

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. New Haven Board of Education

On Behalf of the Parents: Attorney Erin R. Shaffer
New Haven Legal Assistance Assoc., Inc.
426 State Street
New Haven, CT 06510

On Behalf of the Board: Attorney Marsha Belman Moses
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, CT 06460

Appearing Before: Attorney Stacy M. Owens, Hearing Officer

FINAL DECISION AND ORDER

ISSUE:

1. Whether the Board is providing the Student a free and appropriate public education to meet the Student's special needs.

SUMMARY/PROCEDURAL HISTORY:

On or about November 13, 2008, the New Haven Board of Education ("the Board") received a request for hearing from the Parent. (H.O. Exh. 1)

On November 17, 2008, the undersigned was appointed as hearing officer to preside over the hearing, rule on all motions, determine findings of fact and conclusions of law, and issue an order. (H.O. Exh. 2)

A prehearing conference convened on December 1, 2008. During the prehearing conference, Attorney Marsha Belman Moses appeared on behalf of the Board; Attorney Erin R. Shafer appeared on behalf of the Parent. The issues were confirmed and the hearing was scheduled for December 19, 2008, January 5 and 23, 2009. (H.O. Exh. 3)

On December 11, 2008, as agreed by both parties, Attorney Shafer requested a postponement of the hearing to continue on-going negotiations. The request was granted and the December 19, 2008 hearing was canceled. Another request for postponement was made on December 23, 2008. The December 23, 2008 request for postponement was granted and the January 5, 2009

hearing was canceled. The postponement of the hearings for mediation extended the deadline for the release of the final decision until February 26, 2009.

The first day of hearing was to convene on January 23, 2009.

On January 22, 2009, Attorney Schafer submitted a letter indicating that the parties “have reached an agreement resolving the case,” and that “it is the intention of the complainant to withdraw her complaint with prejudice as soon as the agreement is executed by the parties.” Attorney Shafer further stated “there is no need to hold the hearing scheduled for tomorrow, January 23, 2009,” and that “a formal withdrawal of the complaint will be forthcoming once the agreement is fully executed.”

As of the date of this decision, a “formal withdrawal” of the request for hearing has not been submitted by the Parent, nor has there been any action taken by the Parent to further prosecute the matter.

FINAL DECISION AND ORDER

As such, and based on the foregoing this matter is **dismissed without prejudice.**