

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. West Hartford Board of Education

Appearing on behalf of the Parents: Ms. Amy Eisner  
New Beginnings, LLC  
7 Hemlock Lane  
Coventry, CT 06238

Appearing on behalf of the Board: Attorney Susan Freedman  
Shipman & Goodwin, LLP  
One Constitution Plaza  
Hartford, CT 06103

Appearing before: Attorney Mary Elizabeth Oppenheim, Hearing Officer

**FINAL DECISION AND ORDER**

**SUMMARY:**

The request for hearing was submitted by the Parents' representative by request dated March 9, 2010. The matter was scheduled for a prehearing conference on March 24, 2010, as requested by agreement of the parties.

Despite the instruction to copy the opposing party on any communication submitted to the hearing officer, the non-attorney advocate for the Parents submitted three such communications to the hearing officer. These communications were then forwarded to the Board or Board's attorney and the non-attorney advocate was reminded at each of these submissions that it is required that the opposing party receive a copy of any communications submitted to the hearing officer.

The first submission by the non-attorney advocate, which was not copied to the Board, was a thank you email, in which the non-attorney advocate noted her thanks to the hearing officer "for granting me this opportunity to represent the family."

She further noted that:

"I am hoping that you have read what I sent you, and know that I am not an attorney. Thank you very very much [sic]. I know I can do this! I truly appreciate through thought and consideration in this matter! This made my day. I have been preparing for 6 weeks!!"

In response to this email, the hearing officer reminded the non-attorney advocate that this type of *ex parte* communication was not permitted, and that any communication to the hearing officer shall be forwarded to the opposing party. It was also noted in the hearing officer response to this email that by the scheduling of the prehearing conference, no decision had been made regarding the non-attorney

representation in this hearing, and if necessary, that issue would be addressed at the prehearing conference.

The third and final submission of the Parents' advocate to the hearing officer, which was not sent to the Board's attorney, stated that the advocate's client, the Parents, would like to withdraw from the hearing at this time, as they have mutually agreed to have a resolution meeting, and if there is no agreement reached, they will opt for a "Mediation Hearing." [sic]

This submission was received prior to the prehearing conference, and based on this submission, the case is dismissed.

**FINAL DECISION AND ORDER:**

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