

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Southington Board of Education

Appearing on behalf of the Parent: Attorney Howard Klebanoff
Klebanoff & Alfano, P.C.
433 South Main Street, Suite 102
West Hartford, CT 06110

Appearing on behalf of the Board: Attorney Nicole A. Bernabo
Sullivan, Schoen, Campana & Connon, LLC
646 Prospect Avenue
Hartford, CT 06105-4286

Appearing before: Attorney Mary Elizabeth Oppenheim
Hearing Officer

FINAL DECISION AND ORDER

SUMMARY:

This matter was assigned on March 21, and a prehearing conference was held on March 24. An extension of the mailing date of the decision, filed by the Parent's attorney, was granted after review of the exhibits submitted by the parties, and the first hearing date was scheduled for May 12. The Board's attorney submitted a request to add additional counter-issues to this hearing, which request was granted.

The Parent's attorney submitted a notice that the case was in the process of being settled, and that the case should be withdrawn without prejudice at this time, and then the Parent's attorney would subsequently withdraw the case with prejudice when the settlement agreement was fully executed. The Board's attorney submitted a notice that it was withdrawing its counter-issues on May 9.

The Parent's notice to withdraw the case now, and revise the withdrawal later is not sufficiently unequivocal to constitute an appropriate withdrawal of the request for due process. It appears that the Parent's attorney requests a retention of hearing officer's jurisdiction until the settlement agreement is finalized. However, the Parent's attorney has submitted notice that the matter is withdrawn, which is construed as a notice that the Parent is no longer prosecuting this due process hearing request.

FINAL DECISION AND ORDER:

The matter is **DISMISSED**.