

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Woodbridge Board of Education

Appearing on behalf of the Parents:

Attorney Andrew A. Feinstein, Law Offices of David C. Shaw, LLC, 34 Jerome Avenue,
Suite 210, Bloomfield, CT 06002

Appearing on behalf of Woodbridge Board of Education:

Attorney Marsha Belman Moses, Berchem, Moses & Devlin, P.C., 75 Broad Street,
Milford, CT 06460

Appearing before: Attorney Patricia M. Strong, Hearing Officer

FINAL DECISION AND ORDER

PROCEDURAL HISTORY

The Parents filed a due process hearing request on June 30, 2005. This Hearing Officer was assigned to the case on July 5, 2005. A prehearing conference was held on July 11. At the prehearing conference the Board's attorney requested that the references to a confidential settlement between the parties be deleted from the due process request. The Board also wanted to raise an issue for hearing that the Parents had failed to make the Student available for an evaluation. The Parents' attorney agreed to and did file an amended due process request on July 11. The Parents' attorney also requested an extension of the August 15 decision deadline in order to accommodate agreed upon hearing dates, which were September 6, 15, 16, 29 and 30, 2005. The motion to extend the decision deadline to October 24 was granted. On July 12 the Board's attorney filed a Motion in Limine seeking to strike from the record and prohibit from introduction into the record in the future any reference to terms and conditions of any settlement agreement between the parties. The Parents' attorney requested until July 20 to file an opposition the Motion in Limine, which was granted. The opposition brief and attachments were filed on July 19. The Board's attorney filed a Motion for Clarification and/or Request to Revise on July 28 seeking an order that Parents clarify and/or revise the statement of issues being submitted to the Hearing Officer by specifying whether they are seeking enforcement by the Hearing Officer of the settlement agreement. On July 29, the Parents' attorney filed an Opposition to the Board's July 28 Motion. On August 4, the Hearing Officer issued a decision granting the Motion in Limine and denying the Motion for Clarification as moot. Several portions were stricken from the amended due process request dated July 11. The Parents' attorney was directly to file an amended request for

due process in accordance with the order. On August 8 the Parents' Attorney filed a Motion for Clarification and/or Reconsideration of the August 4 ruling. On August 10, the Motion was denied. On August 11 the Parents' attorney filed an amended request for due process in accordance with the August 4 order.

The parties filed lists of witnesses and exhibits on August 30. On September 6 the hearing convened after the parties were granted several hours to discuss settlement. The parties reported that they had reached a tentative agreement and the Parents' attorney requested a postponement of the hearing until the next scheduled date on September 15 in order to prepare and sign the settlement agreement. The Hearing Officer granted the request to postpone the hearing until September 16, cancelled the September 15 hearing date and gave the Parents' attorney until 5:00 p.m. on September 14 to notify the Hearing Officer whether the case should be dismissed with prejudice or whether the hearing on September 16 would go forward. On September 14 the Parents' attorney wrote to the Hearing Officer that the parties had not been able to complete the settlement agreement and that the Parents would appear for the hearing on September 16. On September 15 the Parents' attorney sent a letter to the Hearing Officer stating that the parties had reached a final agreement and that the Parents asked that the case be dismissed with prejudice. The attorney requested that the parties and attorneys be excused from attending the hearing. This letter was not received until after 5:00 p.m. on September 15. The hearing convened on September 16 with the Board's attorney and the Board's Director of Special Services present. They agreed that the case should be dismissed with prejudice.

FINAL DECISION AND ORDER

It is ordered that this case be dismissed with prejudice.