

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Ridgefield Board of Education

Appearing on behalf of the Parent: Attorney Alyce A. Alfano
Klebanoff & Albano PC
433 South Main Street, Suite 105
West Hartford, CT 06110

Appearing on behalf of the Board: Attorney Marsha Belman Moses
Berchem Moses & Devlin PC
75 Broad Street
Milford, CT 06460

Appearing before: Attorney Janis C. Jerman, Hearing Officer

FINAL DECISION AND ORDER

A special education hearing in the above-captioned matter was requested by the Student via letter dated December 2, 2008. It was received by the Board of Education on December 2, 2008. The 30-day resolution period ran through January 1, 2009. The deadline for mailing the final decision and order was February 15, 2009.

A pre-hearing conference was held on December 22, 2008. The parties agreed that a resolution session was critical and that it could not be convened prior to the end of the resolution period due to the winter holidays and school vacation schedule. The Student requested a forty-five day extension of the deadline for mailing a final decision to permit the parties to engage in a resolution session. The request for an extension of the mailing date was granted after full consideration of the positions of the parties. The deadline for mailing the final decision and order was extended until March 31, 2009.

ISSUES:

1. Did the Board of Education improperly fail to identify Student as a child eligible for special education services?

2. If the Board of Education did improperly fail to identify Student as a child eligible for special education services, must it pay for the Student's private placement from October 17, 2007 through August 2008?

Hearing dates were scheduled for Thursday, February 5, 2009; Tuesday, March 3, 2009; Wednesday, March 4, 2009; and Thursday, March 5, 2009.

The parties resolved the matter at a resolution session. On January 27, the Student, through its attorney, filed a request to withdraw without prejudice the request for impartial due process hearing.

FINAL DECISION AND ORDER

In light of the above facts, the above-captioned case is hereby dismissed without prejudice.