

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Somers Board of Education v. Student

Appearing on behalf of the Board:

Attorney Michael McKeon
Sullivan, Schoen, Campana & Connon, LLC
646 Prospect Ave.
Hartford, CT 06105-4286

Appearing on behalf of the Student:

Attorney Catherine Cushman
Connecticut Legal Services
872 Main St., P.O. Box 258
Willimantic, CT 06226-258

Appearing before:

Attorney Mary Elizabeth Oppenheim
Hearing Officer

FINAL DECISION AND ORDER

ISSUE:

Whether the Board's evaluations of the Student were appropriate.

PROCEDURAL HISTORY/DISCUSSION:

The Board submitted this request for hearing on April 8, 2011. On April 14, 2011 the Board's attorney submitted a notification that it was withdrawing its request for due process. In that correspondence, the Board counsel indicated that it would "litigate all the issues in one proceeding," to wit, in the matter that was filed by the Parent's attorney and assigned to another hearing officer.

Upon receipt of this notice, the undersigned hearing officer submitted notification to the parties that the appropriate manner to litigate all issues involving these two parties would not be to withdraw a hearing request and unilaterally add an issue to another pending hearing, but to file a Motion to Consolidate in accordance with Regs. Conn. Agencies Sec. 10-76h-8 in each of the pending cases. After such a filing, the hearing officers would consult with each other and the cases would be consolidated with one of the hearing officers.

The Board did not request a consolidation, but rather submitted an objection to the Parent's attorney's Motion to Consolidate. While the Motion is reasonable, and would be granted if both cases were pending, with the granting of the Board attorney's request to withdraw the case, the Motion must be denied as Moot.

The Board has submitted a request to withdraw the case pending before this hearing officer. With that filing, the Board's case is dismissed without prejudice. If the Board determines that it wants to litigate the issue that had been pending in this case, the Board must submit another request for hearing.

FINAL DECISION AND ORDER:

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