

March 28, 2012

Final Decision and Order 12-0242

STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION

Student v. New Haven Board of Education

Appearing on behalf of the Student

Attorney Howard Klebanoff
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Suite 105
West Hartford, CT 06110

Appearing on behalf of the Board

Attorney Michelle Laubin
Berchem, Moses & Devlin, PC
75 Broad Street
Milford, CT 06460

Appearing before:

Attorney Sylvia Ho, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Board provide the student with an appropriate individualized education program for the 2011-2012 school year?
2. If the answer to issue one is in the negative, is the student's private placement an appropriate program?
3. If the answer to issue two is in the affirmative, should the Board be required to provide financial support for the student's private placement for the 2011-2012 school year?

SUMMARY

A special education hearing was requested by Student's attorney in a letter dated January 11, 2012. It was received by the Board of Education (BOE) on January 11, 2012. The thirty-day resolution period ran through February 10, 2012 and the original deadline for the mailing of the final decision was March 26, 2012. A prehearing telephone conference was held on January 24, 2012 at which the issues were identified. At the prehearing conference, the parties advised the hearing officer that they had sought mediation. By letter from the student's attorney dated January 24, 2012, the parties jointly requested an extension of the hearing date and the mailing date of the decision to April 9, 2012. By the hearing officer's Memorandum to Parties and Order, the Request was granted, the hearing was scheduled for March 20, 2012 and the deadline for the mailing of the final decision was extended to April 9, 2012.

By letter from the student's attorney on March 8, 2012, the parties requested a postponement of the hearing and advised the hearing officer that "[m]ediation was held on March 6, 2012 and the parties came very close to reaching an agreement but were unable to finalize it. A PPT is scheduled for Friday, March 16, 2012 and it is our hope that the matter will be resolved at the PPT." By Revised Memorandum and Order on March 8, 2012 Joint Request to Postpone Hearing, the hearing officer granted an extension of the hearing to April 5, 2012.

By letter from the student's attorney on March 21, 2012, the student's attorney notified the hearing officer that "[a]t a PPT on March 16, 2012, the parties reached an agreement which, hopefully will lead to a resolution of this matter. Accordingly, I am withdrawing our request for hearing and asking that the matter be dismissed without prejudice. Attorney Laubin has no objection to this request."

FINAL DECISION AND ORDER

The matter is **DISMISSED WITHOUT PREJUDICE**.