

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Fairfield Board of Education

Appearing on behalf of the Parents: Atty. David C. Shaw, Law Office of David C. Shaw,
34 Jerome Avenue, Bloomfield, CT

Appearing on behalf of the Fairfield Board of Education: Atty. Michelle C. Laubin,
Berchem, Moses & Devlin, P.C., 75 Broad Street, Milford, CT 06460

Appearing before: Attorney Patricia M. Strong, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Board offer a free appropriate public education to the Student for the 2008-2009 school year ?
2. Is the Board responsible for reimbursing the Parents for expenses they incurred for an independent evaluation and for the Cyrano communication device?

PROCEDURAL HISTORY:

The Parents' attorney requested this hearing on June 24 by faxing a letter to the Board of Education's attorney. The State Department of Education ("SDE") received the letter on June 25, 2008. This Hearing Officer was assigned to the case on that date. On July 11, a prehearing conference was held. The mailing date for the final decision was set at September 8. Hearing dates were agreed on for August 15 and 20. On July 15, the Board's attorney requested a postponement of the August 15 hearing date because the Board administrators were not available on that date. On July 16, the Parents' attorney requested a postponement of the August 20 hearing date because the Parents were not available on that date. Both attorneys requested that the hearing be rescheduled for August 14, which was granted. The hearing convened on August 14. The parties requested time to discuss a settlement, which was granted. After several hours, the parties reported an oral agreement and requested time to reduce it to writing. An additional hearing date was agreed on for September 12 and for an extension of the mailing date for the final decision to September 22. The attorneys were asked to report to the Hearing Officer by August 21 whether the case was settled. On August 21, the Parents' attorney advised the Hearing Officer that the settlement negotiations were continuing and that he would update the Hearing Officer in a few days. A hearing notice

was issued on August 28 for the September 12 hearing. On September 9, the Parents' attorney advised the Hearing Officer that the case was settled and the Parents were withdrawing the hearing request with prejudice.

FINAL DECISION AND ORDER:

It is ordered that this case shall be dismissed with prejudice.