

STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION

Student v. Sherman Board of Education

Appearing on behalf of the Student:

Attorney Dana Jonson
Law Office of Dana A. Jonson, LLC
13 Starr Lane
Bethel, CT 06801

Attorney Jennifer Laviano
Law Offices of Jennifer Laviano, LLC
76 Route 37 South
Sherman, CT 06784

Appearing on behalf of the Board:

Attorney Frederick L. Dorsey
Siegel O'Connor O'Donnell & Beck, P.C.
150 Trumbull Street
Hartford, CT 06103

Appearing before:

Attorney Janis C. Jerman, Hearing Officer

FINAL DECISION AND ORDER

A special education hearing in the above-captioned matter was requested by Student's Attorney via Letter dated July 26, 2010.¹ It was received by the Board of Education on that same date. The thirty-day resolution period ran through August 25 and the original deadline for mailing the final decision and order was October 8, 2010.

A pre-hearing conference was held on August 19. Attorney Laviano appeared on behalf of Student and Attorney Dorsey appeared on behalf of the Board of Education. The following issues were identified:

1. Did the Board of Education provide a free appropriate public education for Student for the 2008-09 school year?
2. Did the Board of Education provide a free appropriate public education for Student for the 2009-10 school year?
3. Did the Board of Education provide a free appropriate public education for Student for the 2010 extended school year?
4. Did the Board of Education propose a free appropriate public education for Student for the 2010-11 school year?

¹ All dates are 2010 unless otherwise indicated.

5. If the answer to any of the issues one through four is in the negative, is The Kildonan School an appropriate placement for Student?
6. If the answer to issue five is in the positive, should the Board of Education reimburse Student's Parents for costs incurred in connection with the placement at The Kildonan School?
7. Did the Board of Education violate Student's procedural rights by failing to timely evaluate and/or identify Student as a child eligible for special education services, and/or by failing to promptly convene a Planning and Placement Team Meeting at Student's Parents request, and/or by failing to consider information provided by Student's Parents?
8. If the answer to issue seven is in the positive, what shall be the remedy?

On August 19, on behalf of Student, Attorney Laviano filed a request to extend the mailing date in order to permit the parties to participate in mediation prior to beginning hearings. After fully considering the positions of the parties, the request for a 30-day extension of the mailing date was granted and the deadline to mail the final decision and order was extended until November 7. Hearings were scheduled for September 22 and October 4.

The parties participated in mediation on August 31. On September 17, Student's Attorney indicated that the parties finalized a settlement agreement and requested that the matter be withdrawn with prejudice.

FINAL DECISION AND ORDER

In light of the above facts, the above-captioned case is hereby dismissed with prejudice.