

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Waterbury Board of Education

Appearing on behalf of the Student: Attorney Mary Jean Schierberl
Connecticut Legal Services
587 Main Street
New Britain, CT 06051

Appearing on behalf of the Board: Attorney Elaine Skoronski
Office of Corporation Counsel
City of Waterbury
236 Grand Street
Waterbury, CT 06702

Appearing before: Attorney Christine B. Spak
Hearing Officer

FINAL DECISION AND ORDER

ISSUE

Whether the programming and placement for the student is appropriate.

SUMMARY

A prehearing conference was conducted in this matter on November 24, 2003. The Student raised a preliminary issue regarding her request that the Board present their case first. The Board objected. Briefs were filed. Connecticut Regulations provide that "The party who filed for due process has the burden of going forward with the evidence." §10-76h-14(a) of the Regulations of Connecticut State Agencies. Therefore, the Student's *Motion that the Board Be Required, in the First Instance, to Present Evidence Pertaining to the Appropriateness of the Student's Program* was denied. Subsequent to the prehearing, the parties requested that the first two dates of hearing be canceled to allow time to pursue an Advisory Opinion and possible settlement. This request was granted. The Hearing Officer arrived for the third originally scheduled hearing date on January 5, 2004 and the Student's counsel was present and the Board's counsel was not. The Student's counsel indicated that the parties were actively trying to settle and it appeared likely, but the parties did not want to cancel the later hearing date for later that week. At the last date of hearing the matter was reported settled to the parties' mutual satisfaction.

FINAL DECISION AND ORDER

The matter is **DISMISSED** without prejudice.

