. The prehearing conference was held on November 23, 2010 and the first day of hearing was scheduled to convene on December 3, 2010.

Counsel submitted a request to postpone the December 3, 2010 hearing on November 29, 2010, which was denied as counsel had been instructed at the prehearing conference and in the Notice of Scheduled Hearing Dates that no extensions or postponements of this expedited hearing would be granted.

By notice filed on November 30, 2010 and received on December 1, 2010 the Parent's attorney submitted a request that the case be dismissed without prejudice.

FINAL DECISION AND ORDER:

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