

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Case #: 01-334

Date of Decision November 20, 2001

Avon Board of Education v. Student

Appearing on behalf of the Board: Attorney Craig Meuser, Shipman & Goodwin LLP,
One American Row, Hartford, CT

Appearing on behalf of the Parents: Attorney Barry L. Thompson, Thompson and
Vollono, LLC, 49 Broad Street, P.O. Drawer 190, Plainville, CT

Appearing before: Attorney Mary Elizabeth Oppenheim, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Whether the Student shall be subjected to a psychiatric evaluation pursuant to the Board's request.

SUMMARY:

The matter was assigned on October 15, 2001. Prehearing conferences were held on October 19 and October 23. After the second prehearing conference, the Parents' counsel requested an extension of the mailing date of the decision in accordance with Section 10-1076h-9(3) so that the parties could pursue settlement discussions and attempt mediation in this case. That request was granted, and a Notice of Extension/Scheduling of Hearing Date was sent via facsimile to the parties on October 25. In accordance with the Notice of Scheduling, the first hearing date was scheduled for November 20.

At the November 20 hearing, the Board's counsel, Parents' counsel and the Parents failed to appear. No postponement of the November 20 hearing was requested or granted, and the Board did not withdraw the request for due process prior to the hearing. The Board representative, Dr. William Hickey, reported that the parties have reached an agreement and the mediation for this matter had been cancelled.

FINAL DECISION AND ORDER:

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