

September 18, 2020

Final Decision and Order 21-0069

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Norwalk Board of Education

Appearing on behalf of the Student: no appearance – see below

Appearing on behalf of the Board: Attorney Marsha Moses  
Berchem Moses LLP  
75 Broad St.  
Milford, CT 06460

Appearing Before: Attorney Susan Dixon  
Hearing Officer

**FINAL DECISION AND ORDER**

**PROCEDURAL BACKGROUND:**

A Request for a Due Process Hearing was filed by two attorneys, apparently on behalf of Student and/or Parents, on August 25, 2020. These attorneys are apparently admitted to the Bar in New York, but neither are presently admitted in Connecticut. The Hearing Officer was assigned on August 28, 2020. A Prehearing Conference was duly scheduled, noticed and held on September 1, 2020. Counsel for the Board and the Hearing Officer were the only ones in attendance at the conference. Following the filing of the initial Request, no subsequent communication was received from the Student, Parents or any authorized or unauthorized representatives of them.

While the right of the parties to counsel in a Due Process hearing is clear, the regulations of Connecticut state agencies are likewise very clear on the procedure to be followed when an attorney from another state seeks to represent a party at such a hearing. The visiting attorney must be sponsored by a Connecticut attorney in good standing who shall be responsible for the actions of the visiting attorney. There has been no appearance filed in this case by any attorney admitted to the Bar of this state. The Student or Parent(s) have not contacted the Bureau of Special education themselves, or otherwise indicated any plan to proceed *pro se*. There has been no application by any member of the Connecticut Bar to allow the New York attorneys to represent the Student/Parents in this case. According to our rules, only attorneys admitted to the Bar in this state can represent parties in a Due Process proceeding. R. C. S. A. 10-76h-7 and 10-76h-11. It is clear there has been no effort to comply with the regulations, and the case therefore must be dismissed.

**FINAL DECISION AND ORDER:**

The case is DISMISSED without prejudice.