

May 18, 2011

Final Decision and Order 11-0369

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Canton Board of Education

Appearing on behalf of the Parents:

Attorney Howard Klebanoff
Klebanoff & Alfano, P.C.
433 South Main St., Suite 105
West Hartford, CT 06110

Appearing on behalf of the Board:

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

Appearing before:

Attorney Mary Elizabeth Oppenheim
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Whether the Board's program for the Student, offered at the PPT meeting on December 22, 2010, is appropriate;
2. If not, whether the Parents' proposed placement of the Student at Ben Bronz Academy is appropriate;
3. Whether the Board shall provide funding for the Student's program at Ben Bronz for the remainder of the 2010-11 school year, ESY summer 2011 and the 2011-12 school year.

PROCEDURAL HISTORY/DISCUSSION:

This request for hearing was received by the Board on March 25, 2011 and a prehearing conference convened on April 6, 2011. A request to extend the mailing date was submitted and granted to allow the parties an opportunity to mediate this case. On April 28, 2011 it was reported that the parties did not reach an agreement at mediation.

On May 12, 2011 the Parents' attorney submitted a request for a postponement of the hearing scheduled for May 17, 2011 to a former email address of the hearing officer. That request, which was not timely filed, was also submitted via mail, which was received the following day, Friday, May 13, 2011. The Parents' attorney noted in the same request that if a continuance is not granted, a dismissal may be issued, which was also not submitted in a timely manner, in accordance with the directions to the parties at the prehearing conference.

At the first hearing date neither party appeared and the case was dismissed.

FINAL DECISION AND ORDER:

The matter is **DISMISSED**.